

## **REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr, on  
26th September 2013 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 to 4:**

Attending: C. Cox, Planning Manager; W. Carlaw, Legal and Democratic Manager; M. McClelland, Development Management and Business Change Team Leader; A. Browne, Supervisory Planner; B. Wyllie, Supervisory Engineer – Traffic; and A. Gibson, Committee Services Officer.

### **For Items 5 to 13:**

Attending: M. Douglas, Solicitor (Licensing); D. Scobie, Licensing Monitoring Officer; K. Anderson, Private Sector and Landlord Registration Officer; and A. Gibson, Committee Services Officer.

Also Attending: Inspector D. McMurdo and Sergeant D. McIntosh, Police Scotland.

## **1. Declarations of Interest.**

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct,

- (1) Councillor Miller declared an interest in relation to the Order being considered under the Road Traffic Regulation Act 1984 at item 3(1) below as she was a resident of Savoy Park, Ayr; and
- (2) Councillor Douglas declared an interest in the planning application being considered at item 4(2) below as he was the applicant.

Councillor Miller indicated that she would withdraw from the meeting at the appropriate point of the meeting and it was noted that Councillor Douglas would not be part of the Panel's consideration of his own planning application but would be allowed to speak on his application should he desire, as was normal practice and remain in the room during the consideration thereof, as the applicant.

## **2. Minutes of previous meetings.**

- (1) The minutes of the special meeting of 28th August 2013 (issued) ([link attached](#)) were submitted and approved.
- (2) The minutes of 29th August 2013 (issued) ([link attached](#)) were submitted and approved subject to a minor typographical error.
- (3) The Panel agreed to continue consideration of the minutes of the special meeting of 11th September 2013 (issued) to the part of the meeting when the Licensing items would be considered, scheduled to commence at 2.00 p.m.

### **3. Orders Under the Road Traffic Regulation Act 1984.**

There were submitted reports (issued) of September 2013 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to make the following Orders under the Road Traffic Regulation Act 1984:-

**Councillor Miller, having previously declared an interest left the meeting during consideration of only (1) below and re-joined the meeting thereafter.**

- (1) South Ayrshire Council (Bellevue Road and Park Circus, Galloway Avenue, Glenford Place, James Street, Mount Oliphant Crescent, Savoy Park and Wexford Way, Ayr) (Waiting Restrictions) Order 2013 ([link attached](#));
- (2) South Ayrshire Council (High Road/Main Road at Low Road junction, Ayr) (Prohibition of U-Turns) Order 2013 ([link attached](#));
- (3) South Ayrshire Council (Prestwick Airport Perimeter) (Various Roads) (Waiting Restrictions) Order 2013 ([link attached](#));
- (4) South Ayrshire Council (Disabled Persons' Off-Street Parking Places) Order 2013 ([link attached](#)); and
- (5) South Ayrshire Council (Various Roads, Ayr) (Events) (Various Restrictions) Order 2013 ([link attached](#)).

Following questions from Members relating to the various Orders as detailed above and specific concerns relating to the proposed restrictions at Mount Oliphant Crescent, Ayr as detailed at (1) above, the Supervisory Engineer – Traffic responded.

#### **Decided:**

- (a) to approve the making of the above-named Orders as detailed at (2) to (5) above; and
- (b) to continue consideration of the proposed Order as detailed at (1) above to a future meeting of this Panel, to allow various concerns from Members to be addressed relating to the proposed restrictions at Mount Oliphant Crescent, Ayr.

### **4. Applications for Planning Permission.**

There were submitted reports (issued) of September 2013 by the Executive Director – Economy, Neighbourhood and Environment and letters of objection or support, as appropriate, on current applications for determination.

The Panel decided as follows:-

- (1) **13/00860/FURM – AYR – Alexanders Sawmills Ltd, Heathfield Road ([link attached](#))**  
- Further application so as not to comply with condition 1 of planning permission 10/00911/FURM.

**Decided:** to agree that the Executive Director – Economy, Neighbourhood and Environment be given delegated powers to approve the application, subject to a variation to an existing legal agreement regarding the provision of a path/cycleway linking the site to Heathfield Road, transport integration with the existing car park on the adjoining site (known locally as the “Heathfield Retail Park”) and a works bond, and subject to the following conditions:-

- (a) that a formal application indicating the siting, design, external appearance of, and means of, access to the proposed development is submitted to and approved by the Council before commencement of development. This application must be made no later than 6th November 2016 and the proposed development must commence by 6th November 2018 or within two years of the date of the approval of the formal MSCM application, whichever is the sooner, to comply 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) that the conditions (2) to (28) inclusive, reasons (2) to (28) inclusive and notes (1) to (4) inclusive of planning permission 05/00108/OUT shall remain and form part of planning permission 13/00860/FURM.

**Reasons:**

- (a) to be in compliance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006; and
- (b) in order to retain proper planning control over the site in accordance with planning permission 05/00108/OUT.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION 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.

**Councillor Douglas, having previously declared an interest in the following item of business, stepped down from the Panel at this point and did not take part in the Panel’s determination of the following planning application.**

- (2) **13/00876/APP – AYR – 47 Meadowpark ([link attached](#))** - Erection of amateur radio 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; and

- (b) in the event that the amateur radio mast becomes obsolete or redundant it shall be removed and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the removal of the equipment.

**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 visual amenity.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;  
Drawing - Reference No (or Description): BLOCK PLAN;  
Other - Reference No (or Description): PHOTO - ANTENNA DETAIL;  
Other - Reference No (or Description): PHOTO - PREVIOUS MAST (C1995/ 1996);  
Other - Reference No (or Description): PHOTO - PROPOSED MAST;  
Other - Reference No (or Description): PHOTO - PROPOSED MAST FROM 36 MEADOWPARK DRIVE;  
Other - Reference No (or Description): DETAIL ON FIXING METHOD (1 OF 4);  
Other - Reference No (or Description): DETAIL ON FIXING METHOD (2 OF 4);  
Other - Reference No (or Description): DETAIL ON FIXING METHOD (3 OF 4); and  
Other - Reference No (or Description): DETAIL ON FIXING METHOD (4 OF 4).

**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.

**Councillor Douglas rejoined the Panel at this point.**

- (3) **13/00932/PPP – MAYBOLE – Land at Whitefaulds Crescent** [\(link attached\)](#) – Planning permission in principle for the erection of dwellinghouse.

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

- (a) that formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Council before commencement of development. Such application(s) shall be made not later than three years from the date of this permission or, if later, within six months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained;
- (b) that full details of the proposed development, including the siting, design, external appearance, means of access, landscaping measures, and any other matters specified in conditions below, shall be submitted for the approval of the Planning Authority as outlined in Condition 1 of this planning permission;

- (c) that at the Approval of Matters Specified in Conditions stage, a design statement shall be submitted which demonstrates how the design and siting of the development takes cognisance of the character of the surrounding area;
- (d) that at the Approval of Matters Specified in Conditions stage, street elevations shall be submitted which show how the proposal will be viewed from Whitefaulds Crescent, and against the backdrop of Ladycross Place;
- (e) that at the Approval of Matters Specified in Conditions stage, details shall be submitted of private garden ground in accordance with the Council's supplementary planning guidance in relation to 'Open Space and Designing New Residential Developments' and/ or any subsequent document prepared by the Council in relation to the provision of open space for residential areas.
- (f) that at the Approval of Matters Specified in Conditions stage, details shall be submitted of the proposed site access, visibility splays and parking arrangements. Vehicular access to the site shall be taken from Whitefaulds Crescent, and parking provision shall be provided within the boundaries of the site in accordance with the Council's Roads Development Guide, and to the satisfaction of the Council; and
- (g) that at the Approval of Matters Specified in Conditions stage details shall be submitted of the boundary treatment for the site.

**Reasons:**

- (a) 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;
- (b) 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;
- (c) in the interest of residential amenity and in order to retain the character and amenity of the residential area;
- (d) in the interest of residential amenity and in order to retain the character and amenity of the residential area;
- (e) to comply with the Council's supplementary planning policy guidance in relation to open space;
- (f) in keeping with the neighbouring properties in Whitefaulds Crescent, and to and to ensure adequate off-street parking provision; and
- (g) to ensure the proper development of the site.

**List of Determined Plans:**

Drawing - Reference No (or Description): 1211:01.

**Reason for Decision:**

The principle of the development hereby approved can be justified in terms of the development plan, and subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is no significant adverse impact on the amenity of neighbouring land and buildings.

- (4) **13/00846/APP – AYR – Southpark School, 38 Belmont Avenue [\(link attached\)](#)** – Alterations to school and installation of replacement windows.

**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): (--)01 A;  
Drawing - Reference No (or Description): (--)02;  
Drawing - Reference No (or Description): (--)03 A;  
Drawing - Reference No (or Description): (--)04 A;  
Drawing - Reference No (or Description): (--)05 A;  
Drawing - Reference No (or Description): (--)06;  
Drawing - Reference No (or Description): (--)07 A;  
Drawing - Reference No (or Description): (--)08 A; and  
Drawing - Reference No (or Description): (50)01 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.

- (5) **13/00941/APP – BALLANTRAE – Community Garden, Main Street [\(link attached\)](#)** – Erection of gate.

**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 the gate shall open inwards away from the public roadway.

**Reasons:**

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

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN; and  
Other - Reference No (or Description): DESIGN STATEMENT, ELEVATION 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.

**At this point, the time being 11.35 a.m., it was noted that the Panel would resume at 2.00 p.m.**

**5. Resumption of Meeting.**

The meeting resumed at 2.00 p.m.

**6. Declarations of Interest.**

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Hunter declared an interest in relation to licence application being considered at item 11(a)(iv) as the applicant was known to him.

**7. Minutes of previous meeting.**

The minutes of 11th September 2013 (Special) (issued) were submitted and approved.

**8. Variation to order of business.**

In terms of Council Standing Order No. 13.2, the Panel agreed to vary the order of business as hereinafter minuted.

**9. Updated Landlord Registration Enforcement Policy.**

There was submitted a report (issued) of 5th September 2013 by the Executive Director – Care, Learning and Wellbeing

- (1) advising that the Antisocial Behaviour Etc. (Scotland) Act 2004 had introduced the requirement for landlords to be registered with their relevant local authority and that, in order to be registered, they must pass the 'fit and proper person' test;

- (2) outlining
  - (a) the evidence which the local authority must take into account when applying this test; and
  - (b) the main objectives of the Policy; and
- (3) seeking approval of the South Ayrshire Updated Landlord Registration Enforcement Policy, as attached to the report as Appendix 1.

**Decided:** to approve the Updated Landlord Registration Enforcement Policy.

**10. Update from Licensing Monitoring Officer.**

The Licensing Monitoring Officer advised

- (1) that she was continuing to monitor all Civic Government Licences for compliance; and
- (2) that she had recently been joint working with Police Scotland regarding Second Hand Dealers and Late Hours Catering premises and would report the outcome of those visits at a future date.

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

**(a) Taxi Drivers.**

- (i) The Panel heard an observation from Police Scotland and heard from the applicant, David Kerr in response.

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

- (ii) The Panel heard from Alan MacDougall's representative in relation to his request for exemption from wheelchair work.

**Decided:** to approve the request from Alan MacDougall for exemption from wheelchair work for the term of his licence and to note that the Licensing Section would supply him with a letter outlining this exemption for the perusal of wheelchair using passengers.

- (iii) The Panel heard from Allan Gibson Rennie in relation to his application.

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



**Councillor Hunter, having previously declared an interest left the meeting during consideration of the following licence application.**

- (iv) The Panel considered the application from James Glen M. White.

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

**Councillor Hunter re-joined the meeting.**

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

- (i) The Panel heard an objection from Police Scotland and heard from the applicant, John McIlvaney in response.

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

- (ii) The Panel heard from the Solicitor (Licensing) in relation to the application from Ian McIllooney.

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

- (iii) The Panel heard from Police Scotland and from the licence holder Darren Davidson in response and thereafter considered the proposed suspension of the licence held by Mr. Davidson.

**Decided:**

(A) to suspend the licence currently held by Darren Davidson with immediate effect for a period of six weeks on the grounds stated in Schedule 1 Paragraph 12 of the Civic Government (Scotland) Act 1982, namely that the carrying on of the activity to which the licence relates is likely to cause a serious threat to public order or public safety; and

(B) that further information be sought regarding this matter and it be reported back to the next meeting of this Panel.

- (iv) Reference was made to the Minutes of the Special Meeting of 11th September 2013 when it had been decided to suspend the licence currently held by James Murphy with immediate effect on the grounds stated in Schedule 1 Paragraph 12 of the Civic Government (Scotland) Act 1982, namely that the carrying on of the activity to which the licence relates is likely to cause a serious threat to public order or public safety.

**Decided:** in the absence of the applicant, to suspend the licence held by James Murphy with immediate effect on the grounds stated in Schedule 1 paragraph 11(2)(a) and (c) of the Civic Government (Scotland) Act 1982, namely that the holder of the licence is not a fit and proper person to hold the licence; and the carrying on of the activity to which the licence relates has caused, is likely to cause undue public nuisance or a threat to public safety.

(c) **Street Trader.**

**Rafal Tratnowiecki.**

The Panel heard from Police Scotland and from the applicant in response.

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

**12. 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.

**13. Civic Government (Scotland) Act 1982 – Licences – Applications for Renewal.**

**Taxi Vehicles.**

- (i) Reference was made to the Minutes of 21st February 2013 (Page 194, paragraph 10(b)) when it had been decided that the licences not be suspended but that the licences should be varied so that the vehicles are to be tested every four months for the duration of the licences and the Panel then heard from the Licensing Monitoring Officer and from the licence holder, Scott S. L. Vance in response.

**Decided:** to agree

- (a) that Licence 10/00635/HCVL for vehicle registration SF09 FDE, Plate 119 be renewed for three years as Licence 13/00623/HCVL, subject to standard conditions and that an annual inspection of the vehicle should now take place; and
- (b) that for Licence 10/00941//HCVL for vehicle registration WP05 SZF, Plate 117, delegated powers be given to the relevant officer to approve the application for three years when it expires on 17th November 2013, subject to standard conditions and that bi-annual inspections of the vehicle should now take place.
- (ii) Reference was made to the Minutes of 2nd May 2013 (Page 329, paragraph 9(a)(v)) when it had been decided to suspend the four licences held by John Grigor for the unexpired portion of their duration on the grounds that he is not or is no longer a fit and proper person to hold the licences, the carrying out of the activity to which the licences relate has caused or is likely to cause a threat to public safety and a condition of the licences has been contravened and the Panel then heard from the Licensing Monitoring Officer and from Mr. Grigor and adjourned for consideration of this matter.

**Decided:** upon reconvening, to refuse to renew application 10/00289/HCVL as Licence number 13/00406/HCVL.

The meeting ended at 3.30 p.m.