

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr, on  
11th March 2010 at 2.00 p.m.

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

Apology: Councillor Bill Grant.

Attending: M. Newall, Head of Planning and Enterprise; W. Carlaw, Principal Solicitor; K. Briggs, Principal Solicitor; C. Cox, Planning Manager; M. McClelland, Development Management and Business Change Team Leader; M. Douglas, Licensing Policy Officer; D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Administrative Officer.

In Attendance: Sergeant A. Kelly, Strathclyde Police.

**1. Applications for Planning Permission.**

There were submitted reports (issued) of February 2010 by the Depute Chief Executive and Executive Director - Development and Environment on current applications for determination.

The Panel decided as follows:-

**(1) 09/01329/APP – AYR – 1 Shanter Way – Alterations and extension to dwellinghouse.**

**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): Submitted LOCATION PLAN;  
 Drawing - Reference No (or Description): Submitted 08/STRAIN/01;  
 Drawing - Reference No (or Description): Submitted 08/STRAIN/03 C; and  
 Drawing - Reference No (or Description): Submitted 09/STRAIN/04.

**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) **10/00010/APP – AYR – Heathfield Primary School, Heathfield Road** – Erection of temporary accommodation providing classrooms and dining area.

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

- (a) that the approval for the proposed structures is limited to three years from the date of this consent when the structures shall be removed from the site and the land 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;
- (b) that the development hereby granted shall be implemented in accordance with the approved plans 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 plans hereby approved, that opaque glazing shall be used in all windows on north and west elevations of the temporary classrooms, (elevation B and elevation C of Drawing reference: 2473-TA-AL (0) 103A), the detail of which shall be submitted for the prior written approval of the Planning Authority, prior to the occupation of the development;
- (d) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details of how to achieve this shall be submitted for the prior written approval of the Planning Authority before any work commences on site; and
- (e) that the existing off-road parking provision shall be retained within the curtilage of the property.

**Reasons:**

- (a) the use of the land is of a temporary nature and is only acceptable as a temporary expedient;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interest of residential amenity;
- (d) in the interest of road safety and to avoid the discharge of water on to the public road; and
- (e) in the interest of road safety and to ensure adequate off-street parking provision.

**List of determined plans:**

Drawing – Reference No (or Description): Submitted 2473-TA-AL (0) 100;  
 Drawing – Reference No (or Description): Submitted 2473-TA-AL (0) 101 Existing Site Plan;  
 Drawing – Reference No (or Description): Submitted 2473-TA-AL (0) 101 Proposed Site Plan;  
 Drawing – Reference No (or Description): Submitted 2473-TA-AL (0) 104A; and  
 Drawing – Reference No (or Description): Submitted 2473-TA-AL (0) 103A.

**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. Adjournment.**

The time being 2.15 p.m., the Panel agreed to adjourn for five minutes.

**3. Resumption of Meeting.**

The meeting resumed at 2.20 p.m.

**4. 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.

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

**(a) Taxi Drivers.**

- (i) The Panel considered the application submitted by Laura Chalmers.

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

- (ii) The Panel heard an observation from Strathclyde Police and the applicant, Robert Madgwick, in response and adjourned for consideration of this application.

Upon reconvening, Councillor Fitzsimmons, seconded by Councillor Goldie, moved that that the application be refused 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.

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

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

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

**Decided:** to continue consideration of this application to the next meeting of this Panel scheduled to be held on 15th April 2010 to allow further information to be sought.

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

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

- (v) The Panel considered the proposed suspension of various licences.

**Decided:**

- (A) to agree to suspend the licences held by the following for their unexpired portions as they had failed to undertake training as per the licences issued to them:-

Ian McEwan;  
George Reid;  
James Wilson;  
Edward Tynski;  
Kevin Shields; and  
Steven Gordon;

- (B) having heard the licenceholder, Gordon McPheator, to continue consideration of this matter to the meeting of this Panel scheduled to be held on 10th June 2010 to allow him to undertake the appropriate training course; and

- (C) to continue consideration of the licence held by Geoffrey Robson to the next meeting of this Panel scheduled to be held on 15th April 2010 to allow him to complete the training course.

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

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

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

- (ii) The Panel considered the application from William McKean.

**Decided:** in the absence of the applicant, to continue consideration of this application to the next meeting of this Panel scheduled to be held on 15th April 2010 to allow him to attend.

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

- (i) The Panel heard an observation from Strathclyde Police and the applicant, Darren Davidson, in response.

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

- (ii) The Panel considered the proposed suspension of the licence held by Norma Robinson.

**Decided:** to suspend the licence held by Norma Robinson with immediate effect as she had failed to present her car for annual inspection, in terms of Condition 3 of the Private Hire Car Vehicle Licence.

**(d) Street Traders.**

- (i) **Phedra McIndoe for Sale of Hot and Cold Foods and Drinks at Mobile Snack Bar, 1 Station Road, Ayr.**

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

- (ii) **Justine Boyce for Sale of Hot and Cold Foods and Drinks at Mobile Snack Bar, 1 Station Road, Ayr.**

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

**(e) Metal Dealer.**

**John Stewart Jewellers and Janice Alexander for 266 High Street, Ayr, KA7 1RL.**

**Decided:** in the absence of the applicant, to continue consideration of this application to the next meeting of this Panel scheduled to be held on 15th April 2010 to allow the applicant to attend.

**(f) Booking Offices.**

- (i) **8 Eescabs and Ian McKillops, House of Vanex, Unit 3, 3 Dukes Road, Troon, KA10 6QR**

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

- (ii) **8 Eescabs and Ian McKillops, Troon Station, Platform 2, St. Meddans Street, Troon, KA10 6JY.**

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

**(iii) Incom Taxis and Gordon Fallows, 32 Portland Street, Troon, KA10 6EA.**

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

**(iv) Daniel Charles Christie, 1A Burns Statue Arcade, Ayr, KA7 1SN**

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

**(v) Hannah's Taxis and Martin Fisher, 9 Whitehall, Maybole, KA19 7AJ.**

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

**(vi) Mainline Taxis and Allan Hollett, 104 Main Street, Ayr, KA8 8EF.**

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

**(vii) Gribbens Taxis Ltd. and Lawrence Houston, 53 George Street, Ayr, KA8 0AH.**

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

**(viii) Thomas Withers, Saltpans Road, Ayr, KA8 8BZ.**

**Decided:** in the absence of the applicant, to continue consideration of this application to the next meeting of this Panel scheduled to be held on 15th April 2010 to allow the applicant to attend.

**6. Second Hand Dealers – Mobile Phones.**

There was submitted a report (issued) of 23rd February 2010 by the Executive Director - Corporate Services

**(1) advising**

- (a) that, following the receipt of a letter from Strathclyde Police requesting that the Panel consider licensing those who dealt in second-hand mobile phones, the Regulatory Panel of 17th September 2009 had agreed to consider a proposal to include second-hand mobile phones within the category of second-hand goods required to be licensed by the Council;
- (b) that, in terms of Section 9 of the Civic Government (Scotland) Act 1982, this proposal had required to be published in a newspaper circulating in the local area allowing members of the public twenty eight days in which they could submit representations, which had now taken place and no representations had been received from members of the public;

- (c) that Section 9 of the Civic Government (Scotland) Act 1982 required that, following the consultation process, the Panel must consider any representations and then confirm the proposal, either in the original form or in amended form or refuse the proposal and must then specify a date at least nine months later by when those engaging in the activity must be licensed;
  - (d) that the Panel were asked to confirm that, with effect from 12th December 2010, all those dealing in second-hand mobile phones would require to have a second-hand dealer's licence in terms of Sections 9 and 24 of the Act;
  - (e) that, should the Panel agree to second-hand dealers of mobile phones falling within the category of Second-Hand Dealers required to be licensed by the Council, a notice would be placed in the local press advising the public of the resolution and specifying that applications for dealing in second-hand mobile phones would be considered from one month after the date the resolution was made; and
  - (f) that the fee for a licence for a second-hand dealer in mobile phones would be £203, in line with the licence for a second-hand dealer; and
- (2) requesting that, following consultation required in terms of Section 9 of the Civic Government (Scotland) Act 1982, the Panel make a resolution that second-hand dealers of mobile phones fall within the categories of Second-Hand Dealers required to be licensed by the Council.

**Decided:** to agree that the dealing in second-hand mobile phones would fall within the category of second-hand goods which the Council would require to be licensed in terms of Sections 9 and 24 of the Civic Government (Scotland) Act 1982 with effect from 12th December 2010.

## **7. 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 from the meeting during discussion of item 8(a) of these minutes, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

## **8. Civic Government (Scotland) Act 1982 - Licences.**

### **(a) Taxi Drivers.**

The Panel heard the applicant, Frances Berthaud, in relation to her application and request for exemption from wheelchair work.

#### **Decided:**

- (i) to approve this application for three years, subject to standard conditions as previously agreed; and
- (ii) to approve the exemption from wheelchair work and from the handling of heavy luggage for three years, subject to standard conditions as previously agreed.

(b) **Late Hours Catering.**

**Xu Zhang Gao for Good Luck, 42 Smith Street, Ayr, KA7 1TF.**

**Decided:** to approve this application for three years, the approved hours being every Sunday to Thursday inclusive from 11.00 p.m. to midnight and every Friday and Saturday from 11.00 p.m. to 2.30 a.m., subject to standard conditions as previously agreed.

The meeting ended at 3.15 p.m.