

**Civic Government (Scotland) Act 1982  
Application for a Temporary Public Entertainment Licence  
Welfare Park, Newtongrange**

**Report by Director, Resources**

**1 Purpose of Report**

To appraise Members about the circumstances relating to the grant, on the standard and other conditions of an application for a Temporary Public Entertainment Licence by Mr A Newsome, 17 Carntynehall Road Glasgow in respect of Welfare Park, Newtongrange.

**2 Background**

Mr Newsome submitted the application on 13 August 2013 with the intention to operate from 6.00pm till 10pm and from 2pm on Saturdays from 14 to 17 August 2013. He alleged that he submitted an application in June but no trace could be found. In addition, he did not post notice at the site for a period of 21 days to allow representations to be made. It is a pre-requisite of such applications that permission to use the ground must be assured. A Missive of Let as regards use of the Park for this purpose was issued on 1 August 2013.

The Police, Fire and appropriate Officers were consulted on the basis of an incomplete application form which the applicant was asked to complete but never did. The Police objected to the grant of the application because of the lateness as it was not possible to process the application in time. The Environmental Health Service initially declined to comment but later confirmed that there was “nothing positive or adverse” to report.

There is no existing procedure which caters for the consideration of applications which are submitted so late. The receipt of an objection made it even more difficult. It was not possible to call everyone to a meeting of the General Purposes Committee to enable consideration of the application at a Hearing.

Following consultation with the Chair and the Local Members, the application was granted subject to the standard conditions.

**3 Conclusions**

The provisions of Schedule 1 to the Civic Government (Scotland) Act 1982 do not provide for a Hearing to be afforded to applicants for Temporary Public Entertainment Licences and objectors. Nevertheless, on previous occasions, applicants and objectors have always been heard. In the time available, it was not possible to arrange a Hearing before the General Purposes Committee. The application was granted subject to the standard conditions. Mr Newsome was given a warning that there should be no recurrence.

In the circumstances and, in view of the real danger of public order / public order arising from the insufficient preparatory time given in such instances; and following discussion with colleagues, Mr Newsome and the Scottish Section of the Showman's Guild have been advised that in future, if an application for the let of ground is not submitted well in advance, the use of the facility will not be granted; and, accordingly, any application for a licence will not be capable of being processed.

## **8 Recommendation**

The Committee is asked:-

- (a) To note the report;
- (b) To endorse the grant of the licence; and
- (c) To approve for its interest the proviso as regards the need for timeous notice.

**5 September 2013**

**Contact Person: Mr R Atack**  
**Background Papers: File C G 10**

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**(RGA/GL)**