

Protective Services Committee
3 September 1998

Irvine, 3 September 1998 - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Jack Carson, Thomas Barr, Ian Clarkson, James Clements, John Donn, David Gallagher, 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; M. McCann, Administrative Assistant (Licensing) (Legal Services); J. Delury, Principal Building Control Officer (Planning, Roads and Environment); and M. McKeown, Administrative Officer (Chief Executive).

Chair

Councillor Carson in the Chair.

Apologies for Absence

Patrick Browne, Elliot Gray and Joseph McKinney.

1. Minutes Confirmed

The Minutes of the Meeting of the Committee held on 11 June 1998, copies of which have previously been circulated, were confirmed.

2. Building (Scotland) Act 1959 and 1970: Approval to Serve Orders

Submitted report by the Director of Planning, Roads and Environment seeking Orders under Section 13(2) of the Building (Scotland) Act 1959 and 1970 requiring the owners of the following properties to carry out work specified in the Notice served under Section 13(1) of the said Act:-

- a) Hawkhill Farm, Kilwinning Road, Stevenston;
- b) Glencairn Nursery, Glencairn Street, Stevenston; and
- c) 1 & 6 (Rear) Stuart Street & 2 Cardiff Street, Millport.

After consideration of the background of each case, the Committee agreed, in respect of each property, to make an Order under Section 13 (2) of the Building (Scotland) Act 1959 and 1970.

3. Management Rules for Cemeteries

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

On 6 June 1998 the Committee approved the introduction of Management Rules within North Ayrshire Council Cemeteries and instructed the Legal Services Manager to undertake the formal procedure for Management Rules in terms of Section 112 of the Civic Government (Scotland) Act 1982.

The draft Management Rules were duly advertised in the local press and a consultation period of 1 month was set aside for receipt of comments. This period ended on 17 August 1998

and no comments were received.

The Committee agreed (a) to the introduction of the Management Rules with effect from 1 October 1998; (b) that the following individuals be designated as authorised Officers in terms of the Civic Government (Scotland) Act 1982 for the purposes of the Management Rules:-

David McCall, Cemeteries Manager;

Gilbert Cannan, Assistant Cemeteries Manager;

Guy Scott, Cemeteries Supervisor; and

(c) that the Cemeteries Manager review the appropriateness of signs and notices within North Ayrshire Cemeteries.

4. Taxi and Private Hire Car Drivers

Submitted report by the Legal Services Manager on proposals by the Ayrshire and Arran Tourism Industry Forum Training and Development Project Group for training Taxi and Private Hire Drivers in 'Conference Care' and/or 'Welcome Host' courses.

On 14th July 1998 a meeting was held between Ayrshire and Arran Tourism Industry Forum Training and Development Project Group and Licensing Officers from North, South and East Ayrshire Councils to consider proposals to bring taxi/private hire car drivers within the scope of the customer care training being organised for sectors of tourism operators in Ayrshire and Arran.

The meeting provided the Project Group with information with regard to the number of persons involved, the methods of licensing within each authority and the legal restrictions imposed on the authorities with regard to the recoverability of costs and, on the basis of this information, the Project Group was able to identify two courses - 'Conference Care' and 'Welcome Host' to provide training in customer care for drivers. It was noted that it would be for the trade itself to decide which would be more advantageous and to consider the commercial advantages of having drivers undertake these courses.

The consensus of the Licensing Officers was that given the manner in which the trade operates, it would be more appropriate to deal with the operators rather than with the drivers directly, and it was not considered feasible to make attendance at such courses mandatory to the grant/renewal of a licence.

After discussion the Committee agreed to (a) approve in principle the proposals by the A & A.T.I.F Training and Development Project Group and to await more detailed proposals; (b) notify all taxi and private hire car operators of the proposals with regard to these courses when information becomes available; (c) limit the cost to the licensing authority to this notification and to the provision of accommodation only; and (d) receive further reports highlighting feedback from the operators on the proposals and on the eventual uptake of places on the courses.

Exempt Information

5. 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.

6. Urgent Items

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

a) Pet Animals Act 1951: Application for a licence

The Principal Licensing and District Court Officer advised the Committee that an application had been received from Mr N. McLeod for the grant of a Pet Shop Licence in respect of the premises at 26/28 Main Street, Largs in terms of the Pet Animal Act 1951.

No objections from the consultees to the granting of the licence have been received and in terms of the legislation the health and safety aspects have been complied with. Members noted the information submitted by the proprietor of the pet shop at 136 Main Street, Largs.

After discussion the Committee agreed to grant the licence.

7. Civic Government (Scotland) Act 1982: Taxi and Private Hire Car Drivers Medical Examination

Submitted report by the Legal Services Manager on a review of the fees for Medical examinations in respect of Taxi and Private Hire Car Drivers.

The Civic Government (Scotland) Act 1982 authorises Licensing Authorities to request medical examinations of applicants for Private Hire Car and Taxi Drivers Licences, the cost of which is met by the Authority. Since October 1996 these examinations have been conducted on behalf of the Council by a local medical practitioner and a fee of £40 per is charged for each examination.

No review of the fees has been undertaken since October 1996, and it was proposed that the fees should now be increased to £43.40 in line with the British Medical Association's current recommendations for 'Occupational Physicians working outwith the NHS', and that fees should be reviewed annually thereafter in line with these guidelines.

The Committee agreed to (a) increase the fee for medical examinations to £43.40 in accordance with the B.M.A.'s guidelines; and (b) authorise an annual review of this fee in accordance with future B.M.A guidelines.

8. Licensing (Scotland) Act 1976: Council as Formal Objector to Licence Holder

Members of the Committee who also serve on North Ayrshire Licensing Board and the Legal Services Manager withdrew from the meeting prior to discussion of this item.

Submitted report by the Legal Services Manager on the exercise by the Council of its right to lodge a formal complaint with North Ayrshire Licensing Board in respect of the licence holder of 89 Dockhead Street, Saltcoats, both on the question of the fitness of that person to be a licence holder and in terms of the operation of the business premises.

Under the Licensing (Scotland) Act 1976 Section 16(f) the Council may act as a formal objector/complainer against licence holders and licensed premises and, under the Council's scheme of delegation to officers, the Chief Executive is authorised to lodge such a complaint in respect of convictions where the licence holder has contravened the terms of the said Act.

The background to the case of a convicted for selling fireworks to an underage person was set out for members' consideration, and the options open to the Committee in respect of making a formal complaint to the North Ayrshire Licensing Board were explained.

After a full discussion the Committee agreed (a) that the Chief Executive lodge a formal complaint with the North Ayrshire Licensing Board in respect of the licence holder of the premises at 89 Dockhead Street, Saltcoats once the outcome of the matters presently sub judice are known.

9. 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) individual licences where the issues raised may require a Hearing; and (c) individual licence holders where a Hearing has been convened and which requires to be determined by the Committee.

The Committee agreed to dispose of these matters as indicated in parts I, II and III respectively of the attached Appendix (PROS1).

The Meeting ended at 3.10 p.m.

Protective Services Committee
03/09/98

Appendix No **PROS1**

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/280	Alister J Gill	Grant
2.	TDL/321	Thomas Smith	Grant
3.	TDL/352	Michael Cassidy	Grant
4.	STL/E/010	Andrew Gordon	Grant
5.	STL/E/020	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
6.	LHCL/067	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.	PHCL/143	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
8.	01/PPC/98/059		Grant

Part II: Reports in Respect of Individual Licence Holders

	<u>Type of Licence/ Reference No</u>	<u>Decision</u>
1.	TDL/796	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/394	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

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	N/A	Continued
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2.	TDL/813	N/A	Suspend Licence
The applicant having been duly cited, did not attend the Hearing. The Solicitor (Licensing)			

advised the Committee as to the background to the Hearing as intimate to the applicant in letter dated 4 August 1998.			
The			

Com mitt ee agre ed to susp end the licen ce on the grou nds indic ated in Para grap h 11(2) (a) of Sche dule I of the Civi c Gov ernm ent			
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(Scotland) Act 1982 for the duration of the existing licence period.			
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