

Protective Services Committee
7 November 1996

Irvine, 7 November 1996 - At a Meeting of the Protective Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Jack Carson, Thomas Barr, Patrick Browne, Ian Clarkson, James Clements, John Donn, David Gallagher, Elliot Gray, Thomas Morris and George Steven.

In Attendance

The Legal Services Manager, J. Kerr, Principal Licensing and District Court Officer, A. Moynihan, Principal Officer Trading Standards, A. Fraser, Principal Solicitor (Legal Services), R. McCarter, Team Leader (Planning, Roads and the Environment), M. McCormack, Press Relations Officer and B. Hannah, Administration Officer (Chief Executive).

Chair

Mr Carson in the Chair.

Apologies for Absence

Patrick Browne, Joseph McKinney and Richard Wilkinson.

1. Minutes Confirmed

The Minutes of the Meeting of the Protective Services Committee held on 26 September 1996, copies of which had previously been circulated, were confirmed.

2. Fireworks Enforcement

Submitted report by the Legal Services Manager on a proposed Enforcement Strategy in respect of firework safety.

During the period leading up to 5 November 1996 Trading Standards Officers visited a number of premises to ensure compliance with the legislation governing the registration of premises for the sale of fireworks, storage arrangements and firework safety. In addition, a joint initiative was mounted with Strathclyde Police to promote responsible retailing and restrict the sale of fireworks to adults i.e. persons aged 16 years and over. Premises complying with all aspects of the legislation have been endorsed by the Legal Services Department and awarded a certificate to this effect. During the initiative, 99 premises were visited, 1860 fireworks were seized, and 2 reports forwarded to the Procurator Fiscal. Concern remains in relation to the safety of the public at public firework displays and it may therefore be appropriate to consider the introduction of a voluntary bonfire and fireworks registration scheme for fireworks display organisers.

After discussion the Committee agreed (a) that the Legal Services Manager submit a report to a future meeting on a proposed voluntary code in relation to the organisation of public bonfire and firework displays; and (b) to note the 1996 Firework Enforcement Initiative.

3. Toy Safety

Submitted report by the Legal Services Manager on a proposed publicity campaign to raise the level of public awareness in relation to toy safety.

The Trading Standards Service is responsible for the enforcement of the Toy (Safety) Regulations 1995 which require all toys to be safe and clearly labelled for the appropriate age group.

Seventeen potentially dangerous toys have been purchased for testing by the Public Analyst and a press release, aimed at parents, will shortly be released to raise public awareness of toy safety in the lead up to Christmas. In addition, a toy safety checklist will be produced for all children up to Primary 4 and parents.

The Committee approved the toy safety publicity campaign.

4. Drybridge: 13 Main Street: Removal of Wall

Submitted report by the Director of Planning, Roads and the Environment seeking approval to make an Order under Section 13(2) of the Building (Scotland) Acts 1959 and 1970 in respect of the removal of a dangerous boundary wall adjacent to a public footpath at 13 Main Street, Drybridge.

On 15 August 1996 the owner of 13 Main Street, Drybridge advised the Building Control Section of the dangerous condition of the boundary wall at his property. In terms of Section 13(1) of the Building Control (Scotland) Acts 1959 and 1970 a Notice was served on the owner of the property. As no remedial works had been carried out by 4 September 1996 a Notice in respect of Section 13(2) (Notice of Intention to Make an Order) was served on the owner of the property. A further inspection of the premises held on 25 September 1996 revealed that no works had commenced.

The Committee agreed that an Order under Section 13(2) of the Building (Scotland) Acts 1959 and 1970 be made requiring the removal of the dangerous section of the wall at 13 Main Street, Drybridge.

5. Licensing (Scotland) Act 1976: Submission of Complaints

Jack Carson, Thomas Barr, David Gallagher, Elliot Gray and Thomas Morris, the Members of North Ayrshire Licensing Board present, took no part in any discussion of the following item.

Mr. Carson vacated the Chair and the Committee agreed that Mr. Steven take Chair for this item.

Submitted report by the Legal Services Manager on the making of formal complaints to the Licensing Board by the Council.

The Committee agreed (a) that any convictions intimated to the Principal Licensing and District Court Officer against a licence holder including any conviction under the Licensing (Scotland) Act 1976, the Food Safety Act 1990 and the Health and Safety at Work Act 1974 may constitute sufficient grounds for a complaint being made to the Licensing Board by the Council in terms of Sections 16 and 31 of the Licensing (Scotland) Act 1976; (b) to authorise the Chief Executive in terms of the Local Government (Scotland) Act 1973 in consultation with the Convener and, where appropriate, other Officers of the Council, and if satisfied that any conviction does constitute sufficient grounds for a complaint to be made, lodge on behalf of the Council, such complaint referred to at (a) above to the Principal Licensing and District Court Officer; and (c) that notwithstanding the terms of Section 31(5)(c) of the 1976 Act, take no further part in the complaint.

Mr. Carson then resumed the Chair.

6. 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:-

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APPLICANT	PREMISES	NO. OF MACHINES
Thomas Steven	The Funarium Upper Level Units 9/12 Bridgegate Square Irvine	40
Eagle Taverns	Amandas 10A Rivergate Irvine	1
J & S Bingo	35 Windmill Street Saltcoats	50

7. Urgent Item

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

(a) Consultation on Proposed Deregulation Order: Methylated Spirits

Submitted Scottish Office (Home Department) Consultation Paper on a proposed Deregulation Order in respect of methylated and surgical spirits.

The Consultation Paper requests the Council's views on whether or not the Methylated Spirits (Sale by Retailers) (Scotland) Act 1937 should be repealed in full or amended so as to reduce the costs to business of complying with its provisions.

The 1937 Act was introduced to deal with a widespread problem of crude spirits drinking in Scotland at that time by restricting dealing in such spirits to responsible persons, as far as possible.

The main provisions of the Act are as follows:-

- (a) each sale of methylated or surgical spirits must be entered in a book kept by the retailer for that purpose. Each entry must state the date of the purchase, name of the purchaser and quantity purchased, and a signature must be given either in the book or on a signed order;
- (b) it is compulsory for each retailer of methylated or surgical spirits to be registered by the local authority for the area;
- (c) it is compulsory for all bottles or other vessels in which methylated or surgical spirits are sold to bear a label specifying the name and seller of the premises on which they are sold; and

- (d) it is illegal to sell methylated or surgical spirits to any person under the age of 14.

The Government consider that the problem of methylated spirits drinking has almost disappeared in Scotland as, in the past twenty years, there have been no convictions under the Act. The Scottish Office are therefore proposing (1) to repeal the Act in full or (2) that the first three proposals of the Act concerning recording, registration and labelling be repealed with the prohibition of the sale of methylated or surgical spirits to children under 14 remaining.

The Committee agreed (A) that representations against the deregulation of the proposals be submitted to the Scottish Office on the basis of (i) the possibility of methylated or surgical spirits once again becoming a substance consumed by individuals for the purposes of alcoholic intoxication with its attendant medical and social consequences; and (ii) that children under 14 should be protected by the law and prohibited from the consumption of such substances due to the weight of documented evidence in relation to other substance abuse by children including drugs categorised under the Misuse of Drugs Act 1971, Solvents and Alcoholic Spirits; and (B) that the Council seek the support of all Scottish local authorities, the Convention of Scottish Local Authorities and the MPs for Cunninghame North and Cunninghame South in their opposition to the deregulation proposals.

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 and 14 of Part 1 of Schedule 7 to the Act.

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

Submitted the annexed list (APPENDIX PROS 1) 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.

10. Hearings

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

(a) SHDL/004

The Committee received Mr. W., the licence holder in respect of SHDL/004.

The Committee considered the terms of a submission made by the Principal Licensing and District Court Officer in relation to the operation of SHDL/004, thereafter Mr. W. gave details of the operation of his business.

Having considered the submissions before them, the Committee agreed that the Chair and Vice-Chair, in conjunction with the Principal Licensing and District Court Officer, conduct a site visit to the licence holder's premises, and report.

(b) SHDL/008

The Committee were advised of the withdrawal of an application for the grant of a Second Hand Dealer's Licence by Mr. A.C.

Noted.

(c) SHDL/016

The Committee received Mr. T.M., applicant for the grant of a Second Hand Dealer's Licence.

The Committee agreed that the Chair, Vice-Chair and Principal Licensing and District Court Officer conduct a site visit to the premises to which the application refers, and report.

(d) LHCL/044

The Committee received representatives of Shell and City Petroleum Co., together with their Solicitor.

The application relates to the grant of a Late Hours Catering Licence at the Shell Service Station, Ardeer between the hours of 11.00 p.m. and 5.00 a.m. on Mondays to Sundays inclusive.

The applicants indicated that it was their wish to regularise the licensing situation at the premises and serve unmet demand in the area.

The Principal Licensing and District Court Officer advised of concerns regarding public safety and nuisance due to the proximity of the premises to housing and the possibility of the premises being used by young people returning from late night entertainment establishments.

Having considered the submissions before them, the Committee agreed to grant the licence for a period of 6 months on condition that the premises are not used for the purposes of Late Hours Catering outwith the hours of 11.00 p.m. - 1.00 a.m. on Sundays to Saturdays inclusive.

(e) TDL/692(N)

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

Agreed to grant.

The meeting ended at 4.00 p.m.

Protective Services Committee
07/11/96

Appendix No
PROS 1

Applications for Licences/Permits/Renewal of Licences/Permits

Type of Licence & Ref. No.	Details of Applicant	Decision
Taxi Drivers Licence		
1. TDL/725	Peter J. Anderson	Agreed to Grant
2. TDL/727	George C. Ferguson	Agreed to Grant
3. TDL/716	Ian Martin	Agreed to Grant
Private Hire Car Licence		
4. PHCL/095	Derek MacLean	Agreed to Grant
Public Charitable Collection		
5. 01/PCC/96/089	Jacqueline Quigley per Clark Drive U9's Boys Club	Agreed to Grant
6. 01/PCC/96/092	Morag Cunningham per Broomlands Boys Club	Agreed to Grant

7. 01/PCC/96/093	Hugh D. Hutchison per Greenwood Academy Brass Band	Agreed to Grant
8. 01/PCC/96/(N)	S.M.N. per Iranian Welfare Association	Continued
9. 01/PCC/96/(N)	Christine Livingstone per 53rd Ayrshire Lynx Cub Pack	Agreed to Grant