

Protective Services Committee
15 October 1998

Irvine, 15 October 1998 - At a Meeting of the Protective Services Committee at 2.00 p.m.

Present

Jack Carson, Thomas Barr, David Gallagher, Elliot Gray, Joseph McKinney, Thomas Morris, George Steven and Richard Wilkinson

In Attendance

A. Fraser, Principal Legal Officer, A. Moynihan, Principal Trading Standards Officer, L. McHugh, Solicitor (Licensing), and M McCann, Administrative Assistant (Licensing); K Thomas, Principal Officer, Environmental (Planning, Roads and Environment); and M. McKeown, Administrative Officer (Chief Executive).

Chair

Councillor Carson in the Chair.

Apologies for Absence

John Donn

1. Minutes Confirmed

The Minutes of the Meeting of the Committee held on 3 September 1998, copies of which had previously been circulated, were confirmed.

2. Lotteries and Amusements Act 1976: Application for Licence

Submitted report by the Legal Services Manager on an application for the grant of a licence under the Lotteries and Amusements Act 1976.

The Committee approved the application in respect of the premises at 116/118 High Street, Irvine

3. Gaming Act 1968 Section 34: Applications

Submitted report by the Legal Services Manager on applications for the grant of licences under Section 34 of the Gaming Act 1968.

The Committee approved the following applications:-

<u>Applicant</u>	<u>No of Machines</u>
The Dirrans Store, Seymour Avenue, Kilwinning	1
The Drybridge Store, 15/17 Main Street,	1

Drybridge	
116/118 High Street, Irvine	32

4. Civic Government (Scotland) Act 1982: Taxi Fare Review

Submitted report by the Legal Services Manager in respect of the consultation procedure for the 1989/99 review of taxi fares.

The Committee was advised that the existing taxi fare structure came in to force on 1 December 1997. The structure requires to be reviewed at maximum intervals of 18 months in terms of legislation. A proposed timetable for the next review, and the procedures for consulting taxi operators, were set out for consideration.

The Committee agreed (a) to approve the suggested timetable and the consultation procedures; and (b) to continue the matter to the next meeting of the Committee in order to consider the fares of other local authority areas and the relevant retail price index.

5. Food Safety Act 1990: Emergency Prohibition Order

Submitted report by the Director of Planning, Roads and Environment on a breach of The Food Safety (General Food Hygiene) Regulations 1995 by the owners of a licensed premises in North Ayrshire.

Under the Food Safety Act 1990 the Council's Environment Section is required to inspect food premises within North Ayrshire. During a routine inspection of the Royal Tandoori Indian Restaurant at 33 Ritchie Street, West Kilbride, the premises were found to fall significantly short of the required standards in terms of hygiene and cleanliness and, after consultation with Legal Services, an Emergency Prohibition Notice was served on the owner on 4th September 1998 requiring the premises to be closed immediately. The premises remained closed over the weekend and on Monday 7th September 1998 at Kilmarnock Sheriff Court, the Council was granted an Emergency Prohibition Order in terms of Section 12(2) of the Act which was later served on the owner.

Thereafter the Council's Environment Section worked closely with the owner of the business to improve the situation and, on 15th September the Section was able to issue a certificate to say that there was no longer an imminent risk to health from the premises, which were then reopened for business.

After discussion the Committee (a) approved the action taken by the Environment Section; and (b) agreed that the premises should be subject to regular monitoring until such times as the Environment Section is satisfied that there will be no recurrence of the problems concerning these premises.

6. Fireworks Enforcement

Submitted report by the Legal Services Manager presenting Trading Standard's enforcement strategy for fireworks.

In terms of the relevant legislation trading standards offences concerning fireworks relate to sales from premises not registered with the local authority; improper storage; the supply of unsafe or banned fireworks; and their sale to children under 18 years of age.

The Council's Trading Standards Section, in association with the Education Directorate, local Police and the North Ayrshire Community Safety Forum, have put in place a strategy to

promote the safe storage, sale and use of fireworks within North Ayrshire, and checks will be carried out on premises in the run up to 5 November to ensure that there are no breaches of the relevant legislation.

The Committee noted the actions taken by the Trading Standards Section and agreed that publicity should be given to the fireworks enforcement strategy.

7. 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 indicated in terms of Paragraphs 6, 13 and 14 of Schedule 7A of the Act.

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

Submitted report by the Legal Services Manager on (a) applications for the grant or renewal of licences under the Civic Government (Scotland) Act 1982; (b) licence holders where the issues raised may require a hearing; and (c) individual licences where formal hearings have been convened and which require to be determined by the Committee (copy enclosed).

The Committee agreed to dispense with these matters as indicated in Parts I, II and III respectively of the attached appendix.

Meeting ended at 3.00 p.m.

Protective Services Committee
15/10/98

Appendix No **PROS 1**

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

	<u>Type of Licence Reference No.</u>	<u>Applicants Details</u>	<u>Decision</u>
1.	TDL/774	Hugh O'Neill	Grant.
2.	TDL/162	William J Wylie	Grant.
3.	TDL/045	Tracey Martin	Grant.
4.	TDL/119	Frank Gray	Grant.
5.	TDL/097	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee agreed to Hearing on the basis of the information submitted.
6.	TDL/115	Margaret W Headley	Grant.
7.	TDL/096	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee agreed to Hearing on the basis of the information submitted.
8.	TDL/194	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee agreed (a the licence immediately under Paragraph 12 of Schedule I of the Civic Government (S

			1982 on the grounds that the carrying on of the activity to which the licence relates is likely to be a threat to public safety, and to proceed to a Suspension Hearing under Paragraph 12(5) of the Act; and (b) to proceed to a Hearing in respect of the application for renewal on the basis of the information submitted.
9.	TDL/693	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee agreed to proceed to a Hearing on the basis of the information submitted and to instruct the applicant to undergo a medical examination.
10.	TDL/102	Douglas Maxwell	Grant for one year.
11.	TDL/083	Stewart Thompson	Grant for one year.
12.	TDL/089	Hugh Coyle	Grant.
13.	TDL/368	John M Monahan	Grant.
14.	STL/E/080	Paul J Cairnie	Grant.
15.	STL/E/022	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee agreed to proceed to a Hearing on the basis of the information submitted
16.	LHCL/038	Jacky Shek	Grant.
17.	SHDL/001	William McMaster	Grant.
18.	SHDL/065	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee agreed to proceed to a Hearing on the basis of the information submitted.
19.	BHL/005	John N Mason	Grant.
20.	PHCDL/017	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee agreed to

			Hearing on the basis of the information submitted.
21.	STL/O/029	As per application	Having received a verbal report from the Solicitor (Licensing) the Committee agreed to application.
22.	01/PCC/99	The Samaritans	Grant.
23.	01/PCC/98/78	Yorkhill Family House	Grant.
24.	01/PCC/98/77	Hessilhead Wildlife Trust	Grant.
25.	01/PCC/98/76	Drummond Family Respite Fund	Grant.

Part II: Reports in Respect of Individual Licence Holders

	<u>Type of Licence/ Reference No</u>	<u>Decision</u>
1	TDL/573	That no proceedings be taken with regard to suspension at this time but that the licence holder be advised that future instances would result in a full review being undertaken including the issues now reported
2	TDL/025, TL/070	Agreed to instruct the Licence holder to attend for a medical examination in terms of Section 13(4) of the Civic Government (Scotland) Act 1982 and to proceed to a Hearing in terms of Paragraph 11 of Schedule I of the Civic Government (Scotland) Act 1982 in the event of unsatisfactory outcome
3	TDL/009	That no proceedings be taken with regard to suspension at this time but that the licence holder be advised that future instances would result in a full review being undertaken including the issues now reported
4	TDL/059, TL/046	Agreed to proceed to a Hearing in terms of Paragraph 11 of Schedule I of the Civic Government (Scotland) Act 1982
5	TDL/489	That no proceedings be taken with regard to suspension at this time but that the licence holder be advised that future instances would result in a full review being undertaken including the issues now reported
6	TL/037, TL/047, TL/615	Noted.

Part III - Determination of Hearings convened under the Civic Government (Scotland) Act 1982

	<u>Licence Type/ Reference No.</u>	<u>Date Received</u>	<u>Decision</u>
1.	TDL/847	27.01.57	Refuse
	<p>The applicant having been duly cited, failed to attend the Hearing. The Solicitor (Licensing) outlined the background to the Hearing as intimated to the applicant on 11 August and 11 September 1998.</p> <p>The Committee agreed to refuse the application on the grounds indicated in Paragraph 5(3)(a)(ii) of Schedule I of the Civic Government (Scotland) Act 1982 as the applicant was not a fit and proper person to be the holder of a taxi driver's licence by virtue of the convictions recorded against him.</p>		
2.	STL/E/020	05.08.67	Grant
	<p>The applicant having been duly cited, attended the Hearing. The Solicitor (Licensing) outlined the background to the Hearing as intimated to the applicant on 11 September 1998. The applicant then addressed the Committee before withdrawing from the meeting along with Solicitor (Licensing).</p> <p>The Committee agreed to grant the licence.</p>		
3.	LHCL/067	05.04.60	Grant
	<p>The applicant did not attend the Hearing. The Solicitor (Licensing) outlined the background to the Hearing and confirmed that the applicant had not met the requirements of application contained within the Civic Government (Scotland) Act 1982.</p> <p>The Committee agreed to grant the licence.</p>		
4.	PHCL/143	13.02.63	Withdrawn

The Solicitor (licensing) advised that this application had been withdrawn.