

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL  
2 SEPTEMBER 2004**

**APPLICATION FOR GRANT OF AN INDOOR SPORTS 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 an Indoor Sports Entertainment Licence.

**2. BACKGROUND**

- 2.1 An application has been received from Rowallan Activity Centre, Meiklemossie, Fenwick, per Lord and Lady Rowallan and Miss Sophie Dinning, in respect of the use of the premises at the same address for the purpose of equestrian events.
- 2.2 The applicant currently holds a temporary Indoor Sports Entertainment Licence, reference number EA/ISE 10, granted on 13 February 2004 and valid until 25 March 2004. This licence is for the parts of the premises specified in the Temporary Occupation Certificate issued in terms Section 9 of the Building (Scotland) Act 1959, the excluded parts of the premises still being under construction
- 2.3 This application for grant of licence for the whole premises was submitted during the currency of the above temporary licence and, in terms of Paragraph 7(6) of Schedule 1 to the Civic Government (Scotland) Act 1982, the temporary licence shall continue to have effect until this application is determined.
- 2.4 The application for grant of licence for the whole premises was submitted on 19 March 2004, at which time the applicant was advised that consideration of the application would be delayed to permit the outstanding building works to be completed or until the statutory time limit for determining the application was approaching.
- 2.5 In terms of Section 3 of the Act, a licensing authority shall consider each application made to them within 3 months of its having been made and reach a final decision on it within 6 months. The application must therefore be determined before 18 September 2004.
- 2.6 A memorandum dated 12 August 2004 making representations has been received from the Building Control Service, outwith the 21-day period specified

in specified in Paragraph 3(1) of Schedule 1 to the Civic Government (Scotland) Act 1982.

- 2.7 A memorandum dated 12 August 2004 making representations has been received from the Environmental Health, Licensing and Community Safety Service, outwith the 21-day period specified in specified in Paragraph 3(1) of Schedule 1 to the Civic Government (Scotland) Act 1982.
- 2.8 A letter of representation dated 27 March 2004 has been received from Strathclyde Fire Brigade. ( Copy attached at Appendix 1 to this report)

### **3. CORE SECTION**

- 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 As noted at Paragraph 2.4 above, the applicant was advised that consideration of the application would be delayed to permit the outstanding building works to be completed or until the statutory time limit for determining the application was approaching.
- 3.3 If the Panel agree to entertain the 'out of time' representations, details will be circulated at the meeting.
- 3.4 In accordance with Paragraph 4(1) of Schedule 1 to the Act, copies of the letter and memoranda containing representations 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 Any correspondence in response will be circulated at the meeting, subject to the Panel agreeing to entertain the 'out of time' representations
- 3.6 The applicant and/or his representative and those persons making representation have been invited to attend the meeting and to confirm whether or not they intend to be present 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 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 Rowallan Activity Centre, Meiklemosside, Fenwick, per Lord and Lady Rowallan and Miss Sophie Dinning, in respect of the use of the premises at the same address for the purpose of equestrian events
- 7.2 Of the three representations received in respect of the application two 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, the Licensing Panel may consider the memorandum of representation dated 12 August 2004 from the Building Control Service, the memorandum of representation dated 12 August 2004 from the Environmental Health, Licensing and Community Safety Service, together with the letter of representation dated 27 March 2004 from Strathclyde Fire Brigade, any written responses 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 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

12 August 2004

#### **LIST OF BACKGROUND PAPERS**

1. Application form signed and received on 19 March 2004.
2. Licensing File Ref. No ISE 10 (Temporary)

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)

# APPENDIX 1

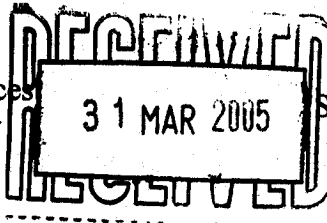
West Command Headquarters  
4 Barr Street  
Ardrossan KA22 8HD

Firemaster  
B P Sweeney MA, DipEFEng, MIFireE



## Strathclyde Fire Brigade

East Ayrshire Council  
Department of Community Services  
Licensing and Community Safety  
14 London Road  
KILMARNOCK  
KA3 7AF



Direct Line 01294 606824  
Switchboard 01294 607000 Headquarters  
Fax 01294 607455 Headquarters  
01294 607455 Fire Safety  
Our Ref DB/CS/1/6/MWC

**FAO MR G SCOTT**

Your Ref

If phoning or  
calling ask for **Station Officer  
D Blair**  
Date **27 MAR 2004**

Dear Sir

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### PREMISES AT:

**Rowallan Activity Centre  
Meiklemossie, Fenwick, Ayrshire KA3 6AY**

#### ACTIVITY TO BE LICENSED: **Indoor Sports**

I refer to your recent letter and enclosures with regard to the above subject and have to inform you that: -

- The premises are not yet complete and as such this Department cannot agree to the grant of this application at this time. Should the premises not be completed within the required timescale, the Fire Authority will object to the grant of the licence.

Yours faithfully

*L Anderson CIDO*

**1 KEITH SMALL  
ASSISTANT FIREMASTER**