

Protective Services Committee
19 March 1998

Irvine, 19 March 1998 - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Jack Carson, Thomas Barr, Patrick Browne, Ian Clarkson, Elliot Gray, Joseph McKinney and George Steven.

In Attendance

A. Fraser, Principal Legal Officer, J. Kerr, Principal Licensing and District Court Officer, I. Traquair, Senior Trading Standards Officer, S. B. McGregor, Principal Registrar, L. McHugh, Licensing Officer and M. McKeown, Administration Officer (Chief Executive).

Chair

Councillor Carson in the Chair.

Apologies for Absence

Richard Wilkinson

1. Minutes Confirmed

The Minutes of the Meeting of the Committee held on 5 February 1998, copies of which had previously been circulated, were confirmed.

2. Gaming Act 1968 Section 34: Applications

Submitted report by the Legal Services Manager on the undernoted applications in respect of permits under the Gaming Act 1968.

<u>Applicants/Premises</u>	<u>Number of Machines</u>
Seagate Leisure Centre High Street Irvine	100 machines
Orchids Hot Food Carry Out 41 Vernon Street Saltcoats	1 machine
The Cumbraen Pierhead, Largs	240 machines

The Committee (a) approved the applications as submitted; and (b) agreed that the conditions applied to the grant of licence for 'all cash' machines should be circulated to members for information.

3. Consultation Paper on Civil Marriages Outwith Registration Offices

Submitted report by the Legal Services Manager on the consultation paper issued by the Registrar General on possible changes in the law to allow Registrars to perform Civil Marriages outwith their offices.

The present law of Scotland places few constraints upon the personal preferences of couples for a religious marriage ceremony of a particular kind in a particular place, and some Celebrant can usually be found to conduct the marriage ceremony. Religious Celebrants are free to make their own decisions about whether or not to conduct particular weddings and they may, if they are unhappy with any aspect of the wedding, refuse to conduct the ceremony. By contrast, Registrars, as Local Authority employees, find it much more difficult to refuse to conduct ceremonies without good reason and, therefore, there is a need to ensure there is a greater degree of control over the "reasonableness" of venues for civil marriages in order to protect individual Registrars from discomfiture in the face of couples' unusual choices of venue or circumstances, even where seemliness and dignity may not be at risk.

Under The Marriage (Scotland) Act 1977, civil marriages may be solemnised by any authorised Registrar in a Registration Office. Only in exceptional circumstances, where a party is unable to attend by reason of serious illness, and where the marriage cannot be delayed, does the Act permit a civil marriage to be solemnised outwith a Registration Office. The Registrar General is now seeking comments on proposals to give Local Authorities powers to conduct civil marriages outwith Registration Offices; to set and charge a fee for considering an application for approval; and to set and charge a fee for the attendance of a Registrar to solemnise each such marriage. The implications for North Ayrshire's Registration Service of such a change to the law, in terms of staffing levels and staff safety, were highlighted.

After discussion, the Committee agreed (a) to authorise the Legal Services Manager, in consultation with the Chair, to respond to the consultation paper by 27 March 1998 indicating the Council's support in principle for the Registrar General's proposals; and (b) that the terms of the response should be reported to the next meeting of the Committee.

4. Trading Standards Fees and Charges 1998/99

Submitted report by the Legal Services Manager on a proposed scale of charges for services rendered under the Statutes enforced by the Trading Standards Service.

A range of services are provided by the Trading Standards Service for which fees can be levied. In terms of the Council's Financial Regulations each Directorate of the Council is required to review annually the fees and charges imposed for its services and it was proposed that a 4% increase in fees for the services provided by the Trading Standards Service under the Weights and Measures Act 1985 and the Petroleum Regulation Acts 1926 and 1936 should be levied from 1 April 1998.

The Committee agreed to adopt the fees and charges as detailed in the report from 1 April 1998.

5. Civic Government (Scotland) Act 1982: Review

Submitted report by the Legal Services Manager on the Convention of Scottish Local Authorities' (COSLA) Task Group set up to review the Civic Government (Scotland) Act 1982.

The Civic Government (Scotland) Act 1982 is a wide ranging Act dealing with many aspects of everyday life. When it was first introduced the Act represented the first real attempt to provide a national uniform code of licensing, and to provide a civic code. It was not however easy to combine all the previous legislation into one Act with the support of the local authorities behind it and, over the intervening years, numerous suggestions for additions to the areas covered by the legislation and amendments to areas already covered have come forward.

COSLA have established a Task Group to look at the various proposals to review the Act and a questionnaire has been sent to all Scottish Local Authorities setting out issues which have been raised with The Scottish Office over the years, seeking the observations of Authorities on these, and inviting Authorities to raise any further issues which they feel should be addressed.

The bulk of the issues raised in connection with the Act relate to licensing issues and in particular to the expansion of activities which should be subject to licensing including body piercing, door stewarding, taxi and private hire car radio rooms and car auctions. There are also existing licensing matters which give rise to difficulties, for example, issues related to the transfer of licenses, and limitations on the number of taxi licences in an area. Outwith licensing there are also issues in connection with such matters as the regulation of charitable collections, control of dogs, control of feral cats, regulation of public processions and so on.

Members were advised that the Legal Services Manager has produced detailed responses, in consultation with the Chair and Vice Chair, covering all the issues raised above and any specific issues raised by members of the Committee. The terms of the responses were outlined.

After discussion, the Committee agreed to authorise the Legal Services Manager to submit the responses to COSLA.

6. Civic Government (Scotland) Act 1982: Taxi and Private Hire Car Vehicles

Submitted report by the Legal Services Manager on the types of vehicles presently licensed within North Ayrshire as taxis and private hire cars.

As licensing authority under the Civic Government (Scotland) Act 1982 the Committee does not require to grant or renew a licence for a taxi or private hire car unless it is satisfied that the vehicle is suitable in type, size, and design, and is safe for that use. In order to give guidance to applicants a vehicle specification was drawn up by the previous licensing authority and this was subsequently adopted by the present Committee.

Details of the cars currently in use as taxis or private hire cars were provided. It was noted that all the vehicles currently in use conform with the existing specification.

After discussion the Committee (a) noted the information on vehicles currently in use as taxis and private hire cars; and (b) agreed to keep the position under the review pending the outcome of legislative changes that will impact upon taxi and private hire cars.

7. Urgent Items

a) Methylated Spirit Sale by Retail (Scotland) Order 1998

The Committee was advised that the Secretary of State for Scotland has approved an Order which, with the exception of sales to persons under 14 years of age, relaxes controls on the sale of methylated or surgical spirits.

It was agreed that the Committee's concerns regarding this development be communicated to The Scottish Office.

8. Exclusion of Public

The Committee resolved, in terms of Section 50A(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 that they involve the likely disclosure of exempt information indicated in terms of Paragraphs 6, 13 and 14 of Schedule 7A of the Act.

9. Civic Government (Scotland) Act 1982: Licensing

Submitted report by the Legal Services Manager on a) applications for licences under the Civic Government (Scotland) Act, 1982; in respect of; b) individual licence holders where the issues raised may require a hearing in terms of Section 11 of the Act; and c) in respect of individual licences where a formal Hearing has been convened and which require to be determined by the Committee.

The Committee agreed a) to dispose of applications for licences as indicated in Part One of the attached Appendix ; b) to deal with the reports on individual licence holders as indicated in Part 2 of the attached Appendix; and c) to determine the Hearings as indicated below.

a) Late Hours Catering Licence: LHCL/020

An application received on 9 December 1997 for the renewal of late hours catering licence LHCL/020 held by Mr J. K. H.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant, and his representative, attended the hearing, but no written statement was received.

The Principal Licensing and District Court Officer advised the Committee as to the circumstances relating to this application and Mr H's representative then addressed the Committee. Thereafter the applicant, his representative and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to grant the licence but, under the terms of Paragraph 8(2)(b) of Schedule I of the Civic Government (Scotland) Act 1982, for a restricted period of one year.

b) Taxi Drivers Licence: TDL/140

An application received on 8 December 1997 from Mr J. L. McK for the grant of a taxi drivers licence.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant attended the hearing, but no written statement was received.

The Principal Licensing and District Court Officer advised the Committee as to the circumstances relating to this application and Mr McK then addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to grant the licence but, under the terms of Paragraph 8(2)(b) of Schedule I of the Civic Government (Scotland) Act 1982, for a restricted period of 6 months.

c) Taxi Drivers Licence: TDL/061

An application received on 10 December 1997 from Mr P McG for the grant of a taxi drivers licence.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant attended the hearing, but no written statement was received.

The Principal Licensing and District Court Officer advised the Committee as to the circumstances relating to this application and Mr McG then addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to grant the licence but, under the terms of Paragraph 8(2)(b) of Schedule I of the Civic Government (Scotland) Act 1982, for a restricted period of 6 months

d) Taxi Drivers Licence: TDL/389

An application received on 4 November 1997 from Mr R. D. for the grant of a taxi drivers licence.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant attended the hearing, but no written statement was received.

The Principal Licensing and District Court Officer advised the Committee as to the circumstances relating to this application and Mr D then addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to grant the licence but, under the terms of Paragraph 8(2)(b) of Schedule I of the Civic Government (Scotland) Act 1982, for a restricted period of 1 year.

e) Taxi Drivers Licence: TDL/737

An application received on 26 November 1997 from Mr W. R. M. for the renewal of taxi drivers licence No. 737.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant attended the hearing, but no written statement was received.

The Principal Licensing and District Court Officer advised the Committee as to the circumstances relating to this application and Mr M then addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to grant the licence but, under the terms of Paragraph 8(2)(b) of Schedule I of the Civic Government (Scotland) Act 1982, for a restricted period of 1 year.

f) Taxi Drivers Licence: TDL/552

An application received on 15 December 1997 from Mr R. G. for the renewal of taxi drivers licence No. 552.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant attended the hearing, but no written statement was received.

The Principal Licensing and District Court Officer advised the Committee as to the circumstances relating to this application and Mr G then addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to grant the licence but, under the terms of Paragraph 8(2)(b) of Schedule I of the Civic Government (Scotland) Act 1982, for a restricted period of 1 year.

g) Taxi Drivers Licence: TDL/354

An application received on 13 November 1997 from Mr W. B. for the renewal of taxi drivers licence No. 354.

The applicant had been invited to attend the hearing or submit a written statement in support

of the application. The applicant attended the hearing, but no written statement was received.

The Principal Licensing and District Court Officer advised the Committee as to the circumstances relating to this application and Mr B then addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Following consideration, the Committee agreed to grant the licence but, under the terms of Paragraph 8(2)(b) of Schedule I of the Civic Government (Scotland) Act 1982, for a restricted period of one year.

Meeting ended at 4.25 p.m.

APPENDIX PROS1

Part 1: Applications for licences under the Civic Government (Scotland) Act 1982

<u>Type of Licence/Ref No</u>	<u>Applicant's Details</u>	<u>Decision</u>
<u>Taxi Drivers Licences</u>		
TDL/730	Gary Wallace	Grant
TDL/670	W G	Agreed to defer consideration of application and invite the applicant to attend the next Meeting of the Committee
TDL/502	William Sinclair	Grant for one year
TDL/117	Andrew Meikle	Grant for one year
TDL/795	Andrew J Watson	Grant
TDL/312	J S P	Agreed to defer consideration of application and invite the applicant to attend the next Meeting of the Committee
TDL/121	Edward S Walsh	Grant
TDL/826	E N	Agreed to defer consideration of application and invite the applicant to attend the next Meeting of the Committee
TDL/174	David Ferguson	Grant
TDL/766	James M Howie	Grant
TDL/838	Kenneth H Croll	Grant
<u>Type of Licence/Ref No</u>	<u>Applicant's Details</u>	<u>Decision</u>
<u>Taxi Licence</u>		
TL/034	Peter Hackett	Grant

TL/020	Rose McLaughlin and John McLaughlin	Grant
TL/248	J S P and M P	Agreed to defer consideration of application and invite the applicant to attend the next Meeting of the Committee
TL/106	A R	Agreed to defer consideration of application and invite the applicant to attend the next Meeting of the Committee
<u>Private Hire Car Driver Licence</u>		
PHCDL/111	J C	Agreed to defer consideration of application and invite the applicant to attend the next Meeting of the Committee
<u>Second Hand Dealers Licence</u>		
SHDL/044	Thomas C Anderson	Grant
<u>Late Hours Catering Licence</u>		
LHCL/009	M F	Agreed to defer consideration of application and invite the applicant to attend the next Meeting of the Committee Part 2: Reports in Respect of Individual Licence Holders

<u>Type of Licence/Ref No</u>	<u>Applicant's Details</u>	<u>Decision</u>
<u>Taxi Drivers Licences</u>		
TDL/584	D L	Note Position
TDL/535	P H	Note Position
<u>Private Hire Car Drivers Licence</u>		
PHCDL/129	E J McC	Agreed to proceed to a Hearing in accordance with the terms of Paragraph 11 of the Regulations

PHCDL/074		Civic Government (Scotland)
PHCDL/134		1982 to decide whether or not suspend the licences.