

2 USE OF DUDHOPE PARK AS AN ASSEMBLY POINT - 29TH JUNE 2002 (AN21-2002)

The Fred Roshier Memorial Loyal Orange Lodge No. 118 have applied to use the entrance to Dudhope Park as an assembly point for the procession which they wish to hold on 29th June, 2002.

Their proposals are as follows:-

Assemble at Dudhope Park in time for the procession to commence at 0900 hours. Thereafter the route of the procession will be Lochee Road to Dudhope roundabout then along West Marketgait to the junction with Courthouse Square then from Courthouse Square over Ward Road into North Lindsay Street where the procession will board waiting transport. The application to hold a public procession will be considered by the Licensing Committee on 2nd May, 2002.

The procession will comprise approximately 100 people with 10 stewards and a flute band from Northern Ireland.

The Chief Constable is being consulted regarding the application to hold a procession. The Council has not yet received his formal comments. The likely duration of the assembly at the park entrance is not specified.

In terms of the City Council's Management Rules regulating Parks, Open Spaces and Places of Public Resort or Recreation at Rule 31(1)(ii) no person is to hold or cause to be held or take part in any public assembly without the prior written consent of the Council.

In considering whether or not to give such consent it is important to bear in mind the purposes for which the Council manage and maintain parks, including Dudhope Park, as the Management Rules are designed to ensure that these purposes are not unduly interfered with.

In general terms parks fulfil three purposes:-

- (i) recreation for the public including the elderly;
- (ii) exercise for the public and their dogs;
- (iii) pleasure grounds for children.

If the application would be inconsistent with these purposes it might therefore be appropriate to refuse it.

The Committee should therefore consider whether this application would prevent or unreasonably restrict public recreation, the use of the park by the public and their dogs for exercise and the use of the park by children for playing.

If the application is to be granted the Committee should also consider if conditions ought to be imposed, for example that the Lodge should provide the necessary insurances indemnifying the Council against damage to property, injury or loss of life etc to members of the public that any services being provided by the Department are paid for by the Lodge, that the Lodge should ensure that access and use of the park by the public is not restricted in any way, that the Lodge should ensure that any litter is tidied, that the flute band should not play when in the park, that there should be no speeches, that all of the other Management Rules are complied with etc.

Members are also asked to note that the Ombudsman has indicated that if the Council are minded to refuse applications such as this the applicant must be provided with reasons for that decision.