

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 27th October 2011 at 10.00 a.m.

For item 1:

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

Also Present: Councillor Helen Moonie (in attendance for item 1(2) only).

Attending: W. Carlaw, Acting Legal Manager; M. Newall, Head of Planning and Enterprise; C. Cox, Planning Manager; M. McClelland, Development Management and Business Change Team Leader; A. Browne, Senior Planning Development Case Officer; and A. Gibson, Committee Administrative Officer.

For items 2 to 5:

Attending: C. Neillie, Solicitor; J. Donnelly, Senior Building Standards Surveyor; G. Lauder, Senior Environmental Health Officer; M. Douglas, Licensing Policy Officer; and J. McClure, Committee Administrative Officer.

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

1. Applications for Planning Permission.

There were submitted reports (issued) of October 2011 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) 09/00979/APP – PINWHERRY – Breaker Hill** – Erection of windfarm and associated works.

Decided: to agree to continue consideration of the application to a future meeting of this Panel as the applicant had recently submitted new information which would require to be published under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.

- (2) 11/01022/APP – PRESTWICK – 5 Meadowbank Lane** – Erection of dwellinghouse.

The Panel heard Councillor Moonie, Local Member (in attendance for this item only).

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

- (3) **11/01130/APP and 11/01131/LBC – AYR – Ayr Pavilion, Pavilion Road** – Alterations and extension of existing building and formation a timber deck.

Councillor Fitzsimmons, seconded by Councillor Campbell, moved that the applications be refused on the grounds as detailed in the recommendation of the report.

By way of an Amendment, Councillor Allan, seconded by Councillor Grant, moved that the planning application be approved and that the listed building consent application be granted subject to referral of that application to Historic Scotland.

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

Decided:

- (a) that the Executive Director – Development and Environment be given delegated powers to approve the planning application (Ref 11/01130/APP) subject to appropriate conditions; and
- (b) that the listed building consent application (Ref. 11/01131/LBC) be approved subject to its referral to Historic Scotland and to appropriate conditions.

- (4) **11/00947/APP – MAYBOLE – SAS Maybole International, Murray Gardens** – Erection of industrial unit, extension to existing factory, formation of vehicular access, car parking and associated works.

Decided: to agree that the application be approved 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 there is no emergency overflow from the foul pumping station to the surface water drainage system;
- (d) that all work shall be carried out in accordance with the Contaminated Land Report with associated gas membrane and sub floor ventilation being installed and additionally the ground gas curtain installed around the factory is maintained and any movement of vents is carried out in accordance and with the agreement of the original installer;
- (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 the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 5.5 metres wide over its initial 10 metres, as measured from the rear of the public road carriageway before completion of the development;
- (i) that the existing access shall be removed and the kerbing reinstated in accordance with the specifications in the Council's Roads Development Guide before completion of the development;
- (j) that junction access visibility sightline splays of 2 metres by 20 metres shall be provided in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays;
- (k) that parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (l) that off-street parking provision shall be provided within the site in accordance with the submitted and approved layout plan;
- (m) that prior to the completion of development, any gates shall open away from the public roadway;
- (n) that a lockable and covered cycle stand accommodating a minimum of 6 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;
- (o) 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 will be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site; and
- (p) 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 1 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 foul drainage arrangements are satisfactory;
- (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) in the interest of road safety and to ensure an acceptable standard of construction;
- (j) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (k) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (l) in the interest of road safety and to ensure adequate off-street parking provision and to reduce the potential for congestion and obstruction caused by off-site parking;
- (m) in the interest of road safety;
- (n) to ensure adequate provision of lockable and covered cycle storage on site and to encourage sustainable means of travel;
- (o) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained; and
- (p) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

Advisory Notes:

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.

The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.

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

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 we would encourage the applicant to continue to discuss this issue with the local regulatory team.

List of Determined Plans:

Drawing – 00-T001;
 Drawing – 00-T003 Rev N;
 Drawing – 01-T003 Rev G;
 Drawing - 02-T001 Rev J;
 Drawing - 02-T002 Rev I;
 Drawing - 90456/2002 Rev E;
 Drawing - 90456/2003 Rev A;
 Drawing - 90456/2004 Rev F; and
 Drawing - 90456/2005 Rev D.

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.

- (5) **11/00637/APP – MAIDENS – 1 Ardlochan Terrace** – Re-roofing of existing dwellinghouse.

Decided: to agree that the application be approved subject to the following conditions:-

- (a) 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; and
- (b) that notwithstanding the plans hereby approved, no permission is hereby granted for the first floor balcony to the rear of the dwellinghouse, and as shown on the existing and proposed elevations.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (b) to confirm the terms of the planning permission hereby granted.

List of Determined Plans:

Drawing - Reference No (or Description): EXISTING ELEVATIONS;
 Drawing - Reference No (or Description): PROPOSED ELEVATIONS; and
 Drawing - Reference No (or Description): LOCATION AND BLOCK 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.

- (6) **11/00809/APP –PRESTWICK – Prestwick Tennis Club, Whinfield Place** - Erection of new floodlighting, re-surfacing of outdoor tennis courts and erection of practice wall.

Decided: to agree that the application be approved 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) the hours of operation of the floodlighting hereby approved shall be restricted to between 8.00 a.m. and 9.30 p.m. on each day; and
- (d) that the lighting shall be installed in compliance with the Institution of Lighting Engineers "Guidance Note for the Reduction of Light Pollution" the precise details and specifications of which shall be submitted for the prior written approval of the planning authority before the lights are made operational.

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) in the interests of residential amenity; and
- (d) in the interests of residential amenity, to ensure that the proposal does not cause nuisance light to residential premises. In order to retain proper control over the development proposal.

Advisory Notes:

The applicant is advised that, if the proposals hereby approved are altered in any way, for example, as a result of obtaining any of the other statutory consents or for any other reason, they should so inform the Planning Authority and submit copies of the amended proposals in order that a view may be taken as to whether the alterations are material or not and whether a fresh application will be required.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): EXISTING AND PROPOSED ELEVATIONS;
 Drawing - Reference No (or Description): PROPOSED PLANS;
 Drawing - Reference No (or Description): LIGHTING DATA REPORT; and
 Drawing - Reference No (or Description): FLOODLIGHTING INFORMATION.

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.

Adjournment.

The time being 11.25 a.m., it was agreed that the meeting be adjourned for ten minutes.

Resumption of meeting.

The meeting resumed at 11.35 a.m.

- (7) **11/00860/APP – LENDALFOOT – Straid Farm, U48 from junction A77T at Lendalfoot via Knocklaugh to A714 near Pinmore, Station** - Temporary erection of meteorological mast.

Councillor Fitzsimmons, seconded by Councillor Goldie, moved that the application be approved subject to the conditions as detailed in the report.

By way of an Amendment, Councillor Oattes, seconded by Councillor Grant moved that the application be refused as it was inappropriate in terms of STRAT5 of the South Ayrshire Local Plan.

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

Decided: that the application be approved 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 the approval for the proposed use is limited to 18 months from the date of commencement of erection on site. The applicant / developer is required by planning legislation to notify the planning authority of commencement. At the end of the approved 18 month period, the use of the mast shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted 2 months before the end of the temporary 18 month period;
- (d) that the mast shall be fitted with 25 candela omni directional red lighting or infra red lighting at the highest practicable point;
- (e) that the construction of the mast shall take place outwith the period of 1st March to 31st August; and
- (f) that bird deflector disks shall be installed on all of the guy wires at a distance of between 2.5 metres and 5 metres apart. These disks shall thereafter be maintained for the lifetime of the mast.

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) the use of the land is of a temporary nature and is only acceptable as a temporary expedient and in the interests of visual amenity;
- (d) in the interests of air safety;
- (e) to avoid disturbance during the bird breeding season; and
- (f) in the interests of reducing bird strike.

List of Determined Plans:

Drawing - Reference No (or Description): PA1;
 Drawing - Reference No (or Description): PA2;
 Drawing - Reference No (or Description): PA3;
 Drawing - Reference No (or Description): PA4;
 Other - Reference No (or Description): PROPOSED MAST PHOTO; and
 Other - Reference No (or Description): MAST INFORMATION.

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.

(8) 11/01015/APP – ALLOWAY – Poet’s Path – Erection of a sculpture.

Decided: to agree that the application be approved 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): GA-01 A;
 Drawing - Reference No (or Description): RB_ART-09-02; and
 Other - Reference No (or Description): PROPOSED SCULPTURE.

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.

- (9) **11/01034/APP –MAYBOLE – 27 Cassillis Road** – Change of use of land to form garden ground, erection of walls and formation of pedestrian access.

Decided: to agree that the application be approved 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): LOCATION PLAN;
 Drawing - Reference No (or Description): BLOCK PLAN;
 Drawing - Reference No (or Description): SITE PLAN;
 Drawing - Reference No (or Description): PROPOSED WALL ELEVATION;
 Drawing - Reference No (or Description): PROPOSED PERSPECTIVE VIEW;
 Other - Reference No (or Description): GARDEN WALL AS EXISTING; and
 Other - Reference No (or Description): EXISTING WALL.

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.

- (10) 11/01123/APP – AYR – Forehill Primary School, Cessnock Place** –Alterations to existing school playground, boundary wall and landscaping and formation of pedestrian accesses and vehicular access to gates.

Decided: to agree that the application be approved 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 full details and specifications of the proposed Multi Use Games Area (MUGA) shall be submitted for the prior written approval of the Planning Authority before it is erected on site;
- (d) 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
- (e) that prior to occupation of the development any gates shall open inwards away from the public roadway.

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) in order to retain proper control over the development proposal in the interests of visual amenity;
- (d) in the interest of road safety and avoid the discharge of water on to the public road; and
- (e) in the interest of road safety.

List of Determined Plans:

Drawing - Reference No (or Description): 6097D PL-03;
 Drawing - Reference No (or Description): 6097D.A-001;
 Drawing - Reference No (or Description): 6097D.A-003;
 Drawing - Reference No (or Description): 6097D.A-004;
 Drawing - Reference No (or Description): 6097D.A-006;
 Drawing - Reference No (or Description): 6097D.GA-001;
 Drawing - Reference No (or Description): 6097D.GA-002;
 Drawing - Reference No (or Description): 6097D.GA-005;
 Drawing - Reference No (or Description): 6097D.L-01;
 Drawing - Reference No (or Description): 6097D/3D/PL02;and
 Other - Reference No (or Description): DESIGN STATEMENT.

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 11.55 a.m., it was noted that the Panel would resume at 2.00 p.m. to consider the Licensing Applications.

2. Resumption of Meeting.

The meeting resumed at 2.00 p.m.

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

(a) Taxi Drivers.

- (i) The Panel considered the application from Peter Ogilvie. Mr. Ogilvie was present but advised the Panel that he had nothing to say in support of his application.

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

- (ii) With reference to the Minutes of 15th September 2011 (Page 568, paragraph 10(a)(i)) when it had been decided

(A) that under Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the licence currently held by Michael Dunlop be suspended with immediate effect as he was a threat to public safety; and

(B) that this matter be reconsidered at this meeting of the Regulatory Panel,

the Panel then considered the proposed suspension of the licence previously held by Michael Dunlop.

Decided: in the absence of the applicant, that under Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982, the licence previously held by Michael Dunlop be suspended with immediate effect for its unexpired portion as he was no longer a fit and proper person to hold a licence.

- (iii) The Panel heard an observation from Strathclyde Police in relation to the application from George Scott. Mr. Scott's father represented him at the Panel.

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

- (iv) The Panel heard from John Calderwood in relation to his application.

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

- (v) The Panel heard an observation from Strathclyde Police in relation to the application from Christopher McLean. Mr. McLean was present but advised the Panel that he had nothing to say in support of his application.

Councillor Grant, seconded by Councillor Fitzsimmons, moved that the application be refused.

By way of Amendment, Councillor Allan, seconded by Councillor Douglas, moved that the application be approved for three years.

By way of Counter-Amendment, Councillor Campbell, seconded by Councillor Galbraith, moved that the application be approved for one year.

On a vote being taken by a show of hands to refuse the application or approve the application, five Members voted for approval of the application and three Members for refusal.

On a vote then being taken by a show of hands to grant the licence for three years or for one year, six Members voted for one year and two Members for three years.

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

- (vi) The Panel heard an observation from Strathclyde Police and heard the applicant, John Walker, in response.

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

- (vii) The Panel heard an observation from Strathclyde Police and heard the applicant, Gary Rankin, in response.

Councillor Fitzsimmons, seconded by Councillor Campbell, moved that the application be refused.

By way of Amendment, Councillor Douglas, seconded by Councillor Allan, moved that the application be approved for one year.

On a vote being taken by a show of hands, three Members voted for the Amendment and five Members for the Motion which was accordingly carried.

Decided: to refuse this application on the grounds that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, in their opinion, the applicant was not a fit and proper person to be the holder of the licence.

- (viii) The Panel heard from Stephen Lyall in relation to his application.

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

- (ix) The Panel heard an observation from Strathclyde Police and heard the applicant, Duncan Paul, in response.

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

By way of Amendment, Councillor Campbell, seconded by Councillor Grant, moved that the application be approved for one year.

On a vote being taken by a show of hands, four Members voted for the Amendment and four Members for the Motion. The Chair then exercised his casting vote in favour of the Amendment.

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

(b) **Private Hire Car Driver.**

The Panel considered the application from Ronald McKenzie. Mr. McKenzie was present but advised the Panel that he had nothing to say in support of his application.

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

(c) **Street Traders.**

- (i) **Elizabeth Fisher for Sale of Fresh Cut and Dried Flowers, Fruit and Vegetables at Mill Street Adjacent to Wallace Tower, Ayr.**

Decided: to approve this application for three years, subject to a condition that no fly-posting to advertise the event should be displayed in the South Ayrshire area and subject to standard conditions as previously agreed.

- (ii) **Ryszard Laska for Sale of Candy Floss, Popcorn, Balloons and Twist Potatoes at High Street, Carrick Street, Newmarket Street and Mill Street, Ayr.**

The Panel heard from the applicant's son in relation to this application.

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

- (iii) **Balinder Singh for Sale of Chips, Pakora, Kebabs, Sweets, Chocolates, etc.**

Decided: to continue consideration of this application to a future meeting of this Panel to allow further information to be sought.

(d) Public Entertainment Licence.**South Ayrshire Council and Paul Wilson for premises at Belleisle Golf Course Clubhouse, Doonfoot Road, Ayr, KA7 4DU.**

Decided: to note that this application had now been approved under delegated powers.

(e) House in Multiple Occupation.**Leonardo Ippolito for premises at 8 Dalblair Road, Ayr, KA7 1LU.**

Reference was made to the Minutes of 15th September 2011 (Page 570, paragraph 12) when it had been decided to continue consideration of this application to allow a site visit to be undertaken and the Solicitor advised that a site visit by Members of the Panel and appropriate Officers had taken place on 4th October 2011.

The Panel then heard from the Senior Building Standards Surveyor, Senior Environmental Health Officer, the objector and from the applicant's representative in response.

Decided: that under Paragraph 5(3)(c) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982, this application be refused on the grounds that the premises were not suitable with regard to their condition; that little or no consideration had been evidenced with regard to neighbours; and that despite the application being considered by the Panel on numerous occasions, the property still did not meet the standards required by Environmental Health, Building Standards and Strathclyde Fire and Rescue.

4. Late Hours Catering Licence – Application for Variation.**Bajinder Singh for Kebab King, 56 Alloway Street, Ayr.**

The Panel heard from the applicant's son in relation to this matter.

Decided: to approve this application for three years, the approved hours being every Sunday to Thursday inclusive from 11.00 p.m. to 2.00 a.m. and every Friday and Saturday from 11.00 p.m. to 3.30 a.m., subject to standard conditions as previously agreed and a further condition that stewards would be required on a Friday and Saturday between midnight and close of business.

5. Introduction of Licence for Home Boarding.

There was submitted a report (issued) of 30th September 2011 by the Executive Director – Development and Environment

(1) advising

- (a) that animal boarding establishments were regulated by the Animal Boarding Establishments Act 1963 which included any private dwelling offering accommodation to dogs with these premises being inspected and licensed by the local authority on an annual basis and the Trading Standards and Environmental Health Manager having delegated powers to issue such licences;
- (b) that traditional animal boarding establishments had separate kennels for each animal with impervious floors to permit easy cleaning and that day boarding licence conditions were broadly similar to those for general animal boarding, however, not all of the standard conditions were appropriate to this new activity as dogs required to be kept within a domestic dwelling so there would be no kennels or enclosures and that it was likely that there would be soft furnishings within the property;
- (c) that the main differences between the animal boarding conditions and the proposed home boarding conditions related to the construction of kennels and the exercise facilities with these two factors not being applicable to the home boarding environment;
- (d) that home boarding was becoming more common and might include such services as dog walking and home and pet sitting and that an application had been received to operate a home boarding establishment;
- (e) that the licence conditions currently used for animal boarding were not appropriate to be applied to the home boarding environment, therefore, it was proposed to vary the standard animal boarding establishment conditions to those listed in Appendix A to the report;
- (f) that the proposed licence conditions had been based on those from the Royal Environmental Health Institute of Scotland Working Group and the recommendations from the Vet engaged by this Council; and
- (g) that the licence fee of £100.03 for animal boarding establishments would apply and, in addition, should there be the need for a veterinary inspection, the Vet's fee would also be passed on to the applicant; and

- (2) seeking approval for the introduction of new licence conditions as outlined in Appendix A to the report to address concerns regarding the welfare of dogs commercially boarded within a person's home (home boarding).

Concerns were raised by a member of the Panel in relation to the maximum number of day boarder dogs being excessive; noise nuisance; and the policy lacking clarity and the Senior Environmental Health Officer responded accordingly.

Decided: by a majority, to approve the new licence conditions, as contained in Appendix A to the report, for the home boarding of dogs under the Animal Boarding Act Establishments 1963, commencing 1st November 2011.

The meeting ended at 2.50 p.m.