

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 6th September 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; M. McClelland, Development Management and Business Change Team Leader; A. Cooke, Supervisory Planner; F. Sharp, Supervisory Planner; B. Wyllie, Supervisory Engineer – Traffic; and A. Gibson, Committee Services Officer.

For Items 3 to 9:

Attending: M. Douglas, Solicitor (Licensing); D. Scobie, Licensing Monitoring Officer; B. Wyllie, Supervisory Engineer – Traffic; and J. McClure, Committee Services Officer.

Also Attending: Inspector S. Mangnan and Constable C. McLean, Strathclyde Police.

1. Orders Under the Road Traffic Regulation Act 1984.

There were submitted reports (issued) of August 2012 by the Executive Director - Development and Environment seeking approval to make the following Orders under the Road Traffic Regulation Act 1984:-

- (1) South Ayrshire Council (Various Towns) (Prohibition of Stopping on School Keep Clear Markings) Order 2012;
- (2) South Ayrshire Council (Off-Street Parking Places) (Charging, Controlling and Decriminalised) Order 2012;
- (3) South Ayrshire Council (Various Roads, Ayr) (Events) (Waiting Restrictions) Order 2012;
- (4) South Ayrshire Council (Various Roads, Coylton) (Waiting Restrictions) Order 2012;
- (5) South Ayrshire Council (U46 Ladywell Road, Girvan) (Stopping Up) Order 2012;
- (6) South Ayrshire Council (Various Streets, Maybole) (Speed Limit Amendment) Order 2012;
and
- (7) South Ayrshire Council (Various Streets, Barr) (Speed Limit Amendment) Order 2012.

Following questions from Members relating to the Orders detailed in (2) and (6) above, the Supervisory Engineer – Traffic responded accordingly.

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

2. **Applications for Planning Permission.**

There were submitted reports (issued) of August 2012 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) **12/00644/APP – AYR – Private Road from A79 Maybole Road to A77 Trunk Road – Land to the west of 1 Glengall Lane – Erection of dwellinghouse.**

Councillor Douglas, seconded by Councillor Galbraith, moved that the Panel continue consideration of this application to a Regulatory Panel (Special), to allow a site visit to be conducted.

By way of an Amendment, Councillor Campbell, seconded by Councillor Hunter, moved that the application be refused on the following grounds:-

- (a) that the proposal to erect a house is contrary to policy ENV5 of the adopted South Ayrshire Local Plan which presumes in favour of safeguarding from development of all green spaces which are important to local amenity or recreational use, and the loss of this open amenity space is considered to alter the character of the area and has an adverse impact on local amenity;
- (b) that the proposal to erect a house within an area covered by a confirmed Tree Preservation Order No.2, 2001 (Slaphouse Burn Gorge, Maybole Road, Ayr, results in the opportunity for a replanting scheme, in lieu of previously felled trees, being lost, to the detriment of the amenity of the locality, and the integrity of the confirmed Tree Preservation Order area; and
- (c) that the ratio of proposed replanting is not considered to be adequate in lieu of the previously felled trees, and would therefore be to the detriment of the amenity of the locality, and the integrity of the confirmed Tree Preservation Order area No.2, 2001 (Slaphouse Burn Gorge, Maybole Road, Ayr).

List of Determined Plans:

Drawing - Reference No. (or Description): LOC-01; and
Drawing - Reference No. (or Description): PL-01.

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

Decided: to refuse the application on the grounds detailed at (a) to (c) above.

Councillor Miller declared an interest in the following planning application and left the meeting during consideration thereof as she had a relative that lived nearby:-

- (2) 12/00541/APP – AYR – 22 Monument Road – Alterations and extension to dwelling house, alteration to front boundary wall/ pier and installation of gates.**

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 proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 4.8 metres wide over its initial 2 metres, as measured from the rear of the public footway before completion of the development;
- (c) that junction access visibility sightline splays of 2 metres by 20 metres shall be maintained in both directions at the junction with the public road and there shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (d) that before the proposed dwelling is occupied two off-street parking spaces shall be provided within the curtilage in accordance with the Roads Development Guide;
- (e) 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;
- (f) that prior to completion of the development any gates shall open inwards away from the public roadway;
- (g) that notwithstanding the plans hereby approved, all proposed materials to be used on external surfaces shall match the existing dwelling house to the satisfaction of the Planning Authority; and
- (h) that notwithstanding the provisions of Class 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and subsequent amendments, no door or window other than those approved as part of this permission shall be formed on any elevation of the development hereby approved without the submission of a further planning application and approval of the Planning Authority.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interest of road safety and to ensure an acceptable standard of construction;
- (c) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (d) in the interest of road safety and to ensure adequate off-street parking provision;
- (e) in the interest of road safety and to avoid the discharge of water on to the public road;
- (f) in the interest of road safety;
- (g) to ensure that materials are appropriate for the site and in the interests of visual amenity; and
- (h) to ensure the amenity of adjoining properties is protected.

Advisory Notes:

- The Council as Roads Authority advises that all costs incurred with crossing existing footway to be borne by the applicant / developer and carried out to South Ayrshire Council's specification.
- The Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.
- The Council as Roads Authority advises that access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide before completion of the development.

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.

List of Determined Plans:

Drawing - Reference No. (or Description): Approved 12.11.LP REV A LOCATION PLAN;
 Drawing - Reference No. (or Description): Approved 12.11.BP REV A BLOCK PLAN;
 Drawing - Reference No. (or Description): Approved 12.11.01 REVB;
 Drawing - Reference No. (or Description): Approved 12.11.02 REV A; and
 Drawing - Reference No. (or Description): Approved 12.11.03.

At this point Councillor Miller rejoined the meeting. Councillor Hunter declared an interest in the following planning application and left the meeting during consideration thereof as he had previously met with the applicant:-

- (3) 12/00706/FUR – AYR - Unit 5 - 22 Liberator Drive** – Application so as not to comply with condition 3 of Planning Consent P/92/0384 to allow the sale of toys, games, cycles, nursery goods, educational products for children and ancillary goods.

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

- (a) that the development proposal does not accord with Policy Comm6 of the Approved Ayrshire Joint Structure Plan as:-
 - (i) the range of goods to be sold does not fall within items relating to; D.I.Y., furniture, carpets, electrical and gardening goods; and
 - (ii) it has not been demonstrated to the satisfaction of the Council as Planning Authority that the proposal warrants a departure from the established policies of the development plan;
- (b) that the development proposal does not accord with Policies RET10 and RET11A of the Adopted South Ayrshire Local Plan, in that :-
 - (i) the range of goods to be sold are not restricted to the sale of D.I.Y., furniture, carpets/ floor coverings, electrical and gardening goods; and
 - (ii) it has not been demonstrated to the satisfaction of the Council as Planning Authority that the proposal warrants a departure from the established policies of the development plan; and
- (c) that the development proposal does not accord with Policy HFD1 of the Adopted South Ayrshire Local Plan, in that:-
 - (i) the range of goods to be sold are not restricted to the sale of D.I.Y., furniture, carpets/ floor coverings, electrical and gardening goods; and
 - (ii) it has not been demonstrated to the satisfaction of the Council as Planning Authority that the proposal warrants a departure from the established policies of the development plan.

List of Determined Plans:

Drawing - Reference No. (or Description): P20 - LOCATION PLAN.

At this point, Councillor Hunter rejoined the meeting.

- (4) **12/00554/APP – AYR – Braehead Primary School, Gould Street** – Proposed erection of multi-use games area.

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 floodlighting hereby approved shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to the requirements of Council's Environmental Health Service, and to the satisfaction of the Planning Authority;
- (c) that, prior to the commencement of works on site, details shall be submitted of the colour of the fencing, for the approval of the Planning Authority; and
- (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.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interest of residential amenity;
- (c) in the interest of visual amenity; and
- (d) in the interest of road safety and to avoid the discharge of water on to the public road.

Advisory Notes:

None.

List of Determined Plans:

Drawing - Reference No. (or Description): LOCATION AND PROPOSED SITE LAYOUT;
 Drawing - Reference No. (or Description): GENERAL LAYOUT AND DETAILS;
 Drawing - Reference No. (or Description): ELECTRICAL LAYOUT;
 Drawing - Reference No. (or Description): DETAILS SHEET 2;
 Drawing - Reference No. (or Description): PROPOSED LAYOUT; and
 Drawing - Reference No. (or Description): PROPOSED ELEVATIONS.

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) **12/00539/APP – PRESTWICK – Respite Care Unit – 49 Ardfin Road – Siting of temporary building as annex to Children’s Respite Centre.**

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

- (a) the approval for the portacabin is limited to a period of five years from the date of this permission. Thereafter, the portacabin 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; 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) the use of the land is of a temporary nature and is only acceptable as a temporary expedient; 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): 12.115.LP; and
Drawing - Reference No. (or Description): 12.115.SP.

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) 12/00607/APP – TROON – 13 Bentinck Drive – Reroofing of dwellinghouse.

Decided: to approve the application subject to the condition 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.

Reason:

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): LP REV A;
 Other - Reference No. (or Description): PHOTO Proposed Slate; and
 Other - Reference No. (or Description): PHOTO Existing Roof.

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.

(7) 12/00830/APP – PRESTWICK – 46 Main Street – Alterations and extension to dwellinghouse.

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, the removed birch tree shall be replaced on a 2:1 basis with suitable species within the garden area of the application site where they add to the character and setting of the Tree Preservation Order, to the satisfaction of 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) in the interests of visual amenity, to ensure a satisfactory standard of local environmental quality and protect the trees covered by the Tree Preservation Order.

Advisory Notes:

None.

List of Determined Plans:

Drawing - Reference No. (or Description): 2012/19/01;
 Drawing - Reference No. (or Description): 2012/19/02;
 Drawing - Reference No. (or Description): 2012/19/03;
 Drawing - Reference No. (or Description): 2012/19/04;
 Drawing - Reference No. (or Description): 2012/19/05;
 Drawing - Reference No. (or Description): 2012/19/06;
 Drawing - Reference No. (or Description): 2012/19/07; and
 Drawing - Reference No. (or Description): 2012/19/08.

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, Councillor McFarlane left the meeting.

- (8) 12/00671/APP – PRESTWICK – Putting Green – Links Road – Change of use of existing open space for the siting of a putting green and kiosk and erection of fencing.**

Decided: to approve the application subject to the condition 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.

Reason:

To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning Etc. (Scotland) Act 2006.

List of Determined Plans:

Drawing - Reference No. (or Description): 12-06-01;
 Drawing - Reference No. (or Description): 12-06-02; and
 Drawing - Reference No. (or Description): 12-06-03.

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, Councillor McFarlane re-joined the meeting and Councillor Galbraith left the meeting.

- (9) 12/00471/APP – AYR – 20 Cornhill** – Change of use of public house to form church/community facility (Class 10).

Decided: to approve the application subject to the condition 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.

Reason:

to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Advisory Notes:

None.

List of Determined Plans:

Drawing - Reference No. (or Description): LOCATION PLAN;
Drawing - Reference No. (or Description): EXISTING FLOOR PLAN; and
Drawing - Reference No. (or Description): PROPOSED FLOOR 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.

- (10) 11/01325/APP – BALLANTRAE – Cosses Farm** – Erection of two wind turbines and associated works and formation of access track.

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

Landscape and visual

- (a) that the proposed development would be contrary to policies STRAT1, STRAT2, ECON6, ECON14, ENV1 & ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE1, ENV8 & SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice. 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 sensitive 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;

Cumulative impact

- (b) that the proposed development would be contrary to policies STRAT1, STRAT2, ECON6, ECON14, ENV1 & ENV2 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, STRAT5, ENV8 & SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & 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 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;

Natural heritage

- (c) that on the basis of the submitted information, the proposed development is considered to be detrimental to natural heritage interests as it is likely that the proposed turbines would be within 50metres of existing hedges and / or trees and would therefore be contrary to policies STRAT1, ECON6 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on windfarms, policies STRAT5, ENV1, ENV2 and SERV3 of the adopted South Ayrshire Local Plan and Scottish Planning Policy & Advice with regard to natural heritage. There are no overriding reasons to depart from SPP, the development plan or the AJSP Addendum on windfarms;

Historic environment

- (d) that on the basis of the information submitted, and due to the size and position of the proposed turbines, it is considered that the proposed development would adversely affect the setting of local sites of built and cultural heritage value and Glenapp Castle listed building and historic garden & designed landscape in particular. Therefore the proposal is considered to be contrary to policies STRAT1, ECON6, ENV1 & ENV6 of the Ayrshire Joint Structure Plan (AJSP), the AJSP Addendum on Windfarms, policies STRAT5, BE6 & SERV3 of the adopted South Ayrshire Local Plan, Scottish Planning Policy & Advice and 'Managing Change in the Historic Environment (Setting)'. There are no over-riding reasons to depart from development plan policy or government policy and guidance; and

Tourism and Recreation

- (e) 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 & Advice in that, due to the size and position of the proposed wind turbine development, its relationship to recognised tourism and recreational features and the absence of any mitigating landscape factors, it is considered to be likely to have an adverse impact on the important tourism resource in the locality of the application site. There are no over-riding reasons to depart from development plan policy or government policy and guidance.

List of Determined Plans:

Drawing - Reference No. (or Description): PROPOSED FOUNDATION/SHED PLAN;
 Drawing - Reference No. (or Description): LOCATION PLAN;
 Drawing - Reference No. (or Description): METER HOUSE PLAN - ELEVS;
 Drawing - Reference No. (or Description): SITE PLAN;
 Drawing - Reference No. (or Description): TURBINE ELEVATIONS;
 Other - Reference No. (or Description): ENVIRONMENTAL REPORT;
 Other - Reference No. (or Description): ACOUSTICAL CHARACTERISATION;
 Other - Reference No. (or Description): NOISE ASSESSMENT; and
 Drawing - Reference No. (or Description): TURBINE SPEC.

Adjournment.

The time being 12.05 p.m., the Panel agreed to adjourn for ten minutes.

Resumption of Meeting.

The meeting resumed at 12.15 p.m.

- (11) **12/00212/APP – BARRHILL – Blair Farm** – Erection of one wind turbine.

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

- (12) **12/00340/APP – GIRVAN – Girvan Mains Farm** – Erection of one wind turbine.

Decided: to note that this item had been withdrawn from the agenda due to the submission of noise data for consideration by the planning officer.

Councillor Miller declared an interest in the following planning application and left the meeting as she was a member of the Scottish Labour and Co-operative Party:-

- (13) 12/00648/FURM – AYR – Land at Greenan, Dunure Road** – Further application to vary condition 6 of planning permission 10/00957/MSCM to extend store opening hours from 07.00 to 23.00 hours.

Decided: to approve the application.

List of Determined Plans:

Drawing - Reference No. Location Plan.

At this point Councillor Miller re-joined the meeting.

- (14) 12/00651/FURM – MONKTON – Land at Main Street** – Further application so as not to comply with condition 16 and 17 of planning permission 11/00426/APPM.

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

- (a) that the required path link through the southern portion of the site up to the rear of the primary school and up to the eastern boundary of the Aerospace Park shall be implemented in accordance with the approved Roads Construction Consent no later than 1st December 2012; and
- (b) that the path link from the roads within the site to the south eastern corner of the Main Street frontage of the site close to the existing bus stop shall be implemented in accordance with the approved Roads Construction Consent no later than 1st December 2012.

Reasons:

- (a) to ensure that the proposed development complies with the development plan, to encourage sustainable means of travel and to create a safe route to the local primary school; and
- (b) to encourage sustainable means of travel and to facilitate access to the village and the bus stop.

Advisory Notes:

None.

List of Determined Plans:

Drawing - Reference No. (or Description): 1- 001 A.

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

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. Civic Government (Scotland) Act 1982 - Licences.**Street Trader.****Shonagh Wilson for the Sale of Hot and Cold Food at Wallacefield Road, Troon.**

The Panel heard from the Supervisory Engineer – Traffic and from Councillor Saxton, who was representing the applicant and, following questions from Members, the Panel adjourned for consideration of this application.

Upon reconvening, Councillor Convery, seconded by Councillor McFarlane, moved refusal of this application.

By way of Amendment, Councillor Campbell moved that the application be approved. Councillor Campbell failed to find a seconder and therefore, his Amendment fell.

Decided: by a majority, to refuse this application on road safety grounds as pedestrians waiting on the roads footway to be served would obstruct the passing of other pedestrians, effectively forcing them onto the carriageway. Councillor Campbell requested that his dissent be recorded.

5. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer advised

- (1) that, following June's Regulatory Panel she had continued to carry out inspections of Taxis and Private Hire Vehicles with technical assistance from colleagues in Fleet Management when again it had come to her attention that some of the vehicles had been involved in accidents which had not been reported to the Licensing Section which was imperative as the vehicle must be retested as there were obviously safety concerns and failure to advise the Licensing Section of the accident was a breach of the operator's licence;
- (2) that she had also carried out joint visits with colleagues from Trading Standards to all forty licensed Second Hand Car Dealers in South Ayrshire to ensure that traders were complying with licence conditions and also to identify any traders who did not have a Second Hand Car Dealer's Licence;
- (3) that information had also been received about three unlicensed dealers which had been passed to Strathclyde Police;
- (4) that twelve of the premises visited had required to be re-visited due to records not being available for inspection as the computer systems were down or the person required to check the records was not in attendance at the time of the first visit, however, most reputable licensed dealers maintained satisfactory records with only a few minor issues being identified;
- (5) that, lastly, in conjunction with the Town Centre Police, she was currently inspecting all 25 Second Hand Dealers premises in South Ayrshire, 21 of these being in Ayr with these licences required to buy/sell jewellery, antiques, sports goods, musical instruments, cameras and camera equipment, furs, electrical goods and mobile phones;
- (6) that Second Hand Dealers were obliged to record a description of goods bought or sold, the date of receipt, name and address and price either on a serially numbered book or computer records capable of being printed and that all of these records must be retained for two years;
- (7) that some premises also retained CCTV records which they made available to Strathclyde Police on request although this was not part of their statutory obligation; and
- (8) that Strathclyde Police had been involved with these visits as, unfortunately, stolen goods on occasion could be found in Second Hand Dealers' premises, however, all licenceholders had been very co-operative during the visits.

Decided: to thank the Licensing Monitoring Officer for her update.

6. Review of Metered Taxi and Private Hire Fares.

There was submitted a report (issued) of 15th August 2012 by the Executive Director - Corporate Services

- (1) advising that the Council was obliged, under Section 17 of the Civic Government (Scotland) Act, 1982 and Section 14 of the Transport Act, 1985, to fix maximum fare scales and to review these scales at intervals not exceeding eighteen months and that the last review had been completed with an implementation date of 15th April 2011, however, whilst obliged to carry out a review, the Council was not obliged to increase (or decrease) the maximum fares;
- (2) outlining
 - (a) that all taxi operators had been consulted and two responses had been received;
 - (b) that the existing fare structure was outlined in columns 1 and 2 of the Appendix and that responses were as detailed in columns 3 and 4 of the Appendix with the proposed tariff detailed in column 5;
 - (c) that the reasons for an increase in the current fare structure were that there had been a substantial rise in running costs for all operators including VAT on new vehicles and rises in the cost of fuel and insurance;
 - (d) that there had been agreement between the respondents that the Christmas and New Year tariff should be restricted to one and a half times the normal fare rather than double fare; and
 - (e) that the proposed fees, if approved, would be advertised to allow for objections, following which a further report would be submitted to a future meeting of this Panel, seeking to fix the fees; and
- (3) seeking approval to carry out a review of metered fares for taxis and private hire vehicles.

Decided:

- (i) to approve the proposed maximum fares as follows:-

<u>Unit</u>	<u>Existing</u>	<u>Proposed</u>
• $\frac{3}{4}$ of a mile (1,320 yards)	£ 2.80	£ 2.80 – distance not exceeding 1,180 yards or for a time not exceeding 4 minutes 40 seconds
• Each additional mile	£ 1.90	£ 0.20 each additional 176 yards or 48 seconds

<u>Unit</u>	<u>Existing</u>	<u>Proposed</u>
• Night-time charge (midnight to 6 a.m.) per hire	£ 1.00	£ 1.00
• Waiting time (for each 15 minutes or part of)	£ 3.50	£ 0.20 each completed period of 48 seconds
• Fouling charge	£50.00	£60.00
• Christmas and New Year (from 9.00 p.m. on 24th December to 6.00 a.m. on 27th December and from 9.00 p.m. on 31st December to 6.00 a.m. on 3rd January)	Two times metered fare	One and one half times metered fare
• 6/7/8 seater vehicles where 6, 7 or 8 passengers are carried one and one half metered fare (except for the approved period at Christmas and New Year when one and one half of enhanced metered fare will apply); and	One and one half metered fare	One and one half metered fare

- (ii) to advertise the proposed fare structure in the local press to allow all interested parties to make representation in terms of Section 17 of the Civic Government (Scotland) Act 1982.

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

(a) Taxi Drivers.

- (i) The Panel considered a letter from the applicant, Gordon Livingstone.

Decided: in the absence of the applicant, to approve this application for three years, subject to standard conditions as previously agreed.

Councillors Douglas and McFarlane declared an interest in the following application as the applicant was known to them and withdrew from the meeting during consideration of this matter.

- (ii) The Panel considered the application from John Hall 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.

At this point Councillors Douglas and McFarlane rejoined the meeting.

- (iii) The Panel heard an observation from Strathclyde Police and the representative for the applicant, Balwant Sandhu, in response.

Decided: to continue consideration of this matter to the meeting scheduled to be held on Thursday, 8th November 2012 when the outcome of the Court case would be known.

- (iv) The Panel heard from the applicant, Joseph Thomson, in relation to his application.

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

- (v) The Panel heard from the applicant, Richard Colville, in relation to his application.

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

- (vi) The Panel heard from the applicant, Hugh Colville, in relation to his application.

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

- (vii) The Panel heard from the applicant, David Faulds, in relation to his application.

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

- (viii) The Panel heard from the licenceholder, Thomas Getgood and considered his request for exemption from wheelchair work.

Decided:

(A) to approve the request from Thomas Getgood for exemption from wheelchair work for the remaining term of his licence and to note that the Licensing Section would supply the licenceholder with a letter outlining this exemption for the perusal of wheelchair using passengers; and

(B) to request that the Licensing Section examine the possibility of supplying those drivers exempt from undertaking wheelchair work with a badge or sticker to highlight to wheelchair using passengers that they had obtained an exemption.

- (ix) The Panel heard an observation from Strathclyde Police and the applicant, Kerr Peter David Harris, in response.

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

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

The Panel heard an observation from Strathclyde Police, considered the letters of support and heard from the applicant, Stewart Campbell.

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

Councillor Hunter left the meeting at this point.

(c) **Taxi Vehicle.**

- (i) The Panel heard an observation from Strathclyde Police and considered a letter from the Solicitor of the applicant, Elizabeth McSorley, in relation to application number 12/00313/HCVL.

Decided: to grant delegated powers to the Head of Legal and Administration to approve this application when all necessary documentation was in place.

- (ii) The Panel heard an observation from Strathclyde Police and considered a letter from the Solicitor of the applicant, Elizabeth McSorley, in relation to application number 12/00314/HCVL.

Decided: to grant delegated powers to the Head of Legal and Administration to approve this application when all necessary documentation was in place.

- (iii) The Panel heard an observation from Strathclyde Police and considered a letter from the Solicitor of the applicant, Elizabeth McSorley, in relation to application number 12/00315/HCVL.

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

- (iv) The Panel heard from the applicant, John Grigor, in relation to his application.

Decided: to grant delegated powers to the Head of Legal and Administration to approve this application on receipt of documentation confirming that the vehicle had passed the Taxi Vehicle Test.

Councillor McFarlane left the meeting at this point.

- (v) The Panel considered the proposed suspension of the licence currently held by Lorna Porter (application number 10/01102HCVL).

Decided: in the absence of the licenceholder and having heard from the Licensing Monitoring Officer, to suspend the licence currently held by Lorna Porter with immediate effect for its unexpired portion.

- (vi) The Panel considered the proposed suspension of the licence currently held by Lorna Porter (application number 10/01103HCVL).

Decided: in the absence of the licenceholder and having heard from the Licensing Monitoring Officer, to suspend the licence currently held by Lorna Porter with immediate effect for its unexpired portion.

(d) **Late Hours Catering.**

Amjad Chadhar for Lazat, 109 Main Street, Prestwick.

Decided: to approve this application for three years, the approved hours being every Monday to Sunday inclusive from 11.00 p.m. to 2.00 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 following item of business on the agenda, 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.**

Taxi Drivers.

The Panel heard an objection from Strathclyde Police and the applicant, Sean Dempsey, in response.

Decided: to continue consideration of this matter to the meeting scheduled to be held on Thursday, 4th October 2012 when the outcome of the Court case would be known.

The meeting ended at 3.55 p.m.