

REGULATORY COMMITTEE (LICENSING)

At a Special Meeting of the Regulatory Committee (Licensing) held in Committee Room 2, Council Offices, Garshake Road, Dumbarton on Wednesday, 30 October 2002 at 10.00 a.m.

Present: Councillors Mary Campbell, James McCallum, Ronnie McColl, Ian McDonald, Iain Robertson and John Syme.

Attending: Nigel Ettles, Principal Solicitor; Rod McCreath, Manager of Protective Services; Tony Cairns, Team Leader, Trading Standards; and David Rooney, Senior Administrative Officer.

Apologies: Apologies for absence were intimated on behalf of Provost Alistair Macdonald and Councillor Duncan McDonald.

Councillor Mary Campbell in the Chair

APPLICATIONS FOR GRANT OF PUBLIC ENTERTAINMENT LICENCE AND PERMIT FOR PROVISION OF AMUSEMENTS WITH PRIZES

Name and Address of Applicant

Leisure Promotions Limited
Hughes Buildings
Boathouse Lane
Stockton
Cleveland

Date Applied

21 August 2002

With reference to the Minutes of the Meeting of the Committee held on 2 October 2002, having heard the Convener, Councillor Campbell, and the Principal Solicitor, it was noted:-

- (a) that the report by the Head of Legal and Administrative Services concerning applications for grant of a Public Entertainment Licence and a Permit for Provision of Amusements With Prizes which had been submitted on behalf of the above company in relation to premises at 7 Chalmers Street, Clydebank had been reissued with the papers for the meeting;
- (b) that in addition to the three objections to the application for grant of the Public Entertainment Licence which had originally been received, a late letter of objection had been submitted on behalf of Morison Memorial United Reformed Church;

- (c) that whereas the period of 21 days for objections to be submitted to the application had expired on 11 September 2002, the late objection had not been received until 7 October 2002; and
- (d) that there was provision in the legislation for the Licensing Authority to entertain a late objection which had been received before a final decision had been made on an application if the Licensing Authority was satisfied that there was sufficient reason why the objection had not been made in the time required.

At the invitation of the Convener, the representative of Morison Memorial United Reformed Church who was in attendance, Mr. Fettes, was given the opportunity to advise the Committee of the reason why the objection had not been submitted timeously. After hearing Mr. Fettes, the Committee took account of the Church's internal procedure for considering such matters and agreed that the late objection should be entertained. Mr. Fettes was therefore advised that he would be heard further in relation to the objection, together with the other objectors, at the appropriate time.

The Convener then invited the representatives of the applicant to come forward. It was noted that Mr. Stuart Hughes, Joint Managing Director, and Mr. Jonathan Hughes, Operations Director, were present on behalf of the company together with their legal representative, Mrs. Sarah Smith of Messrs. Mincoffs, Solicitors.

Mrs. Smith indicated that although part of her submission in relation to the applications had been heard at the meeting of the Committee on 2 October 2002, it would be her preference that the Committee hear her entire submission from the outset given the period of time that had elapsed. The Committee agreed accordingly.

Mrs. Smith then proceeded to make a detailed submission in support of the applications, making reference to the various documents which she had submitted as supporting evidence at the earlier hearing. After answering questions from Members, the representatives of the applicant returned to the public gallery.

It was noted that in the course of her submission Mrs. Smith had indicated that her clients were prepared to operate a policy whereby admission to all parts of the premises would be restricted to persons over 21 years of age and that she had invited the Committee to attach a condition to this effect to the Public Entertainment Licence if granted.

The Convener then invited the objectors to the application for the Public Entertainment Licence to come forward and the undernoted individuals were heard by the Committee in support of the objections which had been submitted:-

- i) Mr. H. Bright on behalf of Linnvale/Drumry Community Council;
- ii) Mrs. H. Barr;
- iii) Mr. Fettes on behalf of Morison Memorial United Reformed Church; and
- iv) Mrs. B. McGeachy.

It was noted that the objections were mainly on the grounds that the location of an Amusement Centre at the proposed location would have a detrimental affect on the area and be undesirable for the reasons detailed in the report.

Thereafter the objectors returned to the public gallery.

After deliberation Councillor McCallum, seconded by Councillor McColl, moved:-

That the applications be granted subject to a condition being attached to the Public Entertainment Licence restricting entry to all parts of the premises to persons over 21 years of age and the operation of the premises being closely monitored by the Council's Licensing Officers to ensure that the said condition is properly enforced.

As an amendment, Councillor McDonald, seconded by Councillor Campbell, moved:-

That the applications be refused on the ground that the location of the premises was unsuitable having regard to the social conditions prevailing in the area.

On a vote being taken two Members voted for the amendment and four Members voted for the motion. The motion was accordingly declared carried.

ADJOURNMENT

It was agreed that the meeting be adjourned at this point for five minutes. The meeting reconvened at 11.45 a.m. with the same Members and Officers present as listed in the sederunt with the exception of Councillor McColl.

APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE

Name and Address of Applicant

Irving Stringfellow
58 Lightburn Road
Cambuslang

Date Applied

26 September 2002

A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Temporary Public Entertainment Licence by the above named person.

It was noted:-

- (a) that the application was in respect of a proposed Funfair/Carnival to be located in Three Queens Square, Clydebank from Thursday, 7 November to Tuesday, 12 November 2002 with the proposed hours of operation being from 12 noon to 9.00 p.m. daily;

- (b) that in accordance with the practice which is adopted when applications for the grant of Public Entertainment Licences involving Funfairs are received, the Convener of the Committee, Councillor Campbell, had been consulted and she had indicated that she would wish the application to be referred to the Committee for determination, mainly in order that consideration may be given to the suitability of the proposed location for the Funfair;
- (c) that a letter had been received from the Shopping Centre Manager expressing concern that should the proposed Funfair be allowed to operate after 6 p.m., there would be the potential for conflict between pedestrians and heavy plant machinery which may be moving around the Centre due to the refurbishment works which were presently being carried out;
- (d) that in view of the background to the application, the applicant had been invited to attend the meeting in order that the application may be determined; and
- (e) that Mr. Stringfellow was in attendance accompanied by Mr. Andrew Masterton of Fun Time Carnivals.

At the invitation of the Convener, Messrs. Stringfellow and Masterton were invited to come forward and were given the opportunity to address the Committee in support of the application. After answering questions from Members, Messrs. Stringfellow and Masterton returned to the public gallery whilst the application was considered by the Committee.

After deliberation Councillor Syme, seconded by Councillor McCallum, moved:-

That the application be granted.

As an amendment, Councillor Campbell, seconded by Councillor McDonald, moved:-

That the application be refused on the grounds that the proposed location was not suitable; that the operation of a Funfair at the proposed location would be detrimental to the amenity of the area; and that there would be a potential risk to public safety having regard to the ongoing movement of heavy machinery in the vicinity of the proposed location associated with the refurbishment works currently taking place.

On a vote being taken, two Members voted for the amendment and three Members voted for the motion. The motion was accordingly declared carried.

APPLICATION FOR GRANT OF STREET TRADER'S LICENCE

Name and Address of Applicant

Heather Alexander
34 Larchfield Avenue
Scotstoun
Glasgow

Date Applied

13 September 2002

A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Street Trader's Licence by the above named person to allow her to trade in "fast food" from a mobile snack bar which would be located in Cart Street, Clydebank from 7.00 a.m. to 4.00 p.m. each day, Monday to Saturday.

After hearing the Principal Solicitor it was noted:-

- (a) that whilst no objections had been received in relation to Miss Alexander's current application, in view of the circumstances since an application for a temporary licence in respect of the same location had been granted by the Committee on 7 August 2002 after a hearing, the applicant had been invited to attend the meeting in order that the application may be determined; and
- (b) that there had been a recent incident involving a breach of the condition of the temporary licence regarding the authorised location of the mobile snack bar.

The applicant, who was in attendance, was invited to come forward by the Convener and was given the opportunity to address the Committee in support of the application and to explain the circumstances with regard to the breach of the conditions of the temporary licence. Thereafter the applicant returned to the public gallery whilst the application was considered by the Committee.

After deliberation it was agreed that the application be granted.

Councillor Campbell, having failed to obtain a seconder for a proposed amendment, asked that her dissent be recorded.

COSLA TASK GROUP ON FIREWORKS

There were submitted:-

- (a) Minutes of Meeting of the COSLA Task Group on Fireworks held on 13 June 2002, which was attended by Councillor Campbell;
- (b) Draft Final Report on Findings of the COSLA Task Group on Fireworks which was presented to a meeting of COSLA's Environment, Sustainability and Community Safety Group on 24 October 2002; and

- (c) News Release entitled "Councils Demand Action on Fireworks" which was issued on 24 October 2002.

After hearing the Manager of Protective Services, the Team Leader, Trading Standards and the Convener, Councillor Campbell, it was agreed that the above documents be noted.

The meeting closed at 12.45 p.m.