



**NORTH AYRSHIRE**  
COUNCIL

Cunninghame House,  
Irvine.

29 May 2014

### **Licensing Committee**

You are requested to attend a Special Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **FRIDAY 6 JUNE 2014** at **10.30 a.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

**2. Civic Government (Scotland) Act 1982: Licensing Matters**

Submit report by the Chief Executive on a Hearing to be determined in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).



---

## Licensing Committee

---

Sederunt: Ronnie McNicol (Chair)  
Tom Marshall (Vice Chair)  
Robert Barr  
John Bruce  
Ian Clarkson  
Catherine McMillan  
Alan Munro  
Donald Reid  
Robert Steel  
Vacancy

Chair:

Attending:

Apologies:

Meeting Ended:



---

## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 2**

**6 June 2014**

#### **Licensing Committee**

---

**Subject:** **Civic Government (Scotland) Act 1982: Licensing Matters**

---

**Purpose:** To advise the Committee of an Application to be determined in terms of the Civic Government (Scotland) Act 1982.

---

**Recommendation:** That the Committee considers and determines the Application.

---

#### **1. Introduction**

- 1.1 In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, requires to determine issues in respect of the grant, renewal or suspension of licences.

#### **2. Current Position**

- 2.1 The Council has received an application for a Temporary Public Entertainment Licence under Section 41 of and Schedule 1, Paragraph 7 to the 1982 Act:

Temporary Public Entertainment licence PEL/208

Proposed Event: Custom and Classic Bike Show

Dates of event: Friday 27th - Sunday 29th June 2014

Applicant: Michael Lynam, Alba West, Shore Complex, Ardeer, Stevenston

#### **3. Proposals**

- 3.1 It is proposed that the Committee considers and determines the Application in accordance with the required procedures.
- 3.2. The Committee has to have regard to any objections or representations received, and to consider whether or not any of the statutory grounds for refusal exist, in Paragraph 5(3) exist:

"5(3) Subject to sub-paragraph (3A) below, a Licensing Authority shall refuse an Application to Grant or Renew a Licence if, in their opinion -

- (a) the Applicant or, where the Applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either -
  - (i) for the time being disqualified under section 7(6) of this Act, or
  - (ii) not a fit and proper person to be the holder of the Licence;
- (b) ...
- (c) where the Licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to -
  - (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
  - (ii) the nature and extent of the proposed activity;
  - (iii) the kind of persons likely to be in the premises, vehicle or vessel;
  - (iv) the possibility of undue public nuisance; or
  - (v) public order or public safety; or
- (d) there is other good reason for refusing the Application;

and otherwise shall Grant the Application."

The reference to sub-paragraph (3A) is not relevant to this Application.

- 3.3. Given that the Committee has to be able to make an assessment of whether or not the Premises are "suitable or convenient" (Para. 5(3)(c)), the Committee is entitled to ask the Applicant for detailed description of the proposal.

- 3.4. The Committee is entitled to ask about the activities proposed, to be satisfied that public safety is not compromised by any activities on-site and the means of access to it.

e.g. if the use of weapons is to be demonstrated:

- (a) where will they be used, in relation to where the public will be (will they only be used in an enclosure from which the public are excluded)?
- (b) who will use the weapons?
- (c) will the weapons be kept in the control of their owners?

- 3.5. The event will involve live amplified music over many hours. The Committee has to have regard to "the possibility of undue public nuisance" (Para. 5(3)(c)(iv)) and should consider whether or not this would cause an unreasonable disruption to residents. The Applicant should advise the Committee of the procedures for minimising noise disturbance:

- (a) Is there a person for residents to contact if they have any concerns while the event is running?
- (b) how would they know who to contact? (e.g. are they to be given a name and telephone number?)
- (c) who is responsible for monitoring noise?
- (d) are there any noise limiters attached to the amplifiers?
- (e) If so, who can operate them? (are the amplifiers controlled by the organiser or are they the property of individual bands?)

- 3.6. The Applicant states that the number of members of the public to be admitted will be 700 per day, and 2,000 in total over the 3 days. How will this be monitored?

#### **4. Implications**

Financial Implications

- 4.1 There are possible financial implications in relation to the refusal of any application.

Human Resource Implications

- 4.2 None

Legal Implications

- 4.3 There are possible legal implications in relation to the refusal of any application.

Equality Implications

- 4.4 None

Environmental Implications

- 4.5 None

Implications for Key Priorities


- 4.6 None

**5. Consultations**

- 5.1 Consultations have been undertaken with Police Scotland, Strathclyde Fire and Rescue, and the appropriate Council Services.

**6. Conclusion**

- 6.1 The Committee is requested to consider and determine the Application.



ELMA MURRAY  
Chief Executive

Reference : WOB/PAT

For further information please contact William O'Brien, Solicitor (Licensing)  
on 01294 324305

**Background Papers**

None