

MINUTES of MEETING of the MIDLOTHIAN COUNCIL GENERAL PURPOSES

COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 19 August 2014 at 2.00pm.

Present:- Councillors Coventry (Chair), Baxter, Bryant, Constable, Johnstone, Milligan, Muirhead, Pottinger, Rosie and Wallace.

Apologies for Absence:- Councillors Beattie, Bennett, Imrie, Montgomery, Russell, Thompson and de Vink.

1 Declarations of Interest

There were no declarations of interest.

2 Minutes

- (a) The Minutes of Meeting of 20 May 2014 were approved as a correct record, on the motion of Councillor Constable, seconded by Councillor Pottinger.
- (b) The Minutes of Special Meeting of 17 June 2014 were approved as a correct record, on the motion of Councillor Pottinger, seconded by Councillor Rosie.

3 Housing (Scotland) Act 2006 - Licensing of Houses in Multiple Occupation (HMOs)

(a) Procedure for Disposing of Applications

There was submitted report, dated 15 July 2014, by the Director, Resources, concerning the procedure for disposing of applications for licences for HMOs, in terms of the Housing (Scotland) Act 2006.

Appended to the report were the standard conditions of licensing.

Decision

To note the report.

Sederunt

Councillor Milligan declared an interest in the following item of business in that he knew the applicant and thereupon withdrew (2.05pm).

(b) Application for HMO Licence – 10 Juner Place, Gorebridge

There was submitted report, dated 25 July 2014, by the Director, Resources, concerning an application by Mr A Wesley, 27 Union Park, Bonnyrigg for an HMO licence in respect of 10 Juner Place, Gorebridge to accommodate a maximum of five persons.

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

- (i) letters of objection and representation had been received from Mr and Mrs G Fletcher and Ms B Ness, both Juner Place, on the grounds, respectively, of (1) possible disturbance, vandalism, noise, obstruction caused by parked cars, damage to vehicles, littering and a concern about the lack of a presence of the landlord on site, etc; and (2) the Notice that was posted at the site was not readily visible; and concerns that if the licence was granted, overprovision would result; car parking would be a problem, road safety would deteriorate, etc;
- (ii) the Applicant had been asked to post the Notice again; and as regards the suggestion that overprovision may result, the concept was being considered by a Working Group and a report back would be made; and currently, there were five HMOs in Gorebridge; and
- (iii) the statutory provisions as regards the grant or refusal of such licences.

Appended to the report were (a) a map showing the location of the HMOs in Gorebridge (a replacement of which was tabled showing also 10 Juner Place); (b) the letters from the objectors, dated 9 and 23 June 2014, respectively; and (c) reports, dated 31 July 2014 and 12 August 2014, by the Head of Housing and Community Safety; and Acting Principal Environmental Health Officer, respectively.

Having noted that the Objectors had been invited to attend and were not present; and the Applicant had posted the Site Notice again from 20 June to 12 July 2014, the Committee heard:-

- (1) the Head of Housing and Community Safety, in relation to the occupancy standards, legislative requirements, housing statistics and progress made with the examination of the concept of overprovision by the Short Life Working Group;
- (2) the Acting Principal Environmental Health Officer concerning the measures that were considered necessary and appropriate from the Health and Safety perspective; the need for reassurance as regards electrical safety; and recommended conditions, should the Committee agree that the licence be granted; and
- (3) the Applicant during which he confirmed that he intended to apply sound management principles, the electrical and other installations were satisfactory and an Electrical Safety Certificate had been issued; stated that the threat of overprovision was not supported by the evidence; and confirmed

that he did not consider that the problems that the objectors had raised would materialise.

Decision

Having noted the assurances from the Applicant, to grant the application for a period of three years on the standard conditions and those recommended by the Acting Principal Environmental Health Officer, namely that:-

- (a) Prior to the commencement of the licence, within a period of two months:-
 - (i) A cooker shall be provided in the kitchen;
 - (ii) A suitable fridge and suitable freezer shall be provided in the kitchen;
 - (iii) The fan in the bathroom shall be cleaned;
 - (iv) All power points in the bedrooms shall be properly sealed to the wall; and
 - (v) A carbon monoxide alarm powered by a battery designed to operate for its working life, which met the requirements of BS EN 50291:2001 shall be provided in the boiler cupboard; and
- (b) All bedrooms shall be single occupancy.

Sederunt

Councillor Milligan rejoined the Meeting at this stage (2.45pm).

4 Civic Government (Scotland) Act 1982

(a) Procedure for Disposing of Applications

There was submitted report, dated 12 March 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.

(b) Draft Conditions of Licensing for Taxis and Private Hire Cars

With reference to paragraph 4(b)(i) of the Minutes of 20 May 2014, there was submitted report, dated 4 July 2014, by the Director, Resources, concerning the conditions of licensing relating to Fixed Steps on Taxis; Dimensions of Taxis; and the Drivers' Dress Code.

Appended to the report were the relative current conditions.

In his report, the Director, *inter alia*, suggested:-

- (i) The terms of a draft condition relating to fixed steps on Taxis;
- (ii) that the dimensions of Taxis should continue to be included as a condition of licensing, but subject to an adjustment of the permissible length and breadth; and
- (iii) that the separate elements of the conditions relating to the Dress Code be combined.

Decision

To approve the revised conditions, as follows:-

Fixed Steps

Subject to the satisfaction of the Cab Inspector, Fixed Steps on Taxis shall be permitted. The step must either (a) be able to fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted; or (b) if fixed, project no more than 12.5 cm (= 5 inches) beyond the side face of the vehicle; and has the appropriate safety approval eg as issued by the Vehicle Certification Authority (VCA).

Dimensions of Taxis

- 15.1 The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
- 15.2 (a) Outside dimensions
 - i) The overall width of the vehicle exclusive of driving mirrors must not exceed 2.00 metres.
 - ii) The overall length must not exceed 5.5 metres.
- (b) Inside dimensions of the passenger compartment.
 - (i) The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the roof immediately above that point must not be less than 96.5 centimetres.
 - (ii) The width across the rear seat cushion must not be less than 1.07 metres.
- 15.3 Any curvature of the floor of the passenger compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and the sills.

15.4 The door and doorway must be constructed so as to permit an unrestricted opening across the doorway of at least 53 centimetres when the door is opened to its normal limit.

15.5 The clear height of the doorway must not be less than 1.2 metres.

Dress Code

The driver of a taxi / private hire car while plying for hire / driving shall be clean and tidy in his person and clothing, shall be of smart appearance, shall conduct himself in a proper and civil manner and shall not smoke. Male Drivers shall wear a Shirt with collar or polo shirt, Smart trousers or jeans of smart appearance (no rips or tears) and Smart Footwear – Shoes, Boots or Dark Trainers. Female Drivers shall wear a blouse or Smart Top, Smart skirt, trousers or jeans of smart appearance (no rips or tears) and Smart Footwear – Shoes, Boots or Dark Trainers.

(Baseball Caps, Track suits, T shirts and Shorts shall not be worn.)

(Action – Legal and Secretariat Manager)

(c) Air Weapons and Licensing (Scotland) Bill

There was submitted report, dated 12 July 2014, by the Director, Resources, concerning, in particular, *inter alia*, impending changes to the legislation relating to Licences for Taxis and Private Hire Cars, Metal Dealers, Places of Public Entertainment and Places of Sexual Entertainment; and related aspects; and seeking views for submission to the Scottish Government for consideration when the Bill was to be given its first reading.

In his report, the Director confirmed, *inter alia*, that the Government was (i) introducing regulations to control Air Weapons; and amending Liquor and Civic Government legislation; and (ii) provided other detailed related information.

Appended to the report was an excerpt from the Scottish Government's explanatory Note on the proposals for the regulation of Air Weapons.

Decision

To note the report.

(Action – Legal and Secretariat Manager)

5 Trusts and Bequests

With reference to paragraph 6 of the Minutes of 1 April 2014, there was submitted report, dated 12 August 2014, by the Director, Resources, confirming that (a) the John and Margaret Haig Bequest, the Cranston War Memorial Fund and the Miss A Pringle Prize Fund were supported by investments in Stock, in the purchase amounts of £292.95, £101.05 and

£40.04, respectively; and approval was sought to sell the Stock to enable the residue to be transferred; and (b) no further progress had been made with the Health Practices in Bonnyrigg as regards the transfer of the Funds in the EW Yorston and Cockpen Lasswade and Falconer Bequests.

Decision

- (i) To note the progress that had been made; and
- (ii) To authorise the Director, Resources to sell the Stock and remit the balances to Bonnyrigg Parish Church; the Council's War Memorials budget and Tynewater Primary School, respectively.

6 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 paragraphs 3, 12 and 14 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Decision

- (a) Private Hire Car Drivers' Licences – Applications – To grant one licence, subject to a warning to the applicant as regards his future conduct; and continue consideration of another to enable the Applicant to be present; and
- (b) Note of Meeting of Hire Car Liaison Group – Noted.

The Meeting terminated at 3.12 pm.