

MINUTES of MEETING of the MIDLOTHIAN COUNCIL GENERAL PURPOSES COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 1 October 2013 at 2.00pm.

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

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

1 Order of Business

The Committee approved an adjustment in the order of business ie that consideration of a report on the Concept of the Overprovision of Houses in Multiple Occupation (HMOs) be considered at the conclusion of the meeting, as described at paragraph 7 below.

2 Minutes

The Minutes of Meeting of 20 August 2013 were approved as a correct record.

3 Civic Government (Scotland) Act 1982

(a) Procedure for Disposing of Applications

There was submitted report, dated 2 September 2013, 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) Temporary Public Entertainment Licence – Welfare Park, Newtongrange

There was submitted report, dated 5 September 2013, by the Director, Resources, concerning an application for a Temporary Public Entertainment Licence by Mr A Newsome, Glasgow, which he had submitted on 13 August 2013 with the intention of operating from from 14 to 17 August 2013 between 6.00pm and 10pm daily and also from 2pm on the Saturday.

In his report, the Director advised that:-

- (i) the applicant had alleged that he had submitted an application in June (of which no trace had been found); and had not posted notice at the site for a period of 21 days to allow representations to be made; and it was a pre-requisite of such applications that permission to use the ground had to be assured and a missive of Let as regards use of the Park for this purpose had been issued on 1 August 2013;
- (ii) the Police, Fire and appropriate Officers had been consulted on the basis of an incomplete application form which the applicant had been asked to complete but had failed to do so; the Police had objected to the grant of the application because of the lateness as it was not possible to process the application in time; and the Environmental Health Service had declined initially to comment but later had confirmed that there was “nothing positive or adverse” to report;
- (iii) there was no procedure which catered for the consideration of applications which were submitted so late and the receipt of an objection made it even more difficult; and it had not been possible to call a meeting of the General Purposes Committee to enable consideration of the application at a Hearing; and
- (iv) following consultation with the Chair and the Local Members, the application had been granted, subject to the standard conditions; and Mr Newsome and the Scottish Section of the Showman’s Guild had been advised that in future, if an application for the let of ground was not submitted well in advance, the use of the facility would not be granted; and, accordingly, any application for a licence would not be capable of being processed.

Decision

- (1) To note the report;
- (2) To endorse the grant of the application;
- (3) To approve for its interest the proviso as regards the need for timeous notice; and
- (4) To ask Officers to investigate the feasibility of introducing a streamlined cost – neutral joint application process for both the ground and the licence and report back.

(Action – Head of Customer Services)

4 Smeaton Opencast Coal Fund

With reference to paragraph 6(c) of the Minutes of 21 May 2013, there was submitted report, dated 3 September 2013, by the Director, Resources, concerning the disbursement of the residual balance contained in the Smeaton Opencast Coal Fund.

In his report the Director confirmed that there had been no other requests for assistance; and following consultation with the Land Services Manager, a site visit for the Local Members had taken place on 2 September 2013, after which it had been agreed to recommend that the balance remaining in the Fund be committed to the purchase of two metal benches costing £800 each, sited between the school campus and the Midlothian boundary.

Decision

- (i) To note the report; and
- (ii) To adopt the recommendation that the balance remaining in the Fund be committed to the purchase of two metal benches costing £800 each, to be sited between the school campus and the Midlothian boundary.

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

Decision

Private Hire Car Driver's Licences (2) - Consideration of Applications – Refused as the Applicants were not fit and proper persons to be the holders of licences.

Sederunt - Reumption of Public Business

At is point, the Committee resumed in public session (2.36pm).

6 Housing (Scotland) Act 2006 - Procedure for Disposal of Applications for Licences for Houses in Multiple Occupation – Concept of Overprovision

With reference to paragraph 5(b) of the Minutes of 8 January 2013, there was submitted report, dated 18 September 2013, by the Director, Resources, concerning developments in relation to the request for guidance on the feasibility of introducing an Overprovision Policy in respect of Houses in Multiple Occupation (HMOs).

In his report, the Director confirmed:-

- (a) the background to the previous consideration of the matter;
- (b) that research that had been carried out;
- (c) the effect of the implementation of similar provisions contained in liquor licensing and planning regulations; and

(d) the probability of appeals against decisions made on the basis of overprovision.

Appended to the report was the Director's report, dated 25 October 2012.

Maps showing the locations of HMOs throughout Midlothian were on display.

Having heard the Officers present, the Committee agreed to remit to a Joint Working Group comprising Councillors Muirhead, Thompson and Baxter and appropriate Officers, to formulate a draft policy and report back in relation to Overprovision in respect of HMOs, taking into account census related material and other factors eg Housing trends and the increased demand for accommodation of this nature, the rise in the amount of demand for single occupancy dwellings, the sometimes detrimental effect and perceived disbenefit to established communities of increases in temporary accommodation, the potential need for examination of the topic on as low a denominator as a street by street analysis, all with a view to providing for evidence based decision making.

Sederunt Following a brief discussion through the Chair, involving the Principal Solicitor and Councillor Beattie and her potential interest in this item as an HMO licence - holder in Edinburgh, the latter left the meeting during discussion of the item (2.43pm).

The Meeting terminated at 3.08pm.