

Notice of meeting and agenda

Licensing Sub-Committee

9.30am, Tuesday, 13th August, 2024

Dean of Guild Court Room - City Chambers

The law allows the Council to consider some issues in private. Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

Contacts

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1. Order of Business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of Interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Reports

- 3.1 Request for Suspension of Taxi Driver's Licence - Alistair Lawrie – Report by the Head of Regulatory Services 7 - 26
- 3.2 Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemption to Policy – Report by the Head of Regulatory Services 27 - 44

4. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 - To consider miscellaneous applications

- 4.1 Short Term Lets Licence (New) - 4f2, 42 Sandport Street, Edinburgh 45 - 66
- 4.2 Short Term Lets Licence (New) - 11 Hawthornbank Terrace, Edinburgh 67 - 80
- 4.3 Short Term Lets Licence (New) - Flat 1, 7 Forth Street, Edinburgh 81 - 98
- 4.4 Short Lets Licence (New) - 32 Portland Street, Edinburgh 99 - 118

5. Resolution to Consider in Private

- 5.1 The Sub-Committee is requested, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting for the following items of business on the grounds that they would involve the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of

6. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 - To consider miscellaneous applications

6.1	Short Term Lets Licence (New) - Flat 1, 4 Dewar Place Lane, Edinburgh	119 - 138
6.2	Short Term Lets Licence (New) - Flat 2, Dewar Place Lane, Edinburgh	139 - 158
6.3	Short Term Lets Licence (New) - Flat 3, 4 Dewar Place Lane, Edinburgh	159 - 178
6.4	Short Term Lets Licence (New) - 4a Dewar Place Lane, Edinburgh	179 - 198
6.5	Short Term Lets Licence (New) - Bf 18 Torphichen Street, Edinburgh	199 - 218
6.6	Short Term Lets Licence (New) - Flat 8, 31 Simpson Loan, Edinburgh	219 - 250
6.7	Short Term Lets Licence (New) - Flat 10, 15 Simpson Loan, Edinburgh	251 - 286
6.8	Short Term Lets Licence (New) - Flat 15, 22 Simpson Loan, Edinburgh	287 - 328
6.9	Short Term Lets Licence (New) - Flat 13, 18 Simpson Loan, Edinburgh	329 - 364

7. Civic Government (Scotland) Act 1982 - To consider miscellaneous applications

7.1	Private Hire Vehicle Driver Licence (New) - Mr Hung Fair Yip	365 - 376
7.2	Taxi Driver Licence (New) - Christopher Kelly MacDiarmid	377 - 388

Nick Smith

Service Director – Legal and Assurance

Committee Members

Councillor Joanna Mowat (Convener), Councillor Jack Caldwell, Councillor Denis Dixon, Councillor Margaret Arma Graham, Councillor Martha Mattos-Coelho, Councillor Susan Rae, Councillor Neil Ross, Councillor Val Walker and Councillor Norman Work

Information about the Licensing Sub-Committee

The Licensing Sub-Committee consists of 9 Councillors and usually meets twice a month.

This meeting of the Licensing Sub-Committee is being held virtually by Microsoft Teams and in the Dean of Guild Courtroom, City Chambers.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Taylor Ward, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG , email taylor.ward@edinburgh.gov.uk / Carolanne.eyre@edinburgh.gov.uk.

The above items are not for publication as they fall within the description of exempt information and, consequently, are likely to be considered in private.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#)..

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 13 August 2024

Request for Suspension of Taxi Driver's Licence – Alistair Lawrie

Item number	
Report number	A Agenda
Executive/routine	
Wards	Citywide
Council Commitments	N/A

1. Recommendations

- 1.1 The Directorate recommends that the Committee:
 - 1.1.1 suspends the licence on the grounds that the applicant is no longer fit and proper to hold the licence; and
 - 1.1.2 if the Committee decides to suspend the licence, determines what the period of suspension should be; and
 - 1.1.3 determines whether any suspension should take effect immediately.

Andrew Mitchell

Head of Regulatory Services

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Request for Suspension of Taxi Driver's Licence – Alistair Lawrie

2. Executive Summary

- 2.1 Alistair Lawrie was the holder of a Taxi Driver's Licence which expired on 9 August 2024 ('the licence'). Prior to that date they applied to renew the licence, and as a result the licence remains live until the determination of the renewal application. Council officers now recommend that the Committee considers suspending the licence in terms of paragraph 11 of the Civic Government (Scotland) Act 1982 ('the 1982 Act'). This report suggests the procedures that the Committee should adopt when considering the request and sets out the various options open to the Committee under the 1982 Act.

3. Background

- 3.1 The Police and other persons can make comments or complaints regarding the holders of licences and, in certain cases, request that the relevant licence should be suspended or revoked. Committee members can consider such comments and requests. The Committee can decide to take no further action, issue a warning to the licence holder, suspend or revoke the licence.
- 3.2 On 6 February 2023 the Council's Regulatory Committee agreed that the previously agreed compulsory training programme for all existing taxi and Private Hire Car drivers should commence. This training began in October 2023. The committee reiterated its support for compulsory training at its meeting on Friday 21 June 2024.
- 3.3 Attending the Intermediate Course is compulsory and is part of a driver's licence renewal process. If drivers fail to attend a course:
- 3.3.1 Their licence will only be granted for a six month period.
 - 3.3.2 They will have to complete the training during that six month period
 - 3.3.3 They will have to make a new application to renew their licence prior to the end of the six months: and
 - 3.3.4 If they fail to undertake the training during this period, further licences may not be granted.

4. Main report

- 4.1 Following receipt of information from officers from Regulatory Services, the Head of Regulatory Services recommends that the Committee suspends a licence. Details of the licence suspension request are attached at Appendix 1 and the background is summarised below..
- 4.2 On 11 July 2024 Fiona Miller (Training Officer) contacted Alastair Lawrie by email to advise him that as part of the renewal process for his Taxi Driver's Licence he would be required to attend a three day Driver Skills Development Program Intermediate course (Appendix 1 - Annex 1).
- 4.3 Alastair Lawrie replied to that email as attached at Appendix 1 - Annex 2. Members will note that the email response included foul and abusive language.
- 4.4 The Council's [policy](#) on Protecting Colleagues from Unacceptable Behaviour aims to ensure the safety, protection, and wellbeing of colleagues who deliver Council services and to ensure a safe working environment for all colleagues and creating a workplace where everyone is treated with dignity and respect. The Council is also committed to protecting colleagues from unacceptable behaviours including violence, aggression, bullying, harassment, and discriminatory behaviour.
- 4.5 In addition, on 17 November 2015 the Regulatory Committee agreed a [policy](#) (Appendix 3) on unacceptable behaviour towards Licensing staff, to operate within the above policy. It states "No member of staff should be required, or feel obliged, to deal with any licence holders or applicants either face to face, over the phone or in correspondence, who is exhibiting threatening, abusive or violent behaviour".

Recommendation

- 4.6 The Directorate is of the view that a hearing under paragraph 11 of Schedule 1 to the 1982 Act is required, given the applicant's unacceptable communication with Council officers. It is recommended that the licence is suspended on the grounds that Mr Lawrie is no longer a fit and proper person to be the holder of the licence.
- 4.7 The licence holder has been invited to attend, notified of the contents of this report and provided with a copy of this report.
- 4.8 Committee members are reminded that the grounds for suspending a licence are set out in Paragraph 11(2) of Schedule 1 to the 1982 Act. A Licensing Authority may order the suspension or revocation of a licence if in its opinion:
 - 4.8.1 The holder of the licence, or, where the holder is not a natural person, any Director of it, or Partner in it or any other person responsible for its management, is not or is no longer a fit and proper person to hold the licence;
 - 4.8.2 The activity to which the licence relates is being managed by or on carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of a licence under Paragraph 5(3) of the said Schedule;

- 4.8.3 The carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or safety;
- 4.8.4 A condition of the licence has been contravened.
- 4.9 In terms of Paragraph 11(3) of the said Schedule, a Licensing Authority may make an order under sub-paragraph 2(d) above in respect of a contravention of a condition of licence notwithstanding that there has been no conviction in that respect.
- 4.10 In terms of Paragraph 11(4) of the said Schedule, in considering whether to suspend a licence, the Council may have regard to:
- 4.10.1 Any misconduct on the part of the licence holder, whether or not constituting a breach of any provision of Part I or II or the said Schedule of the said Act, which in the opinion of Council has a bearing on the fitness to hold a licence; and
- 4.10.2 Where the licence relates to an activity consisting of or including the use of premises or a vehicle or vessel, any misconduct on the part of persons frequenting or using the premises, vehicle or vessel occurring there or any misconduct in the immediate vicinity of the premises, vehicle or vessel which is attributable to those persons.
- 4.11 Committee members may make such reasonable enquiries as they think fit (and subject to sub-paragraph 11(5) of the said Schedule) include the results of their inquiries in the matters to which they have regard in such consideration.
- 4.12 At the meeting officers will be provided with an opportunity to address the Committee. The licence holder and/or their representative will then be provided with an opportunity to address the Committee. Members of the Committee can then ask questions of the officers and of the licence holder.
- 4.13 If there are matters or allegations raised that are not admitted by the licence holder, the Committee can either arrange an evidential hearing on another date or decide to proceed on the basis of the material presented to them.
- 4.14 If the latter option is adopted, the Committee should allow the licence holder and the officers to make full submissions on the alleged incidents. Both parties should answer any points raised by the other and by the Committee. The Committee will have to:
- 4.14.1 Carefully consider the information they have before them;
- 4.14.2 Disregard any allegations which they consider to be gossip, speculation or unsubstantiated innuendo;
- 4.14.3 Identify which matters are admitted or disputed;
- 4.14.4 Consider whether the source of any statements, their nature and inherent probability gives it greater degree of credibility;
- 4.14.5 Decide whether, on the balance of probability, the licence holder has committed the alleged misconduct; and

- 4.14.6 Be in a position to explain their approach and the basis on which they preferred any version of events.
- 4.15 Having heard from all parties the Committee should decide what, if any, action it wishes to take. It can decide to take no further action, issue a warning to the licence holder as to his future conduct or suspend the licence.
- 4.16 If the Committee decides to suspend the licence, it must determine whether the period of suspension should be for the unexpired portion of the period of the licence or some shorter period.
- 4.17 If suspending a licence, the Committee must consider whether it is of the view that the circumstances of the case justify immediate suspension. If immediate suspension is not justified the suspension will take effect after 28 days or, if an appeal is made, when this has been abandoned or determined.
- 4.18 Suspension of a licence means that the licence remains in existence but has no effect whilst the suspension is in place. The licence holder must cease the licensed activity during the period of suspension. Any ID badges or plates held by the licence holder should be immediately returned to the Council when the suspension comes into effect. It is a criminal offence for the licence holder to continue the licensed activity during any period of suspension.

5. Next Steps

- 5.1 Decisions on individual licences have to be considered on their own merits.
- 5.2 The process outlined takes account of the relevant statutory provisions.
- 5.3 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

6. Financial impact

- 6.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

7. Stakeholder/Community impact

- 7.1 None

8. Background reading/external references

- 8.1 [City Of Edinburgh Council Licensing Conditions for Taxis and Private Hire Cars, Taxi and Private Hire Car Drivers](#)
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9. Appendices

- 9.1 Appendix 1 – Request for suspension of Taxi Driver’s Licence
- 9.2 Appendix 2 – policy on unacceptable behaviour towards Licensing staff

by virtue of paragraph(s) 3, 6, 12, 14 of Part 1 of Schedule 7A
of the Local Government(Scotland) Act 1973.

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Licensing Sub-Committee of the Regulatory Committee

09.30am, Tuesday, 13 August 2024

Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemptions from Policy

Executive/routine

Wards

Citywide

Council Commitments

N/A

Executive Summary

On [16 March 2018](#) the Regulatory Committee agreed to amend its policy with respect to the age and emissions standard of licensed vehicles in Edinburgh’s Taxi and Private Hire Car (‘PHC’) fleet.

On [7 May 2018](#) the Regulatory Committee agreed the new licensing conditions that would allow this policy to come into effect.

The Licensing Service has received several applications to vary licence conditions of Taxi or Private Hire Car Licences since this change in policy. These are referred to the committee to determine whether in each case an exemption to the policy should be made, and the relevant licence should be granted with an exemption to the relevant conditions.

Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemptions from Policy

1. Recommendations

- 1.1 After hearing from Council officers and each relevant licence holder, the Committee will be required to decide:
 - 1.1.1 whether in these cases an exemption to the policy should be made; and
 - 1.1.2 whether to refuse the variation or to vary the licences with exemption from the relevant condition of licence; and if varied
 - 1.1.3 the period that any exemptions from the policy will apply, and to note that thereafter all other conditions will take effect on the dates stated in the policy.

2. Background

- 2.1 On 16 March 2018 the Regulatory Committee decided to amend existing policy to restrict the types of vehicles which could be licensed as Taxis or Private Hire Cars (PHCs). On 7 May 2018 the committee agreed the revised conditions necessary to implement this. For the first time the policy introduced an age limitation of 10 years for vehicles, and parallel requirements for vehicle emission standards.
- 2.2 The Committee agreed to further amendments to the policy on [20 May 2019](#), [2 November 2020](#), [23 August 2021](#) and again on [1 May 2023](#). The policy was updated to reflect these changes and members are referred to Appendix 3 for full details of the policy.
- 2.3 Low Emission Zones (LEZs) in Scotland are mandated by the Scottish Government to reduce longstanding exceedances of legal air quality objectives (Nitrogen Dioxide) originating from urban road traffic. LEZs help to improve air quality by discouraging the most polluting vehicles from entering an area, which will help to improve public health and wellbeing. In May 2021, the Regulations to give local authorities detailed powers under the Transport (Scotland) Act 2019 to create and enforce LEZs became law. Following final Transport and Environment Committee approval of the preferred Low Emission Zone (LEZ) scheme in March 2022, and subsequent statutory processes, Scottish Ministers approved the LEZ in May 2022. Consequently, the LEZ was introduced on 31 May 2022, and following a two year grace period, enforcement will commence on 1 June 2024.

- 2.4 Any further extension or exemption to the Age and Emission policy timeline must therefore take cognisance of the LEZ implementation - in particular the enforcement of the LEZ, which will commence on 1 June 2024. This means that the hire car fleet will be required to be Euro 6 compliant by Spring 2024, or vehicles will be unable to operate within the LEZ designated areas within the city irrespective of any extension of licensing milestones.
- 2.5 The Regulatory Committee further noted that the Act contained provisions which allowed applicants for Taxi or PHC licences to apply for an exemption to policy. Such applications would be referred to the Licensing Sub-Committee to determine if in these cases an exemption to policy should be made. Members are reminded that the onus is on the applicant for a variation to make their case.

3. Main report

- 3.1 The Council has received a number of applications to vary the terms of Taxi or Private Hire Car conditions attached to their licences and to be exempted from the licensing conditions adopted on 7 May 2018 and as amended. These applicants are not seeking to change their existing vehicles but only seek exemption from the new policy. Details of the licence holders are attached in Appendix 1 to this report. Application forms and supporting documentation are attached at Appendix 2. The licence holders have been invited to attend.
- 3.2 These applications are referred to the committee to determine whether in these cases an exemption to the policy should be made and the licences should be granted with an exemption to the relevant condition.
- 3.3 At the meeting council officers will address the Committee. The licence holder and their representative will then be provided with an opportunity to address the Committee. Members of the Committee can then ask questions of the council officers and of the licence holder.
- 3.4 The committee will be required to determine on a case by case basis whether exemptions to the policy should be made, and whether to refuse the variation or agree to vary the licences with exemption from the relevant condition of licence.
- 3.5 If the committee agrees to make an exemption to policy, it is recommended that a period is determined for which the exemption will apply, and that it is made clear to the applicant that this exemption will apply only for that period, and that all other conditions will take effect on the dates stated in the policy thereafter.
- 3.6 On 17 October 1997 the City of Edinburgh Council's Regulatory Committee adopted new procedures allowing taxi licences held in the names of individual licence holders to be replaced by a new licence in the name of a partnership or limited company including the existing licence holder. As a result, the adoption of this process has created circumstances in which members of the trade buy and sell taxi businesses and in effect taxi plates. It should be noted that, irrespective of the sale of a business, the plate remains the property of the Council and has no

intrinsic value. A new owner of the business will be subject to the normal licence application process, including the vetting of suitable applicants, and the potential for the refusal of an application. Applicants may refer Members to the sale price of taxis dropping in price as a result of the policy change, but should be aware that the price is based in part on a calculated risk that the buyer will be able to secure a plate. The restriction in taxi numbers has in effect created this artificial value of the plate.

4. Measures of success

- 4.1 Not relevant, as decisions on individual licences must be considered on their own merits.

5. Financial impact

- 5.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

6. Risk, policy, compliance and governance impact

- 6.1 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

7. Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report, as decisions on individual licences have to be considered on their own merits.

8. Sustainability impact

- 8.1 The revised policy is intended to improve air quality and protect the environment.

9. Consultation and engagement

- 9.1 None.

10. Background reading/external references

- 10.1 [Report to Regulatory Committee 16 March 2018](#)
- 10.2 [Report to Regulatory Committee 7 May 2018](#)
- 10.3 [Report to Regulatory Committee 20 May 2019](#)
- 10.4 [Report to Regulatory Committee 2 November 2020](#)
- 10.5 [Report to Regulatory Committee 23 August 2021](#)
- 10.6 [Motion at Regulatory Committee 1 May 2023](#)

Andrew Mitchell

Regulatory Services Manager

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11. Appendices

- 11.1 Appendix 1: List of applicants and vehicle details,
- 11.2 Appendix 2: Application forms and supporting information
- 11.3 Appendix 3: Taxi and Private Hire Cars Age Limitation and Emission Standards Policy and conditions adopted on 16 March 2018 and updated on 2 November 2020, 23 August 2021 and 1 May 2023.

by virtue of paragraph(s) 3, 6, 12, 14 of Part 1 of Schedule 7A
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LICENSING REF NO: 522138

ITEM NO

SHORT TERM LETS LICENCE

New

APPLICANT DETAILS: MANAGER	NAME	Miss Kathleen Amanda Slaney
PREMISES ADDRESS	4f2, 42 Sandport Street, North Leith, Edinburgh, EH6 6EP	
CONDITIONS RECOMMENDED	Standard Conditions	
REPRESENTATIONS RECEIVED	Public objections x 7 - A. Watt - J. Wimpenny - K. Taylor - N. Morrisson - R. Freeman - S. Baird - S. Gormley	
REASON FOR BEING CALLED TO COMMITTEE	To consider public objections	
DETERMINATION DATE	23/11/24	
NOTES: Home letting, 4 Guests, 2 Bedrooms		

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Agenda Item 4.2

LICENSING REF NO: 521392

ITEM NO

SHORT TERM LETS LICENCE

New

APPLICANT DETAILS: MANAGER	NAME	Markus Stitz
PREMISES ADDRESS		11 Hawthornbank Terrace, Newhaven, Edinburgh, EH6 4HQ
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		Public objection x 1 - A. Flockhart & M. Alden
REASON FOR BEING CALLED TO COMMITTEE		To consider public objection
DETERMINATION DATE		12/11/24
NOTES: Home Letting, 2 Guests, 1 Bedroom		

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LICENSING REF NO: 512444

ITEM NO

SHORT TERM LETS LICENCE

New

APPLICANT DETAILS: MANAGER	NAME	Mr Zahid Rahman
PREMISES ADDRESS		Flat 1, 7 Forth Street, Broughton, Edinburgh, EH1 3JX
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		Public objection x 1 - D. Watters
REASON FOR BEING CALLED TO COMMITTEE		To consider public objection
DETERMINATION DATE		30/09/24
NOTES: Secondary Letting, existing host, 5 Guests, 3 Bedrooms Planning application awaiting assessment		

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Agenda Item 4.4

LICENSING REF NO: 510383

ITEM NO

SHORT TERM LETS LICENCE

New

APPLICANT DETAILS: MANAGER	NAME Mr Sukhvinder Singh Mr Sukhvinder Singh
PREMISES ADDRESS	32 Portland Street, Newhaven, Edinburgh, EH6 4BE
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Public objections x 2 - Gabriel Scarlett - Vanina Saint-Martin
REASON FOR BEING CALLED TO COMMITTEE	To consider public objections
DETERMINATION DATE	2/10/24
NOTES: Secondary letting, 10 Guests, 4 Bedrooms	

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