



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

**THURSDAY 8 MAY 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

Committee Members Present:

Councillor C McGinn (Convener)
Councillor C Cassini
Councillor J Findlay
Councillor C McFarlane

Other Councillors Present:

None

Council Officials Present:

Mr I Forrest, Solicitor
Ms S Fitzpatrick, Team Leader – Licensing and Landlord Registration
Ms A O'Reilly, Licensing Officer
Ms E Barclay, Democratic Services Assistant

Others Present:

None

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor T Trotter
Councillor J McMillan

Declarations of Interest:

None

The clerk advised that the meeting was being held as a hybrid meeting, as provided for in legislation; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for six months from the date of the meeting.

The clerk recorded the attendance of Committee members by roll call.

1. MINUTES FOR APPROVAL
Licensing Sub-Committee, 13 February 2025

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

2. TAXI FARE REVIEW

A report had been submitted by the Executive Director for Council Resources to allow the Licensing Sub-Committee to consider the review of the scale of the fares or other charges currently in operation in respect of the East Lothian taxi fleet.

Sheila Fitzpatrick, Team Manager – Licensing and Landlord Registration, spoke to the report. She advised that taxi fares had last increased at the end of January 2024. This review was being undertaken early to ensure compliance with all statutory obligations and to fit in with the Council's summer recess period. She also advised of an email that had been received that morning, on behalf of the residents of Gifford and Bolton, opposing any fare increase.

Councillor Findlay asked about the significantly higher cost associated with valeting incurred due to damage to a taxi in East Lothian when compared with surrounding local authorities. Ms Fitzpatrick said she was unaware of the reason; the cost had been set at £100 before she had joined the Council, and had changed in line with the 20% increase across all fares applied in January 2024.

Responding to questions from the Convener, Ms Fitzpatrick advised that all licensed operators in East Lothian had been allowed four weeks to respond to the consultation, but only two responses from the same operator had been received. She explained that a consultation would be advertised for a period of four weeks, and if there were no representations, the increase would be set and advertised for a period of two weeks; appeals could be made to the Traffic Commissioner at this stage. She explained that any change to fares had to allow time for taxi metres to be recalibrated by the East Lothian Council garage. The garage had requested that these changes be made on the last weekend of June, thus, any change would come in earlier than required. She advised that the subsequent review would take place 18 months after this change.

Responding to a query from the Convener, Ms Fitzpatrick advised that there was no proposal from the Council as to whether the fares should stay the same, increase, or decrease. She highlighted that one representation had suggested an overall increase of 10%, while another had suggested different increases between 5.5% to 25, but with no change to the charge for damage to a taxi. She confirmed that it was for Committee members to decide how to apply any change to fares. Ian Forrest, Solicitor, added that the review was required, but Committee members were not obliged to take the changes suggested by the trade; these submissions were only for guidance.

Councillor Findlay felt that an increase of 25% would be much too high, and said that rural communities who relied on taxis must be considered. He proposed an increase of 10%, and Councillor McFarlane seconded this proposal.

Mr Forrest sought clarity on how the proposal for an increase of 10% would be applied. Councillor Findlay felt that there should be no change in the charge for taxi valeting, and he also noted that one proposal had suggested a lower rate of increase on the initial period of waiting.

Following discussion with officers, Councillor Findlay amended his proposal to: an increase of 5.5% on the initial period of waiting; no change to the charge for damage to a taxi/valeting; and an increase of 10% across all other fares. He also proposed that the amended fares take effect from 30 June 2025. Councillor Cassini agreed to second the amended proposal.

The Convener then moved to a roll call vote on the report's recommendations, alongside Councillor Findlay's proposal, and Committee members unanimously indicated their support.

Decision

The Licensing Sub-Committee:

- a) completed the review of taxi fares by considering the two responses received from local taxi operators and information on neighbouring local authority tariffs;
- b) agreed to an increase of 5.5% on the initial waiting period, no change to the charge for damage to a taxi/valeting, and an increase of 10% across all other fares;
- c) agreed that the confirmed tariff would come into effect on 30 June 2025; and
- d) authorised officers to advertise and explain the effect of the proposals and invite representations from the public.

2. APPLICATION FOR GRANT OF A LICENCE TO OPERATE A SHORT-TERM LET 29 Old Abbey Road, North Berwick

An application had been received from Carmel Mullan for a licence to operate 29 Old Abbey Road, North Berwick, as a short-term let (STL). The application would be heard by the Licensing Sub-Committee on the basis that a public objection had been received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL, and on the applicant to hold an STL licence.

Mr Forrest confirmed that no objections had been received from any of the statutory consultees, and that the Planning Authority had confirmed that planning permission was not required. He advised of the impact of a court decision in Edinburgh which, in summary, said that in determining an STL licence application, the Sub-Committee should not look at matters already addressed as part of the planning process. He also warned that the public objection raised issues which fell outwith the scope of the Sub-Committee's consideration of the STL licence application.

Eugene Mullan spoke to the application on behalf of his wife, Carmel Mullan, who was the formal applicant. He advised that the property was not their primary residence, but used as a second property for family holidays, and long-term and short-term lets. He advised that he and his wife were registered landlords with East Lothian Council for the long-term let use of the property. He explained that bookings and

communications were handled personally, and said they were careful about the nature of the parties they allowed to stay. He advised that the property’s neighbouring residents held their mobile numbers. He stated that the property did not directly overlook the objector’s house, and said that there had rarely been difficulties parking on the adjacent street.

Mr Mullan responded to questions from Committee members. He thought it likely that the property would continue to be used for a combination of short-term and long-term letting, but he was currently interested in offering more short-term lets. He advised that many residents parked on the street, because few had parking within the curtilage of their properties; he felt that it was appropriate for a tenant with one car to park on the street. He advised that two complaints from neighbours had been dealt with directly in the past.

The Convener noted that there had been no concerns raised by Police Scotland, or by neighbours, other than the one objector.

Responding to further questions, Mr Mullan advised that he lived in Edinburgh. Following a complaint, he said he would contact the tenant, but, if necessary, could be at the property within one hour.

The Convener noted that the objection highlighted there being a number of STLs in the area, and felt the Sub-Committee should consider the distribution of STLs at a future point. Ms Fitzpatrick responded that a public register of STLs was divided into ward and was updated weekly. She thought that it would not be difficult to analyse the position of STLs using the Council’s Geographic Information System (GIS) plotting.

The Convener then moved to a roll call vote, and Committee members unanimously agreed to grant the short-term let licence.

Decision

The Licensing Sub-Committee agreed to grant the short-term let licence.

Signed

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Councillor C McGinn
Convener of the Licensing Sub-Committee