

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

**THURSDAY 14 MAY 2026  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
& HYBRID MEETING FACILITY**

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**Committee Members Present:**

Councillor J McMillan (Depute Convener)  
Councillor J Findlay  
Councillor C McFarlane  
Councillor L-A Menzies

**Other Councillors Present:**

None

**Council Officials Present:**

Ms T Murray, Principal Solicitor – Commercial  
Ms N Harrison, Licensing Standards Officer  
Ms S Fitzpatrick, Team Leader – Licensing and Landlord Registration  
Ms A O'Reilly, Licensing Officer  
Ms D Murray, Team Manager – Transport (R)  
Ms P Veitch, Team Leader – Community Protection (R)  
Mr G Talac, Senior Roads Officer – Parking and Sustainable Travel (R)  
Mr G Robinson, Service Development and Support Officer  
Ms E Barclay, Democratic Services Assistant  
\*(R) indicates remote participant

**Others Present:**

PC M Upton, Police Scotland

**Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor C McGinn  
Councillor T Trotter

**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.

**1. MINUTES FOR APPROVAL**  
**Licensing Sub-Committee, 12 February 2026**

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

**2. SHORT-TERM LET LICENSING POLICY REVIEW**

A report was submitted by the Depute Chief Executive – Resources and Economy to allow the Sub-Committee to review analysis of public consultation responses and determine if local short-term let licensing policy should be amended.

Sheila Fitzpatrick, Team Leader – Licensing and Landlord Registration, presented the report. She explained that the Council was required to publish and review its Short-Term Let Licensing Policy every three years. The current policy had been in place since 2022 and did not licence either temporary exemptions or temporary licences, but she noted that consultation showed some appetite for these types of licences. She highlighted the report's recommendations.

Ms Fitzpatrick responded to questions on the difference between temporary licences and temporary exemptions, and the circumstances of those who were likely to apply for such licences.

In response to Councillor Findlay's question about whether officers would object to changing recommendation 2.4 to allow temporary licences for any six-week period in the year rather than only during the proposed events, Ms Fitzpatrick expected that this would not cause resource issues.

Councillor Menzies formally proposed an amendment to allow temporary licences for any six-week period in the year, and that the additional conditions at report Appendix 5 be added to any licence. Councillor Findlay seconded this proposal.

Councillor McMillan then moved to roll call vote, and Committee members unanimously voted to approve the recommendations as amended.

**Decision**

The Licensing Sub-Committee agreed to:

- i. Note the outcome of the public consultation held between 1 August 2025 and 12 September 2025 (presented 13 November 2025);

- ii. Note the outcome of the public consultation held between 5 January 2026 and 15 February 2026;
- iii. Note that due to the scheduling of meetings, the proposed fee for a temporary licence was presented to Cabinet on 12 May 2026, with Cabinet members being aware that the fee would come into effect subject to policy approval by the Licensing Sub-Committee;
- iv. Introduce temporary licences for a period of up to six weeks at any time of year; and
- v. Require that the additional conditions at report Appendix 5 be added to any licence.

### **3. DELEGATED POWERS – PRIVATE LANDLORD REGISTRATION**

A report was submitted by the Depute Chief Executive – Resources and Economy to seek approval from the Licensing Sub-Committee of the proposed Scheme of Delegated Authority granted to officers to deal with approving, refusing, and revoking Private Landlord Registration applications and registrations.

Ms Fitzpatrick presented the report. She explained that it served to tidy up officers' delegated powers to allow them to deal with straightforward applications. She noted that it also provided that, should the delegated officer consider it inappropriate to determine the application for any other reason, it would be referred to the Licensing Sub-Committee.

Committee members indicated their full support for the paper, and commented on the importance of regulation of this area.

Councillor McMillan moved to roll call vote on the report's recommendation, which was approved unanimously.

#### **Decision**

The Licensing Sub-Committee approved the proposed delegated powers.

### **4. TRADE REQUEST FOR ADDITIONAL TAXI STANCES**

A report was submitted by the Depute Chief Executive – Resources and Economy to advise the Sub-Committee of a request for the creation of additional taxi stances throughout East Lothian.

Ms Fitzpatrick presented the report. She explained that an operator of a local taxi firm had requested that more taxi stances or ranks be introduced. She advised that responses to consultation had indicated that more taxi ranks were required due to the overall expansion of East Lothian, but also that existing taxi ranks were being used by vehicles other than taxis. She advised that East Lothian Council's parking attendants had no power in this area, and so the matter had been raised with Police Scotland. She reported that some consultation responses sought taxi ranks in new build areas, but explained that the Blindwells development had not yet been adopted by the Council. She highlighted the report's appendices, showing current and proposed taxi

ranks. She explained that the process of adding these additional proposed taxi ranks required the Sub-Committee's approval to go out to further consultation, and for final approval to come back to the Sub-Committee.

PC Upton conformed that Police Scotland had no objections to the proposals.

Grant Talac, Senior Roads Officer – Parking and Sustainable Travel, advised that the Parking Team had considered the proposals and agreed with all locations.

Responding to a question about Police Scotland's ability to move vehicles on from a taxi rank, PC Upton pointed out that resources were an issue. He also discussed a contentious taxi rank outside a pharmacy in Tranent, where there were challenges with moving vehicles on when their passengers or drivers may have mobility issues or be unwell.

Committee members commented on: taxis being part of the public transport infrastructure and a lifeline for many people; the need to make it easy for people to use taxis; a wish for the locations to be determined through consultation with residents; a desire to encourage a taxi operators' association; the need for people to respect marked taxi stances; and being keen to hear residents' views following the consultation.

Councillor McMillan moved to a roll call vote on the report's recommendations, and these were approved unanimously.

## **Decision**

The Licensing Sub-Committee agreed to:

- i. Consider the Trade request outlined in the report and proceed as requested;
- ii. Authorise the Service Manager – Governance, and such staff as they may designate, to proceed with the necessary public advertising process relative to the creation of new taxi ranks; and
- iii. Receive a further report from the Service Manager – Governance advising of the outcome of this process and of any objections received, with a view to formally establishing said taxi stances thereafter.

## **5. APPLICATION FOR THE RENEWAL OF A LICENCE TO OPERATE SHORT-TERM LET 9 Rhodes Cottages, North Berwick**

An application had been received from Susan Grant the renewal of a licence to operate a short-term. The application came before the Licensing Sub-Committee on the basis of a public objection, as well as representation from the Antisocial Behaviour Team.

Ms Grant spoke to the application, and provided information on the operation of the property as a short-term let over the previous three years. She discussed her positive relationships with the majority of the neighbours. She explained that the objector had never raised concerns with her, but she had been unable to contact the complainant in the past as she had not known his identity. She discussed the lack of objections

from the closest cottages, and noted that her guests did not have to pass the objector's property. She also discussed the property's situation next to a caravan park and public right of way. She discussed the parking situation, and said that documentation for guests made the need to park considerably very clear. She also noted other sources of noise in the area, but said her guests were not noisy. She discussed access to amenity spaces around the property, which she felt should not impact on privacy. She also advised that bins were clearly labelled.

Pat Veitch, Team Leader – Community Protection, advised that there had been only one complainant in this case. She explained that mediation had been offered following complaints made in February 2024, but it had been accepted that little could be achieved through mediation as parking would always be a problem in the area. She commented that Community Protection Officers had been satisfied that Ms Grant was doing everything within her power to address the situation.

Committee members asked questions regarding: waste management; contact with the objector; how often Ms Grant attended the property and her future plans for the property; and whether a condition could be added to require Ms Grant to provide her contact details to the objector.

It was established that Ms Grant would provide her contact details to the objector now that she was aware of his identity.

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

### **Decision**

The Licensing Sub-Committee agreed to grant the application.

## **6. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE Pepe's, 94 High Street, Musselburgh**

An application had been received for the grant of a late hours catering licence, and came before the Licensing Sub-Committee on the basis of representation from Police Scotland.

Alistair Macdonald, the applicant's agent, was present, and was accompanied by his client, Atif Ali. Mr Macdonald provided background information on Mr Ali's experience as a late hours catering operator across various premises. He advised that Pepe's currently closed at 11pm, and the application sought to operate until midnight Sunday – Thursday, and until 1am on Friday and Saturday nights. Mr Macdonald acknowledged that there were antisocial behaviour issues on Musselburgh High Street, and discussed the premises' response to this, including phoning the police when needed, and always having an experienced manager on shift. Following Police Scotland's representation, an additional three CCTV cameras had been installed, and footage was stored for 30 days. Mr Macdonald said that his clients would prefer to operate without a Security Industry Authority (SIA) steward; they would be willing to hire an SIA steward at weekends if members felt it was absolutely necessary, but they would prefer to avoid this being added as a licence condition. His clients were also willing to agree to licence during of one year to prove that the new hours could work, and to allow any major concerns to be brought forward upon renewal.

PC Upton explained that Police Scotland had made representation after 17 calls had been received in relation to the premises across the last year. These had included thefts, assault on a member of the public outside the store, assault on a member of staff, vandalism, and youths creating a nuisance to staff. He reported that the majority of calls had come from staff members. He reported that engagement from staff had dropped off in providing statements, and the store could be slow to produce CCTV. He felt that the presence of an SIA steward may be beneficial, given the issues that already occurred during the current operating hours. He felt that a 30-day retention period for CCTV was reasonable. He asked that staff be trained in use of the CCTV system, and that staff engage with Police Scotland following any complaints.

Nicola Harrison, Licensing Standards Officer, advised that she had visited the site on 6 March and found it to be fully compliant.

Councillors asked questions about the complaints made to Police Scotland, and PC Upton advised that crime reports had been raised in some cases. He noted that things had often calmed down by the time the police arrived, but he reiterated the importance of continuing to engage with police officers following a complaint; he said that staff should continue to phone the police if the situation became unsafe. He felt that more crime reports should be taken to justify the number of times officers had been called to the store.

Mr Macdonald responded to further questions. He described the demand for late opening, including people who worked late, and also discussed the queue that formed after people left the local bars at closing time. He also noted that there had been no public objections to the application. His clients wanted to see how the late opening went before deciding to employ an SIA steward; he noted the cost and that the steward would have nothing to do most nights. He highlighted that Mr Ali encouraged staff to call Police Scotland where necessary, whereas other operators discouraged this because they felt having a high number of logged calls counted against them. Mr Ali added that difficulty in accessing CCTV had been due to the hard drive being in the office, which was not always accessible; the system was now in a place which could be accessed by police officers. Mr Macdonald added that there had been no further issues since the beginning of March.

Responding to questions from Committee members, PC Upton explained that issues had been caused by youths rather than with people coming out of bars. He imagined that these issues would remain, and he was concerned about people leaving pubs being added to the mix.

Responding to further questions, Mr Ali discussed staff training, and explained that policy required that a skilled manager always be on shift. Mr Macdonald added that Mr Ali ran premises in Edinburgh which benefitted from a late hours catering licence. He said Mr Ali wanted an opportunity to prove it could work, and indicated that Mr Ali would be willing for the licence period to be even shorter than a year, if necessary.

Committee members made comment on: being aware of the issues on Musselburgh High Street; not believing that the late opening of the establishment would be of benefit to the people of Musselburgh; concerns that late opening would mean the same issues with queueing occurring later in the evening when police resources were slimmer; appreciating that while hiring an SIA steward was not cheap, pointing out that police time was also not cheap; fast food outlets attracting the problematic demographic in Musselburgh; being unwilling to back the application, even in the short term; acknowledging Mr Ali's experience of late hours catering in other areas, but

considering these areas to be different to Musselburgh; perhaps giving the proposals greater consideration had there been a longer period with no issues which had to involve Police Scotland; the concerns caused by the cumulative number and types of calls; and although the issues not being attributable to the premises, nevertheless being unwilling to support such an experiment given what was known about situation in the area.

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

Later in the meeting, Committee members formally agreed the reason for refusal, which had been due to concerns over community safety.

## **Decision**

The Licensing Sub-Committee refused the licence as they considered that public and community safety would be compromised by the extended opening hours.

### **7. APPLICATION FOR THE GRANT OF A SECOND-HAND DEALER LICENCE Andrew Thomson, Inglis Avenue, Port Seton**

An application had been received from Andrew Thomson for the grant of a second-hand dealer licence, and had been brought before the Licensing Sub-Committee after there had been a failure to display the site notice for the required period of 21 days.

Mr Thomson explained that he had always been interested in old cars, and had fixed them up for around a period of 10-12 years. He said he had always parked them near his home, and swapped and cars with friends and occasionally sold a car. He pointed out that his activities had never attracted any interest before now. He reported that he received a call after someone had complained, and he had been informed that he required a second-hand dealer licence.

Nicola Harrison, Licensing Standards Officer (LSO), advised that she had visited the property to perform a site notice check. She had been unable to find it, making the application non-compliant. She had also spoken with Mr Thomson's father, who had indicated that he was not supportive of the application or of the displaying of the site notice.

PC Upton explained that Trading Standards had asked him for assistance with the case. He reported having spoken with Mr Thomson on the phone about his activities, and, having relayed the information back, Trading Standards had determined that Mr Thomson was trading vehicles and thus required a second-hand dealer licence.

Mr Thomson responded to questions from Committee members. He reported that his parents were not keen on the cars being around the property. He said he had displayed the notice in the window of one of the cars, but conceded that the car may not have been in situ when the LSO visited. He advised that the cars were usually from pre-2000, and some of them were old enough that the car tax was free. He confirmed that the cars were in his name, and described using them for a short time before getting rid of them or swapping them. He advised he currently had six or seven cars. He kept one car in a Council-owned garage, and kept some on the road.

Councillor Menzies pointed out to Mr Thomson that he was keeping cars on a public road, which neighbours were also trying to use, and that he would need a business licence and possibly also a business premises to be allowed to do this. She pointed out that it was unlawful to sell cars from a public street, and that the property's driveway was not a formal driveway.

Mr Thomson responded that he felt that matter had been blown out of proportion, and described the operation as swapping cars rather than trading; he pointed out that money was not being made. He said the cars were his hobby and cost him money. He pointed out that very few people visited to buy a car; he estimated perhaps one person per quarter.

Committee members pointed out that a licence was required to be allowed to sell three or more cars in a year, and that Trading Standards had confirmed that the operation was a licensable activity.

Responding to further questions, Mr Thomson explained that he found having a high number of cars a lot to deal with; he intended to fix up the cars he had before looking for another job.

Ms Harrison confirmed that she had checked around the street and at the Council-owned garage, and had been unable to find the site notice. She had not checked whether the notice was displayed in a vehicle.

Responding to further questions, Mr Thomson explained that he did not have a business premises because he did not run the operation as a business, and a premises would incur significant overheads for something he undertook as a hobby. Mr Thomson confirmed that his parents were not supportive of the operation.

In response to questions, Tanya Murray, Legal Adviser and Principal Solicitor – Contracts and Commercial, confirmed that it would be possible for the Sub-Committee to continue the application to allow the site notice to be displayed for a period of 21 days.

Councillor Menzies pointed out there being a lack of business address. She also pointed out that the property's driveway was not a formal driveway, so cars would still be unlawfully sold from a public road.

Councillor McMillan commented that he was unwilling to grant the licence, and felt that the wider issues around trading should be investigated to make sure that the operation was compliant.

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

Councillor McMillan urged Mr Thomson to take action based on advice from Trading Standards, Licensing, the Police Scotland.

## **Decision**

The Licensing Sub-Committee agreed to refuse the application due to there being a lack of a business address at which the operation could be advertised; under the current setup, cars would be being sold from a public road, which was unlawful.

**Note:** Summary of information

The Licensing Sub-Committee agreed to exclude the public from Item 8 in terms of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority), and from Item 9 in terms of Paragraph 2 (information relating to tenants) of Schedule 7A to the Local Government (Scotland) Act 1973.

**8. APPLICATION FOR EXTENSION OF TAXI OPERATOR LICENCES**

The Licensing Sub-Committee granted the requested extension of the taxi operator licences.

**9. REMOVAL OF REQUIREMENT FOR DISPLAY OF PUBLIC NOTICE FOR HMO APPLICATIONS**

The Licensing Sub-Committee agreed to disapply the requirement for a notice of licence application for two properties.

*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/1092070](https://eastlothian.public-i.tv/core/portal/webcast_interactive/1092070)