

MINUTES of MEETING of the MIDLOTHIAN COUNCIL GENERAL

PURPOSES COMMITTEE held in the Council Chambers, Midlothian House,

Buccleuch Street, Dalkeith on Tuesday 6 January 2015 at 2.00pm.

Present:- Councillors Coventry (Chair), Baxter, Bennett, Bryant, Constable, Imrie, Johnstone, Milligan, Muirhead, Rosie, Russell, Thompson, Wallace and Young.

Apologies for Absence:- Councillors Beattie, Montgomery, Pottinger and de Vink.

The Chair extended best wishes to all Members and Officers for the New Year.

1 Minutes

Subject to the deletion of the reference to Councillor Johnstone at paragraphs 2 and 4, the Minutes of Meeting of 11 November 2014 were approved as a correct record, on the motion of Councillor Constable, seconded by Councillor Bryant.

2 Civic Government (Scotland) Act 1982

(a) (i) Procedure for Disposing of Applications for Licences

There was submitted report, dated 16 December 2014, by the Director, 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 suspension of Licences

There was submitted report, dated 17 December 2014, by the Director, Resources, concerning the procedure for disposing of requests for suspension of licences, in terms of the Civic Government (Scotland) Act 1982.

Decision

To note the report.

(b) Late Hours Catering Licence - Application

There was submitted report, dated 16 December 2014, by the Director, Resources, concerning an application for a Late Hours Catering Licence by MacDonald's Restaurants Ltd, London and Mr C Jackson, Glasgow, in respect of 12 – 13 Pentland Retail Park, Loanhead, trading in fast food, for consumption both on and off the premises, from 11pm to 5am.

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

- (i) MacDonald's Restaurants Ltd, Bathgate and Mr S Lumsden, currently held a licence, which was valid until 1 July 2016, for the premises, trading in fast food, for consumption off the premises, from 11pm to 5am daily; and
- (ii) representations had been made by the Chief Constable.

Appended to the report were a location plan of the premises; and letter, dated 31 October 2014, from Police Scotland, (1) making representation that, if the Committee were minded to grant the application, a qualified SIS security guard be employed on a daily basis, in an endeavour to help alleviate anti social behaviour, violence and disorder at the premises; and (2) providing supporting information about incidents that had taken place at the premises between 21 October 2013 and 1 October 2014.

The Committee heard a representative of the Chief Constable and an Agent on behalf of the Applicant. The latter advised, *inter alia*, that she had intended to advise the Council earlier that the responsible Manager had been replaced by Mr M Adams; and he was unable to be present at this Hearing. She gave assurances that measures had been taken by him to mitigate against any disorder in the future to minimise or eliminate any anti social behaviour and, violence. She also confirmed that staff training had been arranged.

In respect of the change in responsible manager, the Legal Services Manager was heard.

Following an examination of the incidents that had taken place at the premises, as described in the report by the Chief Constable, Councillor Milligan, seconded by Councillor Baxter, moved that the application be granted on the standard conditions, subject to the employment of a qualified SIS security guard on Fridays, Saturdays and Sundays, through to the following mornings.

As an amendment, Councillor Imrie, seconded by Councillor Thompson, moved that, subject to the new manager being found to be a fit and proper person, the application be granted on the standard conditions without further qualification on the basis that the measures which had been introduced should be allowed to take effect; and the matter be reviewed in a year's time.

The amendment was carried by eight votes to six and became the finding of the Meeting.

Decision

To grant the application on the standard conditions, subject to the new manager being found to be a fit and proper person, all subject to review in one year.

(c) Taxi Stances

With reference to paragraph 3(b) of the Minutes of 11 November 2014, there was submitted report, dated 16 December 2014, by the Director, Resources, concerning potential alterations to Taxi Stances in Mayfield and Dalkeith.

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

- (i) it would not be feasible to site a Taxi Stance at the roundabout at Bogwood Road, Mayfield as the site was adjacent to and overlooked dwelling-houses and was underworked by cabling which would be difficult to relocate and cost between £12,000 and £15,000; and
- (ii) whilst it had been established that (1) it was feasible to revise the layout of the Stance in Buccleuch Street / Lothian Street, Dalkeith, by removing the central reservation, retaining the street lights and altering the road marking at an estimated cost of £10,000; and (2) the CCTV provision could not be adapted but could be replaced, at an estimated cost of £15,000, there was no budget for any of the proposed works.

Decision

- (a) To note the report; and
- (b) To take no action meantime, in view of the need for fiscal restraint.

(Action – Legal and Secretariat Manager)

3 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 items, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 3, 4, 12 and 14 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Decision

- (a) Private Hire Car Driver's Licence – Application – to refuse to grant the licence as the applicant was not a fit and proper person;
- (b) Taxi Driver's Licence – Request for Suspension – To warn the licence – holder about his future conduct and to allow the licence to remain extant; and
- (c) Trusts, Bequests and Open Cast Funds –
 - (i) To note (1) arrangements for the disbursement of funds and sale of stock; and (2) that the Gourlaw Sub Committee would be asked to consider a report and make recommendations to the Committee on the disbursement of any residual balances in the Gourlaw, Shewington, and Newbigging Trust Funds in due course;

(ii) To remit to the Director, in consultation with the Chair, to take any further action necessary to disburse the balances in the remaining Bequests and Trusts; and

(iii) To decline to accept responsibility in respect of the Cowan Institute Trust but to suggest that the Fund be disbursed in favour of the Reading Room facility at Penicuik Library.

The Meeting terminated at 3.29pm.