

# Minute of Meeting



## General Purposes Committee

Date	Time	Venue
19 November 2019	10.00 am	Council Chamber, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Smaill (Chair)	Councillor Alexander
Councillor Baird (up to Item 6.1)	Councillor Curran
Councillor Hackett	Councillor Hardie
Councillor Imrie	Councillor Johnstone
Councillor Lay-Douglas	Councillor McCall
Councillor Muirhead	Councillor Munro
Councillor Russell	

### In attendance:

Alan Turpie, Legal Services Manager	Verona MacDonald, Democratic Services Team Leader
Inspector J. Morrison, Police Scotland	Sergeant John Fortune, Police Scotland
Andy King, Senior Enforcement Officer, Midlothian Council	Alan Heatley, Roads Services, Midlothian Council (for Item 6.4 only)
Edel Ryan, Environmental Health Manager, Midlothian Council (for Item 5.2 only)	

### 1. Apologies

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Apologies for absence were received for Councillors Cassidy, Milligan, Parry, Wallace and Winchester.

## 2. Order of Business

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The order of business was as set out on the Agenda. It was noted that the Chair had accepted a late report for consideration under Item 5 and that this was due to the urgency to consider a proposed change to a procedure affecting over 150 applications for landlord registration.

The Chair advised the Legal Services Manager also wished to raise an additional matter relating to a consultation process and this would also be done at Item 5.

## 3. Declarations of interest

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Councillor Curran indicated he would be declaring an interest in the applications on the agenda relating to private hire and taxis on the basis of his business interests in the taxi trade. Councillor McCall advised she would be declaring an interest in the additional item relating to landlord registration because she is a landlord of one property.

## 4. Minute of Previous Meeting

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Following consideration, the full Minute of the Meeting held on 8 October 2019 was unanimously approved and the Chair was authorised to sign as a correct record of the meeting.

## 5. Public Reports

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**Sederunt: Prior to the following matter, Councillor Curran, having previously intimated a declaration of interest, left the meeting**

### Proposed Public Consultation – Setting of a limit on the number of Private Hire Licences and Review of Taxi Fares

The Legal Services Manager advised that at a recent meeting with members of the private hire trade discussion had taken place with regard to the setting of a limit on the number of private hire licences granted. He further noted the requirement in terms of the legislation for a review of taxi fares. He sought guidance from the Committee as to whether they would wish him to provide a report noting the need for a public consultation or whether they were content that the public consultation proceed with a report thereafter.

Following a brief discussion, it was unanimously agreed that the Legal Services Manager proceed with arrangements for the public consultation and report back to the January 2020 meeting on the findings.

### **5.1 Private Hire Cars – Passenger Capacity – Continued from previous meeting for attendance of the Taxi Examiner**

The Chair reminded Members of the decision at the last meeting to invite the Taxi Examiner to attend the meeting with regard to how passenger capacity numbers for private hire vehicles is calculated with particular reference to vehicles which have fold away seats in the rear luggage space. He noted Mr Robert Grieve of

the Taxi Examination Centre was present and invited him to address the meeting. Mr Grieve advised he had been a senior examiner for over 5 years. It had become apparent vehicles with fold away seats only suitable for children or very small people had previously been licensed to include the use of these seats in the overall capacity set for the vehicle. He explained each vehicle presented for inspection is checked and this includes the type and size of the seats. The majority of fold away seats fitted in vehicles are small and close to the floor and designed for families with small children. He explained that adults have difficulties getting in and out of fold away seats and when the seats are used the vehicle would then breach the terms of the Council's standard conditions which include the need for luggage space. He stated that had not failed a vehicle which had been previously passed and had not reduced the passenger capacity in these vehicles. He had however provided advice to the operators of the vehicles that, when they changed the vehicle, they should be aware that any new vehicle presented for examination would not meet the terms of the standard conditions. He confirmed the same rule is in force in respect of vehicles licensed by City of Edinburgh and West Lothian Councils. Councillor Imrie enquired what would happen if an operator used the fold away seats to accommodate passengers. Mr Grieve advised that the operator would be in breach of the terms of the licence which specifies the maximum number of passengers which can be accommodated in the vehicle. Councillor Hackett enquired whether the change to the assessment for passenger capacity is notified to operators. Mr Grieve advised that operators do check with the Taxi Examination Centre prior to purchasing new vehicles and are told which vehicles are suitable. Councillor Johnstone asked whether there was a published criteria for anyone thinking about coming into the private hire trade which stipulated things such as seat size and leg room. Mr Grieve advised that neither formed part of the Council's standard conditions but that there was a requirement to have space for luggage and if this was not available this was a breach of the licence. Councillor Muirhead advised that the decision to change the passenger capacity criteria did not come through the Committee but it has been viewed as a policy change and there should be criteria available for potential holders of these licences. Mr Grieve agreed that there was a need for an urgent review of the conditions and that they needed to be more specific. Councillor Hackett asked how different Midlothian's conditions were to the other 2 Councils who used the Taxi Examination Centre. Mr Grieve confirmed that the 3 Councils had very different standard conditions. Councillor Muirhead suggested that the way forward was to enter into dialogue with the other 2 Councils with a view to having one set of conditions relating to the 3 Councils. The Chair suggested that a comparison exercise be undertaken to see if the conditions could become more standard across the 3 Councils. Mr Turpie agreed to take the matter forward as part of the overall review of the standard conditions. Mr Grieve then asked for clarification as to what he should do in the interim relating to assessing passenger capacity. The Committee unanimously agreed that it was a matter for the Examination Centre to determine the suitability of vehicles including passenger capacity.

**Sederunt: Prior to the following item, Councillor McCall, having previously declared an interest left the meeting. Councillor Curran re-entered the meeting**

## **5.2 Landlord Registration – Report by Director, Education, Communities and Economy**

The Chair referred to the report circulated separately from the agenda with regard to a change in the procedure for landlord registration applications including renewal applications.

Edel Ryan, Environmental Health Manager spoke to the terms of the report and advised that the current arrangements had been in place since approved by the Committee on 1 April 2014. However, following changes within the Council including the deletion of the Community Safety Team, a new mechanism to determine landlord registration applications required to be adopted. She explained that the Private Rented Housing (Scotland) Act 2011 had amended the original legislation – Antisocial Behaviour etc (Scotland) Act 2004, whereby local authorities could only exercise the right to require a criminal record certificate to be provided by the applicant if there is “reasonable grounds to suspect that the information provided within an application for entry in the Register is or has become inaccurate”. She further noted that the Scottish Government guidance states that in the absence of negative information or legitimate concerns about an applicant, an application should be approved without further scrutiny and that this was in the spirit of the legislation which provided for a means to identify and deal with the worst landlords but not to place every landlord under an initial presumption of unfitness. It was therefore proposed that the fit and proper person checks will be undertaken by the Environmental Health and Trading Standards teams and where any concerns are raised about an applicant, these cases only will be referred to Police Scotland for consideration. She further confirmed that in response to an amendment in the statutory guidance a new range of detailed checks will be introduced for 10% of applications in relation to “prescribed information”. This check will enable further scrutiny of the applicant’s compliance with general aspects of the legislation. A further report in this regard will be submitted to a future meeting of the Committee.

Questions were then put by Councillors Imrie and Johnstone and answered by Mrs Ryan.

Thereafter, the Committee unanimously agreed the new procedure of internal checks in relation to all new and renewal applications by Environmental Health and Trading Standards, with referral to Police Scotland where information may raise concern about a new applicant or an existing landlord.

## **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 item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraphs 3, 6 and 14 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-**

- 6.1 Application for a Second Hand Car Dealer’s Licence – M. Ali
- 6.2 Application for a Private Hire Car Driver’s Licence – E. Harvie
- 6.3 Application for a Second Hand Dealer’s Licence – B. McCallum
- 6.4 Application for a Street Trader’s Licence – S. McKenzie

The meeting terminated at 11.35 am