



MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE

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THURSDAY 11 SEPTEMBER 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY

Committee Members Present:

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

Other Councillors Present:

None

Council Officials Present:

Mr I Forrest, Solicitor
Ms S Fitzpatrick, Team Leader – Licensing and Landlord Registration
Ms T Murray, Principal Solicitor – Commercial (R)
Ms G Herkes, Licensing Officer
Ms A O'Reilly, Licensing Officer (R)
Ms N Harrison, Licensing Standards Officer
Ms A Smith, Planner (R)
Ms E Barclay, Democratic Services Assistant
(R) = remote participant

Others Present:

PC I Anderson, Police Scotland (R)

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor C Cassini
Councillor C McGinn

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 five years from the date of the meeting.

The clerk recorded the attendance of Committee members by roll call, and checked for declarations of interest. The clerk also noted that Councillor Findlay would not vote on Items 3 & 4 due to having been unable to attend the June Licensing Sub-Committee meeting where these applications had first been heard.

1. MINUTES FOR APPROVAL
Licensing Sub-Committee, 12 June 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 – 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.

Ian Forrest, Solicitor and Legal Adviser, presented the report, highlighting the salient points. He noted the one consultation response from the trade, and the updated proposals from the VPMU, which took this response into account. He also explained the process following approval of the report in terms of advertisement and inviting further comments.

Committee members asked questions relating to fares when journeys went outwith East Lothian.

Councillor McMillan voiced disappointment at the lack of taxi operators' association to represent the trade in East Lothian, but was pleased that one operator had provided feedback. He also noted Councillor McGinn's efforts to encourage a taxi operators' association, and said there was another opportunity for taxi operators to get involved.

Councillor McMillan then moved to a roll call vote, and Committee members unanimously supported the report's recommendations.

Decision

The Sub-Committee:

- i. completed the review of taxi fares by considering the representation received from the trade following the advertisement of the proposed fares (approved by the Licensing Sub-Committee on 8 May 2025) (as laid out in Appendix 2 of the report) and approved the alternate rates put forward by VPMU following consideration of said representation (as laid out in Appendix 3 of the report);
- ii. agreed the tariff would come into effect eight weeks after the date of advertising; and
- iii. authorised officers to advertise and explain the effect of the proposals and invite representations from the public.

3. CONTINUED APPLICATION FOR RENEWAL OF AN ANIMAL BOARDING LICENCE – DOGS BY LEIGH, THORNTONLOCH HOLDINGS, BLACKBERRY FARM, DUNBAR

An application had been received from Leigh Bisset for the renewal of a licence to operate an animal boarding establishment. The application had been continued at the previous meeting to allow an Environmental Health Officer (EHO) the opportunity to perform a site visit.

Mr Forrest introduced the continued application, and highlighted the response from Lynn Slight, Senior EHO, indicating that she was content with the work carried out on site.

Members thanked Ms Bisset for her cooperation in carrying out all of the required work, and thanked EHOs for their assistance in the matter.

Councillor McMillan moved to a roll call vote, and Committee members unanimously voted to grant the application.

Decision

The Licensing Sub-Committee agreed to grant the licence.

**4. CONTINUED APPLICATION FOR THE GRANT OF LICENCES TO OPERATE HOUSES IN MULTIPLE OCCUPATION
7 & 9 Hope Park, Haddington**

Applications had been received from John Friel for licences to operate 7 & 9 Hope Park, Haddington, as houses in multiple occupation (HMOs), and had been brought before the Licensing Sub-Committee on the basis of objections from statutory consultees. The application had been continued at the previous meeting, until such time as the outstanding planning applications could be determined, and to allow a follow-up site visit to be conducted by a representative of the Scottish Fire and Rescue Service (SFRS).

Mr Forrest confirmed the reasons the application had been continued from the June Licensing Sub-Committee meeting. He also highlighted responses from Amelia Smith, Planner, and Torquil Cramer of SFRS.

Ms Smith gave an account of the movement of the planning application since the previous meeting. She advised that the retrospective planning application had been withdrawn; it had not been competent due to it not accurately describing what was being applied for. She explained that Mr Friel had been required to either evidence that the property was not being operated as an HMO, or include for this change of use within the application; Mr Friel had not complied with either action within a 28-day period. Ms Smith confirmed that the two HMO properties and the extension remained unauthorised. She also advised that an enforcement order had previously been served for the cessation of the unauthorised change of use and for the demolition of the unauthorised extension, which Mr Friel had also failed to comply with.

Committee members asked whether Mr Friel was aware of the standard conditions attached to HMO licences, and it was established that that Mr Friel was aware of these as a previous HMO licence holder.

Mr Friel said he believed that he had carried out all requirements and had cooperated with everyone concerned with his application.

Responding to a question from Committee members, there was discussion around the maximum number of occupants in each property. Shona Grant, Team Manager – Public Health & Environmental Protection, discussed the use of the living room as a bedroom, and confirmed that six people could live at 7 Hope Park and five people could live at 9 Hope Park, regardless of the relationship between the occupants.

Mr Friel pointed out that a conservatory structure had been erected to the rear of the property for use as a living space for residents. Councillor McMillan pointed out that Mr Friel had been asked to remove this structure. Ms Smith also highlighted numerous instances of correspondence with Mr Friel, spanning several years, on the unsuitability of the structure. Ms Smith also thought that no building warrant was in place.

Committee members expressed disappointment that there had been matters outstanding in relation to the conservatory for several years, and that these remained outstanding. Members commented on there being an ignorance around moving forward to regularise the conservatory, and questioned why this structure had not been demolished when Mr Friel had been told to do so. It was also pointed out that Mr Friel would have been aware of these regulations in his professional capacity as a builder.

Members highlighted that the Committee had given Mr Friel an ultimatum at the previous meeting. They acknowledged the work undertaken to comply with fire regulations, but found that Mr Friel had shown disregard for the Planning Authority. They expressed that this called into question whether Mr Friel was a fit and proper person to hold HMO licences.

Councillor McMillan moved to a roll call vote, and Committee members unanimously refused to grant the HMO licences.

Decision

The Licensing Sub-Committee refused to grant the HMO licences.

Note: Summary of information

The Licensing Sub-Committee agreed to exclude the public from Items 5 and 6 in terms of paragraph 6 (information relating to the business affairs of any particular person) of Schedule 7A to the Local Government (Scotland) Act 1973.

5. APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE

Members refused to grant the licence.

6. REVIEW OF TAXI OPERATOR LICENCE

Members agreed to lift the interim suspension and reinstate the licence.

The webcast for this meeting will be available at the link below for five years from the date of the meeting:

https://eastlothian.public-i.tv/core/portal/webcast_interactive/1015969