

Protective Services Committee  
25 September 1997

**Irvine, 25 September 1997** - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Jack Carson, Thomas Barr, Ian Clarkson, John Donn, David Gallagher, Elliot Gray, Joseph McKinney and Thomas Morris.

**In Attendance**

The Legal Services Manager; J Kerr, Principal Licensing and District Court Officer; L McHugh, Solicitor (Legal Services); D McDowall, Team Leader (Building Control) (Planning, Roads and Environment); and S Paxton, Administration Officer (Chief Executive).

**Chair**

Mr Carson in the Chair.

**Apologies for Absence**

Richard Wilkinson.

**1. Minutes Confirmed**

The Minutes of the Meeting held on 14 August 1997, copies of which had previously been circulated, were confirmed.

**2. Disability Discrimination Act 1995: Taxi Vehicles**

Submitted report by the Legal Services Manager regarding a response to the Government's informal consultation paper on the Taxi Accessibility Regulations as required under the Disability Discrimination Act 1995.

The Disability Discrimination Act 1995 gives the Government power to make Taxi Accessibility Regulations to ensure that disabled people, including those who wish to remain in their wheelchairs, can access and travel in licensed taxis in safety and with reasonable comfort.

The Government has issued a consultation paper on the matters which would be covered by any proposed regulations and has invited licensing authorities, disabled people, taxi operators and drivers and vehicle manufacturers to comment on the initial proposals prior to Regulations being drafted. Once Regulations are in place it will be possible for a licensing authority to apply for an exemption from the requirements.

The proposals will have far-reaching effects for the taxi trade, vehicle manufacturers and for disabled people. The report gave details of the proposed response of the Licensing Authority, to the Scottish Office including comments on the timetable for implementation, interim requirements, and enforcement of the regulations.

After discussion the Committee agreed (a) the proposed response to the consultative document questionnaire as detailed in the report; (b) to the proposed timetable; (c) to make no observations, at this stage with regard to vehicle specification or costings; (d) in principle, to the proposals with regard to interim requirements for adapted vehicles between 2002 and 2012; (e) to the outline proposals for exemption criteria but to await the publication of the Scottish Office

consultation document prior to making any detailed response; and (f) to the proposals with regard to the certification of vehicles by a Vehicle Inspectorate but to reject the proposal that the licensing authority be the enforcing authority with regard to the proposed regulations.

### 3. Gaming Act 1968

Submitted report by the Legal Services Manager on applications in respect of permits under the Gaming Act 1968.

The Committee agreed to approve the applications as undernoted:-

APPLICANT/PREMISES	NO. OF MACHINES
The Aquarium Beach Park Harbourside Irvine	1
Sandylands Caravan Park Beacon Family Room Saltcoats (for Sandylands Leisure Estate)	3
Sandylands Caravan Park, Sandylands Amusement Arcade, Saltcoats (for Sandylands Leisure Estate)	40
Potters 86 Gallowgate Street Largs	2
Forum Shopping Centre Irvine	2

#### **4. Lotteries and Amusements Act 1976**

Submitted report by the Legal Services Manager on an application for the renewal of a permit under the Lotteries and Amusements Act 1976 by Cullis's Amusements, in respect of their premises at 8/10 Countess Street, Saltcoats for the provision of amusements with prizes.

The Committee agreed to approve the application.

#### **5. Arran: Lochranza Golf: Caravan Site Licence**

Submitted report by the Legal Services Manager regarding an application for a new Caravan Site Licence at Lochranza Golf, Lochranza, Isle of Arran.

The Committee agreed to grant the Caravan Site Licence application received from Mr I. Robertson in respect of the use of land at Lochranza Golf, Lochranza, Isle of Arran as a Caravan Site for forty-three touring caravans and seventeen tents, subject to (a) conditions which include the proviso that the period of human habitation of the caravans shall be from 1 March to 31 October in any year; and (b) variations to Licence Standard Conditions 8, 10 and 14.

#### **6. Largs: 10,12 and 14 Gateside Street: Building (Scotland) Acts 1959 & 1970**

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 to ensure the long-term stability of the guttering on the frontage of the building at 10, 12 and 14 Gateside Street, Largs.

In March 1997 the Factors of 10, 12 and 14 Gateside Street Largs, Macfie & Co, Glasgow, advised the Building Control Section of the dangerous condition of the guttering on the frontage of the building.

Following an inspection of the property a Notice was served on the owner of the property in terms of Section 13(1) of the Building (Scotland) Acts 1959 and 1970 on 1 July 1997. Changes in the ownership of the properties necessitated further Notices being issued on 15 July and 19 August 1997. As no works were begun or completed, a Notice was issued under Section 13(2) of the Acts (Notice of Intention to make an Order) on the owners on 5 August and 27 August 1997.

As at 16 September 1997, no works had been commenced nor had any representations been received by the Director of Planning, Roads and Environment.

The Committee agreed that an Order under Section 13(2) of the Building (Scotland) Acts 1959 and 1970 be made requiring works to stabilise the guttering on the frontage of the building at 10, 12 and 14 Gateside Street, Largs.

#### **7. 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 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.

#### **9. Civic Government (Scotland) Act 1982**

##### **(a) Licence Applications**

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

**(b) Hearings**

Submitted report by the Legal Services Manager detailing applications to be heard by the Committee.

**(i) Public Entertainment Licence: PEL/029(N)**

An application received 18 June 1997 from L P M Limited for the grant of a Public Entertainment Licence.

The applicant had been invited to attend or submit a written statement in support of the application.

The applicant was not in attendance at the hearing nor was a written statement in support of the application received. Representatives from Strathclyde Police, however, presented their concerns regarding the application. Thereafter the representatives from Strathclyde Police left the meeting.

The Committee agreed to refuse the application on the grounds indicated in Paragraph 5(3)(c)(i), (ii), (iii), (iv) and (v) of Schedule 1 of the Civic Government (Scotland) Act 1982.

**(ii) Taxi Driver Licence: TDL/612**

The Committee, at its meeting on 14 August 1997, noted that the applicant for the renewal of Taxi Licence TL/187(R) also held Taxi Driver's Licence: TDL/162, and agreed that a hearing be held in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 with regard to suspension of a licence.

The applicant had been invited to attend the hearing or submit a written statement.

The applicant attended the hearing but no written statement was received.

Having considered the facts and circumstances surrounding the offences which the applicant failed to disclose, the Committee agreed in terms of Paragraph 11 of the Civic Government (Scotland) Act 1982 to suspend the licence to 30 November 1997.

**(iii) Taxi Licence: TL/187(R)**

An application received 23 June 1997 from Mr A H for the grant of a renewal of a Taxi Licence.

The applicant had been invited to attend the hearing or submit a written statement in support of the application.

The applicant attended the hearing but no written statement was received.

The Committee agreed to grant the renewal of the licence.

**(iv) Private Hire Car Driver's Licence: PHCDL/028**

The Committee had previously agreed to hold a hearing in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 to consider the Private Hire Car Driver's Licence of Mr G McF in the light of information received from Strathclyde Police.

The Committee agreed to suspend the licence for the period to 31 October 1998 under the terms of Paragraph 11 (2)(a) and (d) of the Schedule 1 of the Civic Government (Scotland) Act 1982.

The meeting ended at 3.55 p.m.



**Protective Services Committee**  
**25/09/97**

Appendix No  
**PROS 1**

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

<b>Type of Licence &amp; Ref. No.</b>	<b>Details of Applicant</b>	<b>Decision</b>
<b>Taxi Driver's Licences</b>		
1.	TDL/866(N)	Edward Wright Agreed to Grant
2.	TDL/820(N)	T F H Agreed to defer consideration of the application and invite the applicant to attend the next Meeting of the Committee
3.	TDL/825(N)	C B J Agreed to defer consideration of the application and invite the applicant to attend the next Meeting of the Committee
4.	TDL/764(R)	J M A Agreed to defer consideration of the application and invite the applicant to attend the next Meeting of the Committee
<b>Taxi Licence</b>		

5.	TL/018(R)	Andrew McIlwain Agreed to Grant
6.	TL/133(R)	Herbert J Acheson and Ralph Farrell Agreed to Grant
<b>Private Hire Car Licence</b>		
7	PHCL/064(R)	T C H Agreed to defer consideration of the application and invite the applicant to attend the next Meeting of the Committee

<b>Type of Licence &amp; Ref. No.</b>	<b>Details of Applicant</b>	<b>Decision</b>
<b>Private Hire Car Driver</b>		
8.	PHCDL/054(N)	Isabel McPhail Agreed to Grant.
<b>Second Hand Dealer's Licence</b>		
9.	SHDL/045(N)	I B McC Agreed to continue consideration of the application
10.	SHDL/068(N)	L P Agreed to refuse the application on the grounds that the applicant failed to lodge a competent application
11.	SHDL/065(R)	J W Agreed to defer consideration of the application and invite the applicant to attend the next Meeting of the Committee
<b>Street Trader Operator</b>		
12.	STL/0/087(N)	J P and C T Agreed to defer consideration of the application and invite both partners to attend the next Meeting of the Committee



13.	STL/O/064	J R HAgreed to refuse the application on the grounds that the applicant failed to lodge a competent application

<b>Type of Licence Ref. No. &amp;</b>	<b>Details of Applicant</b>	<b>Decision</b>
<b>Street Trader Employee</b>		
14.	STL/E/103(N)	D AAgreed to defer consideration of the application and invite the applicant to attend the next Meeting of the Committee
15.	STL/O/098(N)	B DAgreed to defer consideration of the application and invite the applicant to attend the next Meeting of the Committee
<b>Private Hire Car Driver</b>		
16.	PHCDL/089(N)	James McKinnonAgreed to Grant