

Protective Services Committee
26 September 1996

Irvine, 26 September 1996 - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Jack Carson, Patrick Browne, Ian Clarkson, David Gallagher, Joseph McKinney and Thomas Morris.

In Attendance

The Legal Services Manager, J. Kerr, Principal Licensing and District Court Officer, A. Moynihan, Principal Officer Trading Standards (Legal Services) and B. Hannah, Administration Officer (Chief Executive).

Chair

Mr Carson in the Chair.

Apologies for Absence

Thomas Barr, James Clements, John Donn, Elliot Gray, George Steven and Richard Wilkinson.

1. Minutes Confirmed

The Minutes of the Meeting of the Protective Services Committee held on 15 August 1996, copies of which had previously been circulated, were confirmed.

2. Animal Health Act 1981

Submitted report by the Legal Services Manager on the provisions and enforcement of the Animal Health Act 1981. The Act is designed to ensure animal health and to promote animal welfare and thereby reduce the risk of animal borne diseases such as rabies and anthrax from spreading to other animals and to the human population.

Prior to the reorganisation of local government Strathclyde Police were responsible for the enforcement of the Act and employed 4 civilian inspectors for this purpose.

Following reorganisation East Ayrshire Council employed one of the animal inspectors with the intention of concluding agreements with North Ayrshire and South Ayrshire Councils to provide an all-Ayrshire service. The animal inspector subsequently left the employment of East Ayrshire Council prior to any agreement being reached.

It is considered that the residents of North Ayrshire could best be served by the provision of an animal health service operated by the Trading Standards Officers within the Legal Services Department. The Trading Standards service has the ability to enforce the legislation but this will require a re-allocation of existing resources to manage, equip and train Officers to conduct this new duty.

After discussion the Committee agreed in principle, that the Legal Services Department through the Trading Standards Service enforce the provisions of the Animal Health Act 1981.

3. Public Entertainment Licences for Fairgrounds, Circuses and Concerts

Submitted report by the Legal Services Manager on a review of procedures and fees for temporary Public Entertainment Licences in respect of fairgrounds, circuses and other large scale events such as concerts.

In terms of the Civic Government (Scotland) Act 1982 Public Entertainment Licences are required where, on payment of money, members of the public are admitted to or may use any facilities for the purposes of entertainment or recreation, including circuses, fairgrounds and other temporary events e.g. open air pop concerts etc.

The procedures for licensing such events were developed by Cunninghame District Council with the fees being increased on an incremental basis. The current fee for a temporary licence for a fairground, circus or open air pop concert etc. is £58 and it is considered that both the fees and application procedures require to be revised.

(a) Fairgrounds

The revised procedure for fairgrounds will require that once a fairground is on site a site inspection must be undertaken by a Building Control Officer to ensure that the engineer's certificates and insurance documentation provided by the applicant accords with the equipment on site. The licence would only be issued if all relevant documentation was found to be in order. The revised system has been costed and it is proposed that the fee for a temporary fairground licence be increased to £214.

(b) Circuses

In respect of circuses a revised procedure has been developed to incorporate a site inspection by Building Control, with the proposed application fee being increased to £214.

(c) Other Temporary Events

The third category of licensed activities relates to open air pop concerts, musical, dramatic or other stage, floor, radio or television performance or activity, dancing or discotheque or amplified sound. The licensing of major events causes the greatest concern in terms of both public safety and public order and a number of proposals have been developed in order to minimise the risk to members of the public attending such events. The proposals involve the submission of applications with appropriate sets of plans to the Principal Licensing and District Court Officer no later than eight weeks before the event is due to be held. If this condition is not complied with then the matter would be referred to the Protective Services Committee for consideration. It is also proposed to establish a Consultation Group comprising Officers from all relevant Directorates and outside agencies including Police, Fire and Ambulance services. The Consultation Group would meet on two occasions firstly to consider the application and secondly to consider further information and finalise the conditions to be attached to the licence. Given the time-consuming nature of such applications it is considered that the application fee would require to be substantially increased to meet the Council's costs in respect of processing such applications and it is suggested that the basic application fee be set at £2,000 for an audience of up to one thousand persons thereafter rising at the rate of £100 per thousand persons.

After discussion the Committee agreed (A) to adopt the amended proposals and conditions for Public Entertainment Licences for fairgrounds, circuses and other temporary events; and (B) to increase the fees for these licences as follows:-

(i) Temporary Fairground Licence - £214; (ii) Temporary Circus Licence - £214; and (iii) Temporary Event Licence - £2,000 for audiences of up to 1,000 persons plus £100 for every additional 1,000 persons attending.

4. Gaming Act 1968

Submitted report by the Legal Services Manager on applications for permits under the Gaming Act 1968.

The Committee agreed to approve the applications as undernoted:-

APPLICANT	PREMISES	NO. OF MACHINES
D. Moriarty	72 Ayr Road, Irvine	1
D. Moriarty	21 Fullarton Street, Irvine	1
Patrick J. Hynes	2nd Floor, 80/106 High Street, Irvine	2

5. Civic Government (Scotland) Act 1982: Byelaws for the Prohibition of the Consumption of Alcohol in Public Places

(Previous Minute Reference - Protective Services Committee - 15 August 1996)

Submitted report by the Legal Services Manager on the proposed establishment of a Working Group to consider the problems associated with drinking in public places and their possible solutions.

At the previous meeting the Legal Services Manager advised that a full report on the possible introduction of byelaws for the prohibition of the consumption of alcohol in public places would be submitted to a future meeting of the Committee.

Consultations have been carried out with other local authorities on this matter and the responses indicate that a number of approaches have been adopted by authorities. It is also considered that the introduction of byelaws themselves would not solve the problems associated with drinking in public and the attendant public order difficulties. In addition, such byelaws would take no account of the specific aspect of under-age drinking which requires to be addressed.

After a full discussion, the Committee agreed to appoint a Working Group comprising (a) the Chair, Vice-Chair, Depute Leader of the Council and Convener, together with Officers from the Chief Executive's, Legal Services, Social Work and Education Directorates; and that the undernoted organisations also be invited to nominate representatives as denoted to the Working Group, namely:- (1) North Ayrshire Licensing Board - 5 representatives; (2) North Ayrshire Council Area Committee - one representative from each Committee; (3) The Justices Committee - 1 representative; and (4) Strathclyde Police - appropriate representation at the discretion of the Divisional Commander.

6. Urgent Items

The Chair agreed that the following 2 items be considered as a matter of urgency.

7. Identity Cards

A request has been received from COSLA for the Council's comments on a Home Office Consultation Paper on the proposed introduction of identity cards.

The Legal Services Manager reported that the Government now propose to introduce a voluntary

identity card which could be linked to a driving licence and would contain details of an individual in the form of a "smart card". The Government propose that the scheme will be self-financing and that individuals will require to pay for the issue of identity cards.

After discussion the Committee agreed that the Legal Services Manager (A) in consultation with the Chair, submit a response to COSLA on this matter and; (B) pass a copy of the response to all Members of the Committee for their information.

8. 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 & 14 of Part 1 of Schedule 7A to the Act.

9. Iran Aid

The Principal Licensing and District Court Officer reported on the terms of a Home Office document in relation to the activities of the charity known as Iran Aid.

After discussion the Committee agreed (a) to instruct the Legal Services Manager to investigate the facts contained in the Home Office document insofar as they relate to Public Charitable Collections in North Ayrshire; and (b) that the Legal Services Manager, in consultation with the Chair, take any necessary action in respect of permissions already issued to Iran Aid.

10. Civic Government (Scotland) Act 1982: Taxi and Private Hire Car Drivers

Submitted report by the Legal Services Manager on procedures for medical examinations in respect of applications for Taxi and Private Hire Car Drivers' Licences.

Applicants aged 60 years and over for these licences are required to submit to a medical examination. The doctor who undertook the examinations for Cunninghame District Council and thereafter North Ayrshire Council has intimated that he is no longer prepared to continue with the current arrangements.

Arrangements have therefore been made for the Council's Occupational Consultant to undertake such examinations. These will be conducted outwith the contractual arrangement which he has with North Ayrshire Council in relation to the examination of employees.

In the interim an application for a Taxi Drivers Licence was received and the Chair, in consultation with the Principal Licensing and District Court Officer, agreed that the applicant could be allowed to submit a report of a medical examination conducted by his own doctor in accordance with the Passenger Carrying Vehicles Drivers Examination. A satisfactory report was subsequently received by the Council and a licence duly issued on the basis that his doctor would be reimbursed for the medical examination.

After discussion the Committee agreed (a) that all applicants for Taxi/Private Hire Car Drivers' Licences aged over 60 will require to undergo medical examination by the Council's Occupational Consultant; and (b) to homologate the action taken by the Chair in respect of the issue of a Taxi Drivers' Licence.

11. Civic Government (Scotland) Act 1982: Licence Applications

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.

12. Hearings

Submitted report by the Chief Executive detailing applications to be heard by the Committee.

The Committee took the decisions as undernoted in respect of each application:-

(a) Street Traders Licences - STL/O/103 & STL/E/069

The Committee considered the terms of a complaint against the holder of STL/O/103 (Mrs. P.) and the holder of STL/E/069 (Mr. Mcl.).

The Committee received Mr. Mcl. who had advised that Mrs. P. could not be present at the meeting.

The Principal Licensing and District Court Officer gave details of the complaint submitted against street trading activities in the Kilbirnie area and Mr. Mcl. detailed the circumstances surrounding his street trading operations.

After discussion the Committee agreed (a) to vary the terms of STL/O/103 to prohibit the Operator from trading in the Kilbirnie Town Centre area; and (b) to advise the holder of STL/E/069 accordingly.

(b) Private Hire Car Licence: PHCL/052

The Principal Licensing and District Court Officer reported that the holder of Private Hire Car Licence PHCL/052 had surrendered his licence to the Council.

Noted.

(c) Taxi Licence: TL/064

The Committee received Mr. W.B. the Holder of Taxi Licence TL/064 and considered the terms of contraventions of licensing conditions in relation to the examination of the licensed vehicle and an application for its substitution.

Mr. W.B. gave details of the circumstances surrounding the testing of the vehicle.

Having considered the submission before them the Committee agreed to suspend the licence in terms of Paragraph 11(2)(c) and (d) of Schedule 1 to the Civic Government (Scotland) Act 1982 until 31 January 1998.

(d) Taxi Drivers' Licence: TDL/562

The Committee received Mr. R.H., applicant for the grant of a Taxi Drivers' Licence.

Mr. R.H. gave details of his conviction and the circumstances leading thereto.

After discussion the Committee agreed to grant the licence.

(f) Taxi Drivers' Licence: TDL/661(N)

The Committee received Mr. E.M., applicant for the grant of a Taxi Drivers' Licence.

The Committee considered the convictions recorded against Mr. E.M. and the circumstances leading thereto. Mr. E.M. made a statement in support of his application.

Having considered the submission before them the Committee agreed that the application for the grant of a licence be refused in accordance with the provisions of Paragraph 5(3)(a)(ii) to 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 such a licence by virtue of the convictions recorded against him.

The Meeting ended at 4.05 p.m.

Protective Services Committee
26/09/96

Appendix No
PROS 1

Applications for Licences/Renewal of Licences/Permits

Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision
Taxi Drivers Licences		
1.	TDL /702	Stuart WatsonAgreed to Grant
2.	TDL/692	A.A.I.Agreed to defer consideration of the application and invite the applicant to attend the next Meeting of the Committee
Street Traders Licence		
3.	STL/O/059	Roger Frew & Avril FrewAgreed to Grant
Private Hire Car Licence		
4.	PHCL/089	John RussellAgreed to Grant
Type of Licence Ref. No. &		

Date Rec'd	Details of Applicant	Decision
Late Hours Catering Licence		
5.	LHCL/058	Faramarz Saheli Agreed to Grant
6.	LHCL/039	Rifat Khanburki Agreed to Grant
7.	LHCL/044	City Petroleum Co. Ltd. Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
8.	LHCL/011	Morianopoulos & Kouris Agreed to vary the licence in order that the premises may be open between 11p.m. and 1a.m. (premises cleared by 1.30a.m.) on Mondays to Sundays inclusive
Type of Licence Ref. No. & Date Rec'd	Details of Applicant	Decision
Second Hand Dealers Licence		
9.	SHDL/004	R.W. Agreed to invite the applicant to attend the next meeting of the Committee in order that

		consideration be given to the suspension/revocation of the licence
10.	SHDL/008	A.C.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
11.	SHDL/016	A.P.B. & T.M.Agreed to defer consideration of the application and invite the applicant to attend the next meeting of the Committee
Taxi Drivers Licence		
12.	TDL/718	David HansenAgreed to Grant