

Protective Services Committee
11 June 1998

Irvine, 11 June 1998 - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Jack Carson, Thomas Barr, Joseph McKinney and Thomas Morris

In Attendance

The Legal Services Manager, J. Kerr, Principal Licensing and District Court Officer, L. McHugh, Licensing Officer, M. McCann, Administrative Assistant (Legal Services), J. Delury, Principal Building Control Officer (Planning, Roads and Environment) and M. McKeown, Administration Officer (Chief Executive) and Chief Superintendent Anderson, Strathclyde Police.

Chair

Mr. Carson in the Chair

Apologies for Absence

Ian Clarkson, John Donn, Elliot Gray, George Steven and Richard Wilkinson.

1. Minutes Confirmed

The Minutes of the Meeting of the Committee held on 30 April 1998, copies of which have previously been circulated, were confirmed.

2. Gaming Act 1968 Section 34: Applications

Submitted report by the Legal Services Manager on an application for a permit under Section 34 of the Gaming Act 1968. The Committee approved the following application:-

<u>Applicant</u>	<u>No of Machines</u>
Fry Fare, 20/22 Nelson Street, Largs	1 machine.
3. Byelaws on the Prohibition of Consumption of Alcohol in Public Places	

Chief Superintendent Anderson updated the Committee on the operation of the Byelaws on the Prohibition of Consumption of Alcohol in Public Places within North Ayrshire.

Since they came in to force on 1st June 1998 some 226 warnings had been issued in respect of breaches of the Byelaws. The Police will continue to issue warnings until the end of June 1998, after which subsequent breaches will be reported to the Procurator Fiscal for the imposition of fines or for possible legal action. Notices will meantime be placed at strategic locations within North Ayrshire to alert the general public of the Byelaws.

Noted.

4. Management Rules for Cemeteries

Submitted report by the Chief Executive on the introduction of Management Rules for Cemeteries within North Ayrshire.

In 1997, the Cemeteries Review identified the need for some form of regulation within the North Ayrshire Council cemeteries relating to the service delivery, detailing the various procedures required to be carried out by the public, undertakers, clergy and the Council. The Charter for the Bereaved, prepared by the Institute of Burial and Cremation Administration appeared to offer a suitable document for this purpose, however due to the difference between English and Scottish law, the Scotland and Northern Ireland branch of the Institute decided that an alternative should be drawn up for Scotland, to be incorporated within Management Rules.

On 6 May 1998 the Commercial Services Committee agreed to implement proposals to introduce Management Rules for North Ayrshire Council's cemeteries and agreed to refer the matter to the Protective Services Committee to authorise the formal consultation procedure required under Section 112 of the Civic Government (Scotland) Act 1982.

After discussion the Committee agreed (i) to note the decision of the Commercial Services Committee to approve the introduction of Management Rules within North Ayrshire Council cemeteries; and (ii) to instruct the Legal Services Manager to undertake the formal procedure for Management Rules in terms of Section 112 of the said Act.

5. Building (Scotland) Act 1959 and 1970: Order in respect of 28 High Street, Irvine (property to the rear of)

Submitted report by the Director of Planning, Roads and Environment seeking an Order under Section 13(2) of the Building (Scotland) Act 1959 and 1970 requiring the owner of the property to the rear of 28 High Street, Irvine to carry out work specified in the Notice served under Section 13(1) of the said Act.

The Building Control Division received information 10th March 1998 regarding the condition of the derelict cottage to the rear of the building at 28 High Street, Irvine. A survey of the building was carried out on 11th March 1998 to assess the condition of the building and this revealed that the roof structure had been damaged by fire, all internal support walls and floors removed and the masonry forming the north-west elevation damaged.

A Notice under Section 13(1) of the Building (Scotland) Act 1959 and 1970 was served on the Receivers of the premises on 16 March 1998 to carry out such works as specified in the Notice to ensure public safety. Notice was served on the Receivers on 24th March 1998 advising them of the Council's intention to make an order under Section 13(2) of the Act. No works have been commenced to date and it is now for the Council to make an Order under Section 13(2).

If the Order is not complied with or appealed within a time limit of 21 days of the date making the Order the Council may execute the operations which the owner has failed to execute, or demolish the building. Any costs incurred by the Council in executing their functions under Section 13(2) of the Act shall be recoverable by the Council from the owner of the building as a debt.

The Committee agreed (a) to make an Order under Section 13 (2) of the Building (Scotland) Act 1959 and 1970; and (b) to delegate to the Chair and Vice-Chair of the Committee in consultation with the Principal Officer Building Control to decide on appropriate action in the event of the Order not being complied with.

6. Register of Licence Applications - Supply of Information

Submitted report by the Legal Services Manager on the setting of a fee for the supply of information on licences issued by North Ayrshire Council in respect the Civic Government (Scotland) Act 1982.

As licensing authority in terms of the Civic Government (Scotland) Act 1982 the Council is required to hold a Register of Applications for all licenses issued under that legislation. From time to time requests are received from agencies seeking copies of the lists of licenses issued by the Council. Some of these enquiries are from government or authorised statutory agencies while others come from trade interests.

The provisions of the 1982 Act stipulate that the Register of Applications "shall be open to the inspections of any member of the public at such reasonable times and places as may be determined by the licensing authority and any member of the public may make a copy thereof or an extract therefrom". A fee may be charged by the licensing authority for the issue of certified true copy of every entry in the Register.

If as is the basis of the current requests the enquirer wishes to obtain the full Register in respect of specific types of licences, then in such circumstances a fee of £50.00 would be chargeable covering staff time involved in producing the whole list. Where the enquirer wishes to obtain a certified true copy of an extract from the Register then this would require to be certified by an authorised officer of the Council and the cost of such would be £5.00 per extract.

After discussion the Committee agreed to the supply of copies of the Register of Applications for licences and of extracts therefrom subject to payment of a fee as follows:-

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| a) | Fee for individual licence copy | £ 2.00 |
| b) | Fee for copy of full list of licence holders (per activity) | £50.00 |
| c) | A certified copy of extract from Register | £ 5.00 |

7. Urgent Items

a) Special Meeting

Members were advised that a Special Meeting of the Protective Services Committee will take place on Wednesday 29 July 1998 at 2.00 p.m. in the Council's Office.

Exempt Information

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

9. Civic Government (Scotland) Act 1982

Submitted report by the Legal Services Manager on applications for (a) the grant or renewal of licences under the Civic Government (Scotland) Act 1982; (b) on individual licence holders where the issues raised may require a Hearing in terms of Section 11 of the said 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 the applications for the grant or renewal of licences as indicated in Appendix PROS1; (b) to deal with the individual licence holders on the basis indicated in

Part II of the said Appendix; and (c) to dispose of the hearings as indicated in Part III of the said Appendix.

Meeting ended at 4.20 p.m.