

**REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 4th October 2012 at 10.00 a.m.

Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie; Hugh Hunter, Nan McFarlane and Rita Miller.

**For Items 1 and 2:**

Attending: C. Cox, Planning Manager; W. Carlaw, Legal and Democratic Manager; C. Parish, Priority Projects Team Leader; D. Clark, Acting Supervisory Planner; and A. Gibson, Committee Services Officer.

**For Items 3 to 8:**

Attending: M. Douglas, Solicitor (Licensing); D. Scobie, Licensing Monitoring Officer; R. Howe, Fleet Manager; D. Woodward, Fleet Inspector; and J. McClure, Committee Services Officer.

Also Attending: Inspector W. Ramsay and D. Hastings, Strathclyde Police.

**1. Application Under Section 36 of the Electricity Act 1989 to the Scottish Ministers for the Construction and Operation of a Windfarm at Dersalloch, B741 Dalmellington Road, Straiton – Council Boundary, Straiton.**

With reference to the Minutes of the former Planning Committee of 3rd April 2007 (Page 115, paragraph 2), there was submitted a report (issued) of September 2012 by the Executive Director - Development and Environment advising that this Council had been consulted by the Scottish Government, under Section 36 of Electricity Act 1989, in respect of an addendum to the Environmental Impact Assessment (EIA) by Scottish Power Renewables (SPR) for the erection of a windfarm and associated ancillary development at Dersalloch, to the east of Straiton, on a site which abutted the administrative boundary between South Ayrshire Council and East Ayrshire Council.

Having heard the Planning Manager advise of new information that had been received by this Authority and arising from discussion thereafter, the Planning Manager and the Priority Projects Team Leader provided further information and clarification in relation to:-

- the reference to potential infra-red lighting on masts in line with current policy, as set out within the Addendum Environmental Statement;
- the assessment of the impact the potential proposed infra-red lights on the masts could have on Galloway Forrest Dark Sky Park contained within the Addendum Environmental Statement; and

- the reference within the report of the Executive Director - Development and Environment to the Dark Sky Park being a material consideration and to the policy within the proposed Local Development Plan "Dark Skies" and to the reference within the same report on the assessment of the Dark Sky Park as a tourism resource.

**Adjournment.**

At this point, the time being 11.05 a.m., the Panel agreed to adjourn.

**Resumption of meeting.**

The Panel resumed at 11.20 a.m.

**Decided:** to agree

- (1) that this Council submit to the Scottish Government an objection to the above Section 36 Addendum on the basis that there was insufficient information within the Addendum Environmental Statement to evidence that the proposed amended wind turbines and any future lighting systems, including infra-red or indeed other lighting effects, would not have a detrimental impact on the integrity of the Galloway Forest Dark Sky Park and the Scottish Dark Sky Observatory;
- (2) that the proposed South Ayrshire Council Local Development Plan policy on the Galloway Forest Dark Sky presumes against development proposals that produce unacceptable levels of lighting and affect the "Dark Sky" status of the park;
- (3) that without evidence to prove that any future lighting systems would not affect the dark sky status, this proposal was potentially contrary to this policy; and
- (4) that this Council should further submit to the Scottish Government an objection to the above Section 36 Addendum on the basis that there was also insufficient information within the Environmental Statement on the contribution the Scottish Dark Sky Observatory would make on the local tourist based economy and the adverse impact the proposal could have on it and on the Galloway Forest Dark Sky Park.

**2. Applications for Planning Permission.**

There were submitted reports (issued) of September 2012 by the Executive Director - Development and Environment on current applications for determination.

The Panel decided as follows:-

- (1) **12/00746/FUR – AYR– Land at Greenan, Dunure Road** – Further application to vary condition 11 of 10/01566/APP to allow class 3 / hot food takeaway use at Unit 3.

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

- (a) that the operation of the premises is limited to enclosed cooking only. Precise details and specifications of the arrangements for enclosed cooking shall be submitted for the formal prior written approval of the Planning Authority before the use commences on site; 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) in order to prevent the occurrence of a smell nuisance; 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: Location Plan L(00)010; and

Drawing - Reference No: Site Plan L(00)100.

- (2) **12/00870/APP – BALLANTRAE – Site of Proposed Wind Turbines, U10 from A77T at Laggan Holm – South to join U36 at Killantringan Cottage** – Erection of two wind turbines.

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

- (a) that the proposed development would be contrary to policies STRAT1, STRAT2, ECON6, ECON14, ENV1 and ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE1, ENV8 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice and that it is considered that due to the size and position of the proposed wind turbine development, its impact on the skyline, the lack of backclothing, the wider visibility of the turbines in this coastal area and the absence of any mitigating landscape factors, that the proposed development is likely to have a significant adverse landscape and visual impact. There are no over-riding reasons to depart from development plan policy or government policy and guidance;

- (b) that the proposed development would be contrary to policies STRAT1, STRAT2, ECON6, ECON14, ENV1 and ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, STRAT5, ENV8 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice in that the proposed development, in combination with other wind turbine development, represents an undesirable visual extension of wind turbine development into a sensitive coastal landscape and would have a cumulative and significant adverse effect on landscape character and visual amenity. There are no over-riding reasons to depart from development plan policy or government policy and guidance;
- (c) that the proposed development would be contrary to policies STRAT1, ECON6, ENV1 and ENV6 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE6 and SERV3 of the adopted South Ayrshire Local Plan, Scottish Planning Policy & Advice, Scottish Historic Environment Policy and 'Managing Change in the Historic Environment (Setting)' in that it would compromise the setting of the Balig Enclosure scheduled ancient monument and the potential adverse effects cannot be overcome or minimised to an acceptable degree. Specifically the proposed development would break the skyline in views to the south from the scheduled monument and consequently have a significantly adverse impact on its setting. There are no over-riding reasons to depart from development plan policy or government policy and guidance; and
- (d) that the application proposal is contrary policies STRAT1, STRAT2, ECON6, ECON14, ENV1 and ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, STRAT5, ENV8 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy and Advice in that, on the information available, it is considered to be likely to have an adverse impact on the important tourism resource in the locality of the application site, specifically on the basis that the site is located within a 'sensitive landscape character area' approximately 1.3km from the Firth of Clyde Estuary coastline and the Ayrshire Coastal path all 3 of which are identified as 'regionally significant tourist resources' in the AJSP Addendum. There are no over-riding reasons to depart from development plan policy or government policy and guidance.

**Advisory Notes:**

None.

**List of Determined Plans:**

Drawing - Reference No (or Description): 01 REV. A Location;  
 Drawing - Reference No (or Description): 02 REV. A Block Plan;  
 Drawing - Reference No (or Description): D/S 1 Foundation Plan;  
 Drawing - Reference No (or Description): D/S 2 Foundation Rng;  
 Other - Reference No (or Description): HSS 1 REV. A Historic Scot study;  
 Other - Reference No (or Description): HSS 2 Historic Scot study;  
 Other - Reference No (or Description): HSS 3 Historic Scot study;  
 Other - Reference No (or Description): SNH 1 REV. A SNH Study;  
 Drawing - Reference No (or Description): EL 1 Turbine plans;  
 Drawing - Reference No (or Description): EL 2 comparative turbine elev;  
 Drawing - Reference No (or Description): EL3 Transport plans;  
 Drawing - Reference No (or Description): ZTV 1 REV. A Blade Tip ZTV @ 15km;  
 Drawing - Reference No (or Description): ZTV 2 Blade Tip ZTV @ 5km;  
 Drawing - Reference No (or Description): ZTV 3 Hub ZTV @ 15km;  
 Drawing - Reference No (or Description): ZTV 4 Hub ZTV @ 5km;  
 Drawing - Reference No (or Description): CIS 1/REV A cumulative impact study;  
 Drawing - Reference No (or Description): PMV 1 REV. A Photo montage plan;  
 Drawing - Reference No (or Description): PHOTOMONTAGE VIEW 1 Ballantrae Bridge;  
 Drawing - Reference No (or Description): PHOTOMONTAGE VIEW 2 High Ballochdowan;  
 Drawing - Reference No (or Description): PHOTOMONTAGE VIEW 3 Currarie farm;  
 Drawing - Reference No (or Description): PHOTOMONTAGE VIEW 4 Auchencrosh Hill;  
 Drawing - Reference No (or Description): PHOTOMONTAGE VIEW 5 Currarie Cottage;  
 Drawing - Reference No (or Description): PHOTOMONTAGE VIEW 6 Craigview - Meadowpark;  
 Other - Reference No (or Description): SUPPORT STATEMENT Volume 1;  
 Other - Reference No (or Description): SUPPORT STATEMENT Volume 2 (landscape - Vi);  
 Other - Reference No (or Description): GENERAL SPECIFICATION Vestas V27-225Kw;  
 Other - Reference No (or Description): MANUAL Transport \_ erection;  
 Other - Reference No (or Description): NOISE WARRANTY Vestas V27-225Kw;  
 Other - Reference No (or Description): ISO 9613-2 CALCULATION;  
 Other - Reference No (or Description): NOISE REPORT; and  
 Other - Reference No (or Description): TURBINE LIST granted and pending.

**(3) 12/00890/APP – PINMORE – Proposed meteorological mast at Pinmore Mains Farm, B743 Pinmore Bridge A714 - Barr – Erection of meteorological mast.**

**Decided:** to approve the application 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;
- (b) that the approval for the proposed use is limited to three years 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 three year 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 two months before the end of the temporary three year period;
- (c) that the mast shall be fitted with 25 candela omni directional red lighting or infra red lighting at the highest practicable point; and
- (d) that the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing:-
  - (i) precise location of development;
  - (ii) date of commencement of construction;
  - (iii) date of completion of construction;
  - (iv) the height above ground level of the tallest structure;
  - (v) the maximum extension height of any construction equipment; and
  - (vi) details of aviation warning lighting fitted to the structure(s).

The Ministry of Defence contact details are as follows:- D-UKDVOF & Power Lines, Air Information Centre, Defence Geographic Centre, DGIA, Elmwood Avenue, Feltham, Middlesex TW13 7AH;

- (e) that the bird deflectors should be on the outside wire, the third wire and the fifth wire, as per Scottish Natural Heritage specifications;
- (f) that bird deflectors should be attached to the guy wires at 2.5m intervals, prior to raising the mast, and maintained for the life of the mast and to the satisfaction of Scottish Natural Heritage;

- (g) that prior to the commencement of each bird breeding season (mid April), checking over each mast must be undertaken to confirm that the bird deflectors are in place, and replace any missing deflectors as necessary, and to the satisfaction of Scottish Natural Heritage;
- (h) that ground clearance should be carried out outwith the bird breeding season. If this is not possible a survey should be carried out by a qualified ornithologist for Ground Nesting birds prior to works being carried out and to the satisfaction of Scottish Natural Heritage;
- (i) that an assessment of the local bat population and their use of the site should be completed in line with the Bat Conservation Trusts Good Survey Guidelines found at the following hyperlink: <http://www.bats.org.uk/pages/batsurveyguide.html> and to the satisfaction of Scottish Natural Heritage;
- (j) that best practice construction methods shall be followed to reduce the risk of otters using the adjacent water course being trapped in excavated areas. These methods should include, fencing off, covering or inserting a ramp in any excavations and the capping of large diameter pipes shall be implemented on site at the end of each working day to ensure the safety of otters to the satisfaction of Scottish Natural Heritage; and
- (k) that any development activities which are likely to result in disturbance to a badger or involve the damage or destruction of a sett, a licence must be obtained from Scottish Natural Heritage and that Scottish Natural Heritage recommend a badger survey shall be completed which shall then inform a protected species plan and any mitigation required to ensure compliance with the Badgers Act 1992.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the use of the land is of a temporary nature and is only acceptable as a temporary expedient. In the interests of visual amenity;
- (c) in the interests of air safety;
- (d) in the interests of air safety;
- (e) in the interests of the protection of birds;
- (f) in the interests of the protection of birds;
- (g) in the interests of the protection of birds;
- (h) in the interests of the protection of birds;
- (i) in the interests of protection of bats;
- (j) in the interests of protection of Otters; and
- (k) in the interests of protection of Badgers.

**Advisory Notes:**

- All bats are European Protected Species (EPS), as such bats and their roosts are legally protected in Scotland by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) - "the Habitats Regulations". Further information on the legislative protection afforded to bats can be found at the following hyperlink: <http://www.snh.gov.uk/aboutscotlands-nature/wildlife-and-you/bats/bats-and-teh-law/>;
- All otters are European Protected Species (EPS), as such otters and their holts are legally protected in Scotland by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) - "the Habitats Regulations". Further information on the legislative protection afforded to otters can be found at the following hyperlink: <http://www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/otters/otters-and-the-law>.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;  
 Drawing - Reference No (or Description): SITE PLAN (1:2500);  
 Drawing - Reference No (or Description): SITE PLAN (1:500); and  
 Drawing - Reference No (or Description): ELEVATION OF MET MAST.

**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) **12/00950/APP – AYR – The Shieling, 10 Racecourse Road** – Erection of dwellinghouse and double garage.

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

- (a) that the proposal is contrary to Policy ENV6 of the approved Ayrshire Joint Structure Plan in that the proposed house represents an inappropriate design solution which has a detrimental impact on the character of the Ayr 2 Conservation Area at the locality;
- (b) that the proposal is contrary to Policy BE1 of the adopted South Ayrshire Local Plan in that the proposed house represents an inappropriate design solution 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 represents an inappropriate design solution 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 represents an inappropriate design solution which has a detrimental impact on the character of the Ayr 2 Conservation Area at the locality; and
- (e) that the proposal is contrary to Policy ENV12 of the adopted South Ayrshire Local Plan in that insufficient information has been provided to allow the Council to fully consider the extent of tree loss and the impact that this will have on the character of both the application site and the conservation area.

**List of Determined Plans:**

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

Drawing - Reference No (or Description): TREE SURVEY PLOT;

Drawing - Reference No (or Description): PROPOSED ELEVATIONS AND FLOOR PLAN;

Other - Reference No (or Description): DESIGN STATEMENT;

Other - Reference No (or Description): ILLUSTRATING THE DESIGN CUES, ESPECIALLY THE TURRET;

Other - Reference No (or Description): ILLUSTRATING THE OVERALL STYLE WHERE DESIGN CUES WERE TAKEN FROM;

Other - Reference No (or Description): SHOWING EXISTING TREES WHICH ARE HIGHER THAN THE RIDGE OF THE HOUSE;

Other - Reference No (or Description): SHOWING STYLE OF ADJACENT FLATS;

Other - Reference No (or Description): SHOWING THE EXTENSIVE THICKET OF TREES;

Other - Reference No (or Description): SHOWING THE STYLE OF THE ADJACENT NEW HOUSE; and

Other - Reference No (or Description): TREE SURVEY.

- (5) **12/00901/APP – PRESTWICK – Land adjacent to 34 Kirk Street** – Sub-division of former car sales garage and erection of class 5 general industry units.

**Decided:** to refuse the application on the following conditions:-

- (a) that the development proposal is contrary to Strategic Policy STRAT5 of the Adopted South Ayrshire Local Plan by virtue of constituting an intensification of commercial activity which shall generate increased noise, activity, vehicle and pedestrian movements, which shall detract from the character and amenity of this established residential area, and no justification has been provided for a departure from this policy;

- (b) that the development proposal is contrary to Policy H7 of the Adopted South Ayrshire Local Plan by virtue of constituting an intensification of commercial activity which shall generate increased noise, activity, vehicle and pedestrian movements, which shall detract from the character and amenity of this established residential area, and no justification has been provided for a departure from this policy; and
- (c) that the development proposal is contrary to Policy BE1 of the Adopted South Ayrshire Local Plan by virtue of constituting an intensification of commercial activity which shall generate increased noise, activity, vehicle and pedestrian movements, which shall detract from the character and amenity of this established residential area, and no justification has been provided for a departure from this policy.

**List of Determined Plans:**

Drawing - Reference No (or Description): 01;  
 Drawing - Reference No (or Description): 02;  
 Drawing - Reference No (or Description): 03;  
 Drawing - Reference No (or Description): C001-04; and  
 Drawing - Reference No (or Description): C001-05.

The Panel further agreed that enforcement action should be undertaken against the applicant as soon as possible.

- (6) **12/00963/APP – BALLANTRAE – Community Garden, Main Street** – Alterations to public garden, formation of hardstanding, planters and erection of fence.

**Decided:** to approve the application 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, full details of the stone planters to be erected shall be submitted for the prior written approval of the Planning Authority prior to the commencement of works on site.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (b) to safeguard the character and appearance of the Conservation Area.

**List of Determined Plans:**

Drawing - Reference No (or Description): SHEET 1 OF 2;  
 Drawing - Reference No (or Description): SHEET 2 OF 2; and  
 Drawing - Reference No (or Description): PROPOSED TOP TERRACE.

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

**3. Resumption of Meeting.**

The meeting resumed at 2.00 p.m.

**4. Civic Government (Scotland) Act 1982 - Licences.****(a) Taxi Drivers.**

- (i) The Panel heard an objection from Strathclyde Police and considered the application from Sean C. Dempsey who was in attendance but advised the Panel that he had nothing to say in support of his application.

**Decided:** to continue consideration of this application until the meeting of this Panel scheduled to be held on Thursday, 6th October 2012, at which time the outcome of the outstanding trial would be known.

- (ii) The Panel considered the application from Daniel C. Christie, who was in attendance 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.

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

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

- (iv) The Panel considered the application from James R. Thorburn who was in attendance but advised the Panel that he had nothing to say in support of his application.

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

- (v) The Panel heard an objection from Strathclyde Police and from the representative for the applicant, Archie Buchanan, in response and adjourned for consideration of this application.

**Decided:** upon reconvening, to continue consideration of this application until the meeting of this Panel scheduled to be held on Thursday, 24th January 2013, at which time the outcome of the outstanding trial would be known.

**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 Drivers.**

- (i) The Panel heard an observation from Strathclyde Police and the applicant, John F. McNally, in response.

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

- (ii) The Panel considered the application from Christopher J. Taylor who was in attendance 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.

- (iii) The Panel considered the application from George Sharp who was in attendance but advised the Panel that he had nothing to say in support of his application.

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

**(b) Late Hours Catering.****Gary Fulton for The Coffee Boat, 54 South Harbour Street, Ayr.**

**Decided:** to approve this application for three years, the approved hours being Wednesday from 11.00 p.m. to 1.00 a.m., Friday from 11.00 p.m. to 1.00 a.m., Saturday from 11.00 p.m. to 1.00 a.m. and Sunday from 11.00 p.m. to midnight, subject to standard conditions as previously agreed.

**(c) Late Hours Catering – Variation of Licence.****Arshad Ali for “Spice Cube”, 32 Main Street, Prestwick.**

The Panel heard Strathclyde Police withdraw their previously submitted observation in relation to this application and heard from the applicant’s representative.

**Decided:** to approve this application for three years, the approved hours being Wednesday from 11.00 p.m. to 3.30 a.m., Thursday from 11.00 p.m. to 2.30 a.m., Friday from 11.00 p.m. to 3.30 a.m. and Saturday from 11.00 p.m. to 3.30 a.m., subject to standard conditions as previously agreed.

**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 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.

**8. Civic Government (Scotland) Act 1982 - Licences.****(a) Taxi Drivers.**

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

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

- (ii) The Panel considered the proposed suspension of the licence held by Hugh W. Colville.

Having considered the letter of complaint from the passenger and having heard from the Licensing Monitoring Officer, the licence holder's representative and the licence holder, the Panel adjourned for consideration of this matter.

**Decided:** upon reconvening, to issue Mr. Colville with a written warning regarding his conduct and his treatment of the passenger concerned and outlining that this was not acceptable and would not be tolerated.

**(b) Taxi Vehicles.**

- (i) The Panel heard the Licensing Monitoring Officer, in relation to the licence held by Matthew Cowan, outlining that the licence holder had persistently failed to maintain his vehicle in a safe and serviceable condition and was therefore in breach of Condition 2 of his licence.

The Panel then heard Mr. Cowan in response and thereafter considered the proposed suspension of this licence.

**Decided:** to issue Mr. Cowan with a written warning regarding the condition, quality and safety of his vehicle; to instruct him to ensure that his vehicle was maintained to a high standard between tests; and outlining that, should it be necessary for the Panel to re-consider this matter in future, this would be looked on unfavourably and his licence may be suspended.

- (ii) The Panel heard the Licensing Monitoring Officer, in relation to the licence held by James R. Thorburn, outlining that the licence holder had failed to meet a condition of his licence and was therefore in breach of Condition 23 of the Taxi Vehicle Licence.

The Panel then heard Mr. Thorburn in response and thereafter considered the proposed suspension of this licence.

**Councillor Goldie left the meeting for five minutes during consideration of this matter.**

**Decided:** to issue Mr. Thorburn with a written warning regarding his inoperative meter, speedometer and door safety locks; and to instruct him that any repairs to his vehicle should be carried out immediately, however should this not be possible, his vehicle should be taken off the road with immediate effect.

The meeting ended at 3.55 p.m.