

EAST AYRSHIRE COUNCIL

SPECIAL LOCAL GOVERNMENT LICENSING PANEL  
10 MARCH 2005

APPLICATION FOR GRANT OF A PUBLIC ENTERTAINMENT LICENCE

Report by Executive Director of Neighbourhood Services

**1. PURPOSE OF REPORT**

- 1.1 To invite the Panel to consider, by way of a Hearing, an application for the grant of a Public Entertainment Licence.

**2. BACKGROUND**

- 2.1 An application has been received from Douglas Taylor, Scotland's Theme Park, Hamilton Road, Motherwell, in respect of a proposed Travelling Theme Park (large fairground rides) to be held in the Scott Ellis Playing Fields during the periods 19 to 30 May and 15 to 25 September 2005 from 12 Noon to 10pm daily.
- 2.2 The applicant has provided a detailed 'Event Manual' in support of his application, which provides information on Health and Safety aspects, Risk Assessments, Traffic Management, Crowd Management and Emergency Plans for the proposed event.
- 2.3 In accordance with the agreed procedure, notice of the application for grant of licence was advertised in the Public Notices Section of the Kilmarnock Extra in the edition of 2 December 2004.
- 2.4 A letter of objection/representation, dated 6 December 2004, has been received from Bernard M Lindberg, Spearhead Care and Hygiene, Mill House, New Mill Road, Kilmarnock. (Copy attached at Appendix 1 to this report.)
- 2.5 A letter of objection/representation dated 17 December 2004, has been received from Parkware Limited, Loudoun Castle, Galston. (Copy attached at Appendix 2 to this report.)
- 2.6 A letter of objection/representation dated 17 December 2004, has been received from Eleanor Viviani, 29 Samson Avenue, Kilmarnock. (Copy attached at Appendix 3 to this report.)

- 2.7 A letter of objection/representation dated 17 December 2004, has been received from W Sinclair, 23 Samson Avenue, Kilmarnock. (Copy attached at Appendix 4 to this report.)
- 2.8 A letter of objection/representation dated 18 December 2004, has been received from Helen Frew, 33 Samson Avenue, Kilmarnock. (Copy attached at Appendix 5 to this report.)
- 2.9 A letter of objection/representation dated 18 December 2004, has been received from Carol Peter, 65 Samson Avenue, Kilmarnock. (Copy attached at Appendix 6 to this report.)
- 2.10 A letter of objection/representation dated 20 December 2004, has been received from Piersland and Bentinck Community Council, per Charles D Calman, 21 Osprey Drive, Kilmarnock. (Copy attached at Appendix 7 to this report.)
- 2.11 A letter of objection/representation dated 17 January 2005, has been received from William Drummond, 7 Samson Avenue, Kilmarnock. The letter was received outwith the 21-day period specified in Paragraph 3(1) of Schedule 1 to Civic Government (Scotland) Act 1982. There is no accompanying statement of reasons for the 'out of time' representation/objection.
- 2.12 A letter of representation has been received from Strathclyde Police in respect of the application outwith the 21-day period specified in Paragraph 3(1) of Schedule 1 to Civic Government (Scotland) Act 1982 Act. Accompanying correspondence provides a statement of reasons for the 'out of time' representation.

### **3. DISCUSSION**

- 3.1 In terms of Paragraph 3(2) of Schedule 1 to the Act, a licensing authority may entertain an objection or representation received outwith the 21-day period if they are satisfied that there is sufficient reason why it was not made within the specified time.
- 3.2 After considering the letter dated 1 February 2005 from the Divisional Commander, Strathclyde Police, on behalf of the Chief Constable, in which he provides a statement of reasons for the late submission of the letter of representation, the Licensing Panel must decide whether or not to entertain the representation. A copy of the letter dated 1 February 2005 is attached at Appendix 8 to this report.
- 3.2 If the Panel agree to entertain the representation, details will be circulated at the meeting.

- 3.3 In the interests of fairness, the Panel may also wish to consider the 'out of time' objection/representation submitted by William Drummond, 7 Samson Avenue, Kilmarnock. Notwithstanding the fact that there is no statement of reasons for the late submission of the objection/representation, Mr Drummond could attend and address the Panel on this particular issue, prior to commencement of the proposed Hearing. If so agreed, details of the representation/objection will be circulated at the meeting.
- 3.4 In accordance with Paragraph 4(1) of Schedule 1 to the Act, copies of the letters (9) of objection/representation have been forwarded to the applicant and he has been given the opportunity to notify the Panel, in writing, of his views on the contents of the letters.
- 3.5 A letter in response to the representations/objections raised, dated 27 January 2005, has been submitted by the applicant. (Copy attached at Appendix 9 to this report.)
- 3.6 The Head of Leisure has been in contact with the applicant regarding the damaged areas of the Scott Ellis Playing Fields following the event held in September 2004, but due to the continuing poor weather and with the agreement of officers, this work has been delayed as ground works would only exacerbate the situation. In terms of the lease agreement, The M and D Group are obliged to carry out all necessary repairs, at no cost to the Council, and have agreed to do so when weather and ground conditions have improved.
- 3.7 The Licensing Panel, at the meeting held on 2 September 2004, following a Hearing on the application, granted a Public Entertainment Licence to Douglas Taylor, subject to additional conditions. A copy of these additional conditions is attached at Appendix 10.
- 3.8 The applicant and/or his representative and those persons making objection/representation have been invited to attend the meeting and to confirm whether or not they intend to be present and wish to be heard.
- 3.9 To date, only Strathclyde Police have intimated that they will attend the Hearing and wish to be heard.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 Nil.

#### **5 LEGAL IMPLICATIONS**

- 5.1 In terms of Paragraph 4(1) of Schedule 1 to the Civic Government (Scotland) Act 1982, a licensing authority may, in considering an application for the grant

of a licence, make such reasonable enquiries as they think fit, and include the result of their enquiries in matters they take into account. In accordance with this Paragraph, the applicant has been given the opportunity to notify the licensing authority in writing of his views.

- 5.2 In terms of Paragraph 3(2) of Schedule 1 to the Act, it shall be competent for the licensing authority to entertain an objection or representation received by them before they take a final decision on the application to which it relates, if they are satisfied that there is sufficient reason why it was not made in the time specified.
- 5.3 In terms of Paragraph 4(2) of Schedule 1 to the Act, a Licensing Authority may, before reaching a final decision on an application, give the applicant and any person who has made a relevant objection or representation, an opportunity to be heard.
- 5.4 In accordance with Paragraph 4(2) of Schedule 1 to the Act, the applicant and/or his representative, Strathclyde Police and those persons making objection/representation have been invited to attend the Hearing.
- 5.5 A copy of this report has been forwarded to the applicant.

## **6. POLICY IMPLICATIONS**

- 6.1 Nil.

## **7. CONCLUSIONS**

- 7.1 An application has been received from Douglas Taylor, Scotland's Theme Park, Hamilton Road, Motherwell, in respect of a proposed Travelling Theme Park (large fairground rides) to be held in the Scott Ellis Playing Fields during the periods 19 to 30 May and 15 to 20 September 2005..
- 7.2 Of the 9 objections/representations received in respect of the application, 2 were received 'out of time', details of which will be circulated at the meeting should the Licensing Panel so agree.
- 7.3 Subject to agreeing to entertain the out of time representations/objections, the Licensing Panel may consider the letter of representation, dated 1 February 2005, from Strathclyde Police, the letter of objection/representation, dated 17 January 2005, from William Drummond, 7 Samson Avenue, Kilmarnock, the letters of objection/representation detailed in paragraphs 2.4 to 2.10 of this report, the written response received from the applicant and information provided during the course of the Hearing, in reaching a decision on the application.

## **8. RECOMMENDATIONS**

8.1 It is recommended that the Licensing Panel :-

- (i) Consider whether or not to entertain the 'out of time' representations/objections in terms of Paragraph 3(2) of the Act and
- (ii) Thereafter proceed to consider the application by way of a Hearing.

William Stafford  
Executive Director of Neighbourhood Services

WS/GS

9 February 2005

### **LIST OF BACKGROUND PAPERS**

1. Application form signed on 23 November 2004, received on 25 November 2004 and competent from 2 December 2004, being the date of publication of the required public notice.

Any person wishing to inspect any of the background papers listed above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or e-mail on [john.crawford@east-ayrshire.gov.uk](mailto:john.crawford@east-ayrshire.gov.uk)

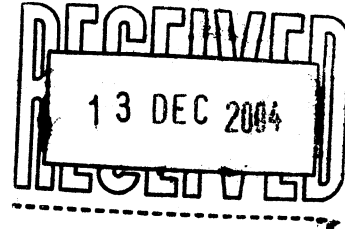


# **SPEARHEAD** CARE & HYGIENE

Mill House, New Mill Road, Kilmarnock, Ayrshire KA1 3JG  
Tel: 01563 - 542 542

William Stafford Esq MCIWM, MREHIS  
Director of Neighbourhood Services  
East Ayrshire Council  
14 London Road  
KILMARNOCK  
KA3 7AF

Date: 6 December 2004



Dear Mr Stafford

## M & D LEISURE - APPLICATION FOR PUBLIC ENTERTAINMENT LICENCE

We are disappointed to note that the above company have made further applications for public entertainment on the Scott Ellis Playing Fields, these being for two eleven day periods in May and September 2005.

Whilst I must say that the general impression in the neighbourhood seems to be that the Council takes little or no notice of representation made, and appears to focus mainly on the handsome rent received from the company, we considered nevertheless that we should make another representation.

The recent event held by this company in September was very fortunately (from neighbouring residents' point of view) accompanied by very wet and windy weather which undoubtedly reduced the numbers of the attending public. Had good weather been experienced, which is perhaps a possibility in May and September, the crowds could have been much greater, bringing an increased security problem for neighbours such as ourselves.

During the September event, it was our understanding that New Mill Road was to be closed by barriers which were to be controlled by M & D staff. At no time during the event did this take place effectively.

In a more general context, and of more lasting interest to the Kilmarnock populace, these fields were originally gifted to the town, to be used in perpetuity for recreational purposes. Whether this event complies with this condition is highly debatable, but the disgusting state in which the fields have been left certainly renders the occupied area totally unfit for recreation. The company were under a duty to restore the fields to their former condition; three months later nothing has been done to fulfill this duty and it is impossible to enter the fields at the gate entrance because of the quagmire conditions that this event has left. Even if restoration was undertaken, it will be at least a year before damage is fully repaired.

.../2..

Suppliers to the healthcare profession of:  
nursing and medical equipment • hoists and lifting aids • pressure care products  
furniture • nursing sundries • uniforms • bedding and towels • cleaning and janitorial supplies.

A list of partners is displayed at the above address.

The enclosed photographs show the deplorable state in which the entrance was left in September, and also the state it is still in in December, with a complete absence of restoration of kerbs and grass areas. The appearance of the matter is that the duty of restoration is in reality just a joke.

Please would the Council exercise its authority to redirect this event to a more suitable location where residents' security and the local environment are not at risk.

Yours sincerely  
SPEARHEAD

A handwritten signature in black ink, appearing to read "Bernard M Lindberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bernard M Lindberg  
Partner



Sep 04 - The filthy state of New Mill Rd during the evacuation



Sep 04 - Filthy state of pavement and hardstanding area during the evacuation



Sep 04 - New Mill Rd approach to the field during/after the evacuation



Sep 04 - New Mill Rd approach to the fields during/after the evacuation



Dec 04 - Roadside kerbs still  
not replaced on New Mill Rd

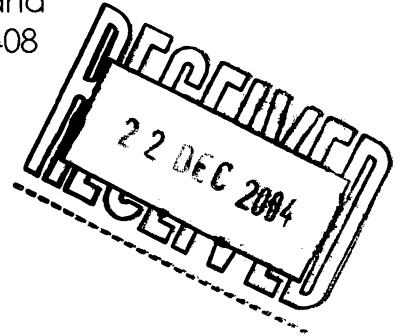


Dec 04 - Quagmire conditions  
at the New Mill Rd entrance

# Parkware

LIMITED

Loudoun Castle, Galston. KA4 8PE, Scotland  
 Tel : (01563) 822 296 Fax : ( 01563) 822 408  
 E-mail : mail@parkware.com



Mr W Stafford  
 Executive Director of  
 Neighbouring Services  
 Licensing and Community Safety  
 14 London Road  
 Kilmarnock

17<sup>th</sup> December 2004

Dear Mr Stafford

**Subject:** Objection to the application for proposed Public Entertainment Licence, by M&D Group, to place "Travelling Theme Park" at the Scott Ellis Playing Fields, during the periods; 19<sup>th</sup> to 30<sup>th</sup> May & 15<sup>th</sup> to 25<sup>th</sup> September 2005.

On behalf of Loudoun Castle Family Theme Park, Galston, I would like to object in the strongest possible terms to the application for Public Entertainment Licence by the M & D Group, at the above site. It is my belief that should this application be granted it would not only have detrimental impact on our own business, but also on the surrounding region.

**Previous 2004 Application:**

First may I express my complete dismay as to why the Council in 2004 allowed this same application to be passed. The following are points I feel need raised in relation to this.

- a) Why the advertising of the 2004 application was not widely accessible? To the point at which the earliest I was aware of the accepted application was from the widespread advertisement by the M & D Group days before opening.
- b) Why, since Loudoun Castle is such a short distance from Scott Ellis Park, that no one from the council even considered to approach me to discuss the application, or even to let us know it was being considered?
- c) As M & D Group, the so called 'Scotland's Theme Park' and Loudoun Castle Family Theme Park are the only two theme park operators in Scotland, why then did the council choose to favour a non-Ayrshire business, assuming Kilmarnock needs two separate theme parks within a five mile radius?

Once again the M & D Group have placed an application for an Entertainment Licence and once again I find myself in the position where they have been allowed to 'water down' the advertisement of the application. By placing the advert in the Ayrshire Leader, a paper which is not evenly distributed across a fraction of the area, including my own dwelling at Loudoun Castle estate I once again could have been left in the dark. Surely the most appropriate paper to use for a development of this size would have been one that everyone could access, not one that if you are lucky, you would receive through your door.

#### **Reasons against 2005 application:**

##### **1. Business Concerns:**

It is clearly evident from the previous approval of this application that visitor numbers to Loudoun Castle Theme Park fell during this period last season. Therefore, any approval towards a new application would see further loss of earnings compounded by the fact that this will be over two East Ayrshire school holiday periods.

As the owner of a company which has marked the turn around and development of Loudoun Castle Family Theme Park, widely praised by the East Ayrshire public, this can only be maintained if I am given the opportunity to attract the necessary numbers of visitors, from which my revenue is supplied.

##### **2. Unfair Competition:**

***By approving this application the local government will be showing complete disregard to the strict planning development conditions that have been placed upon us as a company (Not to mention the threatening rate demands!). Time after time I have been required to follow a slow and rigorous timetable when applying to place any new major rides or in any way develop my own Theme Park operations (i.e. detailed traffic analysis, environmental study reports, no road signs on A77, etc) Consequently to see the only other theme park operator in Scotland and my direct competitor, move into Kilmarnock and throw up an array of large rides without restrictions and the absence of any individual ride planning consents next to the busy A77 road, is by any standards very unreasonable.***

##### **3. Advertising & False Advertising:**

By reviewing the previous approval of application of M & Ds Group within Kilmarnock, we would also like to point out the misleading advertisement of rides displayed by M & D Group. For example:

- i) The largest travelling Ferris wheel in Europe
- ii) Picture of Drop Tower on posters

Both ride claims were advertised extensively throughout the press, radio, posters and flyers etc, were misleading. If I had been aware of the 2004 placement I could have returned the favour by correcting the following;

- i) It was certainly not the largest travelling Ferris wheel in Europe.
- ii) The Drop Tower was not on site.

**4. Local Employment:**

As highlighted in section 1(a), the immediate effect on my company, should this application go ahead, would be a substantial loss in earnings. This would then cast a serious shadow over the levels of employment that we would be able to offer to the local community. Loudoun Castle is proud to be able to offer a much needed source of employment for many school leavers and inhabitants of the surrounding towns. Each year we see many individuals progress their career or simply save money towards university or college by working at Loudoun Castle.

**5. Tourism to the Local Area:**

After having been awarded a four star grading by Visit Scotland, at the end of 2004, I feel that by allowing our only competitor in Scotland to be placed at such a visible entry point to East Ayrshire, would be misleading and detrimental to any visitors entering our area on these holiday weekends.

**6. East Ayrshire Concerns:**

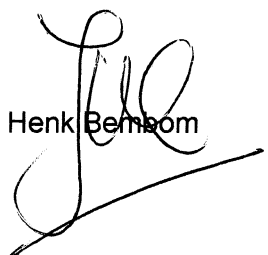
From section 1(a,c) I have outlined how this application would have a damaging effect on my business. I also feel it would have a knock on effect to the local business suppliers which I use within the park.

**Summary of Objections:**

- 1. Business Concerns**
- 2. Unfair Competition**
- 3. Advertising & False Advertising**
- 4. Local Employment**
- 5. Tourism in the Local Area**
- 6. East Ayrshire Concerns**

Finally may I point out that I have no objection to having healthy competition, such as the Annual Asda Fair ground, at Queens Drive and at the fireworks display in Kay park both in Kilmarnock. However, I do feel that if you were to approve this application, it would bring my number one competitor in Scotland, to such a close proximity to Loudoun Castle Family Theme Park, thus creating a negative impact on my business.

Yours Faithfully,

  
Henk Bembom

### APPENDIX 3

Mrs Eleanor Viviani  
29 Samson Avenue  
KILMARNOCK

Friday 17 December 2004

Dear Mr Stafford

Re the M.D. Leisure's application for an Entertainment Licence to return to the Scott Ellis 19-30 May and 15-25 September 2005. My objections to the granting of any licence are well documented and should be on your files so I will not reiterate.

I was assured by Mr John Griffiths on 25 October 2004 that the restoration of the land at Scott Ellis was the responsibility of M D Leisure and, that the restoration would be carried out to "a standard acceptable to East Ayrshire Council". It is now December 2004 and nothing has been done. The kerb stones are still lying in the ditches and, nothing has been done to repair the land, fences and hedges that were ripped out and tossed aside. A magic wand will be required to restore the land before May 2005 and again in May to September 2005 and beyond. When I saw the park in September 2004 it was like a quagmire caused by the very heavy vehicles that were required for the transportation and use of the "attractions".

This park was intended for the use of the public and sports facilities, i.e. football, harriers etc., children playing. When my children were small we used the park regularly now, when I go with my grandchildren we have to be very careful where and how we walk.

I would urge you to refuse this licence, if not, I visualise that, in a few years time the Scott Ellis will be declared "wasteland" - there again - perhaps that is what East Ayrshire Council really want or perhaps to sell it off!!

My beloved Kilmarnock is being systematically destroyed and, it is my home town.

Yours sincerely

(SIGNED) Eleanor Viviani (Mrs)

ELEANOR VIVIANI

**APPENDIX 4**

Mr W Sinclair  
23 Samson Avenue  
KILMARNOCK  
KA1 3EB

17/12/04

Dear Sir

I am writing to strongly object to the use of the Scott Ellis Playing Fields being let out to the fun fair. The single track road is not suitable for the large vehicles needed to transport the fun fair. When they were there in September, the kerb stones were badly damaged and have still not been replaced. They are mostly blocking up the nearby burn. The hedging that was removed has not been replaced. Obviously that was left to give them access in the future.

The park itself has never recovered from the weight of the heavy vehicles. The skip filled with rubbish lay for 6 weeks before being removed. During which time it was gradually scattered by the birds and the weather. In my opinion the sporting groups who use the playing fields were not taken into consideration. I recommend the use of strong wellington boots if any of the Council decide to take a look at the state of our Scott Ellis.

Yours sincerely

(SIGNED) MR W SINCLAIR

W SINCLAIR

# APPENDIX 5

Helen Frew  
33 Samson Avenue  
KILMARNOCK  
KA1 3EB

William Stafford  
Executive Director of Neighbourhood Services, Department of Neighbourhood Services  
Licensing and Community Safety  
East Ayrshire Council  
14 London Road  
KILMARNOCK

East Ayrshire Council

Department of Neighbourhood Services

Passed to JFC For Action

For Info

File

18<sup>th</sup> December 2004

Dear Sir,

RE: APPLICATION BY M & D LEISURE IN RESPECT OF A TRAVELLING THEME PARK TO BE HELD AT SCOTT ELLIS PLAYING FIELDS 19<sup>TH</sup> TO 30<sup>TH</sup> MAY 2005 AND 15<sup>TH</sup> SEPTEMBER TO 25<sup>TH</sup> SEPTEMBER 2005

I would like to strongly object to the above application on the following grounds:

1. The heavy police presence that was required during the opening times of the fairground indicated that there were concerns that trouble may arise, which was very worrying as a resident in the area.
2. The volume of noise coming from the theme park appeared to be excessively loud.
3. Residents were subjected to a large increase in cars and pedestrians in a normally quiet area. Runways were blocked, making leaving your own driveway difficult.
4. The lane, behind Samson Avenue, became a short cut and a place to hang about for young people heading to the theme park, making it a frightening prospect to putting your car away in your own garage.
5. The area where the theme park was situated seemed to be totally unsuitable as the equipment used was far too heavy for a grassy field, which due to heavy rain became even more unsuitable to support such heavy machines and lorries. Surely a concrete base would be more suitable to support heavy equipment. Are there not health and safety issues involved? Who is ultimately responsible for any accident that may arise due to machinery sinking in the wet, muddy grass?
6. There were assurances that the area where the theme park was set up would be restored to its original condition after the theme park left but as far as I can see that has yet to be done, nearly 3 months later. Are there not conditions set into the let about restoring the area?

Finally, to sum up I feel that once again the council would be letting the residents of Samson Avenue down if they agree to this let, surely there must be a more suitable venue, preferable with a concrete base and not in a quiet residential area.

Yours faithfully,

*Helen Frew*

HELEN FREW

# APPENDIX 6

Carol Peter  
65 Samson Avenue  
KILMARNOCK  
KA1 3EB

William Stafford  
Executive Director of Neighbourhood Services,  
Licensing and Community Safety  
East Ayrshire Council  
14 London Road  
KILMARNOCK

East Ayrshire Council  
Department of Neighbourhood Services

18<sup>th</sup> December 2004

MAE 22/12  
L  
K/R  
Passed to JFC For Action   
For Info  File

Dear Sir,

RE: APPLICATION BY M & D LEISURE IN RESPECT OF A TRAVELLING THEME PARK TO BE HELD AT SCOTT ELLIS PLAYING FIELDS 19<sup>TH</sup> TO 30<sup>TH</sup> MAY 2005 AND 15<sup>TH</sup> SEPTEMBER TO 25<sup>TH</sup> SEPTEMBER 2005

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3. Residents were subjected to a large increase in cars and pedestrians in a normally quiet area. Runways were blocked, making leaving your own driveway difficult.
4. The lane, behind Samson Avenue, became a short cut and a place to hang about for young people heading to the theme park, making it a frightening prospect to putting your car away in your own garage.
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Finally, to sum up I feel that once again the council would be letting the residents of Samson Avenue down if they agree to this let, surely there must be a more suitable venue, preferable with a concrete base and not in a quiet residential area.

Yours faithfully,

*C. Peter*

CAROL PETER

PIERSLAND/BENTINCK COMMUNITY COUNCIL

Charles D Calman,  
21, Osprey Drive,  
Kilmarnock  
KA1 3LQ  
20 December 2004

Dear Sir,

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT  
OF A PUBLIC ENTERTAINMENT LICENCE**

In reply to your letter of 17 December regarding my short undated letter, I would reapply more formally an objection against the proposal to allow the proposed Travelling Theme Park to be held in the Scott Ellis Playing Fields during the periods 19 to 30 May 2005 and 15 to 25 September 2005.

It was not my intention to specify the grounds of objection as when this was done last time it gave our opponents the opportunity to study the objections and have the case against our objection in their court.

I am aware that Public notification should be published but in such a way as it is available for members of the Community to have time to put in an objection. The publication in the Ayrshire Extra edition is not in the view of Piersland/ Bentinck Community Council a suitable notification.

Piersland/Bentinck Community Council make specification that they wish to object to the Proposed siting of a Travelling Theme Park on the dates specified as being against the Safety of the Community and inhabitants of this area and should and could be sited in an area where it would reflect the wishes of a younger population

Yours sincerely

Secretary to the Community Council.

Delivered by hand Tuesday 21 December 2004

1 February 2005

Your Ref:

Our Ref: U/EW/SM

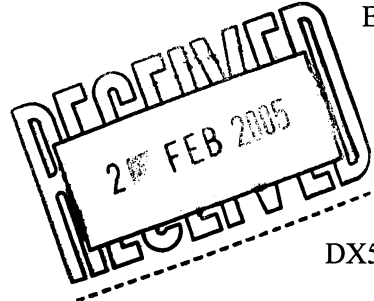
Principal Officer of Licensing and Community Safety  
 East Ayrshire Council  
 London Road  
 KILMARNOCK  
 KA3 7AF



STRATHCLYDE  
**POLICE**

**CHIEF CONSTABLE**  
 William Rae QPM

East Ayrshire Sub Division  
 Ayrshire Division  
 Divisional Headquarters  
 10 St Marnock Street  
 KILMARNOCK  
 KA1 1TJ



DX591200 KILMARNOCK 2

TEL NO: 01563 505033

FAX: 01563 505107

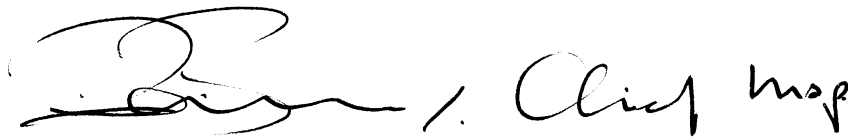
Dear Sir/Madam

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**  
**APPLICATION FOR PUBLIC ENTERTAINMENT LICENCE**  
**APPLICANT: DOUGLAS TAYLOR, THEME PARK, HAMILTON ROAD,**  
**MOTHERWELL, M11 3RT**

I refer to the above application and have to advise you that in terms of Schedule 1, Paragraph 3 (2) of the Civic Government (Scotland) Act, 1982 the Chief Constable requests that the Licensing Authority consider the attached representation outwith the statutory timescale.

In making this request the Chief Constable would advise the Licensing Authority that the nature and extent of enquiries undertaken precluded the Chief Constable from meeting the statutory time scales. The delay arose from difficulties in contacting the applicant and from additional checks that were required to be carried out.

Yours faithfully

  
 Elizabeth Weir  
 Superintendent  
 Sub Divisional Officer



INVESTOR IN PEOPLE



# APPENDIX 9

East Ayrshire Council  
Licensing & Community Safety  
14 London Road  
Kilmarnock  
KA3 7AF

27/01/05

For the Attention of George Scott

Dear Sir

With regard to your letter of the 25/01/05 enclosing letters of objection to our application for a Public Entertainment Licence for the Scott Ellis playing fields for a travelling themepark.

Both Jensen Connelly and Malcolm Cannon met with Derek Spence and Nick Kelly to explain the situation with the ground works required after the last visit to the Scott Ellis playing fields. In this meeting they explained that due to the severe weather conditions experienced after the event we were unable to carry out remedial works to the ground. Whilst we did what we could at the time there is still works to be carried out. We have people standing by ready to carry out these works as soon as the weather and ground conditions will permit.

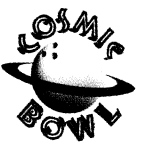
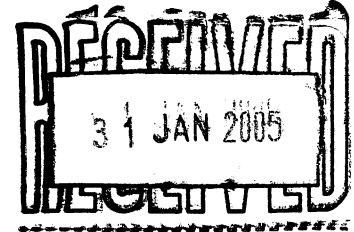
We pride ourselves in having good relations with numerous councils across the UK and fully appreciate the importance of leaving a ground as we found it and in some cases better than when we first arrived.

With regard to the police presence, this was felt necessary by the council but I think you will agree that the event was successful and there was no trouble at all.

Hoping this clarifies the points raised in the complaints letters and if you require any further information please do not hesitate to contact us.

Yours faithfully

Julia Jardine  
Kifdo Ltd



**Public Entertainment Licence No EA/PE 167, provisionally granted by East Ayrshire Council to Douglas Taylor (on behalf of the M and D Group), Scotland's Theme Park, Hamilton Road, Motherwell, in respect of the Travelling Theme Park to be held in Scott Ellis Playing Fields, Kilmarnock, during the period 16/27 September 2004, will only be valid when the appropriate officers of the Licensing Authority and the Emergency Services are satisfied as to the condition of the site and the facilities provided, following an inspection of the same prior to the public being admitted.**

In addition to the standard conditions attached to this licence, the following specific conditions are applicable to this event:-

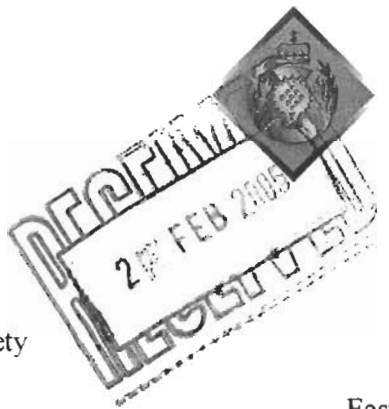
- (a) The Licensee shall be fully conversant with the 'Fairgrounds and Amusement Parks – Guidance on Safe Practice' (HSG 175.2000). The Licensee, or nominated representative, shall at all times follow the guidance detailed therein, unless subject to more specific requirements imposed by this Licence or by virtue of any other enactment. The licensee's attention is also drawn to the Fire Precautions (Workplace) Regulations 1997 as amended, together with the appropriate guidance.
- (b) An Event Risk Assessment and Safety Policy must be provided prior to the event.
- (c) The appropriate certificates with regard to temporary demountable structures, fairground rides, etc., should be submitted prior to the event.
- (d) The licence holder must hold adequate Public Liability Insurance and exhibit the same at a suitable location on site.
- (e) The licensee must ensure that the site is left in a clean and tidy condition when the rides are removed.
- (f) The operation of the fairground should not cause any noise disturbance to nearby premises, either from music or generator/power sources.
- (g) The location and size of the rides should not pose any potential risk of obstruction to members of the public. Power sources and cabling must be adequately protected.
- (h) An adequate number of suitably trained and clearly identifiable stewards must be provided to ensure the safety and control of persons within the fairground and to assist members of the public as necessary.

- (i) To ensure crowd safety, suitable announcements should be made at regular intervals during the event to inform the public of the location of emergency exits.
- (j) No alcohol is permitted within the 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.
- (k) The licensee shall meet the expenditure incurred by the employment of 4 Police Officers from 1800 – 2200hrs each day during the periods 16/20 and 25/26 September, 2004 and 2 Police Officers from 1800 – 2200 hrs each day during the period 21/24 September, 2004. Should local circumstances identify a need for additional officers in the area of the event, the Licensee shall meet such expenditure as deemed necessary to ensure public safety.
- (l) The licensee is advised that planning consent will be required if the fairground is situated at this location for 28 days or more in any one year.

1 February 2005

Your Ref:

Our Ref: U/EW/SM



# STRATHCLYDE POLICE

**CHIEF CONSTABLE**  
William Rae QPM

Principal Officer of Licensing and Community Safety  
East Ayrshire Council  
London Road  
KILMARNOCK  
KA3 7AF

East Ayrshire Sub Division  
Divisional Headquarters  
10 St Marnock Street  
KILMARNOCK  
KA1 1TJ

DX 591200 KILMARNOCK 2

Tel No: 01563 505000  
Fax No: 01563 505030

Dear Sir/Madam

## CIVIC GOVERNMENT SCOTLAND ACT 1982

**APPLICATION: PUBLIC ENTERTAINMENT LICENCE**  
**APPLICANT: DOUGLAS TAYLOR, THEME PARK, HAMILTON ROAD,**  
**MOTHERWELL, M11 3RT**  
**PREMISES: SCOTT ELLIS PLAYING FIELDS, KILMARNOCK**

With reference to the above I respectfully request that the following conditions be attached should the applicant's application be successful.

1. To ensure the safety and control of spectators and persons attending the event adequately trained and clearly identifiable stewards must be provided during the event.
2. Emergency exits be clearly marked and signs erected.
3. Public safety announcements are made during the event to inform spectators of the emergency exits and to ensure crowd safety.
4. The applicant has adequate public liability insurance.
5. 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.

Additionally, the licence holder shall meet the expenditure incurred by the employment of four police officers from 1800 to 2200 hrs 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.



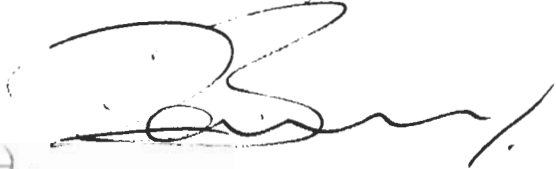
INVESTOR IN PEOPLE



As discussed with the applicant company should local circumstances identify a need for additional officers in the area of the event, the licence holder shall meet such expenditure as deemed necessary to ensure public safety.

The September event should also be subject to any further conditions deemed necessary at the conclusion of the event in May.

Yours faithfully

 *Elizabeth Weir*

Elizabeth Weir  
Superintendent  
Sub Divisional Officer