

Protective Services Committee  
2 May 1997

**Irvine, 2 May 1997** - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Jack Carson, Thomas Barr, Joseph McKinney, Thomas Morris and Richard Wilkinson.

**In Attendance**

The Legal Services Manager, J. Kerr, Principal Licensing and District Court Officer (Legal Services), M. Hewitt, Corporate Policy Officer and B. Hannah, Administration Officer (Chief Executive).

**Chair**

Mr Carson in the Chair.

**Apologies for Absence**

I. Clarkson, J. Clements, D. Gallagher, E. Gray and G. Steven.

**1. Minutes Confirmed**

The Minutes of the Meeting of the Protective Services Committee held on 20 March 1997, copies of which had previously been circulated, were confirmed.

**2. Local Government (Scotland) Act 1973: Proposed Byelaws for the Prohibition of the Consumption of Alcohol in Public Places**

Submitted report by the Legal Services Manager on the findings of the Working Group established by the Committee on 26 September 1996 to consider the problems associated with drinking in public places and their possible solutions.

The Working Group comprised of representatives of the Protective Services Committee, Area Committees, Licensing Board, Justice of the Peace and Community Councils together with representatives of Strathclyde Police and specific Council Directorates.

The Working Group met on two occasions to consider the problems associated with the consumption of alcohol in public places and, in particular, the possible introduction of byelaws to control drinking in public. Three options emerged for consideration namely:- (a) no action be taken to introduce byelaws within North Ayrshire for this activity; (b) the introduction of byelaws for specific areas of North Ayrshire; and (c) the introduction of byelaws for the whole of North Ayrshire. Having considered the various options the Group agreed to recommend that the introduction of byelaws for the whole of North Ayrshire would be appropriate given the possibility of displacement which may arise were site-specific byelaws to be introduced.

The Legal Services Manager reported on a number of legal issues which would require to be investigated prior to the introduction of such byelaws, as recent experience has shown that the Scottish Office have rejected "blanket" byelaws for non-city areas. Byelaws would therefore have to be specific in defining the towns/areas to which they relate. In addition, should the Council agree to introduce byelaws, a statutory consultation process would require to be undertaken and, if representations are received on the Council's proposals, a public local inquiry may be held to resolve any issues prior to the confirmation of the byelaws by the Secretary of State for Scotland.

After discussion the Committee agreed (i) to approve, in principle, the introduction of byelaws for the whole of North Ayrshire; and (ii) to instruct the Legal Services Manager to submit a report to a future meeting of the Committee detailing the proposed areas to be covered by such byelaws.

### **3. Gaming Act 1968: Section 34(E)**

Submitted report by the Legal Services Manager on an application for a permit for the installation of 40 machines under Section 34(E) of the Gaming Act 1968 in respect of premises known as The Funarium, Upper Level, Units 9-12, Bridgegate Square, Irvine.

The Committee agreed to approve the application.

### **4. Exclusion of Public**

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 that they involve the likely disclosure of exempt information as defined in Paragraphs 6, 13 and 14 of Part 1 of Schedule 7A of the Act.

### **5. 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.

### **6. Hearings**

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

#### **(a) Taxi Driver's Licence: TDL/742(N)**

The Committee considered an application for the grant of a Taxi Driver's Licence for J.F.

The applicant had been invited to attend the Meeting or make a written submission in support of his application. The invitation forwarded to the applicant has been returned as undelivered by the Post Office. The current whereabouts of the applicant are unknown to the Legal Services Department.

Having considered the matter 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 Taxi Driver's Licence by virtue of the convictions recorded against him.

#### **(b) Street Trader Employee's Licence: STL/E/106(N)**

The Committee received the applicant who advised that his application relates to the grant of a Street Trader Employee's Licence. The applicant gave details of his current circumstances and convictions.

Having considered the submission before them the Committee agreed that the application be refused in terms of Paragraphs 5(3)(a)(ii) and 5(3)(d) of Schedule 1 to the Civic Government (Scotland) Act 1982.

#### **(c) Street Trader Operator's Licence: STL/O/050(R)**

Submitted application for the renewal of a Street Trader Operator's Licence from S.C. and M.J.M.

The Principal Licensing and District Court Officer reported on a change of circumstances in relation to

the application.

Thereafter the Committee agreed that the application, as amended, be granted.

The Meeting ended at 2.50 p.m.

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Appendix No  
**PROS 1**

**Applications for Licences/Renewal of Licences/Permits**

<b>Type of Licence Ref. No. &amp; Date Rec'd</b>	<b>Details of Applicant</b>	<b>Decision</b>
<b><u>Taxi Driver's Licences</u></b>		
1. TDL/775(N)	Robert M. Rae	Agreed to grant
<b><u>Street Trader Employee Licences</u></b>		
2. STL/E/111(N)	Adam A. Elliot	Agreed to grant
3. STL/E/125(N)	Daniel D. Dreghorn	Agreed to grant
4. STL/E/118(N)	Hugh Bradford	Agreed to grant
<b><u>Street Trader Operator Licences</u></b>		
5. STL/O/004(R)	J.T.	Agreed to defer consideration the application and invite the applicant to attend a Special Meeting of the Committee
<b><u>Late Hours Catering Licences</u></b>		

6.	LHCL/014(N)	Franco Martinelli	Agreed to grant
<b>Type of Licence Ref. No. &amp; Date Rec'd</b>		<b>Details of Applicant</b>	<b>Decision</b>
7.	LHCL/028(N)	Tin Shing Ho	Agreed to grant
8.	LHCL/040(N)	Mei Lan Ho	Agreed to grant
9.	LHCL/048(N)	D.M.F. K.G. McG. J.F.	Agreed to defer consideration the application and invite the applicant to attend the next Meeting of the Committee
10.	LHCL/051(N)	M.J.E.	Agreed to defer consideration the application and invite the applicant to attend the next Meeting of the Committee
<b><u>Second Hand Dealer's Licences</u></b>			
11.	SHDL/006(R)	William Anderson	Agreed to grant
12.	LHCL/058	Yasmin Anwar	Agreed to grant
13.	PCC/97/070	Catherine Stewart per Parkhouse Playgroup	Agreed to grant
14.	PCC/97	A.McT.	Agreed to defer consideration the application and invite the applicant to attend the next Meeting of the Committee

