

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL GENERAL PURPOSES COMMITTEE** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 20 May 2014 at 2.00pm.

**Present:-** Councillors Coventry (Chair), Baxter, Constable, Johnstone, Milligan, Montgomery, Muirhead, Pottinger, Rosie, Russell, Thompson, de Vink and Wallace.

**Apologies for Absence:-** Councillors Beattie, Bennett and Bryant.

**1 Order of Business**

The Committee noted that the Chair had ruled as urgent, additional items of correspondence for consideration, as described in paragraph 4(c) below.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Minutes**

The Minutes of Meeting of 1 April 2014 were approved as a correct record.

**4 Civic Government (Scotland) Act 1982**

**(a) Procedure for Disposing of Applications**

There was submitted report, dated 3 May 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) Taxis and Private Hire Cars and Drivers – (i) Draft Conditions of Licensing**

With reference to paragraph 4(c)(i) of the Minutes of 1 April 2014, there was submitted report, dated 5 May 2014, by the Director, Resources, concerning the draft revised conditions of licensing of Taxis and Private Hire Cars and Drivers, particularly those relating to the inclusion to fixed steps on and the dimensions of Taxis.

Appended to the report in respect of (1) fixed steps, were (i) a summary of the position; (ii) report, dated 17 November 2011, by the Director, Corporate Resources; (iii) excerpt from email, dated 17 October 2011, from Midlothian

Taxi Owners' Association; and (iv) information provided by other local authorities; and (2) the dimensions of Taxis, the relative condition of licensing.

In his report, the Director confirmed, *inter alia*, that (a) certain manufacturers were considering improvements to the design of fixed steps; and any reference to these could be omitted from the Conditions of Fitness on the basis that, if the Cab Inspector considered that there were any that did not comply, he could report back to the Committee; and (b) it was considered best that the dimensions of taxis should continue to be recorded in the conditions to relate to the new style People Carrier type vehicle; and the maximum width be two metres

During the course of discussion, Members noted, *inter alia*, that (i) the Cab Inspector had advised since, that only the LTI TXs and the Metrocab would not be fitted with a fixed step; and (ii) a new slimmer version of the step had been approved by the Vehicle Certification Authority (VCA) and consequently met with his approval, indicated a preference for reassurance in the form of a description in the Conditions of Fitness, of which kind of steps would be acceptable.

### **Decision**

Having agreed that it was desirable to include a description as to which kind of steps would be acceptable, to continue consideration of the matter for a further report.

(Action – Legal and Secretariat Manager)

### **(ii) Extended Term Licences for Taxis and Private Hire Cars and Drivers (and Window Cleaners and Street Traders), etc**

With reference to paragraph 4(c)(i) of the Minutes of 1 April 2014, there was submitted report, dated 5 May 2014, by the Director, Resources, concerning the introduction of extended terms of licences for Taxis and Private Hire Cars and Drivers; Window Cleaners and Street Traders; a review of the Licensing Fees for Houses in Multiple Occupation; and progress made with the changes at the Taxi Examination Centre.

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

(1) on 1 May 2014, the Short Life Working Group on Fees and Charges had agreed to recommend approval of (i) extended term licences ie including Window Cleaners and Street Traders; and (ii) a revision of charges relating to licences of Houses in Multiple Occupation; and

(2) West Lothian Council had agreed to continue to participate in the new joint arrangement, which it was anticipated would be in place by mid October 2014, in terms of a Service Level Agreement, on the basis of a preference to

secure removal from the current Taxi Examination Centre at Murrayburn Road, following alterations, to Russell Road, both Edinburgh.

**Decision**

- (a) To note the report;
- (b) To approve further dialogue with the Hire Car Liaison Group; and licence-holders in the other activities;
- (c) To note that revised fees and charges relating to Houses in Multiple Occupation would be considered; and
- (d) To note progress made with the Taxi Examination Centre; and

(Action – Legal and Secretariat Manager)

**(iii) Taxi Stances**

With reference to paragraph 4(c)(v) of the Minutes of 1 April 2014, there was submitted report, dated 5 May 2014, by the Director, Resources, confirming that:-

- (1) Public Notice of the proposal to vary the appointment of the Taxi Stance in Eskbank Road, Dalkeith, by reducing the number of taxis to six, had been given in The Advertiser on 17 April 2014; and
- (2) representation had been made that the stance was superfluous on the basis that, *inter alia*, a free-phone in-store hire car service would be provided.

Appended to the Report was letter, dated 25 April 2014, from Ms K Donaldson, 11 Academy Court, Loanhead.

**Decision**

To vary the appointment of the Taxi Stance in Eskbank Road, Dalkeith, by reducing the number of taxis to six.

(Action – Legal and Secretariat Manager)

**(iv) Taxis - Review of Fare Tariff**

With reference to paragraph 4(c)(v) of the Minutes of 1 April 2014, there was submitted report, dated 5 May 2014, by the Director, Resources, confirming that public notice of the proposal to review the Fare Tariff had been given in The Advertiser and no representations had been received.

**Decision**

- (1) To note the terms of the report; and

- (2) To adopt the Fare Tariff, as shown in **Appendix I** hereto, with effect from 14 June 2014.

(Action – Legal and Secretariat Manager)

**(c) Public Processions – (i) Procedure at Hearings**

There was submitted report, dated 2 May 2014, by the Director, Resources, confirming the procedure to be adopted at Hearings relating to proposals to organise public processions.

**Decision**

To note the report.

**(ii) Bonnyrigg – 28 June 2014**

There was submitted report, dated 5 May 2014, by the Director Resources, concerning intimation received from Midlothian District Lodge 52, Loyal Orange Order of the intention to organise public processions in Bonnyrigg on the morning and afternoon of Saturday 28 June 2014.

Appended to the report were letter, dated 12 April 2014, from the Organiser and Secretary of the Lodge, Mr B Parrott, 13 Marionville Road, Edinburgh; and letter, which had been received on 12 May 2014, from residents, making representation against the proposal and requesting that their identity be not revealed; and conditions that had been imposed in respect of similar processions in the past.

There were tabled letters, (a) dated 12 May 2014, which had been received on 15 May 2014, from another resident also making representation against the proposals and also requesting anonymity; and (b) 20 May 2014, from the Organiser, *inter alia*, in response to the letters of objection (i) expressing concern that a fair Hearing would not be possible unless the identity of the objector was known; (ii) defending the rights of the Members of the Lodge to peaceful assembly; (iii) rehearsing the arguments in favour of a presumption of such processions taking place; (iv) refuting any allegations of bias, past disturbances, excessive alcohol consumption, etc; (v) referring to case law on the subject, particularly that relating to the Provincial Grand Black Chapter v West Lothian Council in 2009; and (vi) offering to accommodate any change that may be considered appropriate.

The objectors were not present.

Having agreed that the anonymity of the objectors be protected, the Committee heard the Organiser and Mr McLean, the Lodge Treasurer, during which they advanced argument along the lines described above.

The Committee also heard the Principal Solicitor.

**Decision**

To impose the standard conditions on holding the Processions in Bonnyrigg, along the proposed routes, on the morning and afternoon of Saturday 28 June 2014.

**(d) Procedures for Considering Applications for Temporary Public Entertainment Licences involving Council Property eg Public Parks**

With reference to paragraph 3(b)(iv) of the Minutes of 1 October 2013, there was submitted report, dated 15 May 2014, by the Director, Resources, confirming the separate procedures for processing applications for licences and the let of open space, the presumption being that the applicant secured permission to use open space prior to making application for a licence and thereby avoid unnecessary expense; and the application process for the licence complied with the legislation in order to enable the Council to defend any actions arising.

**Decision**

That the *status quo* prevail.

**5 Marriage (Scotland) Act 1977 - Period and Temporary Approval of Places for civil marriages in the presence of a Registrar**

There was submitted report, dated 5 May 2014, by the Director, Resources, concerning the Scottish Government's introductory information about the imminent implementation of the Marriage and Civil Partnership (Scotland) Act 2014, covering Regulations (a) to provide an administrative route to change civil partnerships registered in Scotland to marriages; (b) on prescribing religious bodies to solemnise marriage and register civil partnerships; (c) on qualifying requirements for religious and belief bodies to meet before solemnising marriage and registering civil partnerships; (d) on marriage and civil partnership forms; and (e) orders relating to gender recognition; and on jurisdiction of the courts in cases relating to same sex marriage.

Appended to the report was letter, dated April 2014 from the Scottish Government seeking views, *inter alia*, on suitable dates for commencement of the Regulations.

In his report, the Director confirmed that local authority approval of places where civil marriages could be solemnised in the presence of a Registrar would no longer be required and instead the Registrar would have power *inter alia* to solemnise marriages anywhere ie provided the place was seemly and dignified.

**Decision**

- (a) To note the report; and
- (b) To approve the action taken by the Director, in consultation with the Chair in making no representation against the suggested

implementation of the new measures with effect from 1 September 2014.

(Action Legal and Secretariat Manager)

## **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**

Itinerant Metal Dealer's Licence - Application – To grant a licence.

The Meeting terminated at 3.00pm.

**APPENDIX****(relative to paragraph 4(c))****Fare Tariff for Taxis (and Private Hire Cars fitted with Taxi Meters)****(with effect from 14 June 2014)**

For 1 or 2 passengers	Tariff 1	Tariff 2	Tariff 3	Tariff 4
For the initial hire not exceeding 339m For the initial period of waiting time of 60 seconds For a combination of time and distance	£2.20	£2.70	£3.80	£4.00
For each additional 168.3m For each additional 30 seconds of waiting time For a combination of additional time and distance	£0.20	£0.20	£0.35	£0.35

<b>Monday to Friday</b>	
Tariff 1 – Monday – Friday 6am – 6pm	Tariff 2 – 6pm to 6am and, at weekends, from 6am on Saturday to 6am Monday

<b>Christmas and New Year – Between 6pm on 24 December and 6am on 27 December and 6pm on 31 December and 6am on 3 January</b>	
Tariff 3 – Monday – Friday 6am – 6pm	Tariff 4 – 6pm to 6am and, at weekends, from 6am on Saturday to 6am on Monday

Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years. Each passenger must be properly seated.
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<b>Extra Payments</b>	
When more than 2 passengers - £0.20 each Cleaning Fee – Travel Sickness - £20.00 Credit/Debit card payments - £1.00	Pre-bookings – Call Out Charge - £0.60 Cancellation Fee - £2.00