

Notice of meeting and agenda



General Purposes Committee

Venue: Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 22 August 2017

Time: 11:00

John Blair
Director, Resources

Contact:

Clerk Name: Verona MacDonald

Clerk Telephone: 0131 271 3161

Clerk Email: verona.macdonald@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

Audio Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

1 Welcome, Introductions and Apologies

2 Order of Business

3 Declarations of Interest

4 Minutes of Previous Meeting

Minute of Meeting of General Purposes Committee of 6 June 2017 **3 - 5**
Public

5 Public Reports

5.1 Civic Government (Scotland) Act 1982 - Late Application Fee - Report **6 - 7**
by Director, Resources

5.2 Civic Government (Scotland) Act 1982 - Second Hand Dealer's Licence **8 - 12**
- Ramsdens International Finance, 1 High Street, Dalkeith

6 Private Reports

Applications for consideration - Summary Report

- 3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
- 6. Information relating to the financial or business affairs of any particular person (other than the authority).
- 14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Minute of Meeting



General Purposes Committee

Date	Time	Venue
6 June 2017	11 am	Council Chamber

Present:

Councillor Alexander	Councillor Baird
Councillor Cassidy	Councillor Curran
Councillor Hackett	Councillor Imrie
Councillor Johnstone	Councillor Lay-Douglas
Councillor McCall	Councillor Milligan
Councillor Montgomery	Councillor Muirhead
Councillor Munro	Councillor Parry
Councillor Russell	Councillor Smail
Councillor Winchester	

In attendance:

Alan Turpie	Legal Services Manager
Verona MacDonald	Democratic Services Team Leader
Inspector Frank Smith	Police, Scotland
Inspector Michelle Ritchie	Police, Scotland

1. Apologies

1.1 An apology for absence was intimated on behalf of Councillor Hardie.

2. Order of Business

2.1 The order of business was confirmed as outlined in the agenda circulated.

3. Declarations of interest

Councillor Curran intimated declarations of interest in respect of 3 applications to be considered under Private Reports relating to private hire car drivers on the grounds of his involvement in the taxi trade. Councillor Muirhead intimated a declaration of interest in respect of an application to be considered under Private Reports relating to an application for an itinerant metal dealer licence on the grounds of previous knowledge and involvement with the applicant.

4. Minute Silence

In light of the terrorist attack in London on the Saturday evening, the Clerk asked that the meeting stand to observe a minute's silence as a mark of respect for the victims.

5. Public Reports

Report No.	Report Title	Presented by:
5.1	Election of Chair	Verona MacDonald
Outline of report and summary of discussion		
The Clerk invited nominations for the position of Chair. Councillor Smaill was nominated by Councillor Winchester, seconded by Councillor Lay-Douglas. Councillor Johnstone was nominated by Councillor Parry, seconded by Councillor Cassidy. The Clerk, having established that there were no other nominations for the position advised that a vote would be taken. On a vote being taken by a show of hands, 10 votes were cast for Councillor Smaill and 5 for Councillor Johnstone. The Clerk confirmed Councillor Smaill was elected Chair and asked him to come forward and preside over the meeting.		
Decision		
Councillor Smaill elected Chair		

Report No.	Report Title	Presented by:
5.2	Committee Overview	Verona MacDonald
Outline of report and summary of discussion		
Verona MacDonald addressed the Board and, in particular, for the assistance of newly elected Members, gave a verbal overview of the Committee's remit. She further detailed the schedule of meetings and the process for consideration, approval and recording of Minutes of Meetings.		
Decision		
The Committee noted the terms of the verbal report.		

Report No.	Report Title	Presented by:
5.3	Civic Government (Scotland) Act 1982 – Procedure for Disposal of Applications for Licences – Report by Director, Resources	Alan Turpie
Outline of report and summary of discussion		
Alan Turpie spoke to the terms of the Report which outlined the procedure to be followed by the Committee when considering applications for licences. He suggested to Members that the Report be used by them at future meetings as a reference guide.		
Decision		
The Committee noted the terms of the Report.		

Exclusion of Members of the Public

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 item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 3, 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

- 6.1 Private Hire Car Driver's Licence – S. McDonald
- 6.2 Application for a Private Hire Car Driver's Licence – P. Mercer
- 6.3 Private Hire Car Driver's Licence – J. Thorburn
- 6.4 Application for a Late Hours Catering Licence – Dominos Pizza, 10 Eskbank Road, Dalkeith
- 6.5 Application for an Itinerant Metal Dealer's Licence – Chameleon (G. Sessions)

The Meeting terminated at 12.50 pm.

**Civic Government (Scotland) Act 1982
Temporary Licences
Surcharge for Late Applications****Report by Director, Resources****1 Purpose of Report**

The purpose of this report is to seek authority to apply a surcharge of 20% of the application fee when applicants apply for a temporary licence within 28 days of the proposed event.

2 Background

- 2.1** The Council administer temporary licences to permit one off events no more than 6 weeks in duration. Applicants are advised to apply at least three months prior to the event to ensure that the application can be fully processed and properly considered. Applications made within the three month period are submitted at the applicant's risk and no refund of the fee is made if the licence cannot be processed timeously.

There has recently been an increase in the number of applications received less than 28 days prior to the event. It is extremely challenging to process these applications timeously to allow the event to proceed. Council staff essentially have to provide an express service to accommodate these applications and other tasks have to be delayed

The Council has, to date, been able to process late applications properly however this cannot be guaranteed and if the number of late applications continues there is a risk that an event to be held in Midlothian will not be able to proceed with the resultant negative publicity.

It has been noted that some other Councils have introduced a 20% surcharge of the application fee when an application is submitted within this 28 day period in order to encourage timely applications.

Were such a policy to be introduced in Midlothian, fees for late temporary licence applications would be increased from £109 to £131.

3 Report Implications**3.1 Resource**

There are no resource implications arising from this report. It is not intended that this policy would lead to additional revenue rather that it would result in temporary licence applications being made earlier.

3.2 Risk

There is a risk that a late application for an event cannot be processed in time leading to the event having to be cancelled. Whilst this would be at the applicant's risk, there would be negative publicity implications for the Council together with the loss of a public event.

Item 5.1

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- X None of the above

3.4 Key Priorities within the Single Midlothian Plan

Not applicable

3.5 Impact on Performance and Outcomes

Not applicable

3.6 Adopting a Preventative Approach

Not applicable

3.7 Involving Communities and Other Stakeholders

Not applicable

3.8 Ensuring Equalities

Not applicable

3.9 Supporting Sustainable Development

Not applicable

3.10 IT Issues

There are no IT issues arising from this report.

4 Recommendations

The Committee is asked to consider whether to agree to impose a 20% surcharge of the application fee for temporary licence applications submitted less than 28 days before the event in question.

Date 10 August 2017

Report Contact:

Name Alan Turpie Tel No 0131 271 3667

alan.turpie@midlothian.gov.uk

Background Papers: None

**Civic Government (Scotland) Act 1982
Second Hand Dealer's Licence
Ramsdens International Finance, 1 High Street, Dalkeith**

Report by Director, Resources

1 Purpose of Report

The purpose of this report is to ask the Committee to consider a request from Ramsdens International Finance that two of the Council's standard conditions for second hand dealer's licence be waived in respect of their premises at 1 High Street, Dalkeith.

2 Background

- 2.1** The Council granted a Second Hand dealer's licence to Ramsdens International Finance in respect of the premises at 1 High Street, Dalkeith on 6 February 2017 under delegated powers. The licence was granted subject to the Council's standard terms and conditions. A copy of the licence is appended to this report.

Ramsdens International have now requested that the following two conditions be removed from their licence:

4 The licensee shall not receive or take any goods in pledge; or receive or take a pawn ticket issued by a pawnbroker of any article which has been pawned or negotiate in any manner with the holder of any such pawn ticket refers.

6 The licensee shall not carry on business as a second hand dealer in any premises in which the business of a pawnbroker is carried on or in any other premises having access to such premises.

Ramsdens International have made this request on the basis that "This service is offered in all our branches and other Councils with which we hold Second Hand Dealer's licences in Scotland have allowed the licence to be varied to remove the same."

Pawnbroking is not covered by the Civic Government (Scotland) Act 1982 and a second hand dealer's licence is not required to operate a pawnbroking business. Pawnbrokers instead require a Consumer Credit licence administered by the Financial Conduct Authority.

These conditions are perceived as being historic in nature and were introduced at the start of the Civic Government licensing regime when it was considered preferable not to have additional activities in licensed premises. West Lothian and South Lanarkshire Councils have advised that they have waived these conditions on request from Ramsdens International without adverse effect and East Lothian Council have removed them from their standard conditions altogether.

The request has been canvassed with the statutory consultees, Police Scotland and Trading Standards. Police Scotland have advised that they have no objection to the conditions being waived. The Trading Standards Manager also advises that he has no objections.

3 Report Implications

3.1 Resource

There are no resource implications arising from this report.

3.2 Risk

There are no perceived risk implications. Should there be any operational issues were the conditions to be removed the matter would be reported back to the Committee.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- X None of the above

3.4 Key Priorities within the Single Midlothian Plan

Not applicable

3.5 Impact on Performance and Outcomes

Not applicable

3.6 Adopting a Preventative Approach

Not applicable

3.7 Involving Communities and Other Stakeholders

Not applicable

3.8 Ensuring Equalities

Not applicable

3.9 Supporting Sustainable Development

Not applicable

3.10 IT Issues

There are no IT issues arising from this report.

4 Recommendations

The Committee is asked to consider whether to agree to waive conditions 4 and 6 from Ramsdens Internationals' Second Hand Dealer's licence.

Date 04 August 2017

Report Contact:

Name Alan Turpie Tel No 0131 271 3667

alan.turpie@midlothian.gov.uk

Background Papers: Second Hand Dealer's Licence

6 February 2017

Ramsdens Financial Ltd
AND Claire Anderson
108A John Street
Penicuik
EH26 8NG

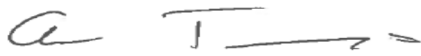
SECOND HAND DEALER'S LICENCE

In accordance with Section 24 to the Civic Government (Scotland) Act 1982 the Council hereby grant a Second Hand Dealer's Licence, to the above mentioned person, in respect of premises at , 1 High Street, Dalkeith, subject to compliance with the following conditions:-

- 1 The hours of opening shall be 9.30am to 6pm, Monday to Saturday.
- 2 The licensee shall maintain records in the prescribed form which are obtainable from the Council.
- 3 The licensee shall not dispose of any item of stock-in-trade until the expiry of 48 hours (excluding any time on Saturdays or Sundays) after acquisition except insofar as articles acquired at a public rroup and disposed of without being brought to the place of business..
- 4 The licensee shall not receive or take any goods in pledge; or receive or take a pawn ticket issued by a pawnbroker of any article which has been pawned or negotiate in any manner with the holder of any such pawn ticket refers.
- 5 The licensee shall not acquire in the course of business:-
 - (a) any voucher, note or other document issued by or under the authority of any public or local authority or any charitable institution by virtue of which a person may receive any assistance whatsoever; or
 - (b)/

- (b) any article of clothing issued by or on behalf of any such authority or institution and legibly marked as being so issued, or known by the dealer to be so issued.
- 6 The licensee shall not carry on business as a second hand dealer in any premises in which the business of a pawnbroker is carried on or in any other premises having access to such premises.
- 7 The licensee shall not dispose of goods to, or acquire goods from, any person who appears to be under 16 years of age, whether such person is acting on his own behalf or on behalf of another person.
- 8 The licensee shall not keep, or permit to be kept, in or on the premises any smelting pot for melting, altering or defacing gold, silver, lead or other metals.
- 9 The licensee shall comply with the recommendations of the Chief Fire Officer, Lothian and Borders Fire and Rescue Service.

The licence shall expire on 5 February 2020.

A handwritten signature in dark ink, appearing to be 'A. T.' followed by a horizontal line and a small flourish.

Legal Services Manager

NOTE: An excerpt from the Civic Government (Scotland) Act 1982 concerning (a) disposal of stock in trade; (b) offences; and (c) functions of the Court is shown in the Appendix hereto for information.