

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 19th May 2011 at 10.00 a.m.

For item 1:

- Present: Councillors Ian Fitzsimmons (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant and Alec Oattes.
- Apology: Councillor John Allan.
- Attending: W. Carlaw, Acting Legal Manager; C. Cox, Planning Manager; C. Parish, Priority Projects Team Leader; G. Fiddes, Traffic and Transport Team Leader; and A. Gibson, Committee Administrative Officer.

For Items 2 to 5:

- Present: Councillors Ian Fitzsimmons (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant and Alec Oattes.
- Apology: Councillor John Allan.
- Attending: C. Neillie, Solicitor; M. Douglas, Licensing Policy Officer; D. Scobie, Licensing Monitoring Officer; and A. Gerrish, Committee Administrative Officer.
- Also Attending: Inspector A. Clapperton, Sergeant M. Hornby and Dawn Hastings, Strathclyde Police.

1. Applications for Planning Permission.

There were submitted reports (issued) of May 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:-

Declaration of Interest.

Councillor Grant declared an interest in the following planning application as he represented the Council on the Strathclyde Partnership for Transport.

- (1) **11/00167MSCM – MONKTON – Land at Kilmarnock Road** – Approval of matters specified in conditions of planning permission in principle 09/00814/OUT for formation of park and ride facility.

Decided: to continue consideration of this application to the next meeting of this Panel, scheduled to take place on 16th June 2011, to allow further information to be provided in relation to traffic considerations in and around Monkton, including details of proposed mitigation, to meet the terms of the traffic related conditions of the planning permission in principle.

At this point, Councillor Grant re-joined the meeting.

- (2) **11/00154/APP – MAYBOLE – Beoch Farm, Carrick Hills** – Change of use of agricultural shed to form contractor's yard.

Decided: to note that this application had been withdrawn by the applicant.

- (3) **11/00361/APP – Colmonnell – C45 Craigneil Road** – Erection of two wind turbines.

Councillor Goldie, seconded by Councillor Campbell, moved that the application be continued to a special meeting of the Regulatory Panel to allow a site visit to be conducted.

By way of an Amendment, Councillor Oattes, seconded by Councillor Grant moved that the application be refused due to the cumulative landscape and visual impact it would have on the surrounding area and the affect on a scenic area and sensitive landscape character area.

By way of a Counter-Amendment, Councillor Douglas, seconded by Councillor Fitzsimmons moved that the application be approved, subject to the conditions as detailed in the report.

In accordance with the terms of the Council's Standing Orders, the Panel then firstly proceeded to vote on the terms of the Counter-Amendment by Councillor Douglas and seconded by Councillor Fitzsimmons and on the terms of the Amendment moved by Councillor Oattes and seconded by Councillor Grant.

On a vote being taken by a show of hands, three members voted for the Counter-Amendment and four for the Amendment which was accordingly declared to be carried and became the substantive Amendment.

The Panel then proceeded to vote on the terms of the Substantive Amendment by Councillor Oattes and seconded by Councillor Grant and on the terms of the Motion moved by Councillor Goldie and seconded by Councillor Campbell.

On a further vote being taken by a show of hands, three members voted for the substantive Amendment and four for the Motion.

Decided: to continue consideration of this application to a special meeting of the Regulatory Panel to allow a site visit to be conducted.

At this point, the time being 11.50 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. 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.

4. Update by Licensing Monitoring Officer.

There was submitted a report (tabled) by the Licensing Monitoring Officer

- (1) advising of the recent meeting with the Taxi Operators and Private Hire Operators Forum as follows:-
 - (a) of the high failure rate of hackney vehicles in the last six months tested by Kerr and Smith who carried out the Annual Test on behalf of this Authority;
 - (b) that a joint enforcement with the Traffic Police was being planned for the near future, which would involve roadside safety checks and visits to each Booking Office outlining the problems and reminding them of their responsibilities;
 - (c) that a meeting had been arranged for the beginning of June with the Traffic and Transportation Department to discuss Taxi Ranks; and
 - (d) that a meeting had been scheduled for week beginning 24th May 2011 with the main suppliers of taxi meters to clarify what could and could not be set on the meters and thereafter a meeting would be arranged with South Ayrshire Taxi Owners' Association; and
- (2) informing
 - (a) that she would be involved in joint agency enforcement days within the coming months to carry out Licensing Monitoring checks; and
 - (b) that she would continue to monitor all Civic Government licensed activities and investigate complaints from the public.

Decided: to note the update report from the Licensing Monitoring Officer.

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

(a) **Taxi Drivers.**

- (i) The Panel heard the applicant, Leslie Mullan, in relation to his application.

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

- (ii) The Panel heard an observation from Strathclyde Police in relation to the application by Anthony Armstrong

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

- (iii) The Panel considered the application from Stephen Ferguson.

Decided: to continue consideration of this application to a future meeting of this Panel to allow the applicant to attend.

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

The Panel heard from Ian McKillops in relation to his application.

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

(c) **Private Hire Car Vehicle.**

The Panel considered the proposed suspension of the licence held by Stephen McMillan.

Decided: to suspend the licence previously held by Stephen McMillan with immediate effect for its unexpired portion as he had failed to present his car for annual inspection in terms of Condition 3 of the Private Hire Car Vehicle Licence.

(d) **Street Trader.**

William Carroll for Sale of Ice Cream, etc at Troon Esplanade.

Decided: having heard from William Carroll, to approve this application for three years, subject to standard conditions and an additional condition of providing sufficient litter bins and quickly removing all arising litter within a 25 metre radius of the vehicles and complying with the Duty of Care regarding Commercial Waste.

(e) **Second Hand Car Dealer.**

Jason Skimming, 49/53 New Road, Ayr, KA8 8DA.

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

(f) **Houses in Multiple Occupation.**

- (i) **Amber House (Holdings) Limited and Mrs. Lesley Abernethy for premises at 9, 11 Barns Street, Ayr.**

The Panel noted that this application had been withdrawn.

- (i) **Leonardo Ippolito for premises at 8 Dalblair Road, Ayr, KA7 1LU.**

The Panel heard from an objector.

Decided: to continue consideration of this application to the next meeting of this Panel on 16th June 2011 to allow further information to be sought.

- (iii) **Rachael Gibbons for premises at 1 Citadel Place, Ayr, KA7 1JN.**

Decided: to continue consideration of this application to the next meeting of this Panel on 16th June 2011 to allow further information to be sought.

- (iv) **Rachael Gibbons for premises at 3 Citadel Place, Ayr, KA7 1JN.**

Decided: to continue consideration of this application to the next meeting of this Panel on 16th June 2011 to allow further information to be sought.

The meeting ended at 2.15 p.m.