



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

**THURSDAY 8 MARCH 2018  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

---

**Committee Members Present:**

Councillor J McMillan (Convener)  
Councillor J Findlay  
Councillor J Henderson  
Councillor J Williamson

**Council Officials Present:**

Mrs K MacNeill, Service Manager, Licensing, Admin and Democratic Services  
Ms R Colston, Commercial Development Officer  
Mr I Forrest, Senior Solicitor  
Mr R Fruzynski, Licensing Standards Officer  
Ms M Winter, Licensing Officer  
Ms C Shiel, Licensing Officer

**Others Present:**

PC H Bowsher, Police Scotland (Items 1 and 2)

**Clerk:**

Mrs F Stewart

**Apologies:**

Councillor C McGinn  
Councillor T Trotter

**Declarations of Interest:**

None

## **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

### **1. APPLICATION FOR GRANT OF A STREET TRADER'S LICENCE**

The Sub-Committee had received one application and it was granted.

### **2. MINUTES OF 8 FEBRUARY 2018 FOR APPROVAL**

The minutes of 8 February 2018 were agreed to be a true record of the meeting.

## **PUBLIC**

### **3. LICENSING FEES FROM 1 APRIL 2018**

The Depute Chief Executive, Resources and People Services, had submitted a report to inform the Sub-Committee of the proposed new Licensing Fees and to seek comments and agreement that they be introduced as from 1 April 2018.

Kirstie MacNeill, Service Manager for Licensing, Administration and Democratic Services presented the report. She stated that legislation dictated that the Council fully recovers all costs involved in the provision of the Licensing Services it managed and, for some time, many Licence Fees had not covered the costs involved. She advised that a review had therefore been carried out to ascertain the level of fees to ensure full recovery of costs and compliance with legislation. Following the review, senior Council Officers had produced a list of proposed new Licence fees which was attached to the report (Appendix 1). Benchmarking comparisons had been made with the fee levels in surrounding Local Authorities and it had been established that East Lothian Council's current fees were, in general, substantially below average. Proposals included increasing the cost of Taxi and Private Hire Car Driver's Licences from £62 to £130 and increasing the cost of Taxi and Private Hire Car Licences from £250 to £355 (amended from £386). Some costs would be set at a fixed level across all types of licence to provide consistency, for example issuing a duplicate licence and administration fees.

Mrs MacNeill stressed that the review was not a profit making exercise. She pointed out that some recharges had not previously incorporated costs incurred by the Council, for example, there was a fee £125-150 for inspecting taxi and private hire vehicles. The review had also considered the duration of licences, as some are currently issued for one year and some issued for 3 years. It had been established that there was no clear reason for this approach and it was therefore decided that all licences should be issued for one year.

Mrs MacNeil introduced Ruth Colston, Commercial Development Officer, who had been involved in reviewing charges for services across all departments of the Council.

The Chair invited questions for Mrs MacNeil and Ms Colston.

Councillor Williamson suggested that a move to issuing licences from 3 years to 1 year would generate more work for the Council and increase costs. Mrs MacNeil replied that the change to making the duration of all licences one year was to introduce consistency. She also advised that changes can occur over a 3-year period and it was therefore fairer to grant licences for one year. Ms Colston added that, as a licence granter, it was important that the Council had correct and up to date data and had an opportunity to reconsider licences sooner than every 3 years if there were public objections to licences. It was also possible that, during the course of a 3-year period, different licences might be required. In response to a question from Councillor Henderson, Ms Colston advised that licences for Taxi Booking Offices and Public Entertainment Licences were currently granted for 3 years.

In response to further questions from Members, Mrs MacNeill advised that licences for theatres would in future come under Public Entertainment Licences (following the introduction of new legislation) and that there would be a different fee structure for charitable events.

Councillor Findlay agreed that it was important for the Council's Licensing Department to cover its costs and noted that licence fees in Edinburgh and the Borders were considerably higher than East Lothian fees.

Councillor Henderson asked if the review had clarified the services the Council charges for and the services for which it did not charge and asked if there was scope for the Council to adopt a more consistent approach. Ms Colston replied that the results of the review had highlighted that the Council must continue to be responsive to possible licensing requirements of developing industries.

The Chair asked if the new fees were as fair as they could be. He stated that taxi drivers over the age of 45 were required to have a medical every 5 years and taxi drivers aged over 65 needed to have an annual medical check. He asked how the fees for these medicals were costed into the licence fee and was advised by Mrs MacNeill that currently these costs were spread over all taxi/private hire car driver's licences. She also advised that the Council was required by law to pay for the first medical of each taxi/private hire car driver's licence. Ms Colston explained how calculations for full cost recovery would be made in future and advised that the Council would also consider the cost of investing in the service to keep pace with developments and to ensure that the Council offered the best possible service.

Mrs MacNeil and Ms Colston also responded to questions on Temporary Market Operator's licences, school fairs and bootcamps.

## **Decision**

The Sub-Committee agreed to authorise the new Licensing Fees at the levels proposed in Appendix A to the report, including a small number of changes advised by the Service Manager of Licensing, Administration and Democratic Services, with effect from 1 April 2018.