

Protective Services Committee
6 June 1996

Irvine, 6 June 1996 - 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, Elliot Gray, Joseph McKinney and George Steven.

In Attendance

The Legal Services Manager, the Principal Trading Standards Officer, the Principal Licensing and District Court Officer and an Administration Officer (Mr Hannah).

Chair

Mr Carson in the Chair.

Apologies for Absence

Richard Wilkinson

1. Minutes Confirmed

The minutes of the meeting of Protective Services Committee held on 25 April 1996, copies of which had previously been circulated, were confirmed.

2. The Children and Young Persons (Protection from Tobacco) Act 1991

Submitted report by the Legal Services Manager detailing suggested enforcement procedures in relation to the Children and Young Persons (Protection from Tobacco) Act 1991.

The purpose of the Act is to prevent the sale of cigarettes to persons under the age of 16 and to prevent the sale of single cigarettes to any person. An Enforcement Strategy involving trader information, consumer education, corporate working and means of implementation has been developed by the Trading Standards Service. The Strategy details various aspects including publicity, education and prosecution should traders contravene the legislation.

The Committee agreed to approve the Enforcement Strategy as detailed in the report.

3. Storage and Sale of Fireworks

Submitted report by the Legal Services Manager on suggested procedures for discharging the Council's functions in enforcing the Explosives Acts of 1875 and 1923 (as amended).

The explosives legislation covers a wide range of substances from explosives to fireworks. The enforcement of the legislation insofar as it relates to the licensing, registration and regulation of stores or registered premises containing explosives, other than fireworks, was carried out by Strathclyde Police. The Chief Constable has requested authorisation from the Council to continue to regulate stores and premises for the storage of explosives, including gun cartridges and detonators.

The legislation also controls and regulates the storage and sale of fireworks and, although the police have requested responsibility for the licensing and enforcement of explosives they have recognised that the responsibility for enforcement in relation to fireworks should rest with the

Trading Standards Service.

In addition, the administration of a licensing system for fireworks requires to be addressed. The administration of the licensing system under the legislation could be dealt with by the Licensing Section of the Legal Services Department, subject to consultations being undertaken with Trading Standards. The current fee for registration is £10.20.

After discussion the Committee agreed (a) to recommend that the Corporate Strategy Committee request that the Joint Police Board nominate the Chief Constable to discharge the Council's functions under Section 19 (Appointment of Inspectors) of the Health and Safety at Work Etc. Act 1974 for the purposes of enforcement of the Explosives Acts 1875 and 1923 (as amended) insofar as they relate to the licensing, registration and regulation of stores or registered premises containing explosives other than mixed explosives, including fireworks; (b) that the Legal Services Manager be authorised to discharge the Council's functions in terms of the enforcement of the Explosives Acts 1875 and 1923 (as amended) for the administration of licences, storage and sale of mixed explosives including fireworks; and (c) that the Legal Services Manager be authorised to appoint on behalf of North Ayrshire Council such Trading Standards Officers as he determines necessary to carry out enforcement duties under the Health and Safety at Work Etc. Act 1974 with respect to the Explosives Acts 1875 and 1923 (as amended) in relation to the storage of mixed explosives, including fireworks for sale.

4. Civic Government and Miscellaneous Licensing

Submitted report by the Legal Services Manager on the proposed reinforcement and consolidation of the provisions of the Local Government Etc. (Scotland) Act 1994 in respect of licensing matters.

Until the Committee has had the opportunity to determine policies and procedures for the wide variety of Civic Government and other licensing functions of the Council, it will be necessary to adopt all such policies and procedures of the former Cunninghame District Council and Strathclyde Regional Council.

After discussion the Committee agreed to subsume, in their entirety, all decisions, procedures, guidelines, policies and findings in respect of Civic Government and the other miscellaneous licensing functions of Cunninghame District Council and Strathclyde Regional Council.

5. Civic Government (Scotland) Act 1982: Public Entertainment Licences

Submitted report by the Legal Services Manager on the licensing of large-scale events under Section 41 of the Civic Government (Scotland) Act 1982.

The licensing of large-scale events involves the Council in consultations with Strathclyde Police, the Fire Brigade and with other Directorates of the Council. In most cases, such events require a greater level of technical input than other applications. The current fee for Public Entertainment Licences is £ 116 for a full year or £58 for a six week licence and, given the level of Officer involvement in respect of these matters this level of fee is not sufficient for the Council to recover the expenses which it incurs in the processing of such applications. It is therefore necessary that consideration be given to the creation of a separate category of Public Entertainment Licence for larger types of events which may involve the erection of structures and the potential for substantial public attendance. Such events would involve the full inspection of apparatus and structures by Building Control Officers as well as other standard consultations.

After discussion the Committee agreed that the Legal Services Manager following consultation with the Director of Planning, Roads and the Environment, submit a report to a future Meeting of the Committee detailing proposals for the licensing of major events including proposed fees and charges.

6. Civic Government (Scotland) Act 1982: Public Entertainment Licensing - Summer Entertainments Events

Submitted report by the Legal Services Manager on proposed licensing arrangements for the undernoted events which are due to take place during the summer of 1996:-

- (a) Millport Country and Western Festival - 26th - 29th July;
- (b) Irvine Harbour Festival - 26th - 28th July; and
- (c) "On the Beach 1996" Concerts, Irvine Beach Park - 30th - 31st August and 1st September 1996.

An application for the grant of a Public Entertainment Licence in respect of the Millport Country and Western Festival has been received and applications are awaited in respect of the Irvine Harbour Festival and On the Beach Concerts.

The Committee agreed (a) to grant a Public Entertainment Licence in respect of the Millport Country and Western Festival; and to remit with powers (i) to the Chair, the Vice-Chair and Mr. Rae to grant a licence in respect of the Millport Country and Western Festival; (ii) to the Chair, the Vice-Chair and Mr. O'Neill to grant such a Licence in respect of the Irvine Harbour; and (b) to approve, in principle, the proposed 1996 "On the Beach Concerts".

7. Gaming Act 1968 and Lotteries and Amusements Act 1976

Submitted report by the Chief Executive on applications for permits under the Gaming Act 1968 and Lotteries and Amusements Act 1976.

Strathclyde Police, Fire Brigade and the Director of Planning, Roads and the Environment have intimated no objections to the applications.

The Committee agreed to approve the applications as undernoted:-

GAMING ACT

<u>Ref. No.</u>	<u>Applicant and Premises</u>	<u>No. of Machines</u>
AWP/MACH/016	James Newton, Garrison Showground, Millport, Isle of Cumbrae.	25
AWP/MACH/092	A. Ashley, Fish Bar, Pier Buildings, Brodick, Arran.	2

AWP/MACH/033	James Newton, 20/22 Stuart Street, Millport, Isle of Cumbrae.	50 LOTTERIES AND AMUSEMENT ACT
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<u>Ref. No.</u>	<u>Applicant and Premises</u>
AWP/COMM/006	James Newton, Garrison Showground, Millport, Isle of Cumbrae.
AWP/COMM/013	James Newton, 20/22 Stuart Street, Millport, Isle of Cumbrae.

8. Urgent Items

The Chair agreed that the following items be considered as urgent.

9. Pet Animals Act 1951

Submitted report by the Legal Services Manager on an application from Mr. Matthew Peden for the grant of a Pet Shop Licence in respect of premises at 136 Main Street, Largs.

The Committee agreed, subject to a satisfactory report in respect of the premises being received from the Director of Planning, Roads and the Environment, to grant the licence.

10. Taxi Licensing

Mr. Clarkson expressed concern on the cleanliness of taxis in North Ayrshire and further intimated that he had, on occasion, witnessed drivers eating and smoking in their vehicles while available for hire.

The Legal Services Manager confirmed that a full report on all aspects of Taxi licensing would be submitted to a future Meeting of the Committee and that this would involve a complete review of licensing conditions.

Noted.

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 I of Schedule 7A of the Act.

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

Submitted the undernoted applications for licences under the Civic Government (Scotland) Act 1982:-

(a) Taxi Drivers Licence TDL/543 (N)

An application for the grant of a Taxi Driver's Licence by M.H.G. The applicant had been invited to attend or submit a written statement in support of application. The applicant was not in attendance and no written statement had been received.

The Committee received Superintendent Johnstone who intimated an objection on behalf of the Chief Constable to the applicant being granted a licence.

Having considered the submission before them, the Committee agreed to refuse the application on the ground indicated in 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) Second Hand Dealer's Licence SHDL/004 (N)

An application for the grant of a Second Hand Dealer's Licence submitted by R.W. The Committee received the applicant, who was accompanied by his Solicitor, Mr. Gordon, and Superintendent Johnstone, Strathclyde Police. Superintendent Johnstone intimated the Chief Constable's objection to the application. Thereafter Mr. Gordon made a statement in support of the application detailing his client's business operations, financial status, etc. Questions were then put to and answered by both Superintendent Johnstone and Mr. Gordon.

Having considered the submissions before them, the Committee agreed to grant a Second Hand Dealer's Licence to the applicant for a restricted duration of six months.

(c) Taxi Driver's Licence TDL/557 (N)

An application for the grant of a Taxi Driver's Licence for Mr. Alan Payne.

Agreed to grant.

(d) Taxi Driver's Licence TDL/540 (N)

An application for the grant of a Taxi Driver's Licence for Mr. Steven Harvey.

Agreed to grant.

(e) Taxi Driver's Licence TDL/541 (N)

An application for the grant of a Taxi Driver's Licence submitted by Mr. Thomas Borland.

Agreed to grant.

(f) Taxi Driver's Licence TDL/560 (N)

An application for the grant of a Taxi Driver's Licence by J.D. McK.

Having considered the convictions recorded against the applicant, the Committee agreed to grant the licence for a restricted duration of six months.

(g) Street Trader's Employee Licence STL/E/070 (N)

An application for the grant of a Street Trader's Employee Licence by R. McK.

The Committee agreed to defer consideration of the application and invite the applicant to attend

the next Meeting of the Committee.

Meeting ended at 3.55 p.m.