

MINUTES of MEETING of the MIDLOTHIAN COUNCIL GENERAL PURPOSES COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday, 6 March 2012 at 2.00pm.

Present:- Councillors C Beattie (Chair), Aitchison, L Beattie, Bennett, Boyes, Constable, Imrie, Moffat, Montgomery, Muirhead, Russell, Statham, Thacker, Thompson and Wilson.

Apologies for Absence:- Councillors Brown, Chalmers and Milligan.

1 Order of Business

The Committee noted that another request for a disbursement from the Dalkeith Common Good Fund had been received which the Chair had ruled as urgent for consideration at this meeting, as described in paragraph 6.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

On a motion by Councillor Aitchison, seconded by Councillor Thompson, the Minutes of Meeting of 7 February 2012 were approved as a correct record.

4 Civic Government (Scotland) Act 1982

(a) Procedures for Disposing of Applications for and considering requests for the suspension of Licences

The Committee noted reports, dated 17 February 2012, by the Director, Corporate Resources, concerning the procedures for disposing of applications for and considering requests for the suspension of licences, in terms of the Civic Government (Scotland) Act 1982.

(b) Late Hours Catering Licence – Application - 12 Woodburn Road, Dalkeith

There was submitted report, dated 22 February 2012, by the Director, Corporate Resources, concerning an application for a Late Hours Catering Licence by Mr A Zarar, 79 Saughton Mains Drive, Edinburgh, in respect of 12 Woodburn Road, Dalkeith from Sunday to Thursday until midnight and Fridays and Saturdays until 1am.

Appended to the report were a site plan; letter, dated 8 February 2012, from Ms T Paul, 27 Woodburn Road, Dalkeith, objecting to the grant of the licence; and report, dated 17 February 2012, by the Environmental Health Officer. There was tabled letter, dated 21 February 2012, from Mr A Bridges and Ms J Anderson, 37 Woodburn Road, Dalkeith, also objecting to the grant of the licence.

The Committee heard the Objectors, a representative of the Chief Constable, the Principal Environmental Health Officer and the Applicant, his Agent and Mrs Zarar. During the course of his presentation, the Agent for the Applicant gave assurances that his client was currently investigating ways of ameliorating the harshness of the lighting on the shop front; had carried out works to the shutters to ensure that they could be closed quietly; was willing to endeavour to discourage the congregation of children at the shop; would clear littering at the close of business; and was willing to offer to restrict the hours of operation of the activity from Sunday to Thursday until 11.30pm and Fridays and Saturdays until 12.30am.

Decision

Following a brief adjournment, whilst information about an adjacent activity was sought and reported, to grant the licence subject to the standard conditions and the following:-

- (i) the licence holder shall endeavour (1) to remove any litter outside the property at the close of business; and (2) take steps to ameliorate the harshness of the lighting on the shop front , i.e. subject to receipt of planning permission; and
- (ii) The hours of operation of the activity shall be from Sunday to Thursday until 11.30pm and Fridays and Saturdays until 12.30am.

(c) Market Operator's Licence – Application - Eskdail Court, White Hart Street and Komarom Court, Dalkeith

With reference to paragraph 2(b) of the Minutes of the Special Meeting of 19 January 2012, there was submitted Report, dated 20 February 2012, by the Director, Corporate Resources, concerning an application for a Market Operator's Licence by Scorpion Markets and Mr M Iqbal, 113 Maxwell Avenue, Glasgow, in respect of Eskdail Court, White Hart Street and Komarom Court, Dalkeith on Saturdays and Bank Holidays.

Appended to the report were a site plan; an Access/Egress Plan and method statement prepared by the Head of Commercial Operations; a list conditions imposed on the grant of the licence for the Market in Jarnac Court; and the Fire Officer's recommendations.

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

- (i) the Environmental Health Officer had proposed that, if the Committee were minded to grant the application, the following additional conditions be applied:-
 - (1) all activity on site, including the erection of stalls, shall not commence prior to 0800 hours and shall take place in such a manner as to avoid nuisance;
 - (2) all amplified music and vocals shall be controlled to the satisfaction of the Director, Communities and Wellbeing; and
 - (3) any generators used during the event shall be of a 'silenced' type and shall be located and operated in such a manner as to minimise disturbance and avoid nuisance; and
- (ii) the Applicant had requested that the arrangements for access / egress be altered to provide for one way vehicular access through White Hart Street from Eskdaill Court.

The Chair confirmed that, earlier that day, (1) Cabinet had decided that there be no Market activity in Jarnac Court; and (2) the Applicant had provided a list of proposed additional days including Bank Holidays.

The Committee heard a representative of the Chief Constable; the Business Manager, Roads Services, during which he confirmed that he considered that the passage of vehicles from Eskdaill Court through White Hart Street was acceptable; and the Applicant.

Decision

- (1) To grant the licence on the basis of the amended access/egress arrangements to provide for one way vehicular access through White Hart Street from Eskdaill Court, all subject to the normal conditions, the additional conditions recommended by the Officers and other conditions designed to ensure that the Banksman was readily identifiable and the contact details of the responsible manager were displayed prominently; and
- (2) To delegate to the Director, in consultation with the Chair, consideration and approval of the additional days at Bank Holidays.

(Action: Director, Corporate Resources)

(d) Licensing of Places of Public Entertainment – Regulation of Free to Enter Events

There was submitted Report, dated 14 February 2012, by the Director, Corporate Resources, concerning changes in the legislation relating to the licensing of public entertainment to include free-to-enter events; and possible alterations to the approach taken by the Council. Appended to the report was a list of activities.

In his report, the Director discussed the effect of the amendment of the legislation in the context of the resolution made by Midlothian District Council on 2 June 1983, to license Places of Public Entertainment , namely, “Public dance halls, video machine parlours, billiards, snooker or pool halls, circuses, exhibitions of persons or of performing animals, fun fairs, variety / Musical shows, exhibitions relative to hypnotism, saunas, massage parlours, health clubs and gymnasia” where admission was gained by payment of money or money’s worth; and the potential for consultation on this subject and more widely about other activities.

Decision

- (i) The *status quo* prevail meantime at least until a body of evidence was amassed;
- (ii) The Officers be authorised to enter into public consultation as regards the terms of the existing resolution, covering the types of public entertainment that ought to be included, the kind of premises that ought to be licensed; and any exemptions to hold a licence; and
- (iii) In the meantime, it be remitted to the Director, in consultation with the Chair, to decide whether any borderline activities required to be licensed.

(e) Fixed Steps on Taxis

With reference to paragraph 3(c) (ii) of the Minutes of 6 December 2011, there was submitted report, dated 17 February 2012, by the Director, Corporate Resources, concerning the decision not to permit fixed steps on Taxis and seeking guidance.

Decision

To apply the provision with immediate effect.

(Action: Director, Corporate Resources)

5 Antisocial Behaviour etc. (Scotland) Act 2004 - Procedure for Disposing of Applications for Registration by Private Landlords

The Committee noted report, dated 28 February 2012, by the Director, Corporate Resources, concerning the procedure for considering applications for the Registration of Private Landlords.

**6 Dalkeith Common Good Fund – Requests for Financial Assistance
(a) Kings Park Primary School – Play Equipment**

Sederunt

Councillor Statham, as a parent, declared a non pecuniary interest in the following item of business and took no part in the relative debate.

There was submitted report, dated 27 February 2012, by the Director, Corporate Resources, concerning a request for financial assistance from the Common Good Fund towards the cost of installing play equipment at King's Park Primary School, Dalkeith; and tabled, letter from the School Board outlining the request.

Decision

Following receipt of intimation of notice of withdrawal of the request, to note the report.

(b) St David's Primary School – Class Visit to London

There was tabled report, dated 27 February 2012, by the Director, Corporate Resources, concerning a request by St David's Primary School for financial assistance from the Common Good Fund towards the cost of a pre Olympic Class visit to London in May 2012. Appended to the report was letter, dated 1 March 2012, from Mr C Wedlock, the Class Teacher.

In his report, the Director confirmed current custom and practice in respect of disbursements in respect of travel and accommodation in connection with previous requests.

Decision

- (i) To note the terms of the report; and
- (ii) Without prejudice, to approve the disbursement of £2,000.

(Action: Director, Corporate Resources)

7 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:-

- (a) Private Landlord Registration - Consideration of Application – To continue consideration of the application;
- (b) Taxi Driver's Licence – Consideration of Complaints – To administer a warning to the licence holder in respect of his future conduct;
- (c) Private Hire Car Licences – Consideration of Applications and Request for Suspension – To continue consideration of the relative reports; and
- (d) Private Hire Car Driver's Licence – Resumed Hearing of Application - To continue consideration of the relative report.

The meeting terminated at 4.10pm.