

# Notice of meeting and agenda



## General Purposes Committee

**Venue:** Council Chambers, Midlothian House, Dalkeith, EH22 1DN

**Date:** Tuesday, 15 November 2016

**Time:** 14:00

**John Blair**  
Director, Resources

**Contact:**

Clerk Name: Verona MacDonald

Clerk Telephone: 0131 271 3161

Clerk Email: [verona.macdonald@midlothian.gov.uk](mailto:verona.macdonald@midlothian.gov.uk)

**Further Information:**

This is a meeting which is open to members of the public.

**Audio Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting, including publication via the internet. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.**

<b>1</b>	<b>Welcome, Introductions and Apologies</b>	
<b>2</b>	<b>Order of Business</b>	
<b>3</b>	<b>Declarations of Interest</b>	
<b>4</b>	<b>Minutes of Previous Meeting</b>	
4.1	Minute of Meeting of 4 October 2016 Public	<b>4 - 5</b>
4.2	Minute of Meeting 4 October 2016 Private	
<b>5</b>	<b>Public Reports</b>	
5.1	Suitability of Electric Cars - Report by Director, Resources	<b>6 - 8</b>
5.2	Street Naming and Numbering - Report by Director, Resources	<b>9 - 21</b>
5.3	Civic Government (Scotland) Act 1982 - Procedure for Disposal of Applications for Licences - Report by Director, Resources	<b>22 - 25</b>
<b>6</b>	<b>Private Reports</b>	
6.1	Application for a Private Hire Car Driver's Licence - W. McKinney	
	<ul style="list-style-type: none"> <li>• 3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.</li> <li>• 6. Information relating to the financial or business affairs of any particular person (other than the authority).</li> <li>• 14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</li> </ul>	
6.2	Application for a Private Hire Car Driver's Licence - S. Mitchell	
	<ul style="list-style-type: none"> <li>• 3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.</li> <li>• 6. Information relating to the financial or business affairs of any particular person (other than the authority).</li> <li>• 14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</li> </ul>	
6.3	Application for a Window Cleaner's Licence - A. Pearson	

- 3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
- 6. Information relating to the financial or business affairs of any particular person (other than the authority).
- 14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.



## General Purposes Committee

Date	Time	Venue
4 October 2016	2 pm	Council Chamber

### Present:

Councillor Andrew Coventry (Chair)	Councillor Baxter
Councillor Bennett	Councillor Bryant
Councillor Constable	Councillor Johnstone
Councillor Muirhead	Councillor Parry
Councillor Pottinger	Councillor Rosie
Councillor Russell	Councillor Young
Councillor Wallace	

### In attendance:

Alan Turpie	Legal Services Manager
Inspector Smith	Police Scotland
Verona MacDonald	Democratic Services Team Leader

### 1. Apologies

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1.1 Apologies were received from Councillors Beattie, Imrie, Milligan and Montgomery.

### 2. Order of Business

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2.1 The order of business was confirmed as outlined in the agenda circulated.

### **3. Declarations of interest**

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There were no Declarations of Interest intimated.

### **4. Minutes of Previous Meetings**

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4.1 On the Motion of Councillor Rosie, seconded by Councillor Johnstone, the Minutes of Meeting of 23 August 2016 were approved as a correct record.

### **5. Public Reports**

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It was noted that there were no public reports for consideration.

#### **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 1 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-**

- 6.1 Trusts and Bequests Update – Report by Director, Resources
- 6.2 Application for a Private Hire Car Driver's Licence – W. McKinney
- 6.3 Application for a Private Hire Car Driver's Licence – D. Denton
- 6.4 Application for a Private Hire Car Licence – D. Denton

The Meeting terminated at 2.55 pm

**Taxis and Private Hire Cars  
Suitability of Electric Vehicles****Report by Director, Resources****1 Purpose of Report**

The purpose of this report is to ask the Committee to consider whether electric and hybrid vehicles should be licensed as Private Hire Cars or Taxis and to agree any consequential changes to the Licensing Conditions for Taxis and Private Hire Cars.

**2 Background**

- 2.1** The Council's Conditions of Licensing of Taxis, Private Hire Cars and Drivers require that for private hire cars the vehicle must have an engine capacity of 1600cc. The conditions assume that vehicles will be powered by liquid petroleum fuel and the wording effectively precludes the use of electric vehicles as these cars do not have an engine capacity as such.

Technology around electric vehicles has advanced considerably since the Conditions were last reviewed. Electric and hybrid cars are cheaper to run and reduce emissions and air pollution. The Energy Savings Trust advise that there are 140 rapid charging points in Scotland and over 600 other (less powerful) chargers. In addition the Trust has a system of grants to provide private hire and taxi drivers with free home charging points.

Midlothian Council is one of only 7 local authorities in Scotland who do not allow electric or hybrid vehicles to operate as Private Hire Cars.

Should the Committee be minded to allow electric and hybrid vehicles to operate as private hire cars then Condition 14 of the Conditions which states "The vehicle must have an engine capacity of not less than 1600cc" will need to be replaced.

It is considered that a power to weight ratio which divides the Brake Horse Power by the vehicle weight is a more accurate method of assessing a vehicle's power and consequent ability to carry a full load of passengers.

Tests by the Taxi Assessment Centre on behalf of the City of Edinburgh Council have indicated that a power to weight ratio of 0.0690 hp per kp would be sufficient to allow a vehicle to be used in a commercial capacity.

Accordingly, if the Committee are so minded, it is recommended that the following words replace the existing condition 14 for private hire cars:

“The vehicle must have an engine capacity with a “Power to Weight” ratio equal to or greater than 0.0690 hp per kg.”

### **3 Report Implications**

#### **3.1 Resource**

There are no resource implications arising from this report. Inspections by the Taxi Examination Centre are covered by the application fee.

#### **3.2 Risk**

There are no risk implications. Vehicles will continue to be examined by the taxi Examination Centre to ensure they are fit for purpose.

#### **3.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- Community safety
- Adult health, care and housing
- Getting it right for every Midlothian child
- Improving opportunities in Midlothian
- Sustainable growth
- Business transformation and Best Value
- X None of the above

#### **3.4 Key Priorities within the Single Midlothian Plan**

Not applicable

#### **3.5 Impact on Performance and Outcomes**

Not applicable

#### **3.6 Adopting a Preventative Approach**

Not applicable

#### **3.7 Involving Communities and Other Stakeholders**

Not applicable

#### **3.8 Ensuring Equalities**

Not applicable

#### **3.9 Supporting Sustainable Development**

The ability to licence vehicles which are potentially less damaging to the environment will have a positive effect.

#### **3.10 IT Issues**

There are no IT issues arising from this report.

### **4 Recommendations**

The Committee is asked to

a) consider whether to allow electricity powered vehicles (including hybrid vehicles) to be licensed as Private Hire Cars or Taxis; and

b) if so minded to licence electric vehicles as above, to amend Condition 14 for private hire cars to read:

“The vehicle must have an engine capacity with a “Power to Weight” ratio equal to or greater than 0.0690 hp per kg.”

**Date 01 November 2016**

**Report Contact:**

Name Alan Turpie Tel No 0131 271 3667

[alan.turpie@midlothian.gov.uk](mailto:alan.turpie@midlothian.gov.uk)

**Background Papers: None**



## **Street Naming and Numbering – Policy and Procedure**

### **Report by John Blair, Director, Resources**

#### **1 Purpose of Report**

Approve a Council policy for street naming and numbering in Midlothian.

#### **2 Background**

- 2.1** In terms of Section 97 of the Civic Government (Scotland) Act 1982, the Council is the responsible authority for the naming of streets and the numbering of properties. In terms of the Scheme of Administration, these functions are remitted to the Director, Resources and carried out by the Democratic Services Team at no cost to the developers and/or the property owners.
- 2.2** The majority of applications received relate to new developments, such as larger developments by national house-builders or single houses, proposed by individuals. Occasionally, a street renaming or renumbering exercise may also be required to avoid or ease confusion and/or duplication.
- 2.3** Presently there is no approved policy and procedure for undertaking this service. The proposed Policy for street naming and numbering (Appendix I) aims to set out a framework for street naming in Midlothian.
- 2.4** The Council does not currently charge for this service. A review of the service provided by other Councils in Scotland has identified that a number of them charge for this service. This takes the form of an administrative charge associated with the provision of the service. Any income generated by the service contributes towards the Council's responsibility to, where possible, maximise its income thus ensuring best value for the public purse whereby tasks undertaken in this regard are met from money generated by applications.

### **3 Report Implications**

#### **3.1 Resource**

The Council aims to provide an efficient street naming and property numbering service, minimising delays in connecting new properties to the main utility providers via electronic means.

#### **3.2 Risk**

There are no additional risk implications arising from the proposals within this Report.

#### **3.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- Community safety
- Adult health, care and housing
- Getting it right for every Midlothian child
- Improving opportunities in Midlothian
- Sustainable growth
- Business transformation and Best Value
- None of the above

#### **3.4 Key Priorities within the Single Midlothian Plan**

Not applicable

#### **3.5 Impact on Performance and Outcomes**

The approval of a procedure for the naming and numbering of streets involving all stakeholders will enhance performance in respect of the processing and final outcome.

#### **3.6 Adopting a Preventative Approach**

The approval of a procedure for naming and numbering of streets should prevent delays occurring in the processing of requests whereby officers within the Council are aware of the adopted procedure and their role in it.

#### **3.7 Involving Communities and Other Stakeholders**

This report has been prepared in conjunction with colleagues with responsibility for roads, the Corporate Address Gazetteer and planning.

#### **3.8 Ensuring Equalities**

Not applicable

#### **3.9 Supporting Sustainable Development**

Not applicable

### **3.10 IT Issues**

Not applicable

## **4 Recommendations**

- 4.1 The Committee is requested to approve the Policy and Procedure for Street Naming and Numbering contained in Appendix I hereto including the level of charges for carrying out the function, with effect from 1 April 2017.
- 4.2 The proposed charges levied be included in the annual review of charges made by the Council for services provided undertaken by the Director, Resources as part of the annual budget setting process.

**Date 30 September 2016**

### **Report Contact:**

Name Verona MacDonald      Tel No 0131 271 3161  
[verona.macdonald@midlothian.gov.uk](mailto:verona.macdonald@midlothian.gov.uk)

### **Background Papers:**

**Appendix I – Policy and Procedure for Street Naming**  
**Appendix II – Application Form**  
**Appendix III – Proposed Fees**

**APPENDIX I**



**Resources Directorate**

**Civic Government (Scotland) Act 1982 - Section 97  
Street Naming and Numbering Policy and Guidelines**

**CONTENTS**

- 1 Introduction**
- 2 Procedure**
- 3 Street name principles**
- 4 House Names**
- 5 Postal Addresses**
- 6 Street Name Plates**
- 7 Application Forms and Associated Documents**

## 1 Introduction

- 1.1 This document sets out Guidelines for Street Naming and Numbering in Midlothian to which the Council in terms of Section 97 of the Civic Government (Scotland) Act 1982 has responsibility for.
- 1.2 The naming of streets contributes to a sense of place and belonging. Naming and numbering is very important to enable residential and commercial properties to be easily identified by family, friends and customers; for mail deliveries and by medical and emergency services.
- 1.3 In relation to new build properties, addresses can be requested very early to enable the processes associated with the marketing and sale to be undertaken and the setting-up of connections to various utilities to be complete. Some utility companies will not connect their services until a formal postal address is provided. It is therefore imperative that developers submit applications for new addresses as early as possible in the process to avoid delays.
- 1.4 When submitting an application a developer must confirm that the plans submitted show the development in its final layout thus ensuring that the Council is able, in the first instance, to allocate a street name and individual number to each proposed property therein. If a developer is unable to confirm this or provides advice that the final layout may differ from what has been lodged, the Council, shall in the first instance, allocate a street name which will not change but use the plot numbers assigned by the developer in place of allocating street numbers. Upon final completion of the street, the developer shall lodge a second application with plans showing the final layout and request the Council to allocate numbers to the properties. It is thereafter the responsibility of the developer and any subsequent purchaser of the properties to ensure that utility companies are advised of the change from plot to street number.
- 1.5 In terms of the Scheme of Administration the street naming process is delegated to the Director, Resources in consultation with the Provost.
- 1.6 All applications should be lodged on the form approved by the Council for this purpose. Only fully completed forms with the necessary accompanying documents will be accepted for processing
- 1.7 Street naming and numbering is managed by the Resources Directorate – Democratic Services Team, Midlothian House, Buccleuch Street, Dalkeith (Tele: 0131 270 7500; Email [democratic.services@midlothian.gov.uk](mailto:democratic.services@midlothian.gov.uk))

1.8 Once a street name has been approved, details will be issued to the following and the street name/address will be entered in the Corporate Address Gazetteer maintained by the Council –

- The Applicant
- The Royal Mail
- Scottish Ambulance Service
- Scottish Fire and Rescue Service
- Police Scotland
- Lothian Valuation Joint Board
- Scottish Gas Network
- Relevant internal Council services

## **2 Procedure**

2.1 Application received from developer.

2.2 Acknowledge application

2.3 Where a development consists of flatted accommodation, if access is not clearly detailed consult with developer over accesses to these properties to ensure that addresses are allocated to the correct street and that numbering/lettering is applied consistently in each block of flats.

2.4 From the list of approved names for the area and in consultation with the Provost a street name is identified.

2.5 Apply the street name by marking on a copy of the plan. If the developer has confirmed that no alterations will be made to the development in terms of changes to the total number of houses or the location of the houses within the development, numbers will also be allocated. Should any changes be proposed or envisaged the street will be named and the plot numbers will remain in place until the development is complete. Where a street is totally self contained this may be suitable for consecutive numbering. Other streets will have odd numbers on the left-hand-side and even numbers on the right-hand-side. The allocation of numbers must be such that 2 adjacent buildings cannot have the same property number albeit in different streets.

2.6 Notification of the street name and numbers is sent to the Royal Mail for allocation of a postcode.

2.7 Upon receipt of the allocated postcode from Royal Mail, notification is sent to all interested parties (as detailed in 1.8) and to the applicant.

### 3 Street Name Principles

3.1 An identified street name should meet at least one or more of the following categories:

- Aimed at preserving a historical name associated with the area, field or a previous building on the site
- Commemorate local history, places, events or culture;
- Honour and/or commemorate noteworthy persons associated with the local area or the wider Midlothian district by use of their surname and only in exceptional circumstances will consideration be given to also using a first name. Consideration should be given as to the likelihood of the name being recognised in the area and applied only where it is decided that the local community will appreciate why the street was named after the individual;
- Commemorate national and international noteworthy persons or events;
- Recognise native wildlife, flora or natural features related to the community or wider Midlothian area;

3.2 An identified street name should not:

- Duplicate a street name except in the circumstances of a street encompassing a flatted development which is attached to the existing street, whereby the flatted development may be given the same name with its uniqueness being identified by using a different suffix such as Place, Court or Way. For example Midlothian Road encompasses a flatted development named Midlothian Place
- Be used with different suffixes in the circumstances where confusion may occur in a large development and under such circumstances different street names and suffixes should be considered.
- Be the surname of a living or very recently deceased person
- Be similar in sounding or closely resemble an existing street name ie Beach Avenue or Beech Avenue
- Be cumbersome, corrupted or modified, discriminatory or derogatory from the point of view of race, sex, colour, creed, political affiliation or other social factors;
- Encourage defacing of the street name plate;
- Contain an abbreviation or punctuation with the exception of "St" for Saint

3.3 Street name suffixes – a street suffix is the word that follows the name of a street to further describe that street. The following principles will apply:

- Drive, Road, Street – for distributor and access routes
- Brae, Heights, Hill, Lea, View – for streets on a gradient or at the top of a hill
- Crescent – crescent shaped roads
- Avenue – tree lined roads
- Square – for a street forming a square
- Path, Lane, Walk, Way, Wynd – for small streets or paths that are not straight
- Gardens, Park – for streets dominated by an area of grass or park
- Close, Court, Grove, Place – for small streets and cul-de-sacs
- Terrace – for a street that is predominantly consisting of a terrace of houses

#### **4 House Names**

4.1 The naming of a house is not covered by the Civic Government (Scotland) Act 1982 and responsibility for the name lies with the owner of the property. Where a house number has been allocated, a name can be added to the address held.

4.2 Following a request from an owner of a property, in the form of an application, Democratic Services will arrange for the Royal Mail address list and the Council's Address Gazetteer to be amended and inform all services as listed in 1.8 above.

4.3 Democratic Services can assist by providing advice on suitable house names to help avoid duplication or confusion. Any request for a house name that could be construed as offensive or alarming will be rejected

#### **5 Postal Addresses**

5.1 The Royal Mail does not assign a postcode until Midlothian Council has notified them with a property address.

5.2 Details of postcodes or full postal addresses can be obtained by contacting Royal Mail or on their website [www.royalmail.co.uk](http://www.royalmail.co.uk).

5.3 For any complaints relating to the delivery of mail the occupier of a property should contact Royal Mail Customer Services.

5.4 Royal Mail allocates a postcode and post town to any property that they deem to receive mail.



## **6 Street Name Plates**

- 6.1 In the case of new developments, a developer will arrange for name plates which must comply with the Council's standard specification to be erected, the cost of which will be borne by the developer. The approved standard specification is annexed hereto.
- 6.2 Each street must be clearly signposted with nameplates being positioned at principal junctions so as to be easily readable by both pedestrians and drivers. If considered necessary by the Council, a developer shall add to the nameplates an indication as to the applicable numbering within the road or reference to a leading street (this is applicable where a street may be split by another).

## **7 Application Forms and Associated Documents**

- 7.1 Application form for requesting a street name
- 7.2 List of fees
- 7.3 Standard specification for street name plates in Midlothian



APPENDIX II

# Application for Street Naming Property Numbering or Property Naming.

Office use only  
Item 5.2  
Date:  
Payment:  
Ref.:

## Civic Government (Scotland) Act 1982 Section 97

### 1. Applicant's Details

Title:	Forename:	Surname:
Company Name:	Building no./Name	
Address:		Post Code:
Telephone:	Ext:	Mobile:
Fax:	Email:	

### 2. Agent's Details (NB if completed all correspondence will be through named Agent)

Title:	Forename:	Surname:
Company Name:	Building no./Name	
Address:		Post Code:
Telephone:	Ext:	Mobile:
Fax:	Email:	

### 3. Addressing Requested

- New street names and postal numbering of new property  (Go to Section 4)
- Postal numbering of new property where Street name already allocated  (Go to Section 4)
- Naming only of new property (where Property numbering is not possible)  (Go to Section 5)
- Adding a Name to an existing property  (Go to Section 5)

#### 4. Street Naming and Postal Numbering of New Property

Planning Application No:		Building Warrant Application No:	
Number of Streets to be addressed:		Number of Plots/Units:	
Existing Street(s):	YES*	NO	*Please enter street names already allocated below
Existing Street Name(s):			

#### 5. Postal Numbering/Naming of Property

Planning Application No:		Building Warrant Application No:	
Number of Plots/Units:		Existing Property:	YES NO
Existing House No (if applicable)		Existing Street Name:	

(Where Property numbering is not possible a name will be allocated to the property please indicate below any preference)

1 <sup>st</sup> Choice Proposed House/Building Name:	
2 <sup>nd</sup> Choice Proposed House/Building Name:	

#### 6. Documentation required

Please provide copies of the following documentation with your application

- a One copy of the location plan showing the site in relation to surroundings at a scale of not less than 1:1250 outlining the development clearly
- b One copy of the site plan showing the layout and position of accesses to individual units with PLOT numbers (including stair details for flatted and multi-storey developments)

Completed application forms should be sent to:

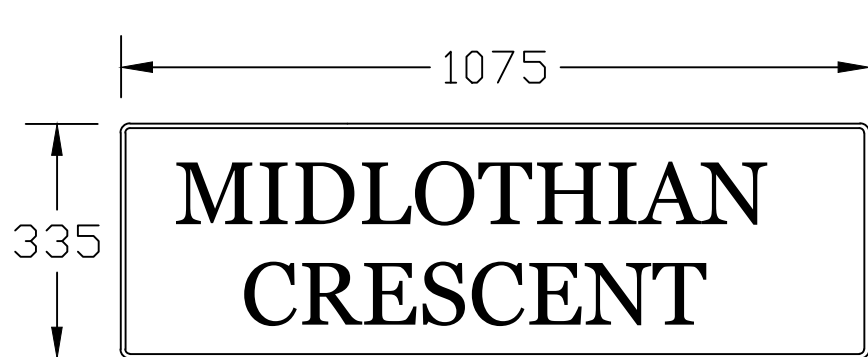
**Democratic Services Team  
Resources,  
Midlothian Council,  
Midlothian House,  
Buccleuch Street,  
Dalkeith,  
EH22 1DN**

**Tel: 0131 270 7500**  
**Email: [DemocraticServices@midlothian.gov.uk](mailto:DemocraticServices@midlothian.gov.uk)**

## Midlothian Council

### Proposed Fees for Street naming, numbering and house naming

<b>Naming of New Street/Streets</b>	£125
<b>Naming/Numbering of New Properties or Alterations to existing Buildings</b>	
1 Property	£50
2 - 10 Properties	£100
11 - 25 Properties	£150
26 - 50 Properties	£250
51 - 80 Properties	£350
80 - 100 Properties	£400
81 – 100	£450
121 – 150	£550
200 + Properties	£600 plus additional £15 per plot
Subsequent application for the allocation of numbers to a development previously assigned plot numbers	As listed above minus the Naming per Street Fee
Allocation of a house name or renumbering/change of address	£50



90mm LETTERS



90mm and 60mm LETTERS

**Notes:-**

Letters to be 90mm or 60mm high  
'Georgia' typeface to be used for text.

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MIDLOTHIAN COUNCIL  
RESOURCES

Midlothian Street nameplates  
Samples

ROAD SERVICES MANAGER  
MIDLOTHIAN HOUSE  
BUCCLEUCH STREET  
DALKETH, EH22 1DN  
TEL No. 0131 270 7500



Road Safety  
Transport Policy

DATE:- Aug 2016  
SCALE:- NTS

DRAWN BY:- JB  
CHECKED BY:- DK

Drg. No.:-

A4

**Civic Government (Scotland) Act 1982  
Procedure for Disposal of Applications for Licences**

Report by Director, Resources

**1 Purpose of Report**

This report outlines the procedure to be adopted for a Hearing; and this report should be considered along with each application.

**2 Procedure for Considering Applications at Hearings**

The Procedure for considering applications is as follows:-

- 1 The objectors are given the opportunity to explain the basis of their objection (copies of the representations have been previously circulated to the applicant).
- 2 The applicant and the Members are given the opportunity to question the objectors.
- 3 The applicant is given the opportunity to speak in support of the application; and respond to the comments which have been made.
- 4 The objectors and the Members are given the opportunity to question the applicant.
- 5 The objectors and then the applicant are given the opportunity to sum up.
- 6 The Committee take a decision on the matter in the presence of the applicant and the objectors. The Committee may first adjourn but only for the expressly stated purpose of seeking procedural or legal advice (normally from the Clerk or Legal Adviser) and not for the purpose of taking the decision in private. The reasons for making the decision should be explained when conveying the decision.

**3 Disposal of Applications for Licences**

In disposing of an application for the grant of a licence the Committee may:-

- (a) grant the licence unconditionally;

- (b) grant the licence subject to conditions; or
- (c) refuse to grant the licence.

The Committee may refuse an application for a licence if, in their opinion –

- (i) the applicant or any other person responsible for the management of the activity is not a fit and proper person to be the holder of the licence;
- (ii) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant of such a licence if he made application himself;
- (iii) where the application relates to premises, those premises are not suitable or convenient for the activity having regard to –
  - (i) the location, character or condition of the premises;
  - (ii) the nature and extent of the proposed activity;
  - (iii) the kind of persons likely to be in the premises;
  - (iv) the possibility of undue public nuisance;
  - (v) public order or public safety; or
- (iv) there is other good reason for refusing the application.

Otherwise the Committee must grant the application.

If the Committee grant conditionally or refuse the application, the applicant has the right of appeal to the Sheriff. The Sheriff may uphold an appeal only if he considers that the Licensing Authority in arriving at their decision:-

- (a) erred in law;
- (b) based their decision on any incorrect material fact;
- (c) acted contrary to natural justice; or
- (d) exercised their discretion in an unreasonable manner.

There is no right of appeal against the Council's decision in relation to applications for Temporary Licences.

#### **4 Spent Convictions**

Where the Chief Constable intends to libel convictions which are 'spent', if the Committee agree that justice could not be done without disclosure of these, the spent convictions shall be heard and details will be circulated if so agreed together with the report.

#### **5 Treatment of Fixed Penalties, Police Warnings and other Alternatives to Prosecution**

In terms of the Rehabilitation of Offenders Act 1974 certain convictions become "spent" after several years and cannot be considered by Committee ie with the exception of taxi and private hire car drivers, which Licensing Authorities were permitted to consider;

Representations by the Chief Constable either objecting to applications or seeking suspension may also contain details of conduct of the applicant which are not convictions, classed as ATPs, the main types of which included (1) warnings given by the Police or Procurator Fiscal; (2) Conditional Offers and Compensation Offers made by the Procurator Fiscal under Section 302 of the Criminal Procedure (Scotland) Act 1995; (3) a Fixed Penalty offered by the Police under Section 129 of the Antisocial Behaviour etc (Scotland) Act 2004; and (4) certain foreign warnings or fixed penalties;

ATPs are "spent"; warnings become "spent" as soon as they are issued; and the remainder are regarded as "spent" within three months of issue;

Most ATPs appearing on such objections will be "spent"; offences that resulted in ATPs which are "spent" cannot be considered by the Committee; and the exemption allowing the Committee to consider "spent" convictions did not apply to ATPs;

The Chief Constable can ask the Committee to consider "spent" ATPs, by exercising discretion under Section 7(3) of the Rehabilitation of Offenders Act 1974, which permits the Committee to consider them if it is satisfied that justice cannot be done except by considering them ie subject to the driver being asked for a view as to whether the information should be submitted (and before the Committee decide whether or not to consider any ATPs);

Many road traffic offences are dealt with through the issue of Conditional Offers of Fixed Penalties under the Road Traffic Offenders Act 1988 which are not ATPs and therefore can be considered by the Committee.



Letters from the Chief Constable objecting to applications may also contain details of complaints and allegations against the driver which have not resulted in conviction or ATPs and details of pending criminal court cases; and as these are not convictions or ATPs, can be considered by the Committee.

## **6 Recommendations**

The Committee is recommended to note the terms of the report.

**J BLAIR**  
**Director**

**Contact Person:** A Turpie      **Tel No:** 0131 271 3667  
**Background Papers:** File (CG(S)A 1982)