

Protective Services Committee
21 January 1999

Irvine, 21 January 1999 - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.30 p.m.

Present

Jack Carson, Thomas Barr, Ian Clarkson, David Gallagher, Elliot Gray, Joseph McKinney, Thomas Morris and Richard Wilkinson.

In Attendance

I. MacKay, Assistant Chief Executive (Legal and Regulatory), J. Delury, Principal Building Control Officer, K. McMunn, Senior Environmental Health Officer, L. McHugh, Solicitor (Licensing), M. McCann, Administrative Assistant (Licensing) and M. McKeown, Administration Officer (Chief Executive)

Chair

Mr Carson in the Chair.

Apologies for Absence

John Donn.

1. Minutes Confirmed

The Minutes of the Meeting of the Committee held on 26th November 1998, copies of which had previously been circulated, were confirmed.

2. Building (Scotland) Acts 1959 and 1970: Section 13(2): Order in respect of Garage Premises at Donaldson Avenue, Saltcoats

Submitted report by the Assistant Chief Executive (Legal and Regulatory) seeking an Order requiring the owner of the garage premises at Donaldson Avenue, Saltcoats, to carry out work specified in a Notice previously served under Section 13(1) of the Building (Scotland) Acts 1959 and 1970.

On 22nd September 1998 the garage premises at Donaldson Avenue, Saltcoats were inspected to assess their condition. Following this inspection statutory action in the interests of public safety was instigated and a Notice under Section 13(1) of the Building (Scotland) Acts 1959 and 1970 was served on the owner on 24th September 1998. As of 7th January the owner had failed to comply with the Notice.

The Committee agreed to issue an Order under Section 13(2) of the Building (Scotland) Acts 1959 and 1970 requiring the owner of the garage premises at Donaldson Avenue, Saltcoats, to carry out work specified in the Notice served under Section 13(1) of the said Acts.

3. Gaming Act 1968:Section 34: Applications for Licences

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on applications under Section 34 of the Gaming Act 1968 for permits for gaming machines. The Committee agreed to grant the following applications:-

The Windmill Centre Hamilton Street Saltcoats	65 machines
BaseBowl 60 Hamilton Street Saltcoats	2 machines
Red Nightclub Bridgegate Square Irvine	3 machines

4. Lotteries and Amusements Act 1976: Application for Licence

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 Committee agreed to grant the following application:-

The Windmill Centre
Hamilton Street
Saltcoats

5. Pennington Interim and Final Reports

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on provision of additional funding to enable the Council to undertake the increased duties brought about as a result of the Pennington Report and on the information sought from the Council on how it has utilised the resources already made available.

In April 1997 the Pennington Group published its report, the findings of which were fully endorsed by the Government in May 1997. The Government asked all authorities to implement the recommendations contained in the report and, recognising the significant resource implications this would have on authorities, announced that additional funding would be available commencing in financial year 1997/98 and extending to 1999/2000. North Ayrshire Council's allocation was £36,711 in 1997/98; £70,703 in 1998/99; and £50,308 in 1999/2000 and a programme for utilising these resources was agreed by the Committee in September 1997.

This funding has now been extended to 2002 and details of how these additional resources may be used were set out in the report. Information is also sought on how the Council has utilised the resources already allocated.

The Committee agreed to (a) approve the proposed package to utilise the additional funds and enhance food safety in North Ayrshire; and (b) advise The Scottish Office of the measures undertaken to utilise the resources allocated to implement the Pennington recommendations as indicated in the report.

6. Civic Government Act (Scotland) Act 1982: Review

Submitted report by the Chief Executive on a proposed response to the recommendations of COSLA's Task Group on the Civic Government (Scotland) Act 1982.

In March 1998 the Committee considered a report on a questionnaire issued by the COSLA

Task Group set up to review the Civic Government (Scotland) Act 1982 and agreed to authorise the Legal Services Manager, in consultation with the Chair and Vice Chair, to submit a detailed response to COSLA.

COSLA is now seeking comments on the recommendations that the Task Group will make to the Protective Services Forum meeting to be held on 26th February 1999. These recommendations have been formulated following consideration of all the proposals for amendment that Scottish Councils put forward in response to the Task Group's consultation in January/March 1998. Comments on the recommendations are sought no later than 12 February 1999 and, in view of this timescale, it was proposed that the Committee should authorise the Assistant Chief Executive (Legal and Regulatory), in association with the Chair and Vice Chair, to submit a detailed response to COSLA

The Committee agreed (a) that a copy of the Task Group's recommendations be circulated to members of the Committee and that any comments be passed to the Assistant Chief Executive (Legal and Regulatory) by 8th February 1999; (b) thereafter, to authorise the Assistant Chief Executive (Legal and Regulatory), in consultation with the Chair and Vice Chair, to prepare and submit a detailed response to COSLA; and (c) to receive a report on the terms of the response at the March meeting of the Committee.

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 item of business on the grounds that it involved the likely disclosure of exempt information 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 Assistant Chief Executive (Legal and Regulatory) 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.

The Committee agreed to dispose of these matters as indicated in parts I, II and II of the attached Appendix (PROS I).

Meeting ended at 4.35 p.m.

**Protective Services Committee
21/01/99**

Appendix No **P&R1**

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/164	Thomas A McCallum	Grant
2.	TDL/049	Stephen W A Neill	Grant
3.	TDL/563	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.
4.	TDL/276	William Lothian	Grant
5.	TDL/436	Gerald M Vicars	Grant
6.	PHCDL/026	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.
7.	STL/O/097	As per application	Continued.
8.	LHCL/069	Mohammad Anwar	Grant

9.	LHCL/062	Mohammed Shabir	Grant
10.	LHCL/068	Manzoor Ahmed	Grant
11.	SHDL/032	Alma Mackie	Grant
12.	PCC/ 99/06	Eye Eye	Grant

Part II: Reports in Respect of Individual Licence Holders

Type of Licence/ Reference No

Decision

1. TDL/500 & TL/113 - That no proceedings be taken with regard to suspension at this time but that the licence holder be advised that any further instances would result in a full review being undertaken including the issues now reported.
2. TDL/839 - That no proceedings be taken with regard to suspension at this time but that the licence holder be advised that any further instances would result in a full review being undertaken including the issues now reported.
3. TDL/685 & TL/151 - Having received a verbal report from the Solicitor (Licensing) the Committee agreed to proceed to a Hearing in respect of both licences on the basis of the information submitted.
4. TDL/585 & TL/191 - Having received a verbal report from the Solicitor (Licensing) the Committee agreed to proceed to a Hearing in respect of both licences on the basis of the information submitted.

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

Licence Type/ reference No.

Date Received

Decision

1. TDL/108

30th September 1998

Grant

The applicant having been duly cited did not attend the Hearing but did submit a written statement. The Solicitor (Licensing) outlined the background to the Hearing as intimated to the applicant in letter dated 16th December 1998 before withdrawing from the meeting.

In granting the licence the Committee agreed to restrict the period of grant in terms of Paragraph 8 (2) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982 to one year.

2. STL/O/037 & STL/O/122

30th September 1998

Continued.

The applicant having been duly cited attended the Hearing together with a representative and agreed that the Hearings be taken together, the circumstance being the same in each case. The Solicitor (Licensing) outlined the background to the Hearing as intimated to the applicant in letters dated 21st December 1998 and 6th January 1999, and the applicant and her representative then addressed the Committee.

The Committee agreed to continue consideration of the matter for further information.

3. TDL/660 8th October 1998 Withdrawn

The applicant advised the Committee that he wished to withdraw the application.

4. CL/002 18th April 1998 Grant

The applicant having been duly cited attended the Hearing. The Solicitor (Licensing) outlined the background to the Hearing as intimated to the applicant in letter dated 23rd December 1998. Thereafter the applicant addressed the Committee before withdrawing from the meeting along with the Solicitor (Licensing).

In agreeing to grant the application the Committee further agreed that the Building Control and Environment Sections should undertake regular monitoring of the premises.

5. PEL/031 12th August 1998 Grant

The applicant having been duly cited did not attend the hearing but was represented. The Solicitor (Licensing) outlined the background to the Hearing as intimated to the applicant in letter dated 21st December 1998. The applicant's representative then addressed the Committee before withdrawing from the meeting along with the Solicitor (Licensing).

6. TDL/693 29th July 1998 Refuse

The applicant having been duly cited did not attend the hearing. The Solicitor (Licensing) outlined the background to the Hearing as intimated to the applicant in letters dated 2nd November and 1st December 1998 before withdrawing from the meeting.

The Committee agreed to refuse the application on the grounds indicated in Schedule 1 Paragraph 5 (30 (a) (ii) of the Civic Government (Scotland) Act 1982.

7. TDL/061 25th September 1998 Grant

The Committee, having heard the applicant in explanation of his failure to attend for a hearing as cited, agreed to consider the application. The Solicitor (Licensing) outlined the background to the Hearing as intimated to the applicant in letter dated 22nd December 1998. The applicant then addressed the Committee before withdrawing from the meeting along with the Solicitor (Licensing).

In granting the licence the Committee agreed to restrict the period of grant in terms of Paragraph 8 (2) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982 to six months.