

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 20th January 2011 at 10.00 a.m.

For items 1 to 3:

Present: Councillors Ian Fitzsimmons (Chair), John Allan, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant and Alec Oattes.

Apology: Councillor Andy Campbell.

Attending: C. Cox, Planning Manager; W. Carlaw, Acting Legal Manager; A. Browne, Senior Planning Development Case Officer; J. Webb, Technician – Traffic; and J. McClure, Committee Administrative Officer.

For Items 4 to 11:

Present: Councillors Ian Fitzsimmons (Chair), Ian Douglas, Ann Galbraith, Sandra Goldie and Alec Oattes.

Apologies: Councillors John Allan, Andy Campbell and Bill Grant.

Attending: C. Neillie, Solicitor; M. Douglas, Licensing Policy Officer; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Administrative Officer.

Also Attending: Inspector A. Clapperton and D. Hastings, Strathclyde Police.

1. Variation in order of business.

In terms of Council Standing Order No. 10, the Panel agreed to vary the order of business as hereinafter minuted.

2. Implementation of Speed Limit Review.

There was submitted a report (issued) of 13th January 2011 by the Executive Director - Development and Environment seeking approval to make Orders under the Road Traffic Regulation Act 1984, namely:-

- (1) South Ayrshire Council (A713 Ayr – Castle Douglas Road) (40mph Speed Limit) Order 2011;
- (2) South Ayrshire Council (A714 Girvan – Newton Stewart Road) (30mph Speed Limit Order 2011;
- (3) South Ayrshire Council (A79 Maybole Road, Ayr) (Revocation of 40mph and Extension of 30mph) Order 2011; and
- (4) South Ayrshire Council (A79 Prestwick Loop Road) (50 and 40mph Speed Limit) Order 2011.

Decided: to approve the making of the above-named Orders.

3. Applications for Planning Permission.

There were submitted reports (issued) of November 2010 by the Executive Director - Development and Environment and letters of objection or support, as appropriate, on current applications for determination.

The Panel decided as follows:-

- (1) **10/01595/APP – MAYBOLE – SAS Murray International, Murray Gardens** - Erection of industrial unit, formation of vehicular access, car parking and associated works.

Decided: to approve the application subject to the following conditions:-

- (a) that the development hereby permitted shall be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that where the risk assessment identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the formal prior written approval of the Council as planning authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Planning Authority;
- (d) remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority;
- (e) that the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority;
- (f) that the operation of this facility shall not result in an increase of more than 5dB(A) between the existing background noise level (L_{A90} (1 hour)) and the rating level ($L_{Ar}T_r$) where $T_r = 1$ hour daytime and 5 minutes night time (Measured as per BS 4142;1997). For the avoidance of doubt BS4142;1997 defines the rating level ($L_{Ar} T_r$) as being the specific noise level L_{Aeq, T_r} plus any adjustments for the characteristic features of the sound as detailed in Section 8.2 of the British Standard;
- (g) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;

- (h) that a two metre wide public footway shall be provided along the site frontage on Dailly Road in accordance with the specifications in the Council's Roads Development Guide before occupation of development;
- (i) that before any works start on site, details shall be submitted to the Planning Authority showing the design and specification of a turning area capable of accommodating service vehicles. The turning area shall be constructed as approved prior to the new development being occupied;
- (j) that parking bays shall be a minimum of 4.8 metres x 2.5 metres with minimum aisle widths of six metres;
- (k) that a lockable and covered cycle stand accommodating a minimum of six cycles shall be provided within the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site;
- (l) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures shall be maintained in perpetuity, shall be submitted for approval in writing to this Planning Authority prior to the commencement of any works on site; and
- (m) that before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within one year / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to ensure the proposed remediation plan is suitable;
- (d) to ensure remediation works are carried out to the agreed protocol;
- (e) to ensure all contamination within the site is dealt with;
- (f) in order to prevent noise nuisance;
- (g) in the interest of road safety and to avoid the discharge of water on to the public road;

- (h) in the interest of road safety and to ensure an acceptable standard of construction;
- (i) to enable service vehicles to enter and leave the site in forward gear and in the interests of road safety;
- (j) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (k) to ensure adequate provision of lockable and covered cycle storage on site and to encourage sustainable means of travel;
- (l) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained; and
- (m) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

Advisory Notes:

- (i) the Council as Environmental Health Authority has advised that in order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken;
- (ii) the Council as Roads Authority advises that a Road Opening Permit shall be required for any work within the public road limits; and
- (iii) the discharge of surface water from the site must comply with the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) and the applicant shall be encouraged to continue to discuss this issue with the local regulatory team.

List of Determined Plans:

Drawing - 8071-201 Rev. A;
 Drawing - 8071-202 Rev. A;
 Drawing - 8071-203 Rev. A;
 Drawing - 8071-204 Rev. A;
 Drawing - 8071-205 Rev. A;
 Drawing - 8071-206 Rev. A;
 Drawing - 8071/103 Rev. C;
 Drawing - 8071/104 Rev. C;
 Drawing - 8071/107 Rev. B;
 Drawing - 8071/108 Rev. A;
 Drawing - 8071/109 Rev. A; and
 Drawing - 8071/110 Rev. A.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

(2) 10/00957/MSCM – AYR – Land at Greenan, Dunure Road - Approval of matters specified in conditions of outline planning permission 09/00683/OUT.

Decided: to approve the application subject to the following conditions:-

- (a) that the proposed development shall commence within two years from the approval of this 'Matters Specified in Condition' application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that notwithstanding the landscape plans hereby approved, together with the associated landscape Management Plan, the introduction of meadow grass and wildflowers shall be established within the northern area of open space parkland, details of which shall be submitted for the prior written approval of the Planning Authority;
- (d) that all landscaping works and open space provision shall be completed in accordance with the approved landscape drawings prior to the occupation of the last house in the approved development. The open space/landscaped area shall be retained as open space and to this approved standard;
- (e) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (f) that the opening hours of the retail store shall be restricted to between the hours of 0700 hours and 2200 hours;
- (g) that the use of the retail unit shall be restricted to Class 1 shops as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997;
- (h) that notwithstanding the plans submitted, only one retail unit, as defined on drawing L(00)010, L(00)110, L(00)120, shall hereby be permitted;

- (i) that before any work commences on site, a suitably scaled block layout plan showing
- existing ground levels;
 - proposed ground levels, and
 - finished floor levels of each proposed dwellinghouse,
- shall be submitted for the prior written approval of the Council as Planning Authority;
- (j) that notwithstanding the plans hereby approved, the front boundary hedge planting as defined on boundary treatment plan drawing L(00)011 shall also be incorporated as the boundaries for dwellinghouses fronting onto areas of open space/parkland;
- (k) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (l) that prior to the commencement of works, proposals for establishing whether there is evidence of roosting bats or nesting birds and proposals for ongoing bat surveys shall be incorporated into the Landscape and Habitat Management Plan. Where trees require to be felled and appear suitable as bat roosts and openings are present, best practice methods to protect bats and the employment of a suitably qualified ecologist shall be undertaken, with all details being submitted to the Planning Authority for its written approval prior to the commencement of development;
- (m) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures shall be maintained in perpetuity, shall be submitted for approval in writing to this Planning Authority prior to the commencement of any works on site;
- (n) that the foul drainage arrangements for the site shall be to the satisfaction of the Planning Authority, in consultation with SEPA and Scottish Water;
- (o) that no part of any phase of the development shall be occupied until the Sustainable Urban Drainage System (SUDS) to which that part of the development relates has been completed in accordance with the submitted and approved plans;

- (p) that no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
- (q) prior to the completion of the 58th housing unit or within two years of the occupation of the first housing unit (whichever is the soonest), the owner of the agreement subjects shall ensure the provision of a bus gate to/from Abbots Way. This shall be installed as indicated by the Steer Davies Gleave drawing dated 21st February 2008 (Fig. 5.12) entitled 'Proposed off site road works';
- (r) that prior to the occupation of the first residential unit, a Travel Plan for the full development shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car;
- (s) that a two metre wide public footway shall be maintained along the site frontage on Dunure Road, in accordance with the specifications in the Council's Roads Development Guide, before the occupation of the first residential unit;
- (t) prior to the occupation of the development's first residential unit, a roundabout shall be provided in order to serve as the sites primary access. All associated infrastructure shall be paid for by the developer. The Steer Davies Gleave drawing entitled 'Indicative Roundabout at Main Access at Browncarrick Drive' (dated 21st February 2008) is indicative of the required road layout. Final designs shall be submitted to, and approved by the Roads Authority prior to the occupation of the first residential unit;
- (u) that junction access visibility sightline splays of 4.5 metres by 90 metres shall be maintained in both directions at any priority junction between the developments road network and the A719. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (v) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site; and

- (w) that notwithstanding the plans hereby approved, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority.

Reasons:

- (a) to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interest of wildlife;
- (d) to ensure landscaping works are completed at an appropriate stage in the development of the site;
- (e) in the interests of visual amenity and to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (f) in the interest of residential amenity;
- (g) and (h) in the interest of clarifying the extent of planning permission hereby granted;
- (i) in the interests of residential and visual amenity and to ensure that there is no significant detrimental impact on adjacent properties;
- (j) in the interest of visual amenity and contributing to a coherent landscape structure;
- (k) in the interests of visual amenity;
- (l) in the interests of protecting the natural habitat and ecology of the site and promoting an open space framework;
- (m) to (o) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (p) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (q) and (r) to encourage sustainable means of travel;
- (s) for the purposes of road safety and accessibility;
- (t) for the purposes of road safety and functional operation of the local road network;
- (u) for the purpose of road safety;
- (v) in the interest of road safety; and
- (w) in the interests of visual amenity.

Advisory Notes:

The Council as Roads Authority advises that a Road Opening Permit shall be required for any work within the public road limits.

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

Please note that Construction Consent from the Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Roads Authority.

The Council as Roads Authority advises that at the detailed application stage the plans should include a stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority and the applicant. No later than one month after completion of the development, unless an alternative time period is approved, a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted to the Roads Authority. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant, including any relevant road signs and markings.

The Council advises that an extension of the existing 30mph zone on Dunure Road shall be required to be promoted prior to the occupation of the developments first residential unit. Any costs associated with the promotion of a new Traffic Regulation Order, and any associated infrastructure, shall require to be borne by the developer.

The Council as Roads Authority advises that any signage associated with introduction or alteration of roads infrastructure shall require to be approved by the Roads Authority, and shall be paid for by the developer.

The Council as Roads Authority advises that an effective vehicle wheel washing facility for site construction traffic should be installed and used to ensure that no vehicle should leave the site carrying earth and mud in their wheels in such quantity that may cause a nuisance or hazard to the road system in the locality.

The Council as Roads Authority advises that in the interest of maintaining acceptable residential amenity the normal hours of construction should be limited to between 0700 to 1900 hours Monday to Friday, and 0700 and 1200 hours on Saturday with no working normally taking place on Sundays.

The Council as Roads Authority advises that bin collection points should be located a maximum of 15 metres from the public carriageway before the completion of the development.

List of Determined Plans:

Drawing – Reference No (or Description): (0109/2B3P/S/05);
 Drawing – Reference No (or Description): (0109/2B3P/S/06);
 Drawing – Reference No (or Description): (0109/2B3P/S/10);
 Drawing – Reference No (or Description): (0109/2B3P/S/13);
 Drawing – Reference No (or Description): (0109/2B3P/S/50);
 Drawing – Reference No (or Description): (0109/2B4P/S/05);
 Drawing – Reference No (or Description): (0109/2B4P/S/06);
 Drawing – Reference No (or Description): (0109/2B4P/S/10);
 Drawing – Reference No (or Description): (0109/2B4P/S/13);
 Drawing – Reference No (or Description): (0109/2B4P/S/50);
 Drawing – Reference No (or Description): (0109/3B5P/S/05);
 Drawing – Reference No (or Description): (0109/3B5P/S/06);
 Drawing – Reference No (or Description): (0109/3B5P/S/10);
 Drawing – Reference No (or Description): (0109/3B5P/S/13);
 Drawing – Reference No (or Description): (0109/3B5P/S/50);
 Drawing – Reference No (or Description): (6256/01);
 Drawing – Reference No (or Description): (6256/02);
 Drawing – Reference No (or Description): (6256/03);
 Drawing – Reference No (or Description): (6256/04);
 Drawing – Reference No (or Description): (A0-12586-055 Rev 2);
 Drawing – Reference No (or Description): (A1-12586-050 Rev 2);
 Drawing – Reference No (or Description): (A1-12586-052 Rev 2);
 Drawing – Reference No (or Description): (A1-12586-054 Rev 2);
 Drawing – Reference No (or Description): (A1-12586-056 Rev 2);
 Drawing – Reference No (or Description): (A2-12586-051 Rev 2);
 Drawing – Reference No (or Description): (A2-12586-053 Rev 2);
 Drawing – Reference No (or Description): (A2-12586-057 Rev 2);
 Drawing – Reference No (or Description): (A2-12586-100 Rev 2);
 Drawing – Reference No (or Description): (A3-12586-058 Rev 3);
 Drawing – Reference No (or Description): (A3-12586-101 Rev 2);
 Drawing – Reference No (or Description): (L(00)011);
 Drawing – Reference No (or Description): (LP01);
 Drawing – Reference No (or Description): (LP02);
 Drawing – Reference No (or Description): (LP03);
 Drawing – Reference No (or Description): (LP102);
 Drawing – Reference No (or Description): (PH01);
 Drawing – Reference No (or Description): (PPS/Alpha/Q/1/);
 Drawing – Reference No (or Description): (R100/S/100);
 Drawing – Reference No (or Description): (R104/S/05);
 Drawing – Reference No (or Description): (R104/S/06);
 Drawing – Reference No (or Description): (R104/S/10);
 Drawing – Reference No (or Description): (R104/S/13);
 Drawing – Reference No (or Description): (R104/S/50);
 Drawing – Reference No (or Description): (R28/S/05 Rev A);
 Drawing – Reference No (or Description): (R28/S/10 Rev A);
 Drawing – Reference No (or Description): (R28/S/50);
 Drawing – Reference No (or Description): (R48/R/05);
 Drawing – Reference No (or Description): (R48/R/06);
 Drawing – Reference No (or Description): (R48/R/10);
 Drawing – Reference No (or Description): (R48/R/11);
 Drawing – Reference No (or Description): (R48/R/50);

Drawing – Reference No (or Description): (R49/S/05);
 Drawing – Reference No (or Description): (R49/S/06);
 Drawing – Reference No (or Description): (R49/S/10);
 Drawing – Reference No (or Description): (R49/S/13);
 Drawing – Reference No (or Description): (R49/S/50);
 Drawing – Reference No (or Description): (R51/S/05);
 Drawing – Reference No (or Description): (R51/S/06);
 Drawing – Reference No (or Description): (R51/S/10);
 Drawing – Reference No (or Description): (R51/S/13);
 Drawing – Reference No (or Description): (R51/S/50);
 Drawing – Reference No (or Description): (R59/S/05);
 Drawing – Reference No (or Description): (R59/S/06);
 Drawing – Reference No (or Description): (R59/S/10);
 Drawing – Reference No (or Description): (R59/S/13);
 Drawing – Reference No (or Description): (R59/S/50);
 Drawing – Reference No (or Description): (RL01);
 Drawing – Reference No (or Description): (SP01);
 Drawing – Reference No (or Description): (L(00)010 RevA);
 Drawing – Reference No (or Description): (L(00)020 RevA);
 Drawing – Reference No (or Description): (L(00)100 RevA);
 Drawing – Reference No (or Description): (L(00)110 RevA);
 Drawing – Reference No (or Description): (L(00)120 RevA);
 Drawing – Reference No (or Description): (L54W-EX RevA);
 Drawing – Reference No (or Description): (L56W RevA);
 Drawing – Reference No (or Description): (SK(00)131 Rev A);
 Drawing – Reference No (or Description): (LP04);
 Drawing – Reference No (or Description): (LP05);
 Drawing – Reference No (or Description): (LP101);
 Drawing – Reference No (or Description): (LS01);
 Drawing – Reference No (or Description): (LS02);
 Drawing – Reference No (or Description): (L(00)150);
 Drawing – Reference No (or Description): (L(00)200); and
 Drawing – Reference No (or Description): (L(00)201).

Reasons for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

- (3) **10/00323/APP – PINMORE – Maclachrieston Farm** – Planning permission in principle for erection of a wind turbine.

Decided: to agree to continue consideration of this application to a future Regulatory Panel (Special) to allow a site visit to be conducted.

- (4) **10/01516/APP – PRESTWICK – 124A St. Quivox Road** – Change of use of dwellinghouse to form retail unit (class 1).

Decided: to note that this application had been withdrawn by the applicant.

- (5) **10/01496/APP – AYR – Allotment Gardens, Craigie Way** – Erection of replacement vehicle and pedestrian gates and fencing.

Decided: by a majority, to approve the application subject to the following conditions:-

- (a) that the development hereby permitted shall be begun within three years of the date of this permission; and
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

List of Determined Plans:

Drawing - Reference No (or Description): GROUND PLAN;
Drawing - Reference No (or Description): LOC PLAN;
Other - Reference No (or Description): EXIST FENCE;
Other - Reference No (or Description): FENCE AND GATE DETAILS; and
Drawing – Reference No. (or Description): LOC PLAN.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

At this point, the time being 11.20 a.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.

4. Resumption of Meeting.

The meeting resumed at 2.00 p.m.

5. **Civic Government (Scotland) Act 1982 - Licences.**

Taxi Drivers.

The Panel heard from Strathclyde Police and from Mark McDowall in relation to the application to recall the suspension of the licence previously held by him and adjourned for consideration of this application.

Decided: upon reconvening, to agree that the suspension of the licence not be recalled and that the suspension remain in place.

6. **Variation in order of business.**

In terms of Council Standing Order No. 10, the Panel agreed to vary the order of business as hereinafter minuted.

7. **Civic Government (Scotland) Act 1982 - Licences.**

(a) **Taxi Drivers.**

- (i) The Panel considered the application from Hugh Ward.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

- (ii) The Panel heard from Ian Richmond in relation to his application.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

- (iii) The Panel heard an observation from Strathclyde Police and the applicant, Angela Gilmour, in response.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

- (iv) The Panel heard an observation from Strathclyde Police and the applicant, Michael Dunlop, in response.

Councillor Goldie, seconded by Councillor Douglas, moved that this application be approved for three years.

By way of an Amendment, Councillor Fitzsimmons, seconded by Councillor Galbraith, moved that this application for approved for one year.

On a vote being taken by a show of hands, two members voted for the Amendment and three for the Motion which was accordingly declared to be carried.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

- (v) The Panel heard an observation from Strathclyde Police and the applicant, William C. McCleary, in response.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

(b) Private Hire Car Driver.

With reference to the Minutes of 16th December 2010 (Special) (Page 000, paragraph 2) when it had been decided to suspend the taxi driver's licence held by John Hart Martin with immediate effect until this meeting, when this matter would be considered further, the Panel considered the proposed suspension of this licence for the remainder of its term following receipt of a letter from Strathclyde Police.

Decided: to suspend the licence previously held by John Hart Martin with immediate effect for the remainder of its term.

(c) Private Hire Car Vehicle.

The Panel heard an observation from Strathclyde Police and the applicant, Andrew Pollock, in response.

Decided: to approve this application for three years, subject to standard conditions as previously agreed.

(d) Late Hours Catering.**K.G. Fishbar Limited and Stewart J. Meakin for Fish & Chip Shop,
1 Main Street, Prestwick, KA9 1HG.**

The Panel heard an observation from Strathclyde Police and the applicant in response.

Councillor Fitzsimmons, seconded by Councillor Galbraith, moved that the application for extended hours be refused.

By way of an Amendment, Councillor Douglas, seconded by Councillor Oattes, moved that the application be granted for three years.

On a vote being taken by a show of hands, three members voted for the Amendment and two for the Motion. The Amendment was accordingly declared carried.

Decided: to approve this application for three years, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 1.00 a.m., subject to standard conditions as previously agreed.

8. Review of Metered Taxi and Private Hire Fares.

There was submitted a report (issued) of January 2011 by the Executive Director of Corporate Services

- (1) advising that the Council was obliged, under Section 17 of the Civic Government (Scotland) Act 1982 and Section 14 of the Transport Act 1985, to fix maximum fare scales and to review these scales at intervals not exceeding eighteen months and that the last review had been completed with an implementation date of 15th December 2008, although the majority of operators had chosen not to implement the fare structure until the Summer of 2010 (these fares set by the Council were maximum fares and operators might choose to apply a lower fare structure);
- (2) outlining
 - (a) that operators or organisations, being representative of operators with meters in their vehicles, namely all 133 hackney owners, all registered booking offices, South Ayrshire Private Hire Association and South Ayrshire Taxi Owners Association had been consulted;
 - (b) that the existing fare structure was outlined in column 1 of the Appendix and that responses were as detailed in columns 2, 3 and 4 of the Appendix with the proposed fee increase detailed in column 5;
 - (c) that, while none of the responses indicated the reasons for an increase in the normal tariff, it was accepted that there had been a substantial rise in running costs for all operators, including VAT on new vehicles and large rises in the cost of fuel;

- (d) that the proposed fees, if approved, would be advertised to allow for objections, following which a further report, together with any objections received, would be submitted to a future meeting of this Panel, seeking to fix the fees; and
 - (e) that the cost of advertising the proposed metered fares would be met from existing resources; and
- (3) seeking approval to carry out a review of metered fares for taxis and private hire vehicles.

Decided:

- (i) to approve the proposed maximum fares as follows:-

| <u>Unit</u> | <u>Existing</u> | <u>Proposed</u> |
|--|-------------------------------|------------------------|
| • ¾ of a mile | £ 2.60 | £ 2.80 |
| • Each additional mile | £ 1.80 | £ 1.90 |
| • Night-time charge (midnight to 6 a.m.) per hire | £ 1.00 | No change |
| • Waiting time (for each 15 minutes or part of) | £ 3.50 | No change |
| • Fouling charge | £50.00 | No change |
| • Christmas and New Year (from 9.00 p.m. on 24th December to 6.00 a.m. on 27th December and from 9.00 p.m. on 31st December to 6.00 a.m. on 3rd January) | One and one half metered fare | Two times metered fare |
| • 6/7/8 seater vehicles where 6, 7 or 8 passengers are carried one and one half metered fare (except for the approved period at Christmas and New Year when one and one half of enhanced metered fare will apply); and | One and one half metered fare | No change |

- (ii) to advertise the proposed fare structure in the local press to allow all interested parties to make representation in terms of Section 17 of the Civic Government (Scotland) Act 1982.

9. Update Report from Licensing Monitoring Officer.

There was submitted a report (issued) of January 2011 by the Licensing Monitoring Officer

- (1) advising
- (a) that all booking offices with more than three vehicles now required to be licenced with nine premises now licensed in South Ayrshire;

- (b) that she had made an initial visit to all licensed Taxi Booking Offices to learn how each of their systems operated and had now also revisited each one and had inspected them for their compliance with their booking office conditions; and
 - (c) of the details of the inspection of the premises;
- (2) reporting
- (a) that the overall standard of compliance with the conditions had been good with the general reaction from Taxi Booking Office Licensees being positive towards these new requirements, however, further follow-up visits were planned to resolve some minor issues; and
 - (b) that she had now obtained e-mail contacts for most of the offices to ensure that details of all drivers or operators who had been suspended could be e-mailed to the appropriate booking offices after each Regulatory Panel meeting to ensure that they were immediately aware of any actions taken by the Panel; and
- (3) outlining
- (a) that she had recently carried out joint inspection with Strathclyde Police in Girvan over a two week period where they had inspected a number of Private Hire Vehicles, Taxis and their drivers with the checks centring on the safety of vehicles and compliance with licensing conditions, e.g. tyres, lights, fire extinguishers and ID badges with the checks revealing that there were some issues existing with the safety of a few vehicles, particularly regarding tyres and that these vehicles had been issued with notices by the Police;
 - (b) that she had also carried out joint inspections in Troon with colleagues from Environmental Health to assess compliance with non-smoking policies and Licensing compliance in Private Hire Vehicles with the overall compliance in this area being very high;
 - (c) that an Environmental Health Officer had also assisted her on visits targeting suspected Houses in Multiple Occupation for which investigations were ongoing as the visits had revealed that some premises might require a licence;and
 - (d) that from 1st December 2010 all premises selling Second Hand Mobile Phones would now require a Second Hand Dealers Licence and that she had recently carried out visits to all premises likely to sell second hand mobile phones and that one licence had been granted to date; and
- (4) intimating that she would continue to monitor all Civic Government licensed activities and investigate complaints from members of the public.

Decided: to thank the Licensing Monitoring Officer for her hard work in carrying out these inspections.

10. Exclusion of press and public.

The Panel resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded only from the following items of business on the agenda, on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

11. Civic Government (Scotland) Act 1982 - Licences.

Taxi Drivers.

- (a) The Panel heard an observation from Strathclyde Police and the representative for the applicant, Alan Graeme Towers, in response and adjourned for consideration of this application.

Decided: upon reconvening, to approve this application for one year, subject to standard conditions as previously agreed.

- (b) The Panel heard from the licenceholder, Bryan McIlloy in relation to the incident which had occurred and the Chair advised that it was not acceptable for a licenceholder to contact an officer of the Council at their home and, should this recur the Police could be involved and a suspension hearing could be held, however, no further action would be taken at present.

Decided: to note the apology from Bryan McIlloy.

- (c) With reference to the Minutes of 10th December 2010 (Special) (Page 279, paragraph 2) when it had been decided to suspend the taxi driver's licence held by Graham Cameron with immediate effect until this meeting when the matter would be considered further, the Panel considered the proposed suspension of this licence for the remainder of its term due to safety concerns following receipt of a letter from Strathclyde Police.

Decided: to suspend the licence previously held by Graham Cameron with immediate effect for the remainder of its term.

The meeting ended at 2.55 p.m.