

Protective Services Committee
14 August 1997

Irvine, 14 August 1997 - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Jack Carson, Thomas Barr, Ian Clarkson, John Donn, Joseph McKinney, Thomas Morris, George Steven and Richard Wilkinson.

In Attendance

The Legal Services Manager; J. Kerr, Principal Licensing and District Court Officer; A. Moynihan, Principal Trading Standards Officer, and L. McHugh, Solicitor (Legal Services); M. Hewitt, Corporate Policy Officer and S. Paxton, Administration Officer (Chief Executive).

Chair

Mr. Carson in the Chair.

Apologies for Absence

David Gallagher.

1. Minutes Confirmed

The Minutes of the Meeting of the Protective Services Committee held on 6 June 1997, copies of which had previously been circulated, were confirmed.

2. Bye-laws for the Prohibition of the Consumption of Alcohol in Public Places

(Previous Minute Reference: Protective Services Committee: 2 May 1997)

Submitted report by the Legal Services Manager regarding draft bye-laws for the prohibition of the consumption of alcohol in public places.

The Protective Services Committee on 2 May 1997 agreed (a) to approve in principle the introduction of bye-laws for the whole of North Ayrshire; and (b) to instruct the Legal Services Manager to report on the proposed areas to be covered by such bye-laws.

The Legal Services Manager has now prepared plans detailing the areas throughout North Ayrshire which would be subject to the proposed bye-laws. These plans have been circulated to all Members of the Council and were on display at the Meeting.

The Council, in terms of Section 202 of the Local Government (Scotland) Act 1973, must advertise its intention to create bye-laws and give the public the opportunity to examine and comment on them. The consultation process lasts for one month and comments made by the public must be considered by the Council. The final version of the bye-laws will then be submitted to the Secretary of State for Scotland for confirmation.

The draft bye-laws will not apply (a) on 31st December from 6 p.m. until the end of that day; (b) on 1st January until 6 a.m.; and (c) in the town of Irvine from 6 a.m. on the day which is known as Marymass Saturday and which occurs once in every year until 1 a.m. on the following day. With the exception of these exemptions any person who consumes alcoholic liquor in a designated place shall be guilty of

an offence and liable on summary conviction to a fine.

A copy of the draft bye-laws will be available for public inspection in Council Offices in Irvine, Saltcoats, Kilbirnie, Largs, Millport and Lamlash and the Legal Services Manager will arrange for advertisements to be placed in the local press.

The Committee agreed (a) to approve the draft bye-laws for the prohibition of the consumption of alcohol in public places in North Ayrshire; and (b) that the Legal Services Manager commence the formal consultation process required in terms of Section 202 of the Local Government (Scotland) Act 1973.

3. Promotion and Marketing of Alcopops

Submitted report by the Legal Services Manager regarding the promotion and marketing of alcopops.

CoSLA has invited the views from all Scottish Councils on a proposal by Dundee City Council to introduce, as soon as practicably possible, a Statutory Scheme to control the promotion, marketing, packaging and retailing of all alcoholic products.

The proposal by Dundee City Council followed research by a Working Group on the Consumption of Alcohol in Public Places established by the Council. The Group accepted that although alcopops were not the only reason for the high levels of underage drinking in Dundee, there were a number of factors, including the packaging, marketing and taste of the drinks, which made them particularly appealing to young people.

The Government, in recognition of the concerns over alcopops, has established a Ministerial Group to examine these issues and to consider what further action may be necessary in relation to addressing the promotion and distribution of these products to young people under 18.

The Council has also been advised of a Scottish Office initiative, the Teenwise Alcohol Project (TAP), which aims to reduce the incidence of under-age drinking by targeting illegal sales of alcohol, enforcing legislation, increasing awareness of underage drinking within the community and referring habitual misusers to appropriate agencies for guidance and support. The Police have additional powers conferred upon them in terms of Section 61 of the Crime and Punishment (Scotland) Act 1997 whereby Officers can confiscate alcoholic products from under 18s.

The Committee were of the view that public education had a vital part to play in promoting responsible drinking and welcomed initiatives to encourage local people to report shopkeepers selling alcohol to under 18 year olds to the Police. The Legal Services Manager is in discussions with the Police on a related initiative called Operation Bull.

The Committee agreed that the Legal Services Manager, in consultation with the Chair, respond to COSLA on behalf of the Council on the issues associated with the promotion and marketing of alcopops.

4. Arran: Registration Services

Submitted report by the Legal Services Manager regarding the future of the Registration Service on the Isle of Arran.

The Isle of Arran currently incorporates two registration districts namely, Lochranza and Lamlash. Since October 1995, following the resignation of the part-time Registrar at Lochranza, the registration of births, marriages and deaths has been carried out by the Registrar and Assistant Registrars from the Council Offices in Lamlash.

Annual registration at Lochranza averaged 10 from 1994 to 1996 and it would therefore not be economic to appoint another part-time Registrar. The amalgamation of the two registration districts

would represent a cost saving to the Council of approximately £775 per annum.

The Committee agreed that the registration districts of Lochranza and Lamlash on the Island of Arran be amalgamated from 1 January 1998 to form one district to be known as the Island of Arran registration district.

5. Civic Government (Scotland) Act 1982: Taxi Fares

Submitted report by the Legal Services Manager on procedures for the statutory review of taxi fares.

The Council is required to review the taxi fare structure every 18 months. The previous taxi fare regime came into effect on 1 April 1996.

The Legal Services Manager will obtain statistical information from various sources including other authorities in the former Strathclyde area on operating costs and Operator wages in order to calculate the percentage increase over the last 18 months. The new fares will be calculated on that percentage increase. Thereafter the public and Taxi Operators will be invited to comment on the proposals.

In view of the timescales involved, it is proposed that the new rates be considered by a Sub-Committee who will also attend a consultation meeting with taxi owners. At the same time the Legal Services Manager will arrange for an advertisement to be placed in the local press seeking comments on the proposed fare structure.

A report will then be submitted to the Protective Services Committee in November 1997 detailing the responses received during the consultation process and the recommendations of the Sub-Committee. It is anticipated that the new fare structure would commence on 1 December 1997.

The Committee agreed (a) that a Sub-Committee comprising the Chair and Vice-Chair, Thomas Morris, Richard Wilkinson and David Gallagher approve the proposed fare structure and meet the taxi owners in North Ayrshire; (b) that the proposed structure as agreed by the Sub-Committee be advertised for public consultation at the same time as consultations are being undertaken with Operators; and (c) that a further report be submitted to the Committee on 6 November 1997 on the proposed revised structure together with all responses received during the consultation process.

6. Gaming Act 1968

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

The Committee agreed to approve the applications as undernoted:-

<u>APPLICANT/PREMISES</u>	<u>NO. OF MACHINES</u>
The Kames Bay Café, 13 Kelburn Street, Millport.	1
8/10 Princes Street, Ardrossan per Cullis's Amusements	60

16/22 Gallowgate Street, Largs per Cullis's Amusements	63
Auchenharvie Centre, Saltcoats Road, Stevenston	1

7. Lotteries and Amusements Act 1976

Submitted report by the Legal Services Manager on an application for a permit under the Lotteries and Amusements Act 1976 by Cullis's Amusements in respect of their premises at 16/22 Gallowgate Street, Largs for the provision of amusements with prizes.

The Committee agreed to approve the application.

8. Caravan Site and Control of Development Act 1960

Submitted report by the Legal Services Manager regarding an application for a new Caravan Site Licence at Dyemill House, Lamblash, Isle of Arran.

The Committee agreed to grant the caravan site licence application received from Robert G William in respect of the use of land at Dyemill House, Lamblash, Isle of Arran as a caravan site for two static holiday caravans subject to conditions which include the proviso that the period of human habitation of the caravans shall be from 1 March to 31 October and 23 December to 6 January in each year.

9. Conferences

Submitted report by the Chief Executive on invitations to attend the following conferences:-

- i. "Introduction to Trading Standards for Elected Local Authority Councillors and New Chief Officers" to be held in London on 18 September 1997; and
- ii. "Raising the Profile in Trading Standards" to be held in Edinburgh on 30 and 31 October 1997.

The Committee agreed (a) not to be represented at (i) and (b) that the Chair and Vice-Chair or their nominees attend (ii).

10. Urgent Items

The Chair agreed that the following item be considered as a matter of urgency.

(a) Trading Standards: Fees and Charges

Submitted report by the Legal Services Manager regarding the scale of fees for 1997/98 for statutory services provided by the Trading Standards Section.

The scale of fees for these statutory services requires to be approved by the Council. Such fees

relate to services provided under the Weights and Measures Act 1985 and the Petroleum Regulation Acts 1926 and 1936. Petroleum Spirit Storage Licence fees are set each year in the Health and Safety (Fees) Regulations. Guidance on other fees and charges are produced by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS). The proposed fees for 1997/98 represent a 5% increase on the previous year and were appended to the report.

The Committee agreed to adopt the scale of fees and charges as detailed in the report with effect from 1 April 1997.

11. Exclusion of Public

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 as defined in Paragraphs 6, 13 and 14 of Part 1 of Schedule 7 to the Act.

12. Civic Government (Scotland) Act 1982

(a) Licence Applications

Submitted the annexed list (Appendix PROS1) of applications for licences made under the Civic Government (Scotland) Act 1982. In connection with each application shown on the list the Committee took the decision indicated in the final column of the said Appendix.

(b) Hearings

Submitted report by the Legal Services Manager detailing applications to be heard by the Committee.

(i) Taxi Driver Licence: TDL/126(R)

An application received 23 April 1997 from Mr. A.J.C. for the grant of a Taxi Driver's Licence.

The applicant had been invited to attend or submit a written statement in support of the application.

The applicant was not in attendance at the Meeting but submitted a written statement on his conviction and the circumstances leading thereto.

The Committee agreed to continue consideration of the application.

(ii) Taxi Driver Licence: TDL/777(N)

An application received on 23 March 1997 from Mr. J.M. for the grant of a Taxi Driver's Licence.

The applicant had been invited to attend or submit a written statement in support of the application.

The applicant was not in attendance and no written statement had been received.

Having considered the facts and circumstances surrounding the application before them, the Committee agreed that the application be refused on the ground indicated in Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982 that the applicant is not a fit and proper person to be the holder of such a licence by virtue of the convictions recorded against him in 1985, 1986 and 1987.

(iii) Private Hire Car Driver Licence: PHCDL/041(N)

An application received 16 April 1997 from Mr. J.H.B. for the grant of a Private Hire Car Driver's Licence.

The applicant had been invited to attend or submit a written statement in support of the application.

The applicant was not in attendance at the Meeting but had submitted a written statement giving details of his conviction and the circumstances leading thereto.

Having considered the submission before them the Committee agreed to grant a Private Hire Car Driver's Licence for the restricted duration of 1 year.

(iv) Street Trader Employee Licence: STL/E/130(N)

An application received 21 April 1997 for the grant of a Street Trader Employee's Licence from Mr. J.E.B.L.

The applicant had been invited to attend or submit a written statement in support of the application.

The applicant was not in attendance and no written submission has been received.

The Committee, having considered all the facts before them, agreed that the application be refused on the ground indicated in Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982 that the applicant is not a fit and proper person to be the holder of a licence by virtue of the convictions recorded against him in 1989, 1992 and 1993.

(v) Taxi Licence: TL/165 - Additional Item

An application received 6 August 1997 from Mr. W.B. for the grant of a Taxi Licence.

Mr. W.B.'s licence had expired on 31 July 1997. Mr. W.B. had advised the Principal Licensing and District Court Officer that he was on holiday at the time of expiry and had not renewed his licence. His application for renewal had been received by the Principal Officer 6 days after its expiry date.

The Committee agreed to receive the application for the renewal of the licence, and to instruct the Legal Services Manager to process it.

13. Date of Next Meeting

In view of the number of hearings to consider applications for certain licences in terms of the Civic Government (Scotland) Act 1982 the Committee agreed to convene the meeting at 11.00 a.m. on 25 September 1997.

The Meeting ended at 3.40 p.m.

Protective Services Committee
14/08/97

Appendix No
PROS 1

Applications for Licences/Permits/Renewal of Licences/Permits

Type of Licence & Ref. No.	Details of Applicant	Decision
<u>Taxi Drivers Licence</u>		
1. TDL/643(R)	David S. Cameron	Agreed to Grant
2. TDL/686(R)	J.J.	Agreed to defer consideration of the appli and invite the applicant to attend the next Meeting of the Committee
3. TDL/549(R)	M.J.F.	Agreed to defer consideration of the appli and invite the applicant to attend the next Meeting of the Committee
4. TDL/284(R)	J.M.	Agreed to defer consideration of the appli and invite the applicant to attend the next Meeting of the Committee
5. TDL/367(R)	Lesby A. Lees	Agreed to Grant
6. TDL/456(R)	G.McG.	Agreed to defer consideration of the appli and invite the applicant to attend the next Meeting of the Committee
Type of Licence & Ref. No.	Details of Applicant	Decision

7. TDL/526(R)	Thomas M. Hanvey	Agreed to Grant
8. TDL/807(N)	Terence Lamb	Agreed to Grant
9. TDL/544(R)	Roderick Carson	Agreed to Grant
10. TDL/835(R)	Gordon S. McLaren	Agreed to Grant
11. TDL/818(R)	Donald J. Cullinane	Agreed to Grant
12. TDL/801(O)	A.M.	Agreed to defer consideration of the appli and invite the applicant to attend the next Meeting of the Committee
13. TDL/227(R)	D.H.A.	Agreed to defer consideration of the appli and invite the applicant to attend the next Meeting of the Committee
<u>Taxi Licence</u>		
14. TL/114(R)	Gordon McGregor	Agreed to Grant
15. TL/240(R)	Derek Burns and William Bruce	Agreed to Grant
Type of Licence & Ref. No.	Details of Applicant	Decision
16. TL/187(R)	A.H.	The Committee noted that the applicant al holds TDL/162 and it was agreed that a H

		be held in terms of Paragraph 11 of Sched of the Civic Government (Scotland) Act 1 with regard to suspension of a licence
17. TL/229(R)	A.R.	Agreed to defer consideration of the appli and invite the applicant to attend the next Meeting of the Committee
<u>Street Trader Employee Licence</u>		
18. STL/E/136(N)	J.W.A.	Agreed to defer consideration of the appli and invite the applicant to attend the next Meeting of the Committee
<u>Private Hire Car Driver</u>		
19. PHCDL/013(N)	Bonnie A. Hawthorn	Agreed to Grant
20. PHCDL/042(N)	T.M.H.	Agreed to defer consideration of the appli and invite the applicant to attend the next Meeting of the Committee
21. PHCDL/047(N)	Gordon Carey	Agreed to Grant
22. PHCDL/028	G.McF.	The Committee noted that the applicant al holds PHCL/061 and agreed that a Hearin held in terms of Paragraph 11 of Schedule the Civic Government (Scotland) Act 198 regard to suspension of licence
<u>Private Hire Car Licence</u>		

23. PHCL/061	G. McF.	The Committee approved the applicant's withdrawal from the partnership.
Type of Licence & Ref. No.	Details of Applicant	Decision
<u>Public Entertainment Licence</u>		
24. PEL/029(N)	Leisure P.M. Ltd in respect of "Zu", Irvine	The Committee agreed to defer consideration of the application and invite the applicant to the next Meeting of the Committee
<u>Public Charitable Collections</u>		
25. 01/PCC/97/082	Jean Kerr per Cumbræ Community and Leisure Group	Agreed to Grant
26. 01/PCC/97/079	W.M.MacM.	Agreed to defer consideration of the application and invite the applicant to attend the next Meeting of the Committee