

ANGUS COUNCIL

GENERAL PURPOSES SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE

28 APRIL 1998

PROHIBITION OF TRESPASSORY ASSEMBLIES

REPORT BY DIRECTOR OF LAW AND ADMINISTRATION

ABSTRACT

This report requests the Sub-Committee to consider an application, in terms of the Public Order Act 1986 (as amended), by the Chief Constable for the Council to make an Order prohibiting the holding of Trespassory Assemblies.

1. RECOMMENDATIONS

It is recommended that the Sub-Committee agree to recommend:-

- (a) that the Council approve the request from the Chief Constable of Tayside for the making of an Order by the Council under Section 14A of the Public Order Act 1986 as amended, prohibiting all Trespassory Assemblies within that part of the Council's area within a radius of 5 miles from Ordnance Survey Grid Point NO 505496 between 0001 hours on Thursday 14 May 1998 and 2359 hours on Sunday 17 May 1998 and that an Order be made in the above terms; and
- (b) that powers again be delegated to the Executive Sub-Committee of the Policy and Resources Committee to make or vary such Orders, on application by the Chief Constable.

2. BACKGROUND

In the past the presence of New Age Travellers at Dunnichen Hill, by Letham has caused widespread public concern and given rise to complaints, particularly in relation to the worrying of livestock and noise nuisance in Letham itself. Particular problems arose in 1996, and powers were remitted to the Executive Sub-Committee of the Policy and Resources Committee to make Prohibition Orders under the Public Order Act 1986 as required.

In 1997, the Council made a Prohibition Order in respect of this area for a weekend in May.

3. SUMMARY OF PROVISIONS OF SECTION 14A OF THE PUBLIC ORDER ACT 1986

- (1) For the purposes of Section 14A of the Act "assembly" means an assembly of 20 or more persons.
- (2) An Order prohibiting the holding of trespassory assemblies operates to prohibit any assembly which:-
 - (a) is held on land to which the public has no right of access or only a limited right of access; and
 - (b) takes place without the permission of the occupier of the land or exceeds the limit of the public's right of access.
- (3) An Order can only prohibit the holding of assemblies for a maximum period of four days and within a maximum radius of five miles from a specified centre.

- (4) The Council can only make such an Order if an application is received from the Chief Constable.
- (5) The Chief Constable can only make an application for an Order pursuant to Section 14A of the 1986 Act if he believes that an assembly is intended to be held on land to which the public has no right of access or only limited right of access and the assembly:-
- (a) is likely to be held without the permission of the occupier of the land, or
 - (b) is likely to be conducted in such a way as to exceed the limits of any permission granted by an occupier of land or to exceed the limits of the public's right of access, and
 - (c) may result in serious disruption to the life of the community or significant damage to the land, building or monument where the land etc., is of historical, architectural, archaeological or scientific importance.

4. CHIEF CONSTABLE'S APPLICATION

A copy of the Chief Constable's letter dated 9 April 1998 in which he requests that the Council make an Order pursuant to Section 14A of the 1986 Act is attached as Appendix A.

The requested radius for the Order is 5 miles from Ordnance Survey Grid Point NO 505496 and the period is four days from 0001 hours on Thursday 14 May 1998 to 2359 hours on Sunday 17 May 1998.

5. LEGAL POSITION

In order to approve the making of the Order requested, the Council has to be satisfied that the Chief Constable has satisfied the tests set out in Section 14A of the 1986 Act. In addition, the Council has to consider that the time period and geographical limit are reasonable. In order to determine whether the Chief Constable has made his case sufficiently the Sub-Committee is referred to his letter which sets out the Chief Constable's concerns and the reasons why he believes that the provisions of Section 14A are satisfied.

In considering whether to make the Order requested, the Council must consider the interests not only of those who may wish to gather within the area as an assembly but also of course those whom it is desired to protect by the Order, namely the inhabitants of the area.

6. CONCLUSION

It is considered that the Chief Constable has made his case and has satisfied the tests set out in Section 14A of the 1986 Act and that the Order requested should be made.

CATHERINE A COULL
DIRECTOR OF LAW AND ADMINISTRATION

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.



TAYSIDE POLICE

William A Spence QPM LLB BA FRSA • Chief Constable



1993
1996

A B Watson Esq
Chief Executive
Angus Council
The Cross
FORFAR
DD8 1BX

Our Ref:

Your Ref:

Date: 09 April 1998

Dear Sir

**PUBLIC ORDER ACT 1986 (as amended)
TRESSPASSORY ASSEMBLY AT DUNNICHEN HILL, by FORFAR**

As you will be aware from discussion with Chief Superintendent Robertson, Tayside Police have reasonable cause to believe that a trespassory assembly within the terms of the Criminal Justice and Public Order Act 1994 is likely to take place at Dunnichen Hill, by Forfar, between 15 and 17 May 1998.

This land is privately owned and in the proximity of private habitation. Any assembly will be without the permission of the occupiers of the land and it is anticipated that such an assembly will cause serious disruption to the life of the community through noise nuisance from the playing of amplified music and significant damage to livestock, game, forestry, property and land.

This letter requests that Angus Council grant an Order under Section 14A of the Public Order Act 1986 prohibiting the holding of all trespassory assemblies for the period and in the district, or part of it, specified in the Annex to this letter.

Over the past years, the local authority area of Angus has attracted New Age Travellers and others who have assembled at various locations to camp and hold music festivals. These gatherings have generally been without the permission of the occupiers of the land and the experience in 1996 at Dunnichen Hill illustrated the extent to which such assemblies can disrupt the life of the community.

Positive action taken in April 1997 by Tayside Police in conjunction with Angus Council who granted such an order with respect to a similar anticipated event at Dunnichen Hill, proved successful in that no form of trespassory assembly took place.

The / ...

The areas of Dunnichen Hill, traditionally occupied by the trespassers, are owned by Burnside Estate Company Ltd., and Laird Brothers Ltd. Both companies have been in consultation with Tayside Police and have expressed serious concerns regarding the possibility of trespassory assemblies, as have taken place in previous years, being allowed to happen this year. I attach copy letters from both companies to this effect.

Their concerns are based on previous years' experiences, and more particularly in 1996 when considerable damage was caused when growing trees were cut down for fuel, gates and boundary walls were damaged to allow access, several sheep were killed by marauding dogs and approximately 2,000 young game birds were lost through occupation of their natural habitat by people and more particularly dogs which were allowed to roam wild. Both these landowners have already taken steps to secure their land by strengthening boundary walls and fencing but these are likely to be easily overcome by the significant number of travellers who may attend.

A police operation will be mounted for the period for which the order is requested. The granting of an Order is essential to allow full implementation of the legislation. The effect of an order under Section 14A of the Public Order Act 1986 will be to permit police officers to stop people and vehicles believed to be proceeding to form a trespassory assembly anywhere within a 5 mile radius of Dunnichen Hill. Angus Council will be aware that certain categories of persons, including the occupiers of the land, are exempted from the Order to minimise disruption to the community. Details of the area covered and the time period are detailed in the attached annex to this letter.

Subject to operational requirements, the Chief Constable may request the granting of a subsequent Order made under Section 14A of the Public Order Act 1986 with respect to the same land or different lands if circumstances relative to time or location alter.

Yours faithfully



W.A. Spence
Chief Constable

ANNEX

The Chief Constable of Tayside Police hereby makes application to Angus Council for an Order under Section 14A of the Public Order Act 1986, to prohibit for the following period, the holding of all trespassory assemblies within the area of Dunnichen Hill, by Forfar, as specified in this annex, for the following reasons:

- a) He believes that an assembly is likely to be held without the permission of the owners or occupiers of the land

and

- b) He has reasonable cause to believe that any assembly may result in serious disruption to the life of the community through noise nuisance and damage to livestock, game, forestry, property and land.

An order is therefore sought for a four day period commencing at 0001 hours on Thursday 14 May 1998 and terminating at 2359 hours on Sunday 17 May 1998 and for an area defined as within a 5 mile radius from grid reference No. 505496 on Ordnance Survey Map Sheet 54, under the provisions of Section 14A of the Public Order Act 1986 as amended.

Burnside Estate Company Limited

WEST KINWHIRRIE, by KIRRIEMUIR

TAYSIDE. DD8 4QB

Tel: Cortachy (01575) 540234

Fax: (01575) 540235

VAT Registration No. 651 9357 19

NFO/ARB

25th March 1998

F.A.O. Chief Inspector W. Stephen,
Tayside Police,
Divisional Headquarters,
West High Street,
Forfar

Dear Sir,

Re: Dunnichen Hill, Burnside Estate - New Age Travellers Invasion

Once again we would like to reiterate our feelings and make it abundantly clear to Tayside Police and the local authority that we will not tolerate any person or persons, dogs, vehicles (horse drawn, mechanically propelled or towed), caravans, tents or any form of accommodation to enter or attempt to enter any area of land, woodland, buildings or other, owned by Burnside Estate Co. Ltd.

Tayside Police will have the backing of the Estate in assisting them to carry out our instruction. Please do not hesitate to contact us on any of the telephone numbers, if assistance is required.

Office/Home	01575 540234
Mobile	0831 117871 or 0836 707103

Yours faithfully,

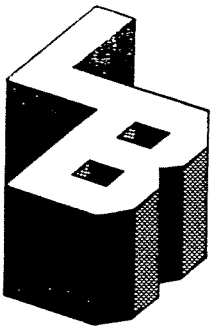


Norman F. Ogg

Director



W. Stephen
C/Insp.
27/3/98



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15 April 1998

Chief Inspector William Stephen
Tayside Police
West High Street
FORFAR

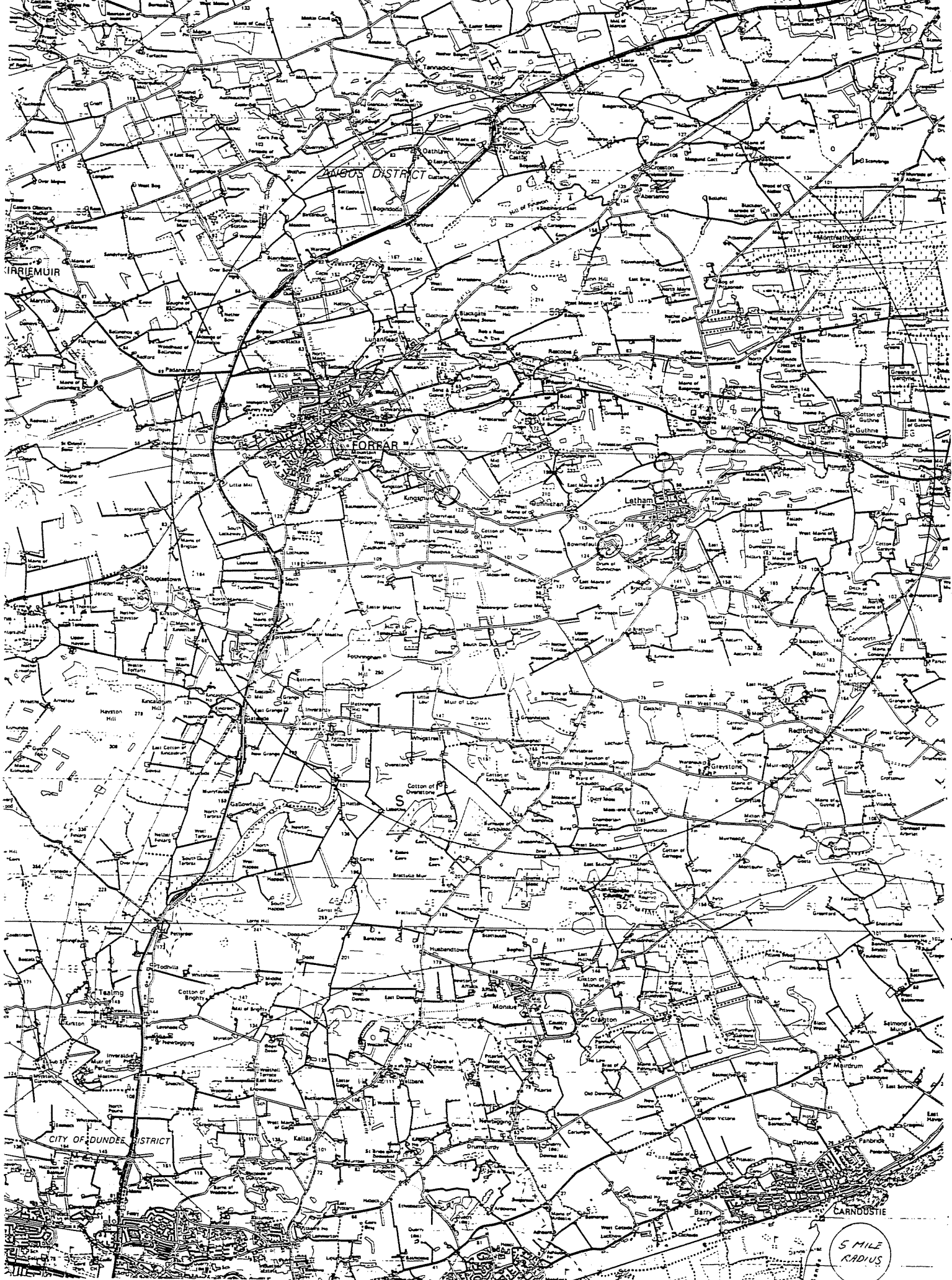
Dear Chief Inspector Stephen

You have asked me to confirm the position of this Company as land owners of Dunnichen Home Farm in connection with persons who may come on to the site during the Pictish Festival to take place in May this year.

I confirm that no-one entering the site in connection with the Festival does so with the consent of this Company as land owners.

Yours sincerely

J Laird
Director



DUNDEE DISTRICT

IRRIEMUIR

FORBARR

LEHAM

Cotton of Overstone

CITY OF DUNDEE DISTRICT

CARNOSTIE

5 MILE RADIUS



EUROPEAN COMMISSION
Representation in Scotland

9 Alva Street
Edinburgh
EH2 4PH

'98 APR 20 -9 :30

Tel: 0131-225 2058
Fax: 0131-226 4105

17 April 1998

Mr Sandy Watson
Chief Executive
Angus Council
7 The Cross
FORFAR DD8 1BX

Dear Chief Executive,

May 9 is known as Europe Day because it was the date in 1950 when Robert Schuman, the then Foreign Minister of France made his historic declaration (drafted by Jean Monnet) in which he called upon the nations and peoples of Europe to unite. A year or so later the European Coal and Steel Community had been signed and a few short years after that the European Economic Community was firmly established.

In the past most Councils throughout Scotland have flown the European flag on civil and public buildings on and around the 9th May. I write now to ask if your authority would fly the European flag this Europe Day. I also attach a 9 May Europe Day poster which you may like to display.

I am writing separately to Education Departments drawing attention to an important new publication for upper primary school pupils *Euroquest* which is being launched this 9th May and copies of which can be ordered now.

With all best wishes,

Yours sincerely,

Kenneth A. Munro
Head of Representation

