



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE**

**THURSDAY 14 OCTOBER 2021
ONLINE DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor C McGinn
Councillor J Findlay
Councillor J Henderson
Councillor J McMillan
Councillor J Williamson

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms C Aitken, Licensing Officer
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Ms F Haque, Solicitor
Mr B Moffat, Service Manager – Transport and Waste
Mr A McLellan, Senior Transport Officer
Ms R Pringle, Senior Housing Strategy Officer
Ms E Clater, Service Manager – Children and Young People's Community Resources

Others Present:

None

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor T Trotter

Declarations of Interest:

None

The Convener announced that a piece of urgent business would be brought before the Sub-Committee, which related to the removal of the requirement for the display of a public notice for an HMO application. The Convener advised that the business could be considered urgent because the properties in question would be ready too late for the incoming unaccompanied asylum seeking children should a decision be left until the following meeting. The Sub-Committee agreed to hear this private business as the last item on the agenda.

1. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 9 SEPTEMBER 2021

The minutes were approved as an accurate record of the meeting.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Committee agreed to exclude the public from: item 2 in terms of paragraph 6 (information relating to the business affairs of particular persons); item 3 in terms of paragraph 3 (information relating to information relating to any particular recipient of a service provided by the Authority); and the urgent business heard at item 4 in terms of paragraph 2 (information relating to particular tenants) of Schedule 7A to the Local Government (Scotland) Act 1973.

2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

The Sub-Committee agreed to grant the application.

3. EDUCATION DEPARTMENT REQUEST FOR DEPARTURE FROM AGE OF VEHICLE POLICY FOR REGISTRATION OF A TAXI

The Sub-Committee agreed to grant the request.

4. URGENT BUSINESS: REQUEST FOR THE REMOVAL OF REQUIREMENT FOR DISPLAY OF PUBLIC NOTICE FOR HMO APPLICATION

The Sub-Committee agreed to grant the request.

PRIVATE

2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

An application had been received from Mr Stephan Worobec for the renewal of a taxi driver's licence, which had previously attracted an objection letter from Police Scotland on the basis of previous and pending convictions. This application had been continued from the previous meeting pending further information regarding the disposal of a charge for driving without insurance, and since this time, the police objection had been withdrawn.

Mr Worobec was present to speak to his application.

The Legal Adviser confirmed Mr Worobec's address, and then explained the circumstances around the withdrawal of the police objection. With no outstanding objections, under normal circumstances Mr Worobec's application would have been dealt with administratively without being heard by the Licensing Sub-Committee.

Members commented that as all matters raised by the police had been dealt with, they had no objections to the granting of the licence. A roll call vote took place and the application was granted unanimously.

Decision

The Sub-Committee unanimously agreed to grant the application.

3. EDUCATION DEPARTMENT REQUEST FOR DEPARTURE FROM AGE OF VEHICLE POLICY FOR REGISTRATION OF A TAXI

A report had been submitted by the Executive Director for Place to seek approval to first register a Vauxhall Vivaro LM65 EKX, which had been operating as a City of Edinburgh taxi, as an East Lothian taxi. The vehicle was beyond the East Lothian regulation for 3 years old for first registration.

Andrew McLellan, Senior Transport Officer, presented the report and provided context to the request. He advised that the taxi had been operating in the City of Edinburgh, but now sought to operate in East Lothian to enhance provision for a pupil with additional support needs who attended Donaldson's School. He provided some background to the pupil, including the history of his school transport and some of his support needs. It was imperative to ensure the safety of the pupil and the escort, and he referred to the importance of routine as identified by the school, partner agencies, and CAMHS. He also provided information on some behaviours which necessitated adaptations being made to the taxi, and referred to some of the modifications which would be made for the safety of the pupil and driver. Mr Moffat commented that the driver had been willing to go above and beyond to support the pupil, and also advised that the pupil would have between two and four years left at school.

Responding to questions from Members, Mr Moffat provided further context to the requirements on the driver to manage the situation, and advised that it was hoped that a second driver could eventually be trained. Bruce Moffat, Service Manager – Transport & Waste, also confirmed that the proposed modifications to the vehicle would not have an impact on the safety and wellbeing of other service users and customers. Officers advised that the time the pupil spent at school represented the

only respite his family received. Mr McLellan highlighted that the council as corporate parents were requesting the departure from policy, and that the taxi company were not seeking any unfair advantage.

The Convener commented that this was a unique situation and highlighted that Members had a duty to act as corporate parents. As the request was being made to help a young person with profound disabilities to fulfil his potential, he was therefore supportive of the request. He thanked officers for the clear information and reports.

The Convener moved to a roll call vote, which was agreed unanimously.

Decision

The Sub-Committee agreed to grant the request for a departure from policy.

4. Request for the Removal of Requirement for Display of Public Notice for HMO application

The Executive Director for Council Resources had submitted a report to advise the Sub-Committee of a request from the council as applicant for a House in Multiple Occupation (HMO) Licence to dispense with the requirement for a notice of the application to be displayed at the property for 21 days.

Mr Forrest presented the report. He advised that the request from council officials related to two Musselburgh properties. He advised that Schedule 4 of the Housing (Scotland) Act 2006 allowed for the disapplication of the requirement for a notice to be displayed regarding an HMO application if this would jeopardise the safety of the residents. Mr Forrest informed the Sub-Committee that they were being asked to make a two-part decision; if they agreed with the proposal, they would have to formally disapply the requirement to display notice for 21 days, and then decide whether any of the residents in the immediate vicinity should be served formal notice of the application.

Rebecca Pringle, Senior Housing Strategy Officer, and Emma Clater, Service Manager for Children & Young People's Community Resources, were present to speak to the request. Ms Pringle explained that in the circumstances of the My Place project, advertising the site notice removed the care-experienced young peoples' right to anonymity. Through previous experience it was known that this left the young people vulnerable to suspicion from the community; in this case, the young people would be unaccompanied asylum seeking children coming to East Lothian under the National Transfer Scheme. Ms Pringle urged Members to consider the young people's start to their lives in East Lothian, and to enable the provision of accommodation that felt like a home on their arrival. The alternative, bed and breakfast accommodation, was not a settled environment and was also costly to the council. She referred to a case study regarding another young person in a similar situation to the unaccompanied asylum seekers; this young person had been able to settle well in the My Place property and had developed good English language skills through communication with neighbours and the peer flatmate.

Ms Pringle and Ms Clater responded to questions from Members. Ms Pringle advised that any contact with neighbours was left to the Rock Trust who provided support to the young people, but said that the young people were asked to introduce themselves to their immediate neighbours. Ms Pringle explained that the 21-day site notice requirement would delay how quickly the young people could move in, as well as having the effect of removing their right to anonymity. Immediate neighbours also received contact details of the Rock Trust so concerns could be dealt with in this way.

Responding to further questions, Ms Pringle reiterated the negative impact of the site notice, advising that in the past nearby residents had treated the young people with suspicion when they moved in. There was now evidence that the disapplication of the requirement for a site notice had led to a smooth transition for the care-experienced young people. Ms Pringle felt there was no need to discuss the situation with neighbours in advance as the group would be only the size of a small family and this would be a disproportionate requirement.

Councillor Henderson raised concerns regarding fairness to other groups. The Legal Adviser and Ms Fitzpatrick informed Members that no other groups had made a request to disapply the 21-day site notice for an HMO application, but that any such requests would also be considered by the Licensing Sub-Committee.

The Convener referred to the traumatic journey experienced by asylum seekers being trafficked into the country, and Ms Pringle advised that the young people were often very self-sufficient when they arrived, but required support for their mental health and wellbeing, English language skills, and to access healthcare services. The process of making a claim for asylum was a traumatic process in itself.

The Convener moved to a roll call vote on recommendation 2.1, that the Sub-Committee agree to disapply the requirement for a notice of licence application to be displayed at the properties. This was agreed unanimously.

Regarding recommendation 2.2, the Convener proposed that no neighbours be served notice of the HMO application, and this was seconded by Councillor Williamson. The Convener then moved to a roll call vote on this proposal, which was returned thus:

Support:	2	(Councillors McGinn and Williamson)
Do not support:	2	(Councillors Findlay and Henderson)
Abstain:	0	

Signed

Councillor C McGinn
Convener of the Licensing Sub-Committee