

## **REGULATORY PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 5th December 2013 at 10.00 a.m.

### **For Items 1 to 3:**

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

Apologies: Councillors Sandra Goldie and Hugh Hunter.

Attending: W. Carlaw, Legal and Democratic Manager; M. McClelland, Development Management Team Leader; and A. Gibson, Committee Services Officer.

### **For4 items 4 to 8:**

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

Apology: Councillor Sandra Goldie.

Attending: M. Douglas, Solicitor (Licensing); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.

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

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

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

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

The minutes of 7th November 2013 (issued) [\(link attached\)](#) were submitted and approved.

#### **3. Applications for Planning Permission.**

There were submitted reports (issued) of November 2013 by the Executive Director – Economy, Neighbourhood and Environment on current applications for determination.

The Panel decided as follows:-

- (1) **13/01185/APP – SYMINGTON – Shaw Park and Pavilion, Brewlands Road** – Alterations to and reconfiguration of existing tennis courts to form tennis court and multi-use games courts and erection of fencing and floodlighting ([link attached](#)).

**Decided:** to note that this planning application would be continued to a future meeting of this Panel.

- (2) **13/01067/APP – MAIDENS – Kirkoswald Road** - Erection of signboard structure ([link attached](#)).

**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): KMT-13-01-01.

**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.

- (3) **13/01076/APP – GIRVAN – McCreath Park, Newton Place** –Installation of artwork plaques ([link attached](#)).

**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 in respect of how the concrete bases are to be embedded into the rockery 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 define the terms of this planning permission.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;  
Drawing - Reference No (or Description): PROPOSED SITE PLAN; and  
Other - Reference No (or Description): DESIGN STATEMENT INC. PLAQUE DET.

**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 10.08 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. Declaration of Interest.**

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

**6. Update from Licensing Monitoring Officer.**

The Licensing Monitoring Officer advised

- (1) that since her last update, most of her work had involved dealing with enquiries and complaints from members of the public regarding various Civic Government Licences with some of the enquiries going directly to her and others through the Laggan system;
- (2) that sometimes it was simply advice that was requested, however, complaints involved investigating the incident, interviewing the licence holder and liaising with other Council Departments as well as Police Scotland to resolve the issues;

- (3) that the majority of the complaints had not resulted in formal action being taken, however, in some cases operators had been required to apply for new licences or variations to reflect changes in circumstances; and
- (4) that she was also involved in joint inspections and investigations with Police Scotland.

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

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

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

- (i) The Panel heard from Alexander Collins in relation to his application.

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

- (ii) The Panel heard from Gilbert McKissock in relation to his application.

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

- (iii) The Panel heard from Helen Lamont Cowan in relation to her application.

Councillor Hunter, seconded by Councillor McFarlane, moved that this application be approved for one year.

By way of Amendment, Councillor Douglas, seconded by Councillor Campbell, moved that this application be approved for three years.

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

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

- (iv) The Panel heard an observation from Police Scotland and heard from the applicant, Michael Falkner McCreath, in response.

Councillor Hunter seconded by Councillor McFarlane, moved that the application be approved for one year.

By way of Amendment, Councillor Douglas, seconded by Councillor Convery moved that this application be approved for three years.

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

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

- (v) Reference was made to the Minutes of 7th November 2013 (Page 11, paragraph 8(b)(iii)) when it had been decided, in the absence of the applicant, to continue consideration of this application to a future meeting of this Panel to allow the applicant to attend and the Panel considered the application from Duncan Robinson Reid.

**Decided:** in the absence of the applicant, to again continue consideration of this application to a future meeting of this Panel to allow the applicant to attend.

- (vi) Reference was made to the Minutes of 7th November 2013 (Page 12, paragraph 8(b)(viii)) when it had been decided, at the request of the applicant's Solicitor, to continue consideration of this application to a future meeting of this Panel and the Panel then heard an observation from Police Scotland and heard the representative for the applicant, Fiona Jane Laird, in response.

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

- (vii) The Panel heard the Solicitor (Licensing) read out a letter from the applicant and heard from the Licensing Monitoring Officer and from the applicant, George Sharp in response and adjourned for consideration of this application.

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

By way of Amendment, Councillor Galbraith, seconded by Councillor Miller, moved that the application be approved for one year.

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

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

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

- (i) The Panel heard an observation from Police Scotland and heard from the applicant, Daniel Stephen McKenzie, in response.

Councillor Hunter, seconded by Councillor Campbell, moved that this application be approved for one year.

By way of Amendment, Councillor McFarlane, seconded by Councillor Douglas, moved that the application be approved for three years.

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

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

- (ii) The Panel considered the application from James Ford Martin.

**Decided:** in the absence of the applicant, to continue consideration of this application to a future meeting of this Panel to allow the applicant to attend.

- (iii) The Panel heard an observation from Police Scotland and heard from the applicant, Darren Thomas Wilson, in response.

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

**(c) Private Hire Vehicles.**

- (i) The Panel considered the proposed suspension of the licence held by Andrew Lappin as he had failed to present his car for Annual Inspection, in terms of Condition 3 of the Private Hire Vehicle Licence (inspection due by 31st October 2013).

**Decided:** to suspend the licence currently held by Andrew Lappin for its unexpired portion as he had failed to present his car for Annual Inspection.

- (ii) The Panel considered the proposed suspension of the licence held by Glenn Logan as he had failed to present his car for Annual Inspection, in terms of Condition 3 of the Private Hire Vehicle Licence (inspection due by 31st October 2013).

**Decided:** to suspend the licence currently held by Glenn Logan for its unexpired portion as he had failed to present his car for Annual Inspection.

(d) **Late Hours Catering.**

(i) **Javed Khan for 62 Main Street, Ayr.**

The Panel heard the Solicitor (Licensing) advise that planning permission still required to be granted for these premises.

**Decided:** to approve this application subject to standard conditions, the approved hours being every Sunday to Thursday inclusive from 11.00 p.m. to midnight and every Friday and Saturday from 11.00 p.m. to 1.30 a.m.

(ii) **Taseer Hussain for 104B Dalrymple Street, Girvan, KA26 9BT.**

The Panel heard an observation from Police Scotland and from the applicant's representative in relation to this application.

**Decided:** to approve this application subject to standard conditions, the approved hours being every Monday to Wednesday inclusive from 11.00 p.m. to midnight and every Thursday to Saturday inclusive from 11.00 p.m. to 1.00 p.m.

8. **Chair's Remarks.**

The Chair thanked all Panel Members, Council Officers and Officers from Police Scotland for their work throughout the year and wished everyone a peaceful Christmas and happy new year.

The meeting ended at 2.55 p.m.