

Response to proposed sist for 6 months

The reporters have considered the request from the council for the suspension of the hearing process for a period of 6 months. We have considered this on the basis that the end date of the proposed suspension would be 21 January 2021. We have also taken into account the comments received from other parties.

We have sought to keep the hearing process moving forward as efficiently as possible, whilst taking the interests of all parties into account and avoiding any prejudice. In normal circumstances, the reporters would seek to progress these orders to a hearing at the earliest opportunity, in accordance with the procedures agreed at and arising from the pre-hearing meetings, subject to any necessary delay as a result of health and safety measures with respect to the COVID-19 emergency.

During lengthy and complex hearing processes, it is our experience that the circumstances and the position of parties may change following the further development of the subject matter, and we consider that the hearing process is sufficiently flexible to accommodate this. We therefore understand and sympathise with those parties who have expressed disappointment and frustration at the prospect of delaying the process for a further 6 months.

The default position appears to be that things will return to near normality at the end of the pandemic, and we accept that parties may therefore simply decide to prepare statements based on this default position, if the hearing process resumes in the near future. However, we also accept that COVID-19 has caused uncertainty with respect to this default position, and that the consideration of hypothetical scenarios relating to potential changes with respect to attendance at events and the modal split between car and public transport would require additional work.

Preparing statements before there is a clearer picture on these matters would also increase the likelihood of revised statements and additional documents before the hearing takes place, which, apart from the additional time and resources involved, may increase the complexity of the evidence and increase the prospect of confusion.

These orders are being promoted by the council, and one of the reasons for the preparation of the council's statement before those of other parties, is so that the other parties can fully understand the basis for the orders before finalising their own statements. Since the council does not in the current circumstances consider that it is able to sufficiently provide for this, we find this to be a convincing argument for a further suspension of the hearing process.

We note the various comments made by parties about reviewing the overall approach to these orders in the context of the COVID-19 emergency. We wish to emphasise that this matter is not within our remit, but is entirely a matter for the council. Our remit is limited to holding the hearings (oral evidence and written submissions), examining the order as published and making recommendations to the council as to whether or not the order (with or without modifications) should proceed.

Taking all of the above into account, we find that there is justification for a further suspension of the hearing process, but that this should be for 3 months initially, to 21 October 2020, with a review at the end of this period to confirm whether or not the full 6 months suspension should be implemented, to 21 January 2021. We intend to simply consult the council at the end of the first period, and if the council convinces us that it is still not in a reasonable position to prepare a statement, then the further suspension to 21 January 2021 will be implemented.

Additionally, whenever the council has relevant officers in place to respond to the legal challenge on behalf of Celtic Football Club, the council may notify us that it is ready to respond, and we will end the suspension temporarily to enable us to consider the submissions and make our recommendations to the council.

Sinéad Lynch
Lance R Guilford

Reporters

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