

## **EAST AYRSHIRE COUNCIL**

### **LOCAL GOVERNMENT LICENSING PANEL 2 SEPTEMBER 2004**

#### **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 period 16 to 27 September 2004.
- 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. The Event Manual is currently being amended to incorporate the requirements of the various consultees, taking account of local circumstances.
- 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 1 July 2004.
- 2.4 A letter of objection, dated 2 July 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 dated 22 July 2004, has been received from Ian M McVey, 5 Kay Park Terrace, Kilmarnock in his capacity as Convenor of Piersland and Bentinck Community Council. (Copy attached at Appendix 2 to this report.)
- 2.6 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. 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 After considering the letter dated 30 July 2004 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 30 July 2004 is attached at Appendix 3 to this report.
- 3.3 If the Panel agree to entertain the representation, details will be circulated at the meeting.
- 3.4 In accordance with Paragraph 4(1) of Schedule 1 to the Act, copies of the letters (4) 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 Letters in response to the objections raised by Bernard M Lindberg and Ian McVey, on behalf of Piersland and Bentinck Community Council have been submitted by the applicant. (Copies attached at Appendices 4 and 5)
- 3.6 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.
- 3.7 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 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 period 16 to 27 September 2004.
- 7.2 Of the two objections and 1 representation received in respect of the application, one representation was 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 representation, the Licensing Panel may consider the letter of representation dated 30 July 2004, together with the letter of objection dated 2 July 2004 from Bernard M Lindberg, the letter of objection dated 22 July 2004 from Ian McVey, on behalf of Piersland and Bentinck Community Council, the 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' representation 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

10 August 2004

### **LIST OF BACKGROUND PAPERS**

1. Application form signed on 16 June 2004, received on 17 June 2004 and competent from 1 July 2004, being the date of publication of the required 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

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

Date: 2 July 2004

East Ayrshire Council  
Department of Neighbourhood Services

05 JUL 2004  
JFC. For Action  *ME*  
*Jamia/Karen*

Dear Sir

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

I write with reference to the recent application by M & D Leisure for a licence to hold a Travelling Theme Park at Scott Ellis Playing Fields during the period 13 to 27 September 2004 and wish to register objection to the granting of such a licence on the following grounds:

**1. PUBLIC SAFETY** The location of our business at the end of New Mill Road generates a good deal of traffic throughout the working day. In addition to staff vehicles arriving and leaving, there are frequent movements of heavy goods vehicles, including articulated lorries, to and from our premises.

Normally this traffic causes no problem at all because of the vacant nature of the vicinity. However, if one considers the restricted width of New Mill Road and the traffic generated by ourselves, then add to this large numbers of the public accessing the playing fields for two weeks on foot and in cars, also the innate tendency of the public to park along New Mill Road, one has an almost perfect recipe for some kind of accident, perhaps to a child. This is something none of us wants to see and I would urge the Council to redirect this event to a safer location.

**2. SECURITY** Without wishing to adopt a 'holier-than-thou' attitude, this kind of event tends to draw the riff-raff of society (along with others of course) and we feel that this represents a potential security threat to our premises. If the event went ahead, would the Council be willing to make security personnel available to protect our premises over weekends and at night?

I would be grateful if this representation could be given due consideration when determining the outcome of the application.

Yours faithfully  
SPEARHEAD



Bernard M Lindberg  
Partner

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.

**PIERSLAND/BENTINCK COMMUNITY COUNCIL**

Ian M McVey  
5 Kay Park Terrace  
Kilmarnock  
KA3 7AX

22 July 2004

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

Dear Mr Stafford

Travelling Theme Park to be held at the Scott Ellis Playing Fields during period 13<sup>th</sup> September to 27<sup>th</sup> September 2004.

This Community Council objects to the above event being held due to possible public disorder, lack/loss of amenity, inconvenience and general disruption and mess which may be caused by the holding of such an event.

I trust this is in order.

Yours sincerely

(Sgd) Ian M McVey

Convener

# APPENDIX 3

30 July 2004

Your Ref:

Our Ref: U/AM/EB

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



**STRATHCLYDE  
POLICE**

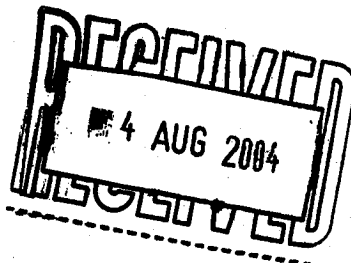
**CHIEF CONSTABLE**  
William Rae QPM

Licensing Department  
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**  
**SCOTT ELLIS PLAYING FIELDS KILMARNOCK**  
**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.

Yours faithfully

Superintendent  
Sub Divisional Officer



INVESTOR IN PEOPLE

The M&D Group  
Scotland's Theme Park  
Strathclyde Country Park  
Motherwell ML1 3RT  
T: 01698 333777 F: 01698 303034

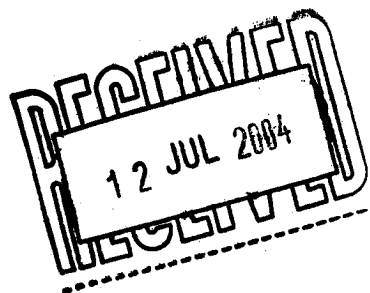


# APPENDIX 4

East Ayrshire Council  
Licensing  
14 London Road  
Kilmarnock  
KA3 7AF

9 July 2004

Travelling Theme Park 16 – 27 September 2004



Dear Sirs

With reference to your letter dated 7<sup>th</sup> July 2004, together with the letter from Mr Bernard Lindberg.

Security - Whilst we appreciate his concerns, the site will be completely fenced with steward presences, to ensure that all who attend have a safe and enjoyable visit to our site.

Public safety – The event will operate in the evening and weekends, when we would expect this company to be closed.

The types of visitors that we attract to our sites are families as we cater for them first. We would expect to have the same type of visitor who has attended this site in the past to visit such an event as the Circus.

We trust this meets with everyone's approval, however if you require any additional information please do not hesitate to contact me.

Regards

Jehsen Taylor Connelly (Mrs)



The M&D Group  
Scotland's Theme Park  
Strathclyde Country Park  
Motherwell ML1 3RT  
T: 01698 333777 F: 01698 303034



Post & Fax 01563 554 390

# APPENDIX 5

East Ayrshire Council  
14 London Road  
Kilmarnock  
KA3 7AF

5 August 2004

Travelling Theme Park – Scott Ellis Playing Fields

Dear Sirs,

Further to your recent letter dated 22 July 2004, from Mr Ian McVay. Whilst we appreciate that the surrounding residents may have their reservation, I can only repeat the following points.

### Site Security

The site will be fenced, with one controlled entrance; this will ensure the overall control of visitors to the site.

### Security

Stewards will be position at the car park area, and within the main site, ongoing meetings will take place between the local Police and the M& D Group to ensure the security within the main site and the well being of the local residents and properties.

### Noise

All PA systems will be set and controlled by the site manager and the local Environmental Officer to prevent the music from getting to an uncomfortable level.

### Waste

Closed top Skips will be used within the main site and all rubbish will be removed on a nightly basis.

### Toilet Facilities

Portable toilets will be situated with the main site, with adequate signage around the site to direct all customers.

Hope this helps to address some of there concerns, if you require any additional information please do not hesitate to contact me.

Regards

Jensen Taylor Connelly

