

EAST AYRSHIRE COUNCIL

SPECIAL LOCAL GOVERNMENT LICENSING PANEL 10 DECEMBER 2001

APPLICATIONS FOR GRANT OF A PUBLIC ENTERTAINMENT LICENCE AND ASSOCIATED PERMITS

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To invite the Panel to consider the undernoted applications by way of a Hearing :-
- (i) Application for the grant of a Public Entertainment Licence in terms of Section 41 of the Civic Government (Scotland) Act 1982.
 - (ii) Application for the grant of a permit in terms of Section 34(5)(E) of the Gaming Act 1968.
 - (iii) Application for the grant of a permit in terms of Section 16 of the Lotteries and Amusements Act 1976.

2. BACKGROUND

- 2.1 An application has been received from Matchurban, 45 Cuthbert Court, Bede Industrial Estate, Jarrow, for the grant of a Public Entertainment Licence in respect of a proposed amusement centre at Unit 8, Portlandgate, Kilmarnock, together with associated permits as outlined at paragraph 1.1 above.
- 2.2 Two objections and a representation have been received in respect of the application for grant of a Public Entertainment Licence. The 1982 Act makes provision for the submission and consideration of such objections and, accordingly, both objectors have been invited to attend this Hearing in respect of the Public Entertainment Licence.
- 2.3 It should be noted however that neither of the other two Statutes make allowance for formal objection and consequently the objectors cannot be heard in respect of the other two applications for permits.
- 2.4 The application for grant of permit in terms of the Gaming Act 1968 Section 34(5)(E) is in respect of the siting of gaming machines and the application in terms of the Lotteries and Amusements Act 1976 Section 16 is in respect of the playing of prize bingo on the premises.

3. DISCUSSION

- 3.1 A letter of objection dated 13 June 2001 has been received from John McGarrity, 4 Alder, The Place, Grange Estate, Kilmarnock. (Copy attached at Appendix 1 to this report)
- 3.2 A letter of objection dated 13 June 2001 has been received from William Gibson, 16 Knockinlaw Road, Kilmarnock. (Copy attached at Appendix 2 to this report)
- 3.3 The Council recently refused an application for Planning Permission in respect of the proposed change of use of the premises and a copy of the letter from the Head of Planning and Building Control, dated 13 September 2001, is attached at Appendix 3.
- 3.4 In the letter dated 16 November 2001 from the Noble Organisation on behalf of the applicants (Copy attached at Appendix 4 to this report), they advise that, subject to the outcome of this hearing on the application for grant of a Public Entertainment Licence, they will subsequently decide whether or not to lodge an appeal against the refusal to grant planning permission.
- 3.5 In terms of the Council's Scheme of Delegation, the Chair and the Director of Community Services have agreed that the objections and representation lodged are both material and competent and that the application should be considered by way of a Hearing.
- 3.6 The applicant has intimated that he will attend or be represented at the meeting and wishes to be heard.
- 3.7 The objectors have been invited to attend the meeting and be heard in respect of the application for grant of Public Entertainment Licence if they so wish. No response had been received when this report was prepared.

4. FINANCIAL IMPLICATIONS

- 4.1 Nil.

5 LEGAL IMPLICATIONS

- 5.1 In terms of Paragraph 3(4) of Schedule 1 to the Civic Government (Scotland) Act 1982, copies of any relevant objections/representations have been forwarded to the applicant.
- 5.2 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.

5.3 In accordance with the above Paragraph, the applicant and the objectors have been invited to attend the Hearing.

5.4 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 Matchurban, 45 Cuthbert Court, Bede Industrial Estate, Jarrow, for the grant of a Public Entertainment Licence in respect of a proposed amusement centre at Unit 8, Portlandgate, Kilmarnock, together with associated permits as outlined at paragraph 1.1 above.

7.2 Two objections and a representation have been received in respect of the application.

8. RECOMMENDATIONS

8.1 It is recommended that the Panel consider the undernoted applications by way of a Hearing :-

- (I) Application for the grant of a Public Entertainment Licence in terms of Section 41 of the Civic Government (Scotland) Act 1982.
- (II) Application for the grant of a permit in terms of Section 34(5)(E) of the Gaming Act 1968.
- (III) Application for the grant of a permit in terms of Section 16 of the Lotteries and Amusements Act 1976.

William Stafford
Director of Community Services

3 December 2001

WS/GS

LIST OF BACKGROUND PAPERS

1. Application form signed on 24 May 2001 and received on 4 June 2001.

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.

AGENDA