

MINUTES of MEETING of the MIDLOTHIAN COUNCIL GENERAL PURPOSES COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 2 October 2012 at 2.00pm.

Present:- Councillors Russell (Chair), Baxter, Bennett, Constable, Imrie, Johnstone, Milligan, Montgomery, Muirhead, Pottinger, Rosie and Thompson.

Apologies for Absence:- Councillors Beattie, Boyes, Bryant, Coventry and Wallace.

1 Declarations of Interest

There were no declarations of interest.

2 Minutes

On a motion by Councillor Pottinger, seconded by Councillor Baxter, the Minutes of Meeting of 21 August 2012 were approved as a correct record.

3 Civic Government (Scotland) Act 1982

(a) (i) Procedure for Disposing of Applications

There was submitted report, dated 20 September 2012, by the Director, Corporate Resources, concerning the procedure for disposing of applications for licences, in terms of the Civic Government (Scotland) Act 1982.

Decision

To note the report.

(ii) Procedure for Considering Requests for Suspensions

There was submitted report, dated 20 September 2012, by the Director, Corporate Resources, concerning the procedure for considering requests for suspensions of licences, in terms of the Civic Government (Scotland) Act 1982.

Decision

To note the report.

(b) Application for a Second Hand Dealer's Licence – 24 High Street, Penicuik

There was submitted report, dated 8 August 2012, by the Director, Corporate Resources, concerning an application for a Second Hand Dealer's Licence, by Terncove, trading as We Pay and Mr S Buchannan, Edinburgh, in respect of the sale of textiles, clothes, bags, CDs and books at 24 High Street, Penicuik.

Appended to the report were a plan of the site; letter, dated 11 July 2012, from Mr D Henderson, 6 Cairnbank Gardens, Penicuik; and the recommendations of the Fire Officer.

The Clerk reported that the application had been withdrawn.

Decision

To note the report.

(Action – Head of Customer Services)

4 Better Regulation Bill - Consultation

There was submitted report, by the Director, Corporate Resources, concerning the Consultation relating to the Better Regulation Bill.

Appended to the Report was an Executive Summary.

In his report, the Director confirmed, *inter alia*, that:-

- (a) the Consultation was being guided by the Minister for Energy, Enterprise and Tourism, with a view to obtaining sustainable economic growth to ensure a good natural and built environment, protecting and improving the health of our communities, protecting consumers, ensuring a level playing field for business and enhancing competitiveness;
- (b) the Scottish Government were “committed to better regulation and were working to deliver changes to the existing stock of regulation; the flow of new regulation; and the culture of regulation in Scotland”;
- (c) the Bill recognised that regulators could support a favourable business environment in Scotland by ensuring that they considered the impact of their regulatory activity on business and apply the principles of better regulation by being consistent, proportionate, transparent, accountable and targeted only at cases where action was needed, for the benefit both for business and helping regulators deliver their outcomes more efficiently and effectively;

(d) the Scottish Government considered that this would improve the regulatory landscape by addressing concerns raised by business about regulatory inconsistency, with measures seeking to enhance the delivery of better regulation, and further planning reform, and so improve the efficiency, effectiveness and consistency of process across environmental regulation regimes and introduce a more consistent range of tools and resources for environmental regulation and enforcement;

(e) the key features of the Consultation document focussed on:-

- Defining and Implementing national standards and systems
- Duty to promote economic and business growth in regulatory activity
- Reviews and sunseting ie regularly reviewing regulations
- Prompt Payment
- Common Commencement Dates (April and October) for Regulations
- Mobile Food Businesses and a transferable Certificate of Compliance
- Planning Reform : Linking planning application fees to the performance of the Planning Authority
- Extending Statutory Review Mechanisms challenges against Scottish Ministers' decisions in infrastructure projects;

(f) in the time available, it has not proven possible to enter into detailed analysis of the subject; and

(g) in so far as this consultation related to planning matters, a series of prior consultations had taken place earlier in the year (and which had been responded to by the umbrella planning bodies in Scotland); and as such the Head of Planning considered that there was no need for any further comment on these aspects;

(h) consultations had not yet taken place with the Police, Fire Officer and Planning and Trading Standards Officers, etc to help arrive at conclusions in relation to the licensing aspects.

Decision

- (1) To note the report;
- (2) To remit to the Director, in consultation with the Chair, to formulate a response, in respect of licensing provisions, including any comments that may be made by Elected Members; and
- (3) That the draft be circulated to Members.

6 Exclusion of Members of the Public

(a) The Chair indicated that there may be reason to consider in public, a report by the Director, Corporate Resources, concerning the consideration of reports containing reference to convictions in connection with the suspension of a Taxi Driver.

Decision

To consider the report contained in the Addendum hereto, in private as there might be disclosed exempt information as defined in paragraphs 3, 12 and 14 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

(b) In view of the nature of the business to be transacted, the Committee agreed that the public be excluded from the meeting during discussion of the undernoted items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 3, 12 and 14 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973:-

Decision

(i) That police reports containing only information relating to an applicant's convictions / offences which were not spent be circulated to Mmembers in advance; and, if appropriate, advice be given at the Meeting that the Police intended to ask the Committee to admit "spent convictions / offences" in evidence and, in the event the Committee decided to admit the spent convictions / offences, the full details be circulated at the Hearing; and

(ii) Taxi Driver's Licence – Consideration of Request for Suspension -

- (1) To note the action taken to suspend a Taxi Driver's Licence with immediate effect as carrying on the activity was causing or was likely to cause a serious threat to public order or public safety;
- (2) To continue the suspension of the licence for the remainder of its term; and
- (3) To remit to the Director, in consultation with the Chair, to reinstate the licence on production of evidence of medical fitness to drive a Taxi.

The Meeting terminated at 3.10pm.