



Leicester  
City Council

Minutes of the Meeting of the  
SPECIAL CABINET

Held: FRIDAY, 24 SEPTEMBER 2010 at 10:00 am

P R E S E N T:

Councillor Patel - Chair  
Councillor Dempster - Vice-Chair

Councillor Bhatti  
Councillor Naylor  
Councillor Palmer  
Councillor Westley

Councillor Dawood  
Councillor Osman  
Councillor Russell

ALSO IN ATTENDANCE

Councillor Grant  
Steph Morgan  
Liz Kendall  
Sir Peter Soulsby  
Keith Vaz (part)

Conservative Group Leader  
Assistant Chief Constable  
MP, Leicester West  
MP, Leicester South  
MP, Leicester East

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**77. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Wann who was unable to attend at short notice.

**78. DECLARATIONS OF INTEREST**

Members were asked to declare any interests in the business on the agenda and/or declare if Section 106 of the Local Government Finance Act 1992 applied to them. No such declarations were made.

**79. ANY OTHER URGENT BUSINESS**

APPLICATION BY THE CHIEF CONSTABLE FOR ORDER UNDER SECTION 13 OF THE PUBLIC ORDER ACT, 1986.

Councillor Patel submitted a report for Cabinet to consider an application by the

Chief Constable for an Order to be made under Section 13 of the Public Order Act, 1986. He agreed to accept the report as an item of urgent business on the grounds that the application from the Chief Constable had to be dealt with as a matter of urgency.

The Chief Executive outlined the context and legal position as described in the report. She stressed that the decision of the Chief Constable was a difficult one to make. She assured Members that the Chief Constable, in consultation with community partners, had considered a whole range of relevant information prior to making a decision to submit this application. The Chief Constable was satisfied that the circumstances were as such that it would not be possible to impose sufficient controls under Section 12 of the Public Order Act, 1986 so as to prevent disorder and that a ban was necessary. The Chief Executive stated that the Council was proud of Leicester's diversity and strength and that the English Defence League's (EDL) plan to march could jeopardise this cohesion and pose a major threat to public order, as shown through intelligence and evidence. She also informed Members that extensive consultation had taken place to gain opinions of residents, businesses and communities, the vast majority of whom, were in favour of applying for a ban.

Councillor Patel stated that there should be no compromise of Leicester's reputation of a welcome to residents and visitors. He also stated that public safety was paramount.

Councillor Bhatti asked whether the Home Secretary would be obliged to agree the application should it be submitted. He was informed that she would consider the information presented by the Council and make a judgement. It was also noted that there were no powers to stop a static demonstration, but Members were assured that work would continue to plan for any eventuality.

Councillor Westley expressed his absolute support for the application, in recognition of the threat to the unique reputation Leicester had for community cohesion. He asked that the Police protect the area surrounding the rail station.

The Chief Executive reassured Members that the Police and partners were doing all possible to ensure public safety and protect vulnerable areas. Additional resources were being supplied by other police authorities.

Councillor Dawood, as Cabinet Lead for Community Cohesion, stated that there were concerns amongst communities and urged the Home Secretary in the strongest terms to approve the application. There was evidence that the march would cause disorder, alongside rumours of a potential threat to a mosque in the city.

Councillor Naylor fully supported the recommendations and identified levels of risk, such as those who felt targeted, those who were caught up in problems whilst going about their business, and those who may feel encouraged to vent personal angers and fears. He stressed that, at this time, the City should stand united.

Councillor Grant stated that there was a duty to protect human rights and freedom of expression, but, on balance in this instance, the human rights of citizens and their protection outweighed the human rights of those who wished to march, as Section 12 was insufficient in this situation and the information concerning a potential attack was worrying. He expressed the full support of the Conservative Group to the recommendations.

Councillor Russell explained the work that schools were doing to promote understanding and celebration of everyone's cultures, and it was vital to apply for a ban to protect the short and long term community cohesion for the children who were learning to respect and enjoy each others' differences.

Councillor Osman expressed his sadness that the issue of such extremism had arisen in Leicester after several years. He felt that legislation should go further to allow an outright ban on assembly of groups that posed a threat to safety. He suggested that teenagers should be encouraged to not become involved in the event.

Councillor Dempster stated that she felt the application was proportionate and was in the best interests of the City. She stated that a lot of work was being done with young people as they may be vulnerable to being pulled in to trouble on the day.

Councillor Patel read a statement from Councillor Wann, who wished that it be recorded that the City had worked hard to promote community cohesion, and that there was concern about EDL's plans and every effort should be made to prevent the march. He fully supported an application to the Home Secretary.

The Director of Legal Services referred to the legal framework which had been summarised by the Chief Executive and drew members' attention to the fact that the Chief Constable was asking for a ban to cover the period Friday 8<sup>th</sup> to Sunday 10<sup>th</sup> October. He also pointed out that if consent was granted a ban would apply to all processions, save for certain exemptions such as funerals. Human rights implications must be carefully evaluated. .

The Chief Executive reassured Members that particularly vulnerable locations were being addressed in planning. She explained that there were advance plans to celebrate diversity on the same day, alongside the Hope Not Hate organisation, in order to turn the day into an opportunity.

Councillor Patel asked that Members agree to the recommendations in the report having noted all the information and circumstances which had been reported and having giving full consideration to the Chief Constable's application under Section 13 of the Public Order Act, 1986.

He also proposed that the Chief Executive be asked, in consultation with the Leader and Leicester's Members of parliament, to raise issues, at an appropriate time, regarding wider legal issues surrounding static protest with the government.

Members reached a unanimous decision in approving the recommendations.

**RESOLVED:**

In respect of the application from the Chief Constable, Cabinet:

- 1) Notes the law relating to any proposed prohibition of public processions, including the Council's responsibilities for the maintenance of human rights of citizens, in particular the freedom of expression and freedom of assembly and association;
- 2) States that it has considered the Chief Constable's request dated 24th September, 2010 for an Order to be made under Section 13 of the Public Order Act, 1986, shown as an **Appendix** to the report;
- 3) Agrees that an Order in the terms proposed in the Chief Constable's application would be a proportionate response in the public interest for the purposes of maintaining public order by way of temporary curtailment of the human rights of any person who is interested in supporting the procession or supporting likely counter-demonstration and assembly;
- 4) Agrees to seek the Secretary of State's consent to the making of such an Order;
- 5) Authorises the Chief Executive, in consultation with the Director of Legal Services, to submit an appropriate application to the Secretary of State, and if consent is given execute the Order;
- 6) Agrees, in accord with Cabinet Rule 12(d), that there be no call in of Cabinet's decisions on this matter because of the need for urgent action to be taken;
- 7) Asks the Chief Executive, in consultation with the Leader and Leicester's Members of parliament, to raise issues, at an appropriate time, regarding wider legal issues surrounding static protest with the government.

**80. CLOSE OF MEETING**

The meeting closed at 11.09am.