

County Buildings
Wellington Square
AYR KA7 1DR
Telephone No.01292 612169



18 October 2024

To:- Councillors Lamont (Chair), Cavana, Clark, Dixon, Kilbride, Kilpatrick, Lyons, Mackay and Townson.

All other Members for Information Only

Dear Councillor

REGULATORY PANEL (LICENSING)

You are invited to participate in the above hybrid webcast Panel to be held on **Thursday 31 October 2024 at 10.00 a.m.** for the purpose of considering the undernoted business.

Please note that a briefing meeting will take place for all Panel Members at 9.15 a.m., online and in the Prestwick Room.

This meeting will be held on a hybrid basis, remotely and in County Hall and will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

CATRIONA CAVES
Chief Governance Officer

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meetings of
 - (a) 18 September 2024 (Special); and
 - (b) 26 September 2024.

(copies herewith).
3. Variation of Street Trading Licences – Report by Director of Housing, Operations and Development (copy herewith).
- 4./

4. Business Under Civic Government (Scotland) Act 1982:

- (a) Short Term Lets.**
- (b) Driver Training.**
- (c) Late Hours Catering**
- (d) Review of Metered Taxi Fares (copy to follow)**

(relevant information for each item – Members Only)

For more information on any of the items on this agenda, please telephone Janice McClure, Committee Services, on 01292 612169, at Wellington Square, Ayr or e-mail: committeeservices@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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REGULATORY PANEL (SPECIAL)

Minutes of a hybrid webcast meeting of
18 September 2024 at 10.00 a.m.

Present in County Hall: Councillors Kenneth Bell (Chair), Ian Cavana, Alan Lamont, Martin Kilbride and Mary Kilpatrick,

Present Remotely: Councillor Craig Mackay.

Apologies: Councillors Alec Clark, Mark Dixon and Duncan Townson.

Attending: L. McChristie, Co-ordinator (Licensing); C. Carroll, Co-ordinator (Housing Policy and Strategy); J. McClure, Committee Services Lead Officer; and C. McCallum, Committee Services Assistant.

Chair's Remarks

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Co-ordinator (Licensing) called the Sederunt for the meeting and having called the roll, Councillor Mackay declared an interest in item 2(a)(iii) of this minute as he had had contact with one of the objectors, in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Civic Government (Scotland) Act 1982 - Licences**(a) Short Term Lets****(i) 17 Marlborough Court, Ayr**

The Panel heard from the Co-ordinator (Housing Policy and Strategy), from one of the objectors and from the applicant's representative in relation to the above application.

Councillor Lamont, seconded by Councillor Kilbride, moved approval of the application.

By way of Amendment, Councillor Kilpatrick, seconded by Councillor Bell, moved that this application be refused on the grounds of undue public nuisance.

Following a vote, five Members voted for the Motion and one Member abstained and accordingly the Motion was carried and the Panel

Decided: to approve this application subject to standard conditions as previously agreed

(ii) 13A Links Road, Prestwick

The Panel heard from the Co-ordinator (Housing Policy and Strategy), from various objectors and from the applicant's representative in relation to the above application.

Councillor Kilpatrick, seconded by Councillor Bell, moved that this application be refused.

By way of Amendment, Councillor Cavana, seconded by Councillor Lamont, moved that this application be approved.

Following a vote, two Members voted for the Amendment and four Members for the Motion and accordingly the Motion was carried and the Panel

Decided: to refuse this application on the grounds of undue public nuisance.

Having previously declared an interest in the following item, Councillor Mackay left the meeting at this point.

Adjournment

The time being 11.50 a.m. the Panel adjourned for fifteen minutes.

Resumption of Meeting

The Panel resumed at 12.05 p.m.

(iii) 37C Titchfield Road, Troon

The Panel heard from the Co-ordinator (Housing Policy and Strategy), from the representative from one of the objectors and from the applicant in relation to the above application.

Councillor Kilpatrick, seconded by Councillor Kilbride, moved that this application be refused.

By way of Amendment, Councillor Cavana, seconded by Councillor Lamont, moved that this application be approved for one year.

Following a vote, three Members voted for the Amendment and two Members for the Motion and accordingly the Amendment was carried and the Panel

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

(iv) **Flat B, 7 North Harbour Street, Ayr**

The Panel heard from the Co-ordinator (Housing Policy and Strategy) and from the applicant in relation to the above application.

Councillor Kilbride, seconded by Councillor Bell, moved that this application be approved subject to the keysafe being removed within six weeks of the date of this meeting and, should this not be carried out, this matter would be brought back to a future meeting of this Panel for consideration; and subject to standard conditions as previously agreed.

By way of Amendment, Councillor Kilpatrick, seconded by Councillor Lamont, moved that this application be refused as the premises were not suitable due to the possibility of undue public nuisance.

Following a vote, two Members voted for the Amendment and three Members for the Motion and accordingly the Motion was carried and the Panel

Decided: to approve this application, subject to the keysafe being removed within four weeks of the date of this meeting and, should this not be carried out, this matter would be brought back to a future meeting of this Panel for consideration; and subject to standard conditions as previously agreed.

The meeting ended at 12.35 p.m.

REGULATORY PANEL

Minutes of a hybrid webcast meeting of
26 September 2024 at 10.00 a.m.

Present in County Hall: Councillors Kenneth Bell (Chair), Alec Clark, Martin Kilbride, Alan Lamont and Duncan Townson.

Apologies: Councillors Ian Cavana, Mark Dixon, Mary Kilpatrick and Craig Mackay.

Attending: K. Briggs, Service Lead – Legal and Licensing; L. McChristie, Co-ordinator (Licensing); C. Carroll, Co-ordinator (Housing Policy and Strategy); M. Headrick, Co-ordinator (Trading Standards and Environmental Health); D. Scobie, Civic Licensing Standards Officer; J. McClure, Committee Services Lead Officer; and C. McCallum, Committee Services Assistant.

Also Attending: Inspector I. McColl, Police Scotland.

Chair's Remarks

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Co-ordinator (Licensing) called the Sederunt for the meeting and having called the roll, confirmed that 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 Meeting

The minutes of 29 August 2024 and 5 September 2024 (Special) (issued) were submitted and approved.

3. Civic Government (Scotland) Act 1982 – Licences**(a) Short Term Lets****4A Milton Wynd, Turnberry**

The Panel heard from the Co-ordinator (Housing Policy and Strategy), from the two objectors and from the applicant in relation to the above application.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Three Members voted for the Motion and two Members voted against the Motion and accordingly, the Panel

Decided: to approve this application subject to the removal of any keys and key boxes from the communal areas within four weeks of the date of this meeting and to advise the Short Term Lets Team when this had been carried out; and subject to standard conditions as previously agreed.

Variation in Order of Business

In terms of Standing Order No. 13.3, the Panel agreed to vary the order of business as hereinafter minuted.

(b) Second Hand Dealers

(i) Anjum Sohail for Hotspot, 157 High Street, Ayr

The Panel heard from the Civic Licensing Standards Officer, from the Co-ordinator (Trading Standards and Environmental Health, from Police Scotland and from the applicant and adjourned for consideration of this application.

Upon reconvening, the Panel, having considered the written and verbal submissions,

Decided: following its concerns about the range of serious ongoing issues discussed that were the responsibility of the applicant, his non-compliance with the law and concerns about his ability to operate a Second Hand Dealer's Licence, to refuse this application on the grounds that the applicant was not a fit and proper person to hold the licence.

(ii) Anjum Sohail for Mobile Doctor, 163 High Street, Ayr

The Panel heard from the Civic Licensing Standards Officer, from the Co-ordinator (Trading Standards and Environmental Health and from the applicant in relation to this application.

The Panel, having considered the written and verbal submissions,

Decided: following its concerns about the range of serious ongoing issues discussed that were the responsibility of the applicant, his non-compliance with the law and concerns about his ability to operate a Second Hand Dealer's Licence, to refuse this application on the grounds that the applicant was not a fit and proper person to hold the licence

(iii) **Anjum Sohail for Phone , 260 High Street, Ayr**

The Panel heard from the Civic Licensing Standards Officer, from the Co-ordinator (Trading Standards and Environmental Health and from the applicant in relation to this application.

The Panel, having considered the written and verbal submissions,

Decided: following its concerns about the range of serious ongoing issues discussed that were the responsibility of the applicant, his non-compliance with the law, concerns about his ability to operate a Second Hand Dealer's Licence and his operating without a licence, to refuse this application on the grounds that the applicant was not a fit and proper person to hold the licence

Councillor Townson left the meeting at this point.

(c) **Short Term Lets**

4E Milton Wynd, Turnberry

The Panel heard from the Co-ordinator (Housing Policy and Strategy), from the two objectors and from the applicant's representative in relation to the above application.

The Panel

Decided: to approve this application subject to the internal doors and external flat door being fitted with soft closure fittings within six weeks of the date of this meeting; and subject to standard conditions as previously agreed.

The meeting ended at 1.10 p.m.

South Ayrshire Council

Report by Director – Housing, Operations and Development

To: Regulatory Panel – Licensing of 31 October 2024

Subject: Variation of Street Trading Licences

1. Purpose

- 1.1 To seek approval from the Panel to vary the street licences indicated in the plans attached in Appendix 1, to allow these sites to be marketed for street traders for a period of 1 year.

2. Recommendation

2.1 It is recommended that the Panel:

- 2.1.1 Agrees to vary the Street Trader licences for the successful bidders for the locations shown in Appendix 1, to allow them to trade at these locations for the duration of the tendered period.**

3. Background

- 3.1 There is a specific prohibition on all holders of Street Trader Licences granted by South Ayrshire Council from trading at various locations within South Ayrshire including the esplanades in Ayr, Barassie, Girvan, Prestwick and Troon.
- 3.2 The Council has recently been approached by several traders seeking permission to operate a mobile Sauna on various locations throughout South Ayrshire.
- 3.3 The Council's Estates team has been working with the transformation team on a business case to identify income generating opportunities for the Council, but that would also support the ever increasing water sports uses at the seafront.
- 3.4 A number of pitches have been identified, however before marketing these pitches there needs to be a variation to the current street trading exclusion zone in order to permit them to operate.
- 3.5 In addition to mobile sauna sites the Estates team and the transformation team has identified sites for use by other vendors.

4. Proposals

- 4.1 The Street Trader's Licences of the successful bidders for the pitches at the locations indicated in the plans attached in Appendix 1, should be varied to allow them to trade at these locations.

5. Legal and Procurement Implications

- 5.1 The recommendations within this report are consistent with Legal requirements. Legal Services will be required to conclude the new licences.
- 5.2 There are no procurement implications arising from this report.

6 *Financial*

- 6.1 There are no financial implications arising from this report although it will allow the Council to collect a rental charge from the successful bidders for the use of these pitches.

7 *Human Resources*

- 7.1 Not applicable

8 **Risk**

8.1 Risk implication of adopting the recommendations

There is no risk to the Council as a result of adopting these recommendations.

8.2 Risk implications of rejecting the recommendations

Rejecting these recommendations will prevent the successful bidders from trading at these locations and prevent the Council from commercialising these sites for a use that will add value to the seafront.

9. Equalities

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process, and there are no significant equality impacts of agreeing the recommendations. A copy of the Equalities Scoping Assessment is attached as Appendix 2.

10. Sustainable Development Implications

- 10.1 This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

- 11.1 An option appraisal has not been carried out in relation to this proposal.

12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to the Council strategic objective of 'Improve the way that we work as a Council' and within that to the outcome 'Land and building assets that are well maintained, fit for purpose and affordable'. It also contributes to the Council strategic objective of 'Working in partnership to maximise the potential of our local economy' and within that to the outcome 'Businesses and social enterprises are supported to set up, thrive and expand'.

13. Results of Consultation

- 13.1 There has been no public consultation on the contents of this paper.

Background Papers -

Author and Person to Contact

Robert Campbell – Estates Transformation Co-ordinator
E-mail: robert.campbell@south-ayrshire.gov.uk

Tel - 01292 612453

Date 15 October 2024

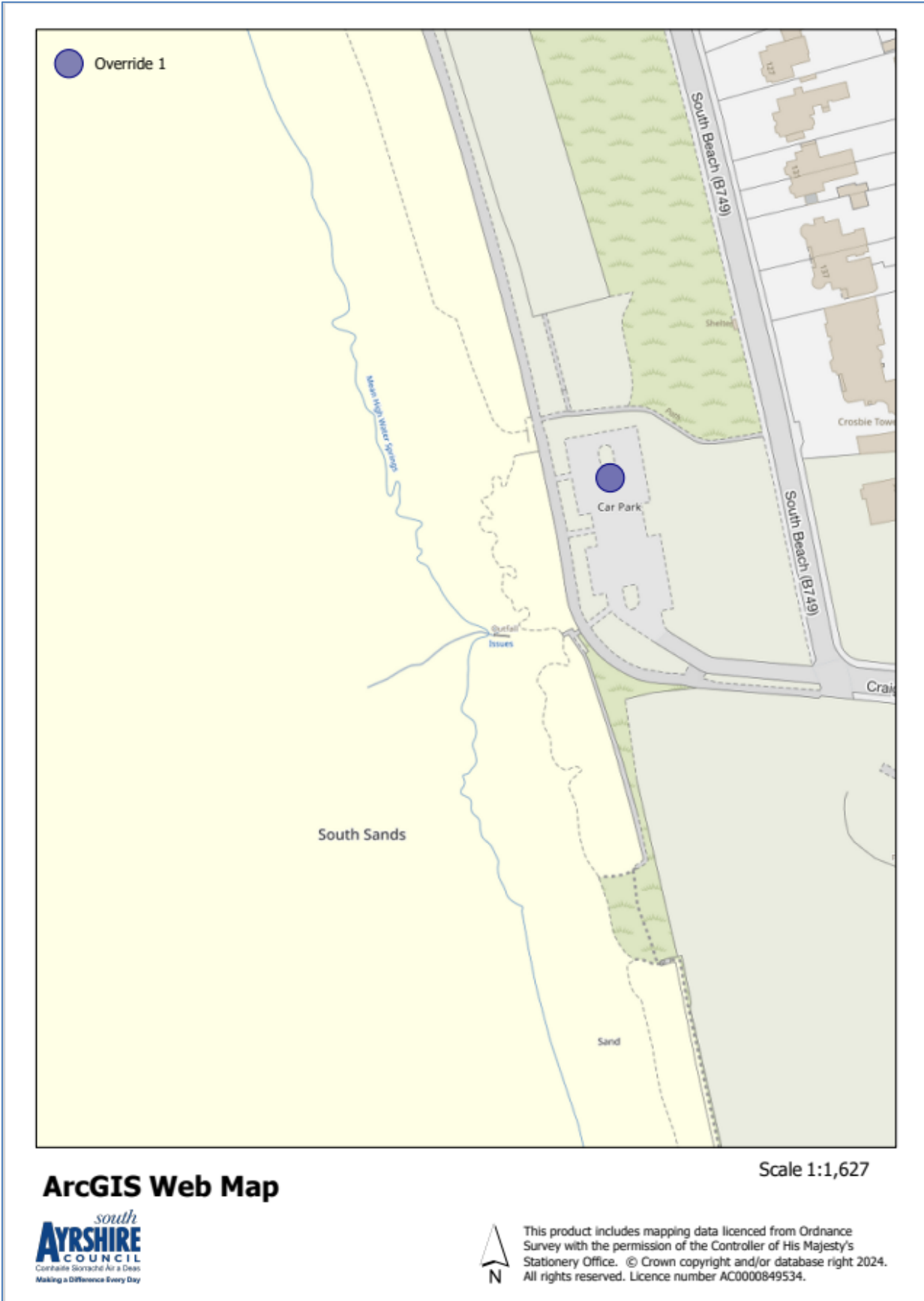
Appendix 1

Mobile Sauna Sites

Beach Road, Troon

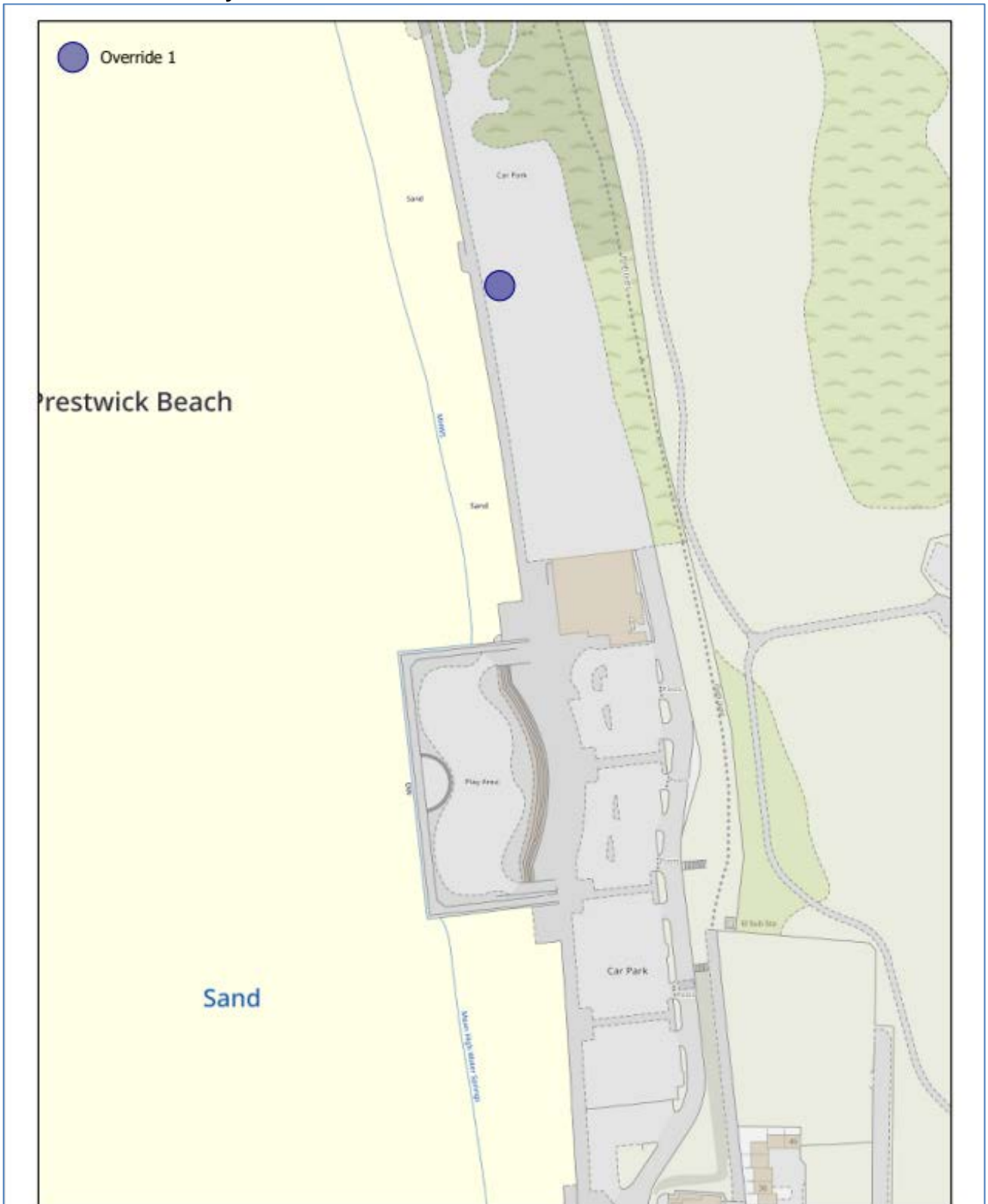


South Beach Car Park - Troon



General Vendor Site

Land behind Kidz Play



ArcGIS Web Map

Scale 1:1,859



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Appendix 2

South Ayrshire Council

Equality Impact Assessment Scoping



1. Proposal details

Proposal Title Variation of street trade licences	Lead Officer Tom Burns
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2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this proposal? Please indicate whether these would be positive or negative impacts

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire	No	Yes
People from different racial groups, ethnic or national origin.	No	No
Women and/ or men (boys and girls)	No	No
People with disabilities	No	No
People from particular age groups for example Older people, children and young people	No	No
Lesbian, gay, bisexual and heterosexual people	No	No
People who are proposing to undergo, are undergoing or have undergone a process to change sex	No	No
Pregnant women and new mothers	No	No
People who are married or in a civil partnership	No	No
People who share a particular religion or belief	No	No
Thematic Groups: Health, Human Rights, Rurality and Deprivation	No	Yes

3. Do you have evidence or reason to believe that the proposal will support the Council to:

General Duty and other Equality Themes	Level of Negative and/ or Positive Impact (high, medium or low)
Eliminate discrimination and harassment faced by particular communities or groups	-
Promote equality of opportunity between particular communities or groups	-
Foster good relations between particular communities or groups	-
Promote positive attitudes towards different communities or groups	-
Increase participation of particular communities or groups in public life	-
Improve the health and wellbeing of particular communities or groups	Medium
Promote the human rights of particular communities or groups	-
Tackle deprivation faced by particular communities or groups	-

4. Summary Assessment

Is a full Equality Impact Assessment (EQIA) required? (A full EQIA must be carried out on all high and medium impact proposals)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Rationale for decision: <p style="text-align: center;">The proposal does not have a significant negative or positive impact on any particular group.</p>	
Signed : Tom Burns – Service Lead – Asset Management and CAT	
Date: 15 October 2024	Copy to equalities@south-ayrshire.gov.uk

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 OCTOBER 2024

SHORT TERM LETS LICENCES

1. 3C Dunchattan Grove Troon
2. 8 Rowallan Court, South Beach Road, Ayr
3. Second Floor, 61 Alloway Street, Ayr,

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 OCTOBER 2024

DRIVER TRAINING

1. **Jamie Murray**
2. **Clive Martin McIndoe**
3. **Campbell Rae Hendry**
4. **Vincent Keane**
5. **John Stuart Dennis**
6. **Sean Newell Livingston Thomson**
7. **Keiran Ferguson**
8. **John Boyle**
9. **Michelle Thomson**

SOUTH AYRSHIRE COUNCIL

REGULATORY PANEL

31 OCTOBER 2024

LATE HOURS CATERING APPLICATIONS

1. 45 Fort Street, Ayr
2. 124 Main Street, Prestwick