

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF MEETING HELD ON THURSDAY 2 SEPTEMBER 2004 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Jim Raymond, Daniel Coffey, Gordon Cree, John Weir, Harry Wilson, George Smith, William Menzies and Elaine Stewart.

ATTENDING: David Mitchell, Acting Executive Director of Corporate Support; John F Crawford, Head of Protective Services; Alison Smith, Principal Officer, Licensing and Community Safety; and Sharon McHarg, Administrative Officer.

APOLOGIES: Councillors Isabella Macrae, Neil McGhee and Jimmy Carmichael.

CHAIR: Councillor Jim Raymond, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. The Panel resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the Hearings relating to the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A of the Act.

APPLICATION FOR RENEWAL OF WINDOW CLEANER'S LICENCE - ANDREW FERRANS

2. There was submitted a report dated 5 August 2004 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel (a) to consider whether or not to entertain out-of-time representations, and (b) if so, to agree to consider, by way of a Hearing, the application for the renewal of a Window Cleaner's Licence.

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

The Panel heard Chief Inspector Scally explain that the nature and extent of enquiries undertaken precluded the Chief Constable from meeting the statutory timescales.

The applicant, his representative and the Police Representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

The Panel agreed to accept the late submissions (circulated) and to determine the application by way of a Hearing.

Councillor Smith joined the meeting during consideration of the above item and prior to commencement of the Hearing.

2.1 Hearing

The Panel heard Chief Inspector Scally, representing Strathclyde Police, in explanation of the Police observations and Mr Smith, representative for the applicant,

who spoke to the matters raised, all in accordance with the agreed Hearing Procedure.

The applicant, his representative and the Police representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

2.2 Decision

It was agreed that the application for the grant of the Window Cleaner's Licence be granted for a period of twelve months, subject to the standard conditions.

The applicant was further advised that any offences or complaints brought to the attention of the Panel in future would be likely to be severely dealt with.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - WILLIAM GUY

3. There was submitted a report dated 10 August 2004 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider by way of a Hearing, an application for the grant of a Taxi Driver's Licence.

The Head of Administrative and Legal Services outlined the agreed Hearing Procedure.

It was confirmed that the applicant was not present or represented.

3.1 Hearing

The Panel heard Chief Inspector Scally, representing Strathclyde Police, in explanation of the Police observations.

The Police representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The Police representatives were then re-admitted.

3.2 Decision

It was agreed that the application for the grant of a Taxi Driver's Licence be refused on the grounds that the Panel were not satisfied that the applicant was a fit and proper person to be the holder of such a licence.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE - JOHN SHAW

4. It was agreed that this item be continued to the next meeting, as requested by the applicant.

ADJOURNMENT/RECONVENTION

5. The meeting adjourned at 1115 hours and reconvened at 1145 hours with the same Councillors and Officers present and in attendance.

RE-ADMISSION OF PRESS AND PUBLIC

6. It was agreed that the Press and public be re-admitted.

**APPLICATION FOR GRANT OF PUBLIC ENTERTAINMENT LICENCE -
DOUGLAS TAYLOR, SCOTLAND'S THEME PARK, HAMILTON ROAD,
MOTHERWELL**

7. There was submitted a report dated 10 August 2004 (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 ten members of the public, and (b) if so, agree, to consider, by way of a Hearing, an application for grant of a Public Entertainment Licence.

The Head of Administrative and Legal Services outlined the agreed Procedure in respect of the out-of-time representations.

It was confirmed that not all objectors were present.

The Panel agreed to accept the late submissions (circulated) and to determine the application by way of a Hearing.

The Head of Administrative and Legal Services outlined the agreed Hearing Procedures.

7.1 Hearing

The Panel agreed to depart from standard procedures by varying the order of proceedings due to the need to organise the Hearing in a reasonable manner, having regard to the numbers participating.

The Panel heard Mr McVey, Chairperson of Piersland/Bentinck Community Council, Mrs Caldwell and Mr Hunter in explanation of their objections and then heard Chief Inspector Scally, representing Strathclyde Police in explanation of their observations.

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

The Panel then left the meeting to enable them to take and consider legal advice on the matter.

The Panel re-joined the meeting.

7.2 Decision

Councillor Raymond, seconded by Councillor Wilson, moved 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 provisions of the Licensing (Scotland) Act 1976;
- (vi) that the licence holder shall meet the expenditure incurred by the employment of four Police Officers for the duration of the event from 1800 - 2200 hours

between 16 and 20 September and 25 and 26 September 2004 and two Police Officers between 21 and 24 September 2004; 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 license holder shall also meet the additional expenditure involved by the deployment of such extra Officers.

Councillor Cree, seconded by Councillor Weir, moved as an amendment that the application be refused on grounds of public disorder.

On a division by a show of hands, the motion was carried by 5 votes to 3.

ADJOURNMENT/RECONVENTION

- 7.3** The meeting adjourned at 1330 hours and reconvened at 1345 hours with the same Councillors (with the exception of Councillor Wilson) and Officers present and in attendance.

Councillor Raymond left the meeting at this point and it was agreed that Councillor Smith take the Chair.

APPLICATION FOR GRANT OF AN INDOOR SPORTS ENTERTAINMENT LICENCE - ROWALLAN ACTIVITY CENTRE, MEIKLEMOSSIDE, FENWICK

- 8.** There was submitted a report dated 12 August 2004 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider, (a) whether to entertain out-of-time representations from the Building Standards and Environmental Health services of East Ayrshire Council and a member of the public, and (b) thereafter, to consider, by way of a Hearing, an application for the grant of an Indoor Sports Entertainment Licence.

The Head of Administrative and Legal Services outlined the agreed Hearing Procedure in respect of out-of-time observations.

The Panel agreed not to accept the out-of-time representation from the third party objector as they were not satisfied that there were sufficient grounds for it being late.

In respect of out-of-time observations from the Building Standards Manager and Environmental Health Officer, the Panel agreed to accept the late submissions (circulated) and to determine the application by way of a Hearing.

The Head of Administrative and Legal Services outlined the agreed Hearing Procedure.

8.1 Hearing

The Panel heard Assistant Divisional Officer Blair, Strathclyde Fire Brigade and the Building Standards Manager, East Ayrshire Council, in explanation of their observations and Mr Hamilton, representative of the applicant, who spoke on matters raised, in accordance with the agreed Hearing Procedure.

It was confirmed that the Panel did not require to hear from the Environmental Health Representative.

The applicant, her representative, and the other parties then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

8.2 Decision

It was agreed that the application for grant of an Indoor Sports Entertainment Licence be granted, subject to standard conditions and the following specific additional conditions:-

- (i) that all works must be completed within nine months from the date of this meeting;
- (ii) that the maximum occupancy be no more than 400 people at any one time; and
- (iii) that there must be a Temporary Occupancy Certificate in effect at all times during the period of the licence.

The meeting terminated at 1452 hours.