

# Minute of Meeting



## General Purposes Committee

Date	Time	Venue
22 August 2017	11 am	Council Chamber

### Present:

Councillor Smaill (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Imrie	Councillor Johnstone
Councillor Lay-Douglas	Councillor McCall
Councillor Milligan	Councillor Muirhead
Councillor Munro	Councillor Parry
Councillor Russell	Councillor Winchester

### In attendance:

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

## 1. Apologies

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Apologies for absence were intimated on behalf of Councillors Hardie and Montgomery.

## 2. Order of Business

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

## 3. Declarations of interest

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Councillor Curran intimated declarations of interest in respect of 2 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. Councillor Baird 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 an involvement with the applicant since the last meeting.

## 4. Minute of Meeting

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The Minute of Meeting of 6 June 2017 was considered and approved. The Chair was thereafter authorised to sign the Minute as an accurate record of the meeting.

## 5. Public Reports

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Report No.	Report Title	Presented by:
5.1	Civic Government (Scotland) Act 1982 – Late application fee – Report by Director, Resources	Alan Turpie
<b>Outline of report and summary of discussion</b>		
Alan Turpie spoke to the terms of the report which sought 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.		
He explained that recently there had 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 will not proceed with the resultant negative publicity. He noted that some other Councils have introduced a 20% surcharge of the application fee when an application is submitted within the 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 during the current financial year.		

Councillor Muirhead asked for confirmation that applicants would be aware that the payment of the increased fee would not guarantee the timeous processing of the application and lead to a temporary licence being granted. Mr Turpie confirmed this would be made clear to applicants when they applied and also be added to the application form.

#### Decision

The Committee unanimously agreed to impose, with immediate effect, a 20% surcharge of the application fee for temporary licence applications submitted less than 28 days before the event in question.

#### Action

Director, Resources

Report No.	Report Title	Presented by:
5.2	Civic Government (Scotland) Act 1982 – Second Hand Dealer’s Licence – Ramsdens International Finance, 1 High Street, Dalkeith – Report by Director, Resources	Alan Turpie

#### Outline of report and summary of discussion

Alan Turpie spoke to the terms of the report which detailed a request from Ramsdens International Finance in respect of their premises at 1 High Street, Dalkeith for the waiving of 2 of the standard conditions currently listed on the second hand dealer licence held by them. He advised that the licence had been granted on 6 February 2017 under delegated powers. The licence was granted subject to the Council’s standard terms and conditions and that subsequent to this Ramsdens had requested the removal of the following standard conditions:-

Condition 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;

Condition 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.

He noted that in their application to waive the 2 standard conditions, Ramsdens advised 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”.

Mr Turpie continued by advising that 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. The 2 standard 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 with both advising that they have no objection to the conditions being waived.

<b>Decision</b>
The Committee unanimously agreed to waive standard conditions 4 and 6 from the second hand dealer's licence held by Ramsdens International Finance in respect of their premises at 1 High Street, Dalkeith.
<b>Action</b>
Director, Resources

## **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 – P Mercer
- 6.2 Application for an Itinerant Metal Dealer's Licence – Chameleon (G. Sessions)
- 6.3 Private Hire Car Driver's Licence – G. Smith

The Meeting terminated at 12.00 noon