

**General Purposes Committee
Tuesday 6 January 2015
Item No 4**

MINUTES of MEETING of the MIDLOTHIAN COUNCIL GENERAL PURPOSES COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 11 November 2014 at 2.00pm.

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

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

1 Order of Business

It was agreed that the order of business be adjusted as shown below.

2 Declarations of Interest

Councillors Johnstone and Rosie declared an interest in Item 4(b) in that they knew the Applicant and indicated that they would not take part in the relative Hearing.

3 Minutes

The Minutes of Meeting of 30 September 2014 were approved as a correct record on the motion of Councillor Pottinger, seconded by Councillor Bennett.

4 Housing (Scotland) Act 2006 –

(a) Procedure for Disposal of Applications for Houses in Multiple Occupation (HMO) Licences

There was submitted report, dated 2 October 2014, by the Director, Resources, concerning the procedure for disposing of applications for HMO licences, in terms of the Housing (Scotland) Act 2006.

Decision

To note the report.

Sederunt

Councillors Johnstone and Rosie left the meeting at this stage (2.05 pm)

(b) Applications for renewal of licences – 1, 2 and 3 Bilston Cottages

There were submitted reports, by the Director, Resources, dated 28 October 2014, concerning applications by Mr N Brown, Straiton for the renewal of HMO licences in respect of:-

- (i) No 1 Bilston Cottages to accommodate five occupants;
- (ii) No 2 Bilston Cottages to accommodate five occupants; and
- (iii) No 3 Bilston Cottages to accommodate eight occupants.

Appended to the reports were a plan showing the location of the properties; letters, dated 3, 5 and 18 August 2014, from Mrs S Reynolds and Mr P McVie, 4 Bilston Cottages, Mrs E MacKinlay, 4 Bilston Gardens and Mr J Innes and Ms J Innes – Greig, Edwyndale Cottage, all Bilston; and report, dated 5 November 2014, by the Environmental Health Officer.

At the outset, having noted that all of the objections and comments were broadly similar, with the consent of the applicant, the Committee agreed to consider (1) all submissions together on the understanding that at the end of the proceedings, each application be considered individually on its merits; and (2) with the consent of the applicant, representations in respect of No 3 Bilston Cottages, dated 5 November 2014, by Mrs Reynolds and Mr McVie and Mr Innes and Ms Innes – Greig.

The Committee

(a) heard (i) the objectors, in relation to (1) the noise and nuisance caused by the occupants of the HMOs in earlier times; problems caused by wind-blown refuse; (3) difficulty of access to No 4 Bilston Cottages; and (4) concerns about the problems caused by blockages of the septic tank, etc;

(ii) the applicant, during which he (1) noted that the concerns about the septic tank were not contained in the letters of representation and stated *inter alia* that this was the first time that any specific problems had been mentioned for a very long time and said that he would be happy to arrange an inspection and carry out any remedial work if that were necessary; (2) confirmed that he no longer provided temporary accommodation to Midlothian Council for homeless persons and the focus of his business plan had changed to students and young professionals and, as a consequence, the situation was more stable than before; (3) stated that he would honour any access rights; and (4) advised that he would endeavour to resolve problems relating to wind-blown refuse;

(iii) the representative of the Chief Constable, the Head of Customer and Housing Services and the Group Manager Environmental Health, all of whom confirmed that there were no substantial concerns about any of the HMOs; and

(iv) the Building Standards Manager, in respect of the capability of the septic tanks to cater for the properties when he confirmed that they were at least deemed to comply and were considered no worse than any existing provision, but that such installations required to be managed, consideration had to be given to the type of matter and detergents discharged to them and care taken to guard against inappropriate use; and

(b) with reference to paragraph 6 of the Minutes of 6 December 2011, noted that the monitoring arrangement at night had subsisted only during the period when homelessness persons had been accommodated there and not since, when lighter use had been made of the accommodation.

Following questions, the Applicant agreed (i) to arrange an inspection of the Septic Tanks and rainwater disposal at No 3 Bilston Cottages and undertake any necessary remedial work within a reasonable time; (ii) to recognise any rights of access; and (iii) to ensure that, collectively, the HMOs never accommodated any more than eleven persons.

Decision

To grant the applications for the renewal of the licences on the basis that, notwithstanding the maximum number of occupants permitted in terms of the licences, the licence-holder shall ensure that at no time does the total number of occupants at Nos 1, 2 and 3 Bilston Cottages, exceed eleven and subject to the standard conditions, those recommended by the Environmental Health Officer and the following additional conditions, namely that :-

- (1) by 11 December 2014, the Septic Tanks and rainwater disposal at No 3 Bilston Cottages shall be inspected and any necessary remedial action arranged; and
- (2) the licence shall be reviewed in one year and, if necessary, a further Hearing shall take place.

Sederunt

Councillors Johnstone and Rosie rejoined the Meeting at this stage (3.25 pm).

3 Civic Government (Scotland) Act 1982

(a) Procedure for Disposing of Applications

There was submitted report, dated 28 October 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) Taxi Stances

With reference to paragraph 4(b)(iii) of the Minutes of 1 April 2014, there was submitted report, dated 28 October 2014, by the Director, Resources, concerning progress in relation to taxi stances.

In his report, the Director, *inter alia*, (i) confirmed that in respect of the:-

- (a) revocation of Stance for three Taxis in Eskview Grove and the feasibility of appointing, instead, a Stance for three taxis on the carriageway at the east of the roundabout at Bogwood Road, Mayfield, informal discussion suggested that it would not be feasible to site the Stance at the roundabout, the site had been considered some time previously and had been rejected for road safety reasons; and the matter would require to be considered in more detail by Roads Services Officers;
- (b) Stance for two Taxis at High Street Penicuik, being retained and re-marked, the stance was to be (signed and) re-marked when the next road marking operation took place;
- (c) feasibility of altering the Stance for fifteen Taxis at Lothian Street / Buccleuch Street, Dalkeith, to facilitate the manoeuvring of Taxis, this would be considered in more detail by Roads Services Officers, there was no budget for this and it would not be possible to progress the proposal unless this was made;
- (d) Stance for seven Taxis at Polton Street, Bonnyrigg, the works would be carried out when road marking operations were being carried at that location ;
- (e) feasibility of appointing a Stance at the Community Hospital at Hardengreen, initial contact had been made with the Clinician in Charge and information was awaited; and
- (f) CCTV coverage of the Stance at Lothian Street / Buccleuch Street, Dalkeith, the equipment was fixed and could not be adapted without additional resource.

Decision

- (1) as regards the proposed revocation of the appointment of the Stance for three Taxis in Eskview Grove and the feasibility of appointing a Stance for three taxis at the east side of the roundabout at Bogwood Road, Mayfield, to continue consideration of the matter;
- (2) as regards the feasibility of altering the Stance for fifteen Taxis at Lothian Street Dalkeith, to facilitate the manoeuvring of Taxism and the feasibility of it being monitored by CCTV directly to improve visibility and public safety, to request that costings be obtained;and
- (3) otherwise, to note the report.

(Action – Legal and Secretariat Manager)

5 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 4 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Decision

Examination of Taxis and Private Hire Cars Agency Agreement – Taxi Examination Centre (TEC) – Noted report.

The Meeting terminated at 3.37pm.