

Licensing Sub Committee of Corporate Services Committee
10 March 2003

IRVINE, 10 March 2003 - At a Meeting of the Licensing Sub-Committee of the Corporate Services Committee of North Ayrshire Council.

Present

David Munn, Robert Reilly, Jack Carson, Ian Clarkson, Elizabeth McLardy, John Moffat, and Robert Rae.

In Attendance

J. Kerr, Chief Legal Officer (Licensing & District Court), D. Wallace, Enforcement Officer, F. Murray, Solicitor (Licensing) and M. McCann, Administrative Officer (Legal and Protective); and M. McKeown, Corporate and Democratic Support Officer (Chief Executive's).

Chair

Councillor Munn in the Chair.

Apologies for Absence

Samuel Gooding and John Reid.

1. Civic Government (Scotland) Act 1982: Public Entertainment and Indoor Sports Entertainment Licensing

Submitted report by the Assistant Chief Executive (Legal and Protective) on the recommendations arising from the Member/Officer Working Group on Civic Government (Scotland) Act 1982: Licensing Review, relating to Public Entertainment and Indoor Sports Entertainment licensing.

A partial review of the public entertainment licensing system was carried out in 1997 and concentrated primarily on major events, as the existing system was proving inadequate to meet the demands of this type of application. It also dealt with the fees and some areas of the consultation process. Apart from that, the system presently in use has remained substantially unchanged since its commencement.

The Member/Officer Working Group met on 17th December 2002 to review Public Entertainment and Indoor Sports Entertainment licensing. The report highlighted the recommendations arising from the review relating to a proposed new fees structure, changes in the format of application forms and information notes, a proposal to notify the Health and Safety Executive of all applications received for fairgrounds, and proposed changes in general licensing conditions. The proposed amendments aim to provide better guidance to applicants and clarity for licence holders, whilst the revision of the fee structure will enable the licensing authority to comply with the statutory requirement that the costs of operating the system are met by the application fees charged.

The Sub-Committee agreed (a) to implement the proposed new fees structure with effect from 1st April 2003; (b) that the application forms for licences and information notes for public entertainment [permanent], public entertainment [fairground, circus, temporary event], public entertainment [major event] and indoor sports entertainment be amended as set out in the report; (c) that the Health and Safety Executive National Fairground Inspection Unit in future be advised of all applications for fairground licences lodged; (d) that the general conditions to be attached to licences be amended as set out in the appendices to the report; and (e) that the Chief Legal Officer (District Court & Licensing) attach appropriate conditions to licences for temporary major events, other temporary events as required and temporary Indoor Sports Entertainment licences.

2. Gaming Act 1968

Submitted report by the Assistant Chief Executive (Legal and Protective) on an application received under Section 34 of the Gaming Act 1968 for permits for gaming machines.

The Sub-Committee agreed to grant a permit in respect of the following applicant:

<u>Applicant</u>	<u>Machines</u>
Cullis's Amusements per Hennessy Bowie & Co. 74/76 Gallowgate Street Largs	70 machines (renewal)

3. Lotteries and Amusements Act 1976

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on an application for a permit for the commercial provision of amusements with prizes.

The Sub Committee agreed to grant a permit in respect of the following applicant:

<u>Applicant</u>
Cullis's Amusements per Hennessy Bowie & Co. 74/76 Gallowgate Street Largs

4. Exclusion of Public

The Sub-Committee resolved in terms of Section 50(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following items of business on the grounds indicated in terms of Paragraphs 6, 13 and 14 of Part I of Schedule 7A of the Act.

5. Civic Government (Scotland) Act 1982: Applications for Licences

Submitted report by the Assistant Chief Executive (Legal and Protective) on (a) applications for the grant or renewal of licences; (b) issues in respect of existing licence holders which may require a Hearing; and (c) Hearings which require to be determined by the Sub Committee.

The Sub-Committee agreed to dispose of these matters as indicated in the attached Appendix LS1.

6. Valedictory

Councillor Munn, on behalf of the Sub Committee, thanked Ms Kerr, Chief Legal Officer (Licensing and District Court) (Legal and Protective), for her contribution to the work of the Council, and in particular the Licensing Sub Committee and Licensing Board, and extended his best wishes to Ms Kerr on her retirement from the Council.

The meeting ended at 3.15 p.m.

PART A: Applications for Licences/Renewals of Licences/Permits

Taxi Drivers Licences

1. TDL/064: Samuel Dean

The Sub Committee agreed to grant the application.

2. TDL/926

On the basis of the information before it the Sub Committee agreed to hold a Hearing in terms of Paragraph 4 of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. TDL/930: Lawrence Graney

The Sub Committee agreed to grant the application.

4. TDL/929: Frederick J Williams

The Sub Committee agreed to grant the application.

Private Hire Car Licences

1. PHCL/188: Frederick J Williams

The Sub Committee agreed to grant the application.

Street Trader Operator Licences

1. STL/O/194: Frank J Carroll

The Sub Committee agreed to grant the application.

2. STL/O/192

The Sub Committee declined to consider the application on the grounds that it was incompetent in that no certificate was produced to the licensing authority in terms of Section 39 (4)(b) of the Civic Government (Scotland) Act 1982.

3. STL/O/191

The Sub Committee declined to consider the application on the grounds that it was incompetent in that no certificate was produced to the licensing authority in terms of Section 39 (4)(b) of the Civic Government (Scotland) Act 1982.

Street Trader Employee Licences

1. STL/E/159: Linda Peebles

The Sub Committee agreed to grant the application.

2. STL/E/160

On the basis of the information before it the Sub Committee agreed to hold a Hearing in terms of Paragraph 4 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Second Hand Dealers Licences

1. SHDL/088

On the basis of the information before it the Sub Committee agreed to hold a Hearing in terms of Paragraph 4 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Late Hours Catering Licences

1. LHCL/004

On the basis of the information before it the Sub Committee agreed to hold a Hearing in terms of Paragraph 4 of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART B: Individual Licences where the issues raised may require a hearing

Taxi Drivers Licences

1. TDL/216

The Sub Committee agreed to take no proceedings on the basis of the information before it.

2. TDL/740

The Sub Committee agreed to take no proceedings on the basis of the information before it.

3. TDL/691

The Sub Committee agreed to take no proceedings on the basis of the information before it.

PART C: Individual Licences where Hearings have been convened

1. TL/400

The Solicitor (Licensing) set out the background to a letter of complaint received by the Licensing Section dated 2 December 2002 regarding an alleged breach on condition 5 attached to Taxi Operators Licence TL/400. The licence holder, having been advised of the nature of the complaint by letter of 16th December 2002, failed to provide a written explanation of the alleged breach to the satisfaction of the Licensing Section. In accordance with the provisions of Paragraph 11 of Schedule 1 of the Government (Scotland) Act 1982, the Sub Committee proceeded to convene a Hearing in terms of Paragraph 11 (7).

The licenceholder having been duly cited to attend, was present at the Hearing. The complainant was not present but was represented. The licence holder and the complainant's representative both addressed the Hearing before withdrawing, together with the Solicitor (Licensing), to allow the Sub Committee to deliberate. All parties thereafter returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed in terms of Paragraph 11 (11) of Schedule 1 of the Civic Government (Scotland) Act 1982, to suspend the licence for a period of 6 months.