

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr, on
15th April 2010 at 10.00 a.m.

For Item 1 to 3:

- Present: Councillors Ian Fitzsimmons (Chair), John Allan, Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie and Alec Oattes.
- Apology: Councillor Bill Grant.
- Attending: V. Andrews, Head of Legal and Administration; C. Cox, Planning Manager; W. Carlaw, Principal Solicitor; I. Simpson, Senior Planning Development Case Officer; J. Webb, Engineering/Technical Officer; and J. McClure, Committee Administrative Officer.

For items 4 to 11:

- Present: Councillors Ian Fitzsimmons (Chair), John Allan, Ian Douglas, Ann Galbraith, Sandra Goldie and Alec Oattes.
- Apologies: Councillors Andy Campbell and Bill Grant.
- Attending: V. Andrews, Head of Legal and Administration; K. Briggs, Principal Solicitor; R. Cairns, Team Leader – Building Standards; M. Douglas, Licensing Policy Officer; and J. McClure, Committee Administrative Officer.
- Also Attending: Chief Inspector J. Dillon and Sergeant U. Menzies; and Chief Inspector S. Neill and Inspector J. Galbraith (for item 9(b) only), Strathclyde Police; and B. Kidd, St. Andrew's Ambulance Corps (for items 10 and 11 only).
- In Attendance: B. Ferries, Ayr Racecourse; and L. Grant and T. McTrusty, Ayr United Football Club.

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. South Ayrshire Council (Hillfoot Road, Ayr) (Waiting Restrictions) Order 2010.

There was submitted a report (issued) of 6th April 2010 by the Depute Chief Executive and Executive Director of Development and Environment seeking approval to make an Order under the Road Traffic Regulation Act 1984, namely, "South Ayrshire Council (Hillfoot Road, Ayr) (Waiting Restrictions) Order 2010.

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

3. **Applications for Planning Permission.**

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

The Panel decided as follows:-

(1) 10/00135/APP – AYR – 53 Seaforth Road – Erection of Garage.

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 the garage shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (b) in the interests of residential amenity.

List of determined plans:

Drawing - Reference No (or Description): Submitted LOCATION PLAN; and

Drawing - Reference No (or Description): Submitted GARAGE DETAILS.

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) 10/00173/APP – AYR – 10 Racecourse Road – Erection of a dwellinghouse.

Decided: to refuse the application on the following grounds:-

- (a) that the proposal to erect a house is contrary to Policy ENV6 of the approved Ayrshire Joint Structure Plan in that the proposed house by reason of its scale and massing, and by reason of loss of front garden lawn of the donor property, represents development which has a detrimental impact on the character of the Ayr 2 Conservation Area at the locality;

- (b) that the proposal to erect a house is contrary to Policy BE1 of the adopted South Ayrshire Local Plan in that the proposed house by reason of its scale and massing, and by reason of loss of front garden lawn of the donor property, represents development which has a detrimental impact on the character of the Ayr 2 Conservation Area at the locality;
- (c) that the proposal to erect a house is contrary to Policy BE3 of the adopted South Ayrshire Local Plan in that the proposed house by reason of its scale and massing, and by reason of loss of front garden lawn of the donor property, represents development which has a detrimental impact on the character of the Ayr 2 Conservation Area at the locality;
- (d) that the proposal to erect a house is contrary to Scottish Historic Environment Policy and Scottish Planning Policy, in that the proposed house by reason of its scale and massing, and by reason of loss of front garden lawn of the donor property, represents development which has a detrimental impact on the character of the Ayr 2 Conservation Area at the locality; and
- (e) that the proposal to erect a house is contrary to Policy H6 of the South Ayrshire Local Plan in that the proposed scale and massing of house, and loss of a front garden lawn for the donor property does not respect the residential characteristics of the locality.

List of determined plans:

Drawing - Reference No (or Description): Submitted BLOCK PLAN 6049-01;

Drawing - Reference No (or Description): Submitted SITE PLAN 6049-PL 02;

Drawing - Reference No (or Description): Submitted PROPOSED FLOOR PLANS 6049-PL 03; and

Drawing - Reference No (or Description): Submitted PROPOSED ELEVATIONS 6049-PL 04.

- (3) **10/00009/APP – AYR – Heathfield Primary School, Heathfield Road** – Formation of Car Parking Area.

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 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 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; and
- (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.

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 visual amenity and to ensure a satisfactory standard of local environmental quality; and
- (d) in the interest of road safety and to avoid the discharge of water on to the public road.

List of determined plans:

Drawing - Reference No (or Description): Submitted Existing Site Plan 2473-EW- AL(0) 101;

Drawing - Reference No (or Description): Submitted Proposed Site Plan 2473-EW-AL (0) 101;

Drawing - Reference No (or Description): Submitted Proposed Car Park 2473-TA-AL (0) 102A;

Drawing - Reference No (or Description): Submitted Luminaire Schedule P122-1852;

Drawing - Reference No (or Description): Submitted Proposed Lighting Pole; and

Drawing - Reference No (or Description): Submitted Proposed Landscape Specification.

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.

(4) 10/00250/LBC and 10/00251/APP – AYR – New Bridge over River Ayr, New Bridge Street – Alterations and installation of lighting.

Decided: to agree

- that the application for Listed Building Consent (Ref: 10/00250/LBC) be approved subject to the following conditions and approval from Historic Scotland:-
 - (a) that the works hereby granted Listed Building Consent shall be commenced within three years of the date of this consent;
 - (b) that the works hereby granted Listed Building Consent shall be implemented in full accordance with the approved plan(s) as listed below unless a variation required by a condition of the consent has been agreed in writing by the Planning Authority; and
 - (c) that a detailed method statement providing precise details and specifications of the detailed siting of fittings, concealment of cable runs and measures to minimise fixings on the stonework shall be submitted for the prior written approval of the Council as planning authority before any work commences on site.

Reasons:

- (a) to be in compliance with section 16 of the Planning (Listed Buildings and Conservation Areas) (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; and
- (c) to ensure that the proposed alterations do not detract from the traditional character or appearance of the listed building or the setting of the adjacent conservation area and in order to retain proper control over the development proposal.

Notes:

- (i) the Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer;
 - (ii) the Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits; and
 - (iii) Consultation with South Ayrshire Council's Structures and Street Lighting Section shall be undertaken prior to any works commencing on site.
- that the application for planning permission (Ref: 10/00251/APP) 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; and

- (c) that a detailed method statement providing precise details and specifications of the detailed siting of fittings, concealment of cable runs and measures to minimise fixings on the stonework shall be submitted for the prior written approval of the Council as planning authority before any work commences on site.

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; and
- (c) to ensure that the proposed alterations do not detract from the traditional character or appearance of the listed building or the setting of the adjacent conservation area and in order to retain proper control over the development proposal.

Notes:

- (i) the grant of planning permission does not remove the requirement for Listed Building Consent for any alterations, either internal or external, which may be required in order to implement this planning permission;
- (ii) the related application for listed building consent requires clearance from Historic Scotland. Work should not commence until all necessary approvals have been received. This is equally applicable to situations where there are related advert and listed building applications;
- (iii) consultation with South Ayrshire Council's Structures and Street Lighting Section shall be undertaken prior to any works commencing on site;
- (iv) the Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer; and
- (v) the Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.

List of determined plans:

Drawing - Reference No (or Description): Submitted LUMINAIRE SCHEDULE;
and

Drawing - Reference No (or Description): Submitted PROPOSED DETAILS

Reason for decision:

It is considered that the proposal does not detrimentally affect the traditional character or appearance of this statutorily listed building.

At this point, the time being 10.50 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. **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.

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

(a) **Taxi Driver.**

The Panel heard an observation from Strathclyde Police and the applicant, Mark McDowall, 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.

Declaration of Interest.

Councillor Allan declared an interest in the following application as the applicant was known to him and withdrew from the meeting during discussion thereof.

(b) **Taxi Vehicle.**

The Panel considered the proposed suspension of the licence held by John Grigor as he had failed to comply with the notice served on 3rd March 2010 requiring that the unsealed meter on vehicle number SC56 MDX be tested and sealed which is Condition 20 of the Taxi Vehicle Licence.

Decided: having heard the licenceholder advise that the meter was now resealed and the Licensing Policy Officer confirm this, not to suspend the licence held by John Grigor and to take no further action.

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

(i) The Panel considered the application submitted by William McKean.

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 Geoffrey Robson.

Decided: having heard the Licensing Policy Officer advise that the training course had now been completed, not to suspend the licence held by Geoffrey Robson and to take no further action.

(d) Private Hire Car Vehicles.

- (i) The Panel considered the proposed suspension of the licence held by Stephen Martin as he had failed to present his private hire vehicle insurance.

Decided: to suspend the licence held by Stephen Martin with immediate effect for its unexpired portion as he had failed to present his private hire vehicle insurance.

- (ii) The Panel considered the application from Stephen McMillan.

Decided: to refuse this application as the applicant had failed to present his vehicle for inspection in terms of Section 10(2) of the Civic Government (Scotland) Act 1982.

(e) Street Traders.

- (i) **James McDonald for Sale of Hot and Cold Foods and Drinks from Mobile Snack Bar T307 PCR A70 at Lay-by, Old Toll, Cumnock Road, Ayr.**

The Panel heard an objection from Strathclyde Police and the applicant in response and adjourned for consideration of this application.

Upon reconvening, Councillor Fitzsimmons, seconded by Councillor Douglas, moved that this application be refused on the grounds that he was not a fit and proper person to be the holder of the licence in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

By way of an Amendment, Councillor Oates, seconded by Councillor Allan, moved that the application be continued until the meeting of this Panel scheduled to be held on 19th August 2010, to allow further information to be sought.

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

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

- (ii) **Morven Moore for Face Painting at Ayr Shore.**

Decided: having heard the applicant's representative, to approve this application from noon to 7.00 p.m. from Saturday 26th June to Saturday 7th August 2010 inclusive, subject to standard conditions as previously agreed.

(f) Metal Dealer.

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

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

(g) Booking Office.**Thomas Withers, Saltpans Road, Ayr, KA8 8BZ.**

The Panel heard observations from Strathclyde Police and the Licensing Policy Officer and the applicant in response.

Decided: to continue consideration of this application to the next meeting of this Panel scheduled to be held on 13th May 2010 to allow further information to be sought.

7. Application for Variation – Late Hours Catering Licence.**Narinder Singh, Uno's Takeaway, 88 Sandgate, Ayr.**

Decided: to approve the application for three years, the approved hours being every Sunday to Thursday inclusive from 11.00 p.m. to 1.00 a.m.; and every Friday and Saturday from 11.00 p.m. to 2.30 a.m., subject to standard conditions as previously agreed.

8. 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 9(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.

9. Civic Government (Scotland) Act 1982 - Licences.**(a) Taxi Driver.**

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

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

(b) Booking Office.**Streamline Taxis Scotland Ltd. and Catherine Wilkie, 16A Main Street, Prestwick, KA9 1NX.**

Having heard the Principal Solicitor advise that the objection in relation to this application had been received from Strathclyde Police outwith the statutory twenty one day timescale and having heard from Strathclyde Police and the applicant's representative (who confirmed that the applicant did not object), the Panel decided that they were satisfied, in light of the information provided by Strathclyde Police, that there was sufficient reason why the objection had not been made timeously and, therefore, agreed to accept the objection and this was circulated.

The Principal Solicitor then advised the Panel that the objection from Strathclyde Police included a submission that evidence of a number of “spent” convictions of two individuals named in their objection letter should be admitted and that the Panel required to be satisfied, in light of relevant considerations, that justice could not be done without the admission of the spent convictions. The Panel then heard from the applicant’s representative (who confirmed that the applicant did not object) and Strathclyde Police in relation to this matter.

Councillor Allan, seconded by Councillor Galbraith, moved that the spent convictions should not be considered.

By way of an Amendment, Councillor Oattes, seconded by Councillor Douglas, moved that the spent convictions should be considered.

On a vote being taken by a show of hands, four Members voted for the Amendment and two for the Motion. The Amendment was accordingly declared carried and a note of the spent convictions was circulated.

The applicant’s solicitor requested that it be noted that it was inappropriate for a Panel member and representative of Strathclyde Police to be talking together during the Panel’s deliberation of the application.

The Panel then heard from the applicant’s representative and Strathclyde Police in relation to this application and, following questions from Members, adjourned for consideration of this application.

Decided:

- (i) upon reconvening and having considered the letter of objection from Strathclyde Police, the spent convictions, the documentation submitted by the applicant’s representative and all verbal submissions made, to approve this application for three years, subject to standard conditions as previously agreed and subject to Strathclyde Police providing the Panel with six monthly updates on the operation of this business; and
- (ii) to grant the request from Strathclyde Police for a Statement of Written Reasons.

10. Annual Inspection, Regulated Stands, Ayr Racecourse.

There was submitted a report (issued) of 31st March 2010 by the Depute Chief Executive and Executive Director of Development and Environment advising of the outcome of the technical inspections of the Club and Eglinton Stands at Ayr Racecourse and reporting on issues arising since the last Annual Inspection.

The Panel heard a representative from St. Andrew’s Ambulance Corps; the Team Leader – Building Standards advise that Strathclyde Police, Strathclyde Fire and Rescue, Scottish Ambulance Service and the Council’s Building Standards Service and Environmental Health Service had no adverse comments; and the representative for Ayr Racecourse in response.

Decided: to note the contents of the report and to agree that the Safety Certificates should remain in force.

11. Safety of Sports Grounds Act 1975 - Annual Inspection, Somerset Park, Ayr.

There was submitted a report (issued) of 31st March 2010 by the Depute Chief Executive and Executive Director of Development and Environment advising of the outcome of the technical inspections of Somerset Park, Ayr in respect of the Safety of Sports Grounds Act 1975 and reporting on issues arising since the last Annual Inspection.

The Panel heard a representative from St. Andrew's Ambulance Corps; the Team Leader – Building Standards outline the outstanding works; and the representative for Somerset Park in response.

Decided:

- (1) to note the contents of the report;
- (2) to agree that the General Safety Certificate should remain in force on condition that any outstanding items, as detailed within the report, were satisfactorily concluded by 14th July 2010; and
- (3) to agree that, if the required work to the floodlighting columns was not satisfactorily concluded by 14th July 2010, a further report be submitted to this Panel at its meeting scheduled to be held on 19th August 2010 advising the Panel of the position and enabling consideration of possible enforcement action under the Safety of Sports Grounds Act 1975.

The meeting ended at 4.40 p.m.