



MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE

**THURSDAY 13 FEBRUARY 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

Committee Members Present:

Councillor J Findlay
Councillor C McFarlane
Councillor J McMillan (Depute Convener)
Councillor T Trotter

Other Councillors Present:

None

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms S Fitzpatrick, Team Leader – Licensing and Landlord Registration
Ms N Harrison, Licensing Standards Officer
Ms E Barclay, Democratic Services Assistant

Others Present:

None

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor C Cassini
Councillor C McGinn

Declarations of Interest:

Item 2: For transparency, Councillor McMillan stated that he had dealt with economic development matters with the manager on site, but felt that he was still able to make an objective decision.

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 Members by roll call.

1. MINUTES FOR APPROVAL
Licensing Sub-Committee, 12 December 2024

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

**2. CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960,
LICENSING OF RELEVANT PERMANENT SITES (SCOTLAND)
REGULATIONS 2016, SETON SANDS HOLIDAY VILLAGE – REQUEST
FOR EXTENSION OF APPLICATION DETERMINATION DEADLINE**

A report had been submitted by the Executive Director for Council Resources to ask the Licensing Sub-Committee to consider whether to extend the application determination deadline for a relevant permanent site licence application, submitted by Seton Sands Holiday Village on 29 November 2024, by eight weeks. The extension was to enable the planning permission position to be regularised through the grant of a Certificate of Lawful Use or Development (CLUD).

Ian Forrest, Senior Solicitor, spoke to the report. He advised that the current application deadline was 28 February 2025, however, determination of the application had been held up because the applicant was required to apply for the appropriate planning permission. Lichfields, acting as agent for Haven Leisure Ltd.'s, had therefore requested that the determination deadline be extended to 25 April 2025 to allow the application for the CLUD, which had been submitted recently, to be determined.

Sheila Fitzpatrick, Team Leader – Licensing and Landlord Registration, added that the Planning Authority had indicated that the application could not be registered or processed until further information had been provided, and the applicant had been informed of this the previous day.

Speaking to the request for an extension of the determination period, Helen Ashby-Ridgway, agent, pointed out that the CLUD application was not a planning application, but would confirm that the property in question had been in situ for at least ten years.

Responding to questions from Councillor McMillan and Councillor Trotter, Ms Ashby-Ridgway advised that the additional information requested included the already submitted statements of evidence having to be re-signed and witnessed by a solicitor. Evidence of council tax statements had also been requested. She explained that the application had taken some time because there had been a number of parts to be collated, and different planning authorities had different requirements regarding the signing and witnessing of statements. She added that it had only recently been established that the presence of the caravan was not being questioned by the Planning Authority, but the use of the caravan.

Following a further question from Councillor McMillan, there was a discussion around submission dates. Ms Fitzpatrick advised that a CLUD application usually took two months to determine, so the required evidence must be submitted to the Planning Authority within the next week to allow the licence application to be determined by the requested extension of 25 April.

Councillor Trotter pointed out that the site was not functioning legally until appropriate permissions were in place, and asked where the liability would fall if something were to go wrong. Simon Combs, representing Haven Leisure Ltd., advised that the situation was rare because there were hardly any residential pitches in any Haven parks. He advised that if the whole park was operating on a holiday licence, then responsibility would lie with the business operating the park. Councillor Trotter explained that his concern was for the residents, and acknowledged the company's acceptance of responsibility.

Councillor McMillan echoed Ms Fitzpatrick's comments about the requirement to submit evidence quickly. He also sought to confirm whether there would be any need for the matter to come back before the Licensing Sub-Committee. Mr Forrest confirmed that the licence could be determined under delegated powers.

Councillor Trotter expressed disappointment over the length of time it had taken the operator to licence the site, particularly when the licence affected members of the public who may not know the background to the situation. He expected that everything in the site to be kept in order in future. Councillor McMillan added that those who chose to work in a regulated environment must obey the regulations.

Councillor Findlay said he was happy to agree to the requested extension and delegate authority to Licensing Officers to determine the application.

Councillor McMillan asked the operators to note the Sub-Committee's remarks, to work with the Council, and to submit the required information as soon as possible.

Councillor McMillan then moved to a roll call vote, and Committee members unanimously voted in support of the recommendation to extend the application determination deadline by eight weeks.

Decision

The Licensing Sub-Committee agreed to extend the application determination deadline from 28 February 2025 to 25 April 2025.

Councillor McMillan acknowledged that this had been the last committee meeting under the formal signature of the Chief Executive, Monica Patterson, and wished her well in her retirement.

Signed

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Councillor J McMillan
Depute Convener of the Licensing Sub-Committee