

**EAST AYRSHIRE COUNCIL****SPECIAL LOCAL GOVERNMENT LICENSING PANEL****MINUTES OF MEETING HELD ON THURSDAY 10 MARCH 2005 AT 0900 HOURS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Jim Raymond, Daniel Coffey, John Weir, William Menzies, Neil McGhee, and Jim O'Neill.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; John F Crawford, Head of Protective Services; Alison Smith, Licensing & Community Safety Manager; and Sharon McHarg, Administrative Officer.

**APOLOGIES:** Councillors Gordon Cree, Isabella Macrae, Harry Wilson, George Smith and Elaine Stewart.

**CHAIR:** Councillor Jim Raymond, Chair.

**APPLICATION FOR GRANT OF PUBLIC ENTERTAINMENT LICENCE  
SCOTLAND'S THEME PARK**

- 1.1** There was submitted a report dated 9 February 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel (a) to consider whether to entertain out of time representations from Strathclyde Police and one member of the public; and (b) if so, agree, to consider, by way of a Hearing, an application for the grant of a Public Entertainment Licence for Scotland's Theme Park in respect of a proposed Travelling Theme Park to be held in the Scott Ellis Playing Fields during the periods 19 to 30 May and 15 to 20 September 2005.

The Head of Administration and Legal Services advised the Panel that the applicant's representative, Mr Cannon, wished to raise a preliminary issue challenging a lack of specification of the grounds of objection within the letter of objection dated 20 December 2004 submitted by Mr Charles Calman on behalf of Piersland/Bentinck Community Council. The Panel then heard from both of these parties in respect of this preliminary matter. In the course of this process it was also noted that said letters of objection had not been signed on behalf of the Community Council, contrary to the requirements specified in Paragraph 3(1)(d) of Schedule 1 to the Local Government (Scotland) Act 1982.

The Panel then relocated to enable them to take and consider legal advice on (i) the objection raised; and (ii) whether the said letter was competent as it had not been signed.

The Panel returned to the meeting room.

Having heard the Head of Administrative and Legal Services clarify the legal position, the Panel agreed, in the interest of all parties, to consider the said letter and that the objection to be raised should be confined to the terms of the last paragraph of the letter.

The Head of Administrative and Legal Services then outlined the agreed Hearing procedure and the process to be followed in respect of the out-of-time representations.

It was confirmed that three of the objectors were present and wished to be heard.

As a further preliminary matter, the Panel then heard Chief Inspector Brown explain the nature and extent of enquiries necessarily undertaken had precluded the Chief Constable from meeting the statutory timescales for submission of representations.

The Panel agreed to accept the late submission, namely a letter dated 1 February 2005 (circulated) from Strathclyde Police, and not to consider the late submission from William Drummond as he was not present and there was no accompanying statement giving reasons for the out-of-time representation.

## **1.2 Hearing**

The Panel heard Mr Calman, Piersland and Bentinck Community Council, Helen Frew, local resident and Bernard M Lindberg, Spearhead Care and Hygiene in explanation of their objections and then heard Chief Inspector Brown, representing Strathclyde Police in explanation of their observations.

Mr Cannon, the applicant's representative, spoke to the matters raised, all in accordance with the Hearing procedures.

The Panel then relocated to take and consider legal advice on the matter.

The Panel returned to the meeting room.

## **1.3 Decision**

It was agreed that the application be approved, subject to the standard conditions and the following additional conditions:-

- (i) that adequately trained and clearly identifiable stewards be provided during the event to ensure the safety and control of spectators and persons attending the event;
- (ii) that emergency exits be clearly marked and signs erected;
- (iii) that public safety announcements be made during the event to inform spectators of the emergency exits and to ensure crowd safety;
- (iv) that the applicant have adequate public liability insurance;
- (v) that no alcohol be permitted within the proposed event area unless a separate occasional licence has been granted by the Licensing Board in accordance with the provisions of the Licensing (Scotland) Act 1976;
- (vi) that the licence holder shall meet the expenditure incurred by the employment of four police officers from 1800 to 2200 hrs on 19, 21, 23 and 26-28 May 2005, 15-17, 19, 22-24 September 2005, and two police officers on all other dates of operation; and
- (vii) that if, in the view of the Police, local circumstances should identify a need for additional Officers in the area of the event during the proposed period of operation, then the licence holder should also meet the additional expenditure involved by the deployment of such extra Officers.

Councillor Weir having moved an alternative proposal in respect of rejecting the application and having failed to receive a seconder, asked that his dissent be recorded.

The meeting terminated at 1025 hours.