

REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 8th November 2012 at 10.00 a.m.

For Items 1 and 2:

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, Nan McFarlane and Rita Miller.
- Apology: Councillor Hugh Hunter.
- Attending: M. Newall, Head of Planning and Enterprise; W. Carlaw, Legal and Democratic Manager; M. McClelland, Development Management and Business Change Team Leader; A. Browne, Senior Planning Development Case Officer; and A. Gibson, Committee Services Officer.

For Items 3 to 10:

- Present: Councillors Peter Convery (Chair), Andy Campbell, Ian Douglas, Ann Galbraith, Sandra Goldie, Hugh Hunter and Nan McFarlane.
- Apology: Councillor Rita Miller.
- Attending: M. Douglas, Solicitor (Licensing); D. Scobie, Licensing Monitoring Officer; and J. McClure, Committee Services Officer.
- Also Attending: Inspector W. Ramsay and D. Hastings, Strathclyde Police.

1. Applications for Planning Permission.

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

The Panel decided as follows:-

(1) 12/00340/APP – GIRVAN – Girvan Mains Farm – Erection of Wind Turbine.

The Head of Planning and Enterprise advised that the applicant had written to the Council requesting that the application be continued to a future meeting of this Panel to allow them to submit further information to the Planning Authority relating to the economic benefits to the local community should this application be approved.

Decided: to agree that the application be continued to a future meeting of this Panel.

(2) 12/01075/FURM – AYR – Hannah Research Institute – B743 Roundabout at A77T East of Whitletts – Mauchline Road, Mossblown – Further application so as not to comply with conditions 2 and 3 of Planning Permission 11/00390/APPM.

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 conversion of the main Hannah Headquarters building shall be completed no later than one year after the completion of the 35th detached dwellinghouse on the application site. That prior to commencing the construction of the detached dwellinghouses on plots 20 to 44 on the application site, detailed contractual and documentary evidence of a work programme to undertake and complete the conversion of the main Hannah Headquarters building into residential flats in accordance with an approved planning permission shall be submitted for the prior written approval of the Planning Authority. Work on the conversion of the main Hannah Headquarters building shall start before commencing the construction of the detached dwellinghouses on plots 20 to 44 on the application site; and
- (c) that only the approved 21 flats as shown on the plans submitted with this application (and not the 22 flats submitted as part of application 11/00390/APPM) shall be commenced once work has commenced on construction of any of the houses on plots 38 to 44 shown on the plans submitted with this application.

Reasons:

- (a) to ensure that the development was carried out in accordance with the approved plans unless otherwise agreed;
- (b) to ensure that this landmark building (i.e. the main Hannah Headquarters building) was satisfactorily retained and converted in the interests of landscape quality and to protect the setting of the St. Quivox conservation area and adjacent listed buildings; and
- (c) in the interests of the proper planning of the area and to ensure that an adequate development contribution in respect of affordable housing was made for this development proposal.

Advisory Notes:

None.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): 024/PL_REV A Revised upper floor plan;
 Drawing - Reference No (or Description): 11110/009 P Site Engineering Layout;
 Drawing - Reference No (or Description): PDS 001 REV. M Proposed Site Layout Plan;
 Drawing - Reference No (or Description): SS 001 Site Cross Section; and
 Other - Reference No (or Description): PAC REPORT.

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) **12/01003/APP – AYR – Boswell House, 8 Arthur Street** – Alterations, sub-division and change of use of retail unit to form hot food takeaway.

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) the only method of heating food employed in the premises shall be a microwave oven or other enclosed unit (as indicated in the application). No other form of cooking and/or heating of food shall be utilised within the premises without the prior written approval of the Planning Authority; and
- (c) a ventilation system incorporating an air dilution and/or filtration system of the type hereby approved shall be installed and operational prior to the commencement of the use and thereafter shall be retained as approved.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in order to prevent the occurrence of a smell nuisance; and
- (c) in order to prevent the occurrence of a smell nuisance.

Advisory Notes:

None.

List of Determined Plans:

Drawing - Reference No (or Description): LOCATION PLAN;
 Drawing - Reference No (or Description): 290-201257-001;
 Drawing - Reference No (or Description): 290-201257-002 Rev. C;
 Drawing - Reference No (or Description): 290-201257-003 Rev. C; and
 Drawing - Reference No (or Description): PJES/05.

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.

Declaration of Interest.

Councillor Douglas declared an interest in the following planning application as it had been made by himself. As with normal procedure, he was given the opportunity to speak on his application which he accepted. He, however, withdrew from the meeting during deliberation of the application.

(4) 12/01096/APP – AYR – 47 Meadowpark – Alterations and extension to 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): LOCATION PLAN;
 Drawing - Reference No (or Description): EXISTING LAYOUT PLAN;
 Drawing - Reference No (or Description): EXISTING ELEVATIONS;
 Drawing - Reference No (or Description): PROPOSED LAYOUT PLAN;
 Drawing - Reference No (or Description): PROPOSED ELEVATIONS;
 Drawing - Reference No (or Description): EXISTING AND PROPOSED SITE LAYOUT PLANS; and
 Other - Reference No (or Description): PHOTOGRAPHS SHOWING EXISTING ELEVATIONS.

At this point, Councillor Douglas re-joined the meeting.

2. Remarks by the Head of Planning and Enterprise.

The Head of Planning and Enterprise informed the Panel that last week, the Scottish Government had released statistics which indicated that this Council was now the third best Planning Authority in Scotland in terms of the time taken to deal with planning applications and conveyed his thanks to his staff for their effort in this regard.

The Chair also conveyed his thanks, on behalf of the Panel, to the Head of Planning and Enterprise and his staff for this achievement.

At this point, the time being 10.30 a.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.

Taxi Drivers.

- (i) Reference was made to the Minutes of 6th September 2012 (Page 417, paragraph 7(a)(iii)) when this matter had been continued for the outcome of the Court case to be known and the Panel heard an observation from Strathclyde Police and the representative for the applicant, Balwant Singh Sandhu, in response.

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

- (ii) The Panel heard from the applicant, Grant Negus, in relation to 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, Mark Weston, in response.

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

- (iv) The Panel heard an observation from Strathclyde Police and the applicant, Paul Phillip Cassidy, in response.

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

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.

Taxi Drivers.

The Panel heard an observation from Strathclyde Police and the applicant, Alexander Moore, in response.

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

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

(a) Taxi Vehicle.

- (i) The Panel considered the proposed suspension of the licence currently held by Angela O'Brien as she had failed to present her car for bi-annual inspection in terms of Condition 3 of the Taxi Vehicle Licence (inspection due by 31st August 2012).

Decided: to suspend the licence currently held by Angela O'Brien as she had failed to present her car for bi-annual inspection in terms of Condition 3 of the Taxi Vehicle Licence.

- (ii) The Panel considered the proposed suspension of the licence currently held by Alan Thom as he had failed to present his car for bi-annual inspection in terms of Condition 3 of the Taxi Vehicle Licence (inspection due by 30th June 2012).

Decided: to suspend the licence currently held by Alan Thom as he had failed to present his car for bi-annual inspection in terms of Condition 3 of the Taxi Vehicle Licence

(b) Private Hire Drivers.

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

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

- (ii) The Panel heard an observation from Strathclyde Police and the applicant, William Gerard Moran in response.

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

At this point Councillor Galbraith left the meeting.

(c) **Second Hand Car Dealer.****Kevin McMonagle for premises at 26 Crown Street, Ayr.**

The Panel heard an observation from Strathclyde Police in relation to this application.

Decided: in the absence of the applicant, to approve this application for three years, the approved hours being every Monday to Saturday inclusive from 10.00 a.m. to 5.00 p.m., subject to standard conditions as previously agreed.

(d) **Street Trader.****Snapit Up Limited and Johnny Manning for Sale of Discount Booklet at Front Entrance of Ayr Shopping Central and Outside Spar, Boswell Park and Area Surrounding.**

The Panel heard from the applicant in relation to this application.

Councillor Hunter, seconded by Councillor Goldie, moved that this application be refused.

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

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

Decided: to approve this application for three years, the approved hours being every Monday to Sunday inclusive from 11.00 a.m. to 11.00 p.m., subject to standard conditions as previously agreed.

(e) **Late Hours Catering.**(i) **Arshad Shahnaz for Premises at 48 Main Road, Ayr, KA8 0LQ.**

The Panel heard from the applicant's husband in relation to this application.

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

(ii) Chung Ching Cheung for Premises at 118 Main Street, Prestwick.

The Panel heard an observation from Strathclyde Police and the applicant's wife in response.

Decided: to approve this application for three years, the approved hours being every Monday from 11.00 p.m. to 11.30 p.m., every Tuesday from 11.00 p.m. to 11.30 p.m., every Wednesday from 11.00 p.m. to 11.30 p.m., every Thursday from 11.00 p.m. to 11.30 p.m., every Friday from 11.00 p.m. to 3.00 a.m., every Saturday from 11.00 p.m. to 3.00 a.m. and every Sunday from 11.00 p.m. to 3.00 a.m., subject to standard conditions as previously agreed.

(f) Public Entertainment Licence.**William Hammond for three locations in High Street, Ayr.**

The Panel heard an observation from Strathclyde Police in relation to this application.

Decided: to approve this application for 18th November 2012 from 10.00 a.m. to 7.00 p.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 Driver.**

The Panel heard an observation from Strathclyde Police and the applicant, Caroline Burns, in response.

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

10. Review of Metered Taxi and Private Hire Fares.

With reference to the Minutes of 6th September 2012 (Page 415, paragraph 6) when it had been agreed

- (1) to approve the proposed maximum fares; and
 - (2) to advertise the proposed fares 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,
- there was submitted a report (issued) of 10th October 2012 by the Executive Director – Corporate Services
- (a) seeking approval to set the metered fares for taxis and private hire vehicles; and
 - (b) advising that the appropriate advertisement had been placed in the local press inviting representations on the proposals, however, no representations had been received.

Decided:

- (i) to approve the metered fares for taxi and private hire vehicles, with effect from 3rd December 2012, as follows:-

<u>Unit</u>	<u>Charge</u>
If the distance does not exceed 1180 yards or for a time not exceeding 4 minutes 40 seconds	£2.80
Each additional 176 yards or 48 seconds	£0.20
Night-time charge per hire (midnight to 6 a.m.)	£1.00
Waiting time (for each completed period of 48 seconds)	£0.20
Fouling charge	£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)	X1.5 metered fare
6/7/8 seater vehicles - where 6, 7 or 8 passengers are carried, (except for the period at Christmas and New Year when one and one half of enhanced metered fare would apply); and	X1.5 metered fare

- (ii) that the fares for the shared hire of metered vehicles and all other charges in connection with the shared hire of metered vehicles, or with the arrangements for their shared hire, should not be greater than those above.

The meeting ended at 3.05 p.m.