

Protective Services Committee
12 June 1997

Irvine, 12 June 1997 - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Jack Carson, Thomas Barr, James Clements, Joseph McKinney and Thomas Morris.

In Attendance

The Director of Housing Services; the Head of Corporate Business; the Legal Services Manager; J. Kerr, Principal Licensing and District Court Officer; A. Moynihan, Principal Trading Standards Officer (Legal Services); D. Nibloe, Principal Officer (Budgeting and Accountancy) (Financial Services); J. Delury, Principal Building Control Officer; K. McMunn, Senior Environmental Health Officer (Planning, Roads and Environment); M. Hewitt, Corporate Policy Officer and B. Hannah, Administration Officer (Chief Executive).

Chair

Mr. Carson in the Chair.

Apologies for Absence

Elliot Gray and Richard Wilkinson.

1. Minutes Confirmed

The Minutes of the Meeting of the Protective Services Committee held on 2 May 1997, copies of which had previously been circulated, were confirmed.

2. Food Safety Act 1990 and Agriculture Act 1970: Appointment of Public Analysts, Food Examiners and Agricultural Analysts

Submitted report by the Director of Planning, Roads and Environment on the appointment of Public Analysts, Food Examiners and Agricultural Analysts.

Glasgow City Council are the lead authority in relation to Analytical Services and North Ayrshire Council have an agreement to utilise the services of Analysts appointed by Glasgow City Council. The City Analyst has advised the Council that, due to staff changes within his department, the Council require to appoint replacement Analysts.

The Committee agreed to make the undernoted appointments under the Food Safety Act 1990 and Agricultural Act 1970:-

<u>Name</u>	<u>Analyst</u>
Dr. C. McDonald	Public Analyst, Agricultural Analyst and Food Examiner
Mr. G. Walker	Public Analyst, Deputy Agricultural Analyst

Mr. S. Joyce	Public Analyst, Deputy Agricultural Analyst
Mr. J. Waddell	Food Examiner
Mrs. K. Stanton	Food Examiner

3. Gaming Act 1968: Section 34(E): Amusement Arcades: “All Cash” Machines

Submitted report by the Legal Services Manager detailing the number of amended gaming machine permits issued for “all cash” machines under Section 34(E) of the Gaming Act 1968.

“All cash” machines permit a total cash prize to the value of £10 to be paid out for any one win and require to be enclosed within a distinct and separate area within an amusement arcade, the access to which must be supervised and restricted to over 18s only.

Of the 14 amusement arcades within North Ayrshire 11 have applied for and received permits to operate “all cash” machines. With the exception of 1 of the premises, the operators have fully complied with the terms of the legislation. Enforcement action against this operator can be pursued when an application for the “renewal” of the permit is received.

Noted.

4. Civic Government (Scotland) Act 1982: Part V: Public Processions

Submitted report by the Legal Services Manager detailing proposed procedures in respect of public processions with regard to funeral parades involving the Loyal Orange Order and similar organisations.

Any person or organisation wishing to organise a public procession must give a minimum of 7 days notice of their intention to Strathclyde Police. Where no exemption order exists in respect of the procession it is also necessary to lodge an application with the Council. The majority of processions which take place are organised by parties who are exempt but all sectarian and political processions require the permission of the Council. The current procedures do not include any provision in relation to funeral processions involving political or sectarian organisations. Funeral processions require to be organised at relatively short notice and the organisers, in most cases, are unable to give the Police seven days notice of the intention to hold a procession.

Two recent funerals involving the Orange Lodge demonstrated the need for formal procedures to deal with such requests in order to resolve any difficulty that the organisers of such funerals may encounter in relation to the funeral’s route, presence of a band, etc.

After discussion the Committee agreed to adopt the undernoted procedures in relation to funeral processions involving the Loyal Orange Order and similar organisations:-

- a) that the notification requirements in respect of such processions will require the organisers to

- give Strathclyde Police a minimum of 24 hours notice of the route of the funeral procession;
- b) that any bands accompanying the cortege are excluded from the procession but may join the cortege at the gates to the cemetery; and
 - c) that the requirement to give North Ayrshire Council 7 days notice of the procession be waived.

5. Civic Government (Scotland) Act 1982: Street Traders' Licences

Submitted report by the Legal Services Manager on a review of the licensing of Street Trader Operators and employees.

The Council have resolved to licence Street Traders in terms of Section 39 of the Civic Government (Scotland) Act 1982. The procedures and fees in respect of Street Trader Licensing adopted by North Ayrshire Council were those used by the former Cunninghame District Council. A review of these procedures has now been carried out and a number of amendments are proposed to improve the licensing system namely:-

- a) that, in accordance with the current legislation, the duration of Street Trader Operator and Street Trader Employee licences be increased to a period of 3 years or, such shorter period as the Council may decide at the time when they grant or renew a licence;
- b) that the fees and charges in respect of Street Trader Operator and Employee licences be increased to offset the costs involved in the licensing system to:-
 - i) Street Trader Operators Licence - £170;
 - ii) Street Trader Employees Licence - £85;
 - iii) Temporary Licences - Operators - £120 and Employees - £65;
- c) that each licence be issued in respect of a maximum of 1 vehicle in order to avoid difficulties with multi-vehicle applications in relation to suspension procedures, should these be required;
- d) that an increased fee of £80 be charged for substitute vehicles to meet the licensing authority's costs in relation to the issue of Certificates of Compliance from the Director of Planning, Roads and Environment and the issue of amended licences; and
- e) that the present system of defining the area of operations of Street Traders be retained with those Traders intending to trade from a static location being required to submit evidence of any planning consent obtained in association with the application for the grant or renewal of a licence.

After discussion the Committee agreed (i) to adopt the recommendations contained in the report with regard to the revised licensing system for Street Trader Licensing; and (ii) that, due to the transient nature of some Street Trader Employees to offer, in addition to the standard 3 year licence, a 1 year Street Trader Employees Licence at a fee of £40 on the basis that no reminders will be issued by the Licensing Section in relation to their renewal.

6. Institute of Trading Standards Administration: Annual Conference and Exhibition

Submitted report by the Legal Services Manager on an invitation to attend the Institute of Trading Standards Administration's Annual Conference and Exhibition to be held in Antwerp between 24 and 26 June 1997.

The Committee agreed not attend.

7. Alco-pops

The Legal Services Manager reported that, on 27 May 1997 the Corporate Strategy Committee agreed (a) to advise the government of the Council's concerns regarding the promotion, marketing and sale of alco-pops; and (b) to remit to the Protective Services Committee to take up the issue.

The Scottish Office, the Portman Group, the drinks industry's watchdog and COSLA have now been advised of the Council's concerns in relation to alco-pops.

The Home Secretary has established a Working Group to review the issue of alco-pops. In addition, the Scottish Office (Health Department) recently launched a campaign against under age drinking. The campaign will involve "cops in shops" in an attempt to ensure that the provisions of the Licensing (Scotland) Act 1976 are adhered to. The Portman Group, have called for increased powers to enable them to take punitive sanctions against members failing to comply with codes of conduct, etc.

After discussion the Committee agreed that the Legal Services Manager submit a report to a future meeting of the Committee detailing the outcome of the Home Secretary's Working Group established to review issues relating to the sale of alco-pops.

8. Urgent Items

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

9. Irvine: 19 Hill Street

Submitted report by the Director of Planning, Roads and Environment seeking approval to make an Order under Section 13(2) of the Building (Scotland) Acts 1959 and 1970 in respect of works required to secure 19 Hill Street, Irvine against entry and to remove loose slates from the roof of the building.

On 17 April 1997 a complaint was received regarding the dangerous condition of the building at 19 Hill Street, Irvine. An inspection was therefore carried out by the Building Control Section to assess the nature of the alleged danger. The inspection noted that there were loose slates on the roof and that access was possible through the windows and door. The internal floorboards had been removed in various locations creating holes in the floor. The building was deemed to be dangerous to people inhabiting it and to the public generally.

On 30 April 1997 a Notice was served in terms of Section 13(1) of the Building Control (Scotland) Acts 1959 and 1970 on the owner of the property. As no remedial works had been carried out by 7 May 1997, a Notice in respect of Section 13(2)(Notice of Intention to Make An Order) was served on the owner of the property. A further inspection of the property was made on 13 May 1997 which revealed that no works had commenced.

The Committee agreed that an Order under Section 13(2) of the Building (Scotland) Acts 1959 and 1970 be served on the owner requiring (a) that the building be secured against entry; and (b) the removal of loose slates from the roof of the property.

10. Exclusion of Public

Resolved, in terms of Section 50(A)(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 7A to the Act.

11. Trinity Centre, Irvine

The Director of Housing Services reported on recent developments in relation to structural problems identified in the steeple of the Trinity Centre, Irvine.

A survey of the steeple has recently been carried out and certain concerns over its condition have led to a programme of action being developed. This has been done in consultation with the appropriate Council Directorates, the Trustees and Land Securities Management.

The emphasis of the programme is to (a) ensure public safety; and (b) contain any further structural deterioration of the Trinity Centre.

The Principal Building Control Officer reported on Notices served on the Trustees of the Centre together with details of the Structural Engineer's interim findings in relation to the condition of the steeple.

The Head of Corporate Business further reported on the requirement to relocate the Reporter's Staff from Rivergate House and of ongoing negotiations with Land Securities Management.

After discussion the Committee (i) homologated the action already taken; and (ii) to authorise the appropriate Officers to take any further steps necessary to ensure public safety and contain the structural deterioration of the Trinity Centre.

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

Submitted the annexed list (Appendix PROS1) of applications for licences 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.

13. Hearings

Submitted report by the Legal Services Manager on applications to be heard by the Committee:-

(a) Public Charitable Collection

The Committee considered an application for the grant of a Public Charitable Collection submitted by A. McT. The applicant had been invited to attend the meeting or make a written statement in support of his application. The applicant was neither present at the meeting nor had any written submission in support of the application been received.

Having considered the matter before them the Committee agreed to refuse the application in terms of Section 119(6) of the Civic Government (Scotland) Act 1982;

(b) Late Hours Catering Licence: LHCL/051(N)

The Committee considered an application for the grant of a Late Hours Catering Licence between the hours of 1.00 a.m. and 5.00 a.m. in respect of The Aquarium, 1 Beach Park, Harbourside, Irvine.

The Committee received the applicant, Mr. Mark Evans together with Superintendent Johnstone, Sergeant Hercus and Sergeant Galloway, Strathclyde Police.

Superintendent Johnstone detailed the Police representations in relation to the application having regard to the possibility of undue public nuisance/public disorder.

The applicant gave details of the clientele which he intended to attract to the premises with the

benefit of the Late Hours Catering Licence together with this business position and market research conducted in relation to the licence application.

Questions were then put to and answered by Strathclyde Police and the applicant.

Having considered the submissions before them, the Committee agreed that the application be refused in terms of Paragraphs 5(3)(c)(IV) and (V) and 5(3)(d) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the basis of public order and public safety together with insufficient evidence of unmet demand.

(c) Late Hours Catering Licence: LHCL/048(N)

The Committee considered an application for the grant of a Late Hours Catering Licence submitted by the owners of Clyde Coast Services Limited in respect of the Pier Garage, 2 Kelburn Avenue, Fairlie.

The applicants had been invited to attend the meeting or make a written submission in support of the application. The applicants were not present at the meeting and had submitted no written submission in support of the application.

Having considered the application the Committee agreed to grant the licence on condition that the premises are only open for the purposes of late hours catering during the hours of 11.00 p.m. to 1.00 a.m.

(d) Street Trader Operator Licence: STL/O/004(R)

The Committee considered an application for the grant of a Street Trader Operator Licence submitted by J.T.

The applicant had been invited to attend the meeting or make a written submission in support of the application. The applicant was not present at the meeting and had submitted no written submission in support of the application.

Having considered the matter before them the Committee agreed that the application be refused in terms of Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the basis that the applicant is not a fit and proper person to be the holder of a Street Trader Operator Licence by virtue of the convictions recorded against him.

The Meeting ended at 3.00 p.m.

Protective Services Committee
12/06/97

Appendix No
PROS 1

Applications for Licences/Renewal of Licences/Permits

Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision
<u>Late Hours Catering Licence</u>		
1. LHCL/039(N)	Arshad Ali	Agreed to grant
<u>Private Hire Car Driver Licence</u>		
2. PHCL/041(N)	J.H.B.	Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee.
<u>Street Trader Employee Licence</u>		
3. STL/E/129(N)	Samuel Jaconelli	Agreed to grant
4. STL/E/128(N)	Thomas Gordon	Agreed to grant
5. STL/E/130(N)	J.E.B.L.	Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee.

Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision
<u>Second Hand Dealers Licence</u>		
6. SHDL/077(N)	Neil M.T. Speirs	Agreed to grant
<u>Taxi Drivers Licence</u>		
7. TDL/867(N)	George D. Gallagher	Agreed to grant
8. TDL/234(N)	William Mullen	Agreed to grant
9. TDL/784(N)	Connie M. Payne	Agreed to grant
10. TDL/782(N)	Gwendoline C. Fowlie	Agreed to grant
11. TDL/777(N)	J.M.	Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee.
12. TDL/118(R)	David H. Forrester	Agreed to grant
13. TDL/755(R)	William Morris	Agreed to grant

14. TDL/126(R)	A.J.C.	Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee.
Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision
15. TDL/249(R)	Graham C. Dewhurst	Agreed to grant
16. TDL/282(R)	Colin R. McArthur	Agreed to grant
17. TDL/687(R)	Ernest Baker	Agreed to grant
18. TDL/705(R)	William Alexander	Agreed to grant
19. TDL/839(R)	David Wright	Agreed to grant
20. TDL/870(R)	John McLean	Agreed to grant
<u>Taxi Licences</u>		
21. TL/239(R)	John Russell	Agreed to grant
22. TL/060(R)	Arnold S. Good	Agreed to grant
23. TL/154(R)	Robert McDerment	Agreed to grant

24. TL/074(R)	Norman Campbell	Agreed to grant
25. TL/015(R)	Norman Campbell	Agreed to grant
26. TL/182(R)	Norman Campbell	Agreed to grant
Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision
27. TL117(R)	John L. Graham	Agreed to grant
28. TL/118(R)	Andrew Morrison	Agreed to grant
<u>Taxi Drivers Licences</u>		
29. TDL/256(R)	Daniel Tudhope	Agreed to grant
30. TDL/290(R)	Robert B. Smith	Agreed to grant
<u>Street Trader Operators Licences</u>		
31. STL/O/013(Temporary)	Yasmin Kayes	Agreed to grant