

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

**THURSDAY 14 MARCH 2024, 2.00pm  
VIA A DIGITAL MEETING FACILITY**

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**Agenda of Business**

**Apologies**

**Declarations of Interest**

*Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.*

1. Minutes for Approval
  - a. Licensing Sub-Committee, 18 January 2024 (**pages 1-4**)
  - b. Special Meeting of the Licensing Sub-Committee, 5 March 2024 (**pages 5-8**)
2. Application for Grant of a Licence to Operate a Short-Term Let  
15a Balfour Street, North Berwick (**pages 9-28**)
3. Taxi and Private Hire Car Licensing – Report by the Executive Director for Council Resources (**pages 29-48**)

**PRIVATE**

4. Removal of Requirement for Display of Public Notice for HMO Application – Report by the Executive Director for Council Resources (**pages 49-55**)

**NOTE:** Access to Information.

The Committee will exclude the public from item 4 in terms of paragraph 2 (information relating to tenants) of Schedule 7A to the Local Government (Scotland) Act 1973.

**Monica Patterson**  
Chief Executive  
John Muir House  
Haddington

**7 March 2024**





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

**THURSDAY 18 JANUARY 2024  
ONLINE DIGITAL MEETING FACILITY**

**1A**

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**Committee Members Present:**

Councillor C McGinn (Convener)  
Councillor C Cassini  
Councillor C McFarlane  
Councillor J McMillan  
Councillor T Trotter

**Other Councillors Present:**

None

**Council Officials Present:**

Mr I Forrest, Senior Solicitor  
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration  
Ms C Aitken, Licensing Officer  
Ms K Harling, Licensing Standards Officer

**Others Present:**

PC L Wilson, Police Scotland  
Sgt S Miller, Police Scotland

**Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor J Findlay

**Declarations of Interest:**

Item 2: Councillor McMillan, on the basis that he was on the Board of Cockenzie House & Gardens.

**Sederunt:** *Councillor McMillan left the meeting.*

**1. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 21 DECEMBER 2023**

Members agreed the minutes were an accurate record of the meeting.

**2. APPLICATION FOR VARIATION OF A PUBLIC ENTERTAINMENT LICENCE  
Cockenzie House and Gardens, Edinburgh Road, Cockenzie**

An application had been received for a variation of a public entertainment licence (PEL) for Cockenzie House and Gardens and had come before the Licensing Sub-Committee on the basis of a public objection.

Ian Forrest, Legal Adviser, introduced the application. He advised that there had been no concerns raised by statutory consultees, but highlighted various conditions proposed by Environmental Health (EH) officers. He also highlighted a lengthy objection from a neighbour contained within the papers.

PC Lee Wilson advised that there had been no change in Police Scotland's stance since the application for a PEL renewal had been heard at the previous meeting, and said police did not have any objections or issues to raise.

Alistair Macdonald, agent, spoke to the application, and was accompanied by Marietta di Ciacca and Craig Hodgson, representatives of Cockenzie House and Gardens. Mr Macdonald addressed the festival known as EH32 Live. He advised that when an application for a PEL variation had added live music specifically, this had been granted with a time restriction. He had considered the EH conditions and thought they related only to EH32 Live. He said that his clients were happy for EH32 Live to be restricted to 1 June – 31 August, but were not happy for any other events and live music performances to be restricted to this period. He said that the proposed hours for performance on Saturdays were accepted. He advised that his clients sought to hold EH32 Live events on Sundays, as the festival had traditionally taken place on Sundays as well as Saturdays. As such, his clients asked that music performance be allowed from 2pm-6pm on Sundays. Mr Macdonald reassured Members that performances on Sundays would be small-scale productions which would feature only individual performers or duos, and would give cognisance to objector comments and nearby residents. He said that his clients would not object to a condition being added which disallowed drums being used as part of these Sunday performances. He noted also that the Retro Fair took place on the first weekend of each month and EH32 Live did not run at the same time.

Mr Macdonald noted that other live music outwith EH32 Live could include any performances, such as recitals, string quartets, and choirs. He said that such events were part of the Cockenzie House and Gardens ethos and his clients would not wish these to be restricted in terms of dates or numbers, however, they would be happy for any outside events to finish by 8pm and indoor events to finish by 11pm. He said that his clients acknowledged the public objection to the application but noted that there were no other objections, and he reassured Members that there were good relationships with neighbours.

Mr Macdonald responded to questions from Members. Responding to a question from the Convener, Mr Macdonald advised that his clients had taken concerns raised previously into account. He reported that Craig Hodgson, who operated EH32 Live, had received unannounced assessments from EH and community wardens. Mr Macdonald explained that the community wardens would add Cockenzie House to their weekend rounds and would drop in to carry out noise checks, thus providing his clients with regular feedback. Mr Macdonald said he was unaware of any other issues having been raised by neighbours.

Councillor Cassini asked about the capacity of the venue and asked about imposing a limit on the number of attendees to indoor events. Christine Aitken, Licensing Officer, advised that the premises licence capacity of 500 persons took into account both the indoor and outdoor space.

Officers and Mr Macdonald responded to several questions from Councillor Trotter. Ms Aitken confirmed that the renewal application had been for a period of three years. Mr Forrest reassured Members that a licence review could be called should there be grounds to do so, such as following an upsurge in complaints. Mr Macdonald advised that the request for bands as part of EH32 Live, which was now being suggested to be restricted to Saturdays only, had previously been the line-up for both Saturdays and Sundays. His clients acknowledged concerns raised over noise on Sundays and had proposed a solution that would not cause issue to nearby residents.

Responding to further questions from Councillors Trotter and Cassini, Mr Hodgson advised that in previous years, an acoustic act would have played in an earlier slot on Saturday and a band would have played later in the day. However, as Saturdays did not seem to cause the objector issues, the team had suggested that acoustic performers would play on Sundays and there would be an earlier finish to minimise noise disturbance to neighbouring properties. He advised that music held within the building could include any type of music performed within the Willow Room. Ms di Ciacca added that the capacity of the Willow Room was only around 50 persons. She described some of the events which took place there, including children's parties and workshops. She advised that a live band had played at a Christmas party on 16 December there had been no issues. Mr Macdonald also highlighted that there was a café within the premises. He said that his clients would never wish to have an event in the Willow Room which exceeded capacity and felt it would be helpful if nothing were specified in this regard; he asked Members to accept that his clients would operate events in a way that customers would find pleasant. He advised that a PEL would cover everywhere within the building and grounds. He noted that different capacities were appropriate for various events and it would be difficult to give a specific capacity for every type of event.

The Convener commented that no concerns about numbers, overprovision, or safety had been brought to Members' attention. He said he had used Cockenzie House and Gardens on a number of occasions and had never thought it overcrowded.

Following a question from the Convener and discussion with officers, Mr Macdonald reiterated the suggested conditions. The Convener sought clarification from officers on several points relating to conditions on the current licence. Sheila Fitzpatrick, Team Manager – Licensing and Landlord Registration, clarified that the suggested conditions related to weekend-only restrictions on the festival known as EH32 Live. The Convener then formally proposed the suggested conditions, noted below, and these were seconded by Councillor Trotter.

The Convener then moved to a roll call vote. Members unanimously voted to grant the licence, subject to the conditions proposed by the Convener.

**Decision**

The Licensing Sub-Committee agreed to grant the public entertainment licence variation subject to the following conditions:

- The festival known as EH32 Live may be held between 1 June and 31 August, during which period, the festival may run between the hours of 2pm-8pm on Saturdays and 2pm-6pm on Sundays.
- Outwith EH32 Live events, amplified music would cease at 8pm outdoors and 11pm indoors.

Signed

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Councillor C McGinn  
Convener of the Licensing Sub-Committee



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

**THURSDAY 5 MARCH 2024  
ONLINE DIGITAL MEETING FACILITY**

**1B**

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**Committee Members Present:**

Councillor C McGinn (Convener)  
Councillor C Cassini  
Councillor J Findlay  
Councillor C McFarlane  
Councillor J McMillan  
Councillor T Trotter

**Other Councillors Present:**

None

**Council Officials Present:**

Mr I Forrest, Senior Solicitor  
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration  
Mr A McLellan, Team Manager – Transport  
Ms K Harling, Licensing Standards Officer

**Others Present:**

None

**Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

None

**Declarations of Interest:**

None

**Note:** Summary of information

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

**1. REQUEST FOR APPROVAL OF TAXI LICENCE**

The Licensing Sub-Committee approved a request to depart from the current age of vehicle policy to allow an application for the grant of a new taxi licence in the circumstances outlined in the report.

DRAFT







CIVIC GOVERNMENT (SCOTLAND) ACT 1982

## APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

### PART 1: ABOUT YOU

# 2

Are you applying as an individual or corporate entity?

Individual

Corporate Entity

Fill in if you are applying as an individual:

Your full name James Graham Narin Miller-Stirling

Date of birth [REDACTED]

Place of birth [REDACTED]

Home Address [REDACTED]

\_\_\_\_\_

\_\_\_\_\_ Postcode [REDACTED]

Tel. No. [REDACTED] Email address [REDACTED]

Please provide your **home address history for the last 5 years** with no gaps or overlaps, starting with the most recent. Please confirm the dates you resided at these properties (continue on a separate sheet if necessary):

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

**Agent(s) & Day to Day Manager(s)**

Do you have or intend to appoint an agent or day-to day manager?

Yes  No

If you answered yes, please provide details for your agent(s) or day to day manager(s).

Full name  Craig Douglas

Date of birth  [REDACTED]

Tel. No.  [REDACTED]  Email address  [REDACTED]

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

**Joint Ownership**

Is your property jointly owned? Yes  No

If you answered yes, please provide details for all joint owners.

Joint owner(s) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.
Ingkawan Miller Stirling				

**Individuals, please go to Part 2.**

**Corporate entities**

Corporate entities, please complete the relevant sections on the following pages. Fill in if you are applying as a corporate entity (e.g. company, partnership, trust or charity)

Corporate entity name \_\_\_\_\_

Limited company number (if applicable) \_\_\_\_\_

First name and surname \_\_\_\_\_

Registered or principal office address \_\_\_\_\_

\_\_\_\_\_

Tel. No. \_\_\_\_\_ Email address \_\_\_\_\_

\_\_\_\_\_

Names and private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities (continue on a separate sheet if necessary).

Full name	Personal address	Place of birth	Date of birth

Please complete for all other named persons on the licence (e.g. any agent or day-to-day manager) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.
Craig Douglas				

## PART 2: APPLICATION AND LICENCE TYPE

**(to be completed by all applicants)**

Please select the application type:

- First application (existing operator\*)
- First application (new operator)
- New application (where property has been used as licensed STL previously)
- Renewal
- Change to existing licence

*\*This option is only available for applications made on or before 1 April 2023 by existing operators (ie those operating the premises in which a licence is being applied for as a short-term let on or before 1 October 2022).*

If you are applying to renew or alter your licence, please complete the following fields. If submitting a new application where the property has never been used as a licensed short-term let before, please proceed to **'The Type of Short Term Licence you require'** (below).

Existing licence number \_\_\_\_\_

Existing licence expiry date \_\_\_\_\_

If you are submitting a new application where the property has been used as a licensed short-term let before, please complete the following fields.

Previous licence number \_\_\_\_\_

Previous licence expiry date \_\_\_\_\_

Please select the type of short-term let licence you require:

- Home sharing
- Home letting
- Home sharing & home letting
- Secondary letting

If you do not own the property which is the subject of this licence application, do you have proof of permission from the owner(s):

Yes  No  N/A

If you are applying for a change to your existing licence, please indicate the reason for your request (e.g. a change of agent, changes to the property – e.g. an extension to increase maximum occupancy).

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### PART 3: PREMISES DETAILS

Premises Address 15a Balfour Street, North Berwick, EAST Lothain

Postcode EH39 4JY

Unique Property Reference Number (if known) \_\_\_\_\_

EPC Rating\* Band C

*\*(if applicable – not required for home sharing or unconventional accommodation)*

Please select the type of premises:

Detached House	<input type="checkbox"/>	Semi-detached house	<input type="checkbox"/>
Terraced House	<input type="checkbox"/>	Flat	<input checked="" type="checkbox"/>
Unconventional accommodation	<input type="checkbox"/>		

From the following options, please select the description that best describes your short-term let:

Self-catering	<input checked="" type="checkbox"/>	B&B	<input type="checkbox"/>
Guest house	<input type="checkbox"/>	Other form of home sharing	<input type="checkbox"/>
Home letting	<input type="checkbox"/>		



Specify the number of rooms within the premises used as:

Bedrooms   2   Bed/Sitting rooms   0  

Bathrooms   2   Kitchens   1  

Lounges   1  

Other (please specify)   1 Utility Room  

Specify the maximum number of guests   4    
(excluding children under 2 years of age)

Advise if you operated this premise as a short-term let prior to 1 October 2022

Yes  No

**PART 4: CONVICTIONS**

Has anybody named on the application been convicted of any offence? Please include details of any unspent convictions in the table below:

NAME	DATE	COURT	OFFENCE	SENTENCE
N/A				

## PART 5: APPLICATION CHECKLIST

**Note – this check list must be fully completed in order to submit your application**

<b>I have enclosed the following</b> (please tick to confirm (or enter N/A))	
Correct application fee	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: <b>25/01/24</b>
Electrical Installation Condition Report	Valid to: <b>12/10/23</b>
Portable Appliance Testing Report	Valid to: <b>06/10/27</b>
Fire Risk Assessment	<b>yes</b>
Fire Service Safety Checklist	<b>Yes</b>
Legionella Risk Assessment	<b>Yes</b>
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: <b>100643658</b>
Floor plan	<b>yes</b>
EPC Certificate (for premises which are dwellinghouses)	Valid to: <b>03/01/28</b>
Public Liability Insurance	Valid to: <b>06/04/24</b>
Proof of consent from owner (if applicable)	<b>N/A</b>
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	<b>yes</b>

<b>I have:</b> (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	yes
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	yes
Prepared information that will be available to guests at the premises including:  (a) a certified copy of the licence and the licence conditions, (b) fire, gas and electrical safety information, (c) details of how to summon the assistance of emergency services, (d) a copy of the gas safety report, (e) a copy of the Electrical Installation Condition Report, and (f) a copy of the Portable Appliance Testing Report.	yes
Applied for planning permission (if required).	yes
Noted the requirement to display my licence number and EPC rating on listings for my premises	yes
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	yes
Read and understood the mandatory conditions that will apply to my licence	yes
Read and understood the additional conditions that will apply to my licence	yes

<b>My premises</b> (please tick to confirm (or enter N/A))	
Meets current statutory guidance for provision of fire, smoke and heat detection	yes
Meets statutory guidance for carbon monoxide alarms	yes
Meets the required regulations for private water supplies (for premises with a private water supply i.e not provided by Scottish Water)	yes
Meets obligations with regard to the Tolerable and Repairing standard (applicable to dwellinghouses)	yes

## PART 6: DECLARATION

East Lothian Council, as licensing authority, will use information it holds about you to determine whether you are a fit and proper person to operate a short-term let. In addition, licensing authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with Police Scotland and, if appropriate, other relevant authorities.

Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

I declare that I have read and understood the mandatory conditions that apply to short-term let licences and East Lothian Council's additional conditions

I will comply with the requirement to display a site notice in accordance with paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act 1982

I declare that the information given in this application is correct to the best of my knowledge

Signed



Print name James Graham Nairn Miller-Stirling

Date 18/09/23

## DATA PROTECTION ACT 2018

Please note that the information given on this form may be stored electronically by this Authority for the purpose of licensing.

The Identity of the Data Controller under the Data Protection Act 2018 ("the Act"),

East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA ("the Council")

The purpose or purposes for which the data are intended to be processed.

The Data will be processed in order for East Lothian Council to fulfil its statutory duty under the Civic Government (Scotland) Act 1982 in receiving, registering, determining and granting applications for licenses under the said Act. The Data will be shared with public bodies who require to be consulted about the application, such as the Police. It will also be shared with internal East Lothian Council services, particularly within the Environment Department who give advice to the Council as Licensing Authority, in respect of the application.

East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

### Further information can be obtained from:

Data Protection Officer  
Licensing, Administration and Democratic Services  
John Muir House  
Haddington  
dpo@eastlothian.gov.uk

## Consultation responses

Scottish Fire and Rescue Service (13 October 2023)

Police Scotland – no objection (17 October 2023)

Parking Team – no objection (12 October 2023)

Antisocial Behaviour Team – No objection (13 October 2023)

Planning Authority – Application for Certificate of Lawfulness of Use or Development (CLUD) refused (12 January 2024)

Decision reason:

- *It has not been demonstrated that the use of the flat as a short term holiday let is not a material change of use that does not required planning permission or that the flat has been in use as a short term holiday let for a continuous period of 10 years or more.*
- *The existing use of the applicant's flat as a short term holiday let has not be proven to be lawful under Section 150 of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, this application therefore be refused and a Certificate of Lawfulness should not be issued.*

ELO0184P

**Licensing**

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**From:** Joyce Surfleet [REDACTED]  
**Sent:** 29 October 2023 21:08  
**To:** Licensing  
**Subject:** Objection to short term let license

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

UPRN 138036692  
License Ref ELO0184P

I have just been informed by a neighbour that a planning application has been submitted for a license for a short term let at 15 a Balfour Street North Berwick. The notice was attached to a lamppost and by sheer luck was spotted by a resident. This application is for a short term let license in a close where there is only one permanent resident whose family have been severely disrupted over the years by some of the people renting these flats.

I would like to object for the reasons listed below:

- A large number of holiday homes and rentals already exist in Balfour Street and the Quadrant.
- My TEN nearest neighbours are holiday homes or rentals.
- This takes the heart out of our local community and has an impact on people being able to buy homes in their local area.
- There is often anti social behaviour associated with these rentals and recently a group of young male golfers in a top floor flat had wide open windows for the length of their stay and were extremely noisy. Heard by the whole street but even more disturbing for the residents living below. They also threw items out of the windows and had to be asked to desist. This is just one example of numerous incidents.
- Many of these flats leave their green bins in Quadrant Lane ( often overflowing) leaving residents to clear up the mess and taking up much needed parking spaces.

Although I live [REDACTED] my back gate opens into Balfour St and we are directly affected by the points listed above.

I would appreciate if the above is taken into consideration when considering the application.

Joyce Surfleet  
[REDACTED]

## Licensing

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**From:** Christine Gollan <[REDACTED]>  
**Sent:** 30 October 2023 00:08  
**To:** Licensing  
**Subject:** Objection to Licensing of 15a Balfour Street, North Berwick EH39as a short-term let

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

### Objection to Licensing of 15a Balfour Street, North Berwick EH39 as a short-term let.

To whom it may concern.

UPRN 138036692

Licence Ref. No: EL00184P

We live very close to 15 Balfour Street as our property at [REDACTED] which adjoins Balfour Street. We are gravely concerned to see that No.15A is being considered for a licence as a short-term/holiday let. Neighbours have received **no letter of notification for this**, whereas we did for the previous application to license the property at [REDACTED]

Balfour Street has suffered disproportionately from the proliferation of short term lets and No 15 is the best and worst example of everything that is wrong with the current unlicensed system. There is only one permanently occupied property in the stair and the owners are regularly subjected to inconsiderate, anti-social behaviour and the related consequences of short term lets to visitors whose very anonymity encourages activities and behaviour that they (probably) wouldn't indulge in in their own homes. The area of Balfour Street, Melbourne Road, Quadrant used to be almost exclusively populated by families, couples and individuals at different stages of life, bar a couple of guest houses and there was a thriving, neighbourly, social aspect which contributed to the health and wellbeing of adult residents but especially children. With every Short-Let approved, that sense of a caring, child-friendly community has gradually been eroded to the point where there are more Short-Lets and rarely used second homes than resident owners or long-term renters. This has had a devastating impact on those of us who live here permanently because most second home/short let owners and their visitors simply do not care about protecting their neighbours from excess noise, anti-social behaviour, careless dumping of refuse and recycling in private and public litter bins on the public highway. Crucially, residents in Balfour Street and surrounds are living with an ever-changing, transient set of short-term neighbours whose names they don't know and whose behaviour is unpredictable at best. Residents need to feel safe in their own homes and there is no doubt that the security of the communal areas of No 15 is compromised by the predominance of short term lets in the stair.

We have lived at our address for 22 years and have experienced innumerable day to day issues during the holiday let seasons which cannot be promptly and adequately addressed as defined in ELC's Additional and Mandatory Conditions for Short term lets:



Specifically and Additional that: *The Licensee will be responsible for the day to day running of the premises, and for ensuring that guests comply with the terms of their Lease and in particular to deal effectively with any anti-social behaviour by guests to anyone else in the locality of the Short-term Let.*

Related and Mandatory: *The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence. How does any owner ensure this? It is disingenuous to imply that all neighbours who need to contact the owner can do so and that the owner would promptly deal effectively with anti-social behaviour. In July (w/b 3/7/23), in another short-term let, the top flat at No 15d Balfour Street was occupied by a seemingly excessive number of rowdy American golfers who were throwing things out of the window onto the street and parked cars below. Music was blaring out of windows thrown open all day and many of us suffered disturbed evenings. I have no idea who owns that particular flat and the owner certainly did not "deal effectively with any anti-social behaviour by guests to anyone else in the locality of the Short-term Let."*

Additional condition: *Adequate and suitable facilities must be provided for the storage and disposal of refuse. Where bins are provided to terraced and tenemental properties they must be clearly identified by flat or property address. The licensee must ensure that the guests utilise the bins provided and ensure that refuse or bins are placed out on collection day and that bins are returned to the bin storage area following collection (where applicable)*

This is a running sore for residents in the area described. Balfour Street is very narrow and the pavements even narrower and thus refuse bins are a hazard unless removed and stored off street. The result is that between 15 – 20 green bins with no ID, are lined up along Quadrant Lane and the Lane is used as a public dump for holidaymakers' rubbish. When a let ends, we can often be faced with excessive amounts of rubbish and recycling in bin bags dumped anonymously and carelessly in communal back garden spaces, in the Quadrant Lane or blown over and accessible to seagulls and rodents. No holiday let owner has ever cleaned up and cleaners who clean the flats for agents don't know or care whose bins they are using. These commercial premises are profiting at our expense as there is evidently no manager nor any commercially designated waste management in place, which surely means permission should not be granted on those grounds alone.

If ELC approves the Licensing of 15a Balfour Street, as a commercial premises with no on-site management which is set within the domestic residential tenement terrace it would be another blow to the remaining tiny community who choose to live here permanently. The economic benefits which allegedly accrue to the town are fanciful as these holiday flats are mostly empty in the off-season and self-catering properties in the holiday season benefit Tesco and other supermarkets that deliver as we observe from the number of delivery vans circling and trying to find a parking place. There is no economic research to prove the ludicrous figures being bandied about as benefitting the town.

The current Planning and Licensing policy of approving an excessive number of short-term let properties in the 'old' town of North Berwick is having a seriously detrimental effect. As permanent residents find themselves increasingly without any neighbours and surrounded by empty flats and houses in the winter or disturbed once or twice a week every week in the holiday season, inconvenienced by inconsiderate visitors, what should we do? The dreaded 'doughnut effect' on the town has already begun and unless ELC Planning and Licensing urgently work with us, it may be too late to stop it. Properties with communal areas of access should not be considered as appropriate for short term lets.

Hence the reason for this objection and a plea that the committee listens and supports the residents of this area by rejecting the application for 15a Balfour Street.

Yours faithfully,

Christine and Graeme Gollan

[Redacted signature]

## Licensing

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**From:** Carol Stobie [REDACTED]  
**Sent:** 29 October 2023 20:26  
**To:** Licensing  
**Cc:** chairman@northberwickcommunitycouncil.org.uk; [REDACTED]  
McFarlane, Carol; Allan, Liz; jeremyfindlay@btinternet.com; Dingwall, Keith;  
Paul.McLennan.msp@parliament.scot; ministerlgep@gov.scot  
**Subject:** Objection to short-term holiday let application

You don't often get email from [REDACTED] [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

### Objection to Licensing of 15A Balfour Street, North Berwick EH39 as a short-term let.

To whom it may concern.

UPRN 138036692

License Reference EL00184P

We moved to this address 20 years ago; we are now the only permanent residents in this stair. We have suffered increasingly from the presence of holiday lets and are very distressed to see that No.15A is being considered for license as a short term holiday let. We strongly feel that our security is compromised by unknown people coming and going late at night, noise and disturbance at various times, at times drunken and disturbing behaviour in the stair and outside residents' windows, sand on the stair that is not swept up and creates a slip hazard; lack of proper management of recycling and household refuse, particularly food waste that has attracted rats and maggots; dog fouling in the shared garden; the removal of carpets increasing noise disturbance for those living below short-term tenants at all times of day and night; a general sense that many holidaymakers are indifferent to the fact that people live here and deserve an undisturbed night's sleep. Guests in this stair also disrupt the sleep of adjacent permanent residents - who may be families trying to get small children to sleep, working people who have to get up early in the morning, or even vulnerable elderly occupants frightened by the disturbance.

We and other neighbours have received no letter of notification for this application, whereas we did for the previous property at [REDACTED]. Why is this? As to notices displayed on a lamppost for 21 days – unsuitable for anyone with poor eyesight, mobility etc at the best of times - in this case the notice on the lamppost rapidly became extremely difficult to read in recent weather, and does not display the dates by which objections should be received. This is not acceptable and should be sufficient for the application to be rejected on procedural grounds.

We have endured years of distressing disturbance since adjacent properties began operating as holiday lets, with North Berwick Holiday Homes managing a series of lets for most owners, and wish to register our strongest objection to its continued operation. NB Holiday Homes has not addressed specific concerns regarding the management of problems and have at times been very dismissive of our neighbours' concerns when approached, expecting them to contact owners, which is unreasonable. Neither they nor owners are 'on site' to manage issues that arise, and do not attend promptly when problems are reported.

We no longer have any neighbours within our stair, and it is therefore difficult to negotiate matters such as building repairs. We are landed with the responsibility of staying in for tradespeople, builders etc, which is also unreasonable when many of the communal repairs have been necessitated by previous absentee owners.

This summer, in another short-term let, the flat above us at 15D - (also apparently applying for license, with a storm-damaged lamp-post notice and side 2 impossible to see, therefore not fulfilling the requirement to be visible for 21 days but with no record of this application on your register) - was occupied by a party of American golfers. Apparently they were part of a larger group who were being accommodated across several NB Lets properties. Unfortunately the flat above us was chosen for nightly congregations of a large number of people. The living window was left wide open all the time and their conversations could be heard loud and clear in our bedroom below and were audible well down the street. Although the owner was eventually contacted by us, most of the people who were suffering this lengthy disturbance would have had no idea how to reach them. As a second example, in summer 2022, drunken holidaymakers who had evidently walked off with their pint glasses from a local pub gathered to shout, laugh at obnoxious volume, drink and smoke outside the front windows on the narrow pavement, which was frightening for residents and posing the danger of dropped and broken glass in the street. Worse still, instead of going up one flight of stairs to use the toilet, one decided to relieve himself into our downstairs neighbour's front garden.

When a let ends, we can often be faced with excessive amounts of rubbish and recycling not properly sorted. Guidance never appears to be given to or followed by holidaymakers on waste and food disposal. They do not appear to have much awareness of recycling procedures and we have the impression that they have not been left receptacles for waste that needs to be recycled. Some politely ask us what to do, and we have tried to help or even taken it on for them after their departure, but this should not be our responsibility. Much is regularly binned unnecessarily because of this. The owners are taking advantage of our free local services, paid for by our Council Tax. One of the communal food bins was carelessly used to dump cooked food waste without using suitable bags earlier this summer, unknown to residents until they were confronted with a bin crawling with maggots, which was very distressing to dispose of.

We would also point out that some holiday owners allow their dogs to defecate on our shared back green, which is used by residents with children or small grandchildren, posing a risk to their health. One ground floor neighbour nearly found themselves stepping into dog mess at their back doorstep. When politely asking the nearby holiday visitor (present with their dog in the garden - no dogs live in this stair) to clean this up, they denied responsibility and left our neighbour to deal with it.

The application for 15A Balfour Street shows an agency in Edinburgh as being responsible for the day-to-day management of short-term lets in this property. The range and urgency of the sort of issues we have outlined above show that such management arrangements are a fantasy and we and other permanent residents will be left to sort out such problems as before.

We frequently hear the argument that short-term lets bring an economic benefit to the area. We have never seen a convincing argument as to why properties that are let for, say, half the year bring more income into the area than permanently occupied properties. But the debate should be about more than about economic benefits. Balfour Street and similar parts of old North Berwick have been undergoing rapid and unplanned change. Although there are still a small number of us close neighbours left, supporting each other at times such as the pandemic in particular, the resilience of the community in the street and surrounding streets has been eroded to a critical level where neighbourhood support is being put at risk.

When the Council started researching this problem, we understood that the presumption would be that short-term let applications for tenement properties and blocks of flats would be looked at most seriously. We believe we have provided you with enough evidence to demonstrate that the application for 15A Balfour Street should be turned down.

Yours faithfully,

Carol Stobie and Neil McIlwraith

East Lothian Council  
Licensing

09 OCT 2023

6 October 2023

Dear Sirs

Received

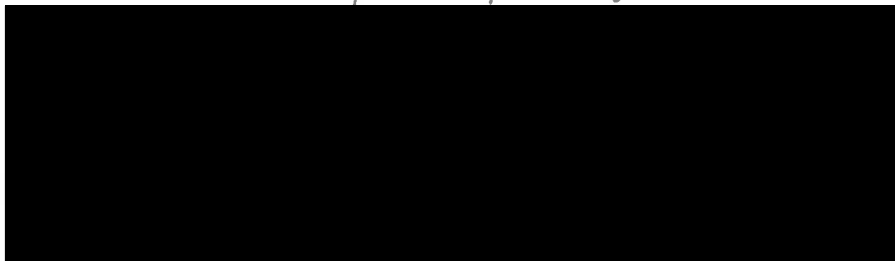
We are writing in support of James Miller-Stirling's application for a short-term lets licence in respect of 15A Balfour Street, North Berwick EH39 4JY.

We live directly [REDACTED] the applicant's flat and have a very good relationship with the applicant and the excellent way his flat is managed. It is mostly let out to high-end golfers who usually frequent local restaurants and shops in North Berwick thus aiding the local economy. The applicant and his family often spend time in the flat and are so mindful of causing any noise to neighbours that they remove their shoes when in residence. We, who live [REDACTED], are extremely grateful.

Although the applicant's flat is in a communal stair it is the first flat that visitors come to so they are not passing anyone else's door.


We would be extremely sorry if this application were to be refused and would ask you to grant it.

Yours faithfully



  
30.11.23

Dear Sir/Madame,

I write to support the application for a Certificate of Lawlessness (reference number 23/01088/CLU) of my downstairs neighbour, James Miller-Stirling. (I stay in  Balfour St, he in 15a Balfour St, North Berwick – postcodes for both: EH39 4JY).

I am happy to confirm that I have not been affected by noise/disturbance/hooliganism or unsanitary conditions resulting from his occupation of his flat.

I note that access to his flat on the first floor from the downstairs external door does not pass anyone else's door on the staircase which minimises noise; that the flat entrance doors on the first and second floors are located a minimum 5-6 metres apart reducing proximity of contact and inconvenience; and that the stairwells are light and spacious.

Moreover, I have seen no evidence of dogs using 15 a – so no sign of the noise, smell and sand which can accompany such animals ; and am unaware of any complaints of too much (or, for that matter, any) noise made by anyone else in our staircase.

James, in my experience, is an exemplary neighbour who takes seriously all the issues that need to be addressed by those who seek to be responsible landlords.

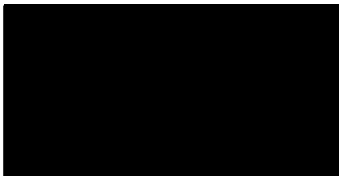
Yours sincerely,

  
Jock Dalrymple



Date: 8 February 2024

Mr James Miller-Stirling



Dear Mr Miller-Stirling,

**Licensing Sub-Committee meeting – Application for Grant of Short-term Let (STL) licence for  
15A Balfour Street, NORTH BERWICK, EH39 4JY  
Civic Government (Scotland) Act 1982**

I refer to your application for the Grant of a STL licence at 15A Balfour Street, NORTH BERWICK, EH39 4JY. Objections have been received from a Joyce Surfleet, Christine and Graeme Gollan, and Carol Stobie and Neil McIlwraith. I have enclosed copies of the objections for your information. In addition to the objections, notification from East Lothian Council's Planning Authority has been received advising that your application for a Certificate of Lawfulness of Use or Development (CLUD) has been refused.

As objections have been received and the application for the CLUD has been refused, your application will now be considered by East Lothian Council's Licensing Sub-Committee. You are invited to attend the meeting of the Licensing Sub-Committee on Thursday, 14 March 2024 at 2.00pm. The Licensing Sub-committee will now be conducted as a hybrid meeting – meaning you can attend in person or join online. The in-person meeting will be held at Council Chambers, The Town House, Court Street, HADDINGTON, EH41 3ED. Please be aware that the public items of business will be recorded and be made available online at <https://eastlothian.public-i.tv/core/portal/webcasts>.

To participate in the online meeting, you must use one of the following options:

- the latest version of Google Chrome or Microsoft Edge as your browser *or*
- the Connect Remote app for iOS or Android *or*
- join by telephone

**If you wish to attend, please contact [licensingcommittee@eastlothian.gov.uk](mailto:licensingcommittee@eastlothian.gov.uk) to confirm your attendance, at which point you will be offered a link to join the meeting.**

Please note that if you do not attend, your application will be considered in your absence and that an invitation to attend the meeting will be issued to any party who submitted an objection. Should you wish to withdraw your application for a short-term let licence, please advise this department, in writing, to [stl@eastlothian.gov.uk](mailto:stl@eastlothian.gov.uk).

Yours sincerely,

Licensing Officer  
[stl@eastlothian.gov.uk](mailto:stl@eastlothian.gov.uk)





**REPORT TO:** Licensing Sub-Committee  
**MEETING DATE:** 14 March 2024  
**BY:** Executive Director for Council Resources  
**SUBJECT:** Taxi and Private Hire Car Licensing

**3**

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**1 PURPOSE**

- 1.1 The purpose of this report is to advise the Sub-Committee of some proposed alterations to the Taxi & PHC Driver & Operator Conditions.

**2 RECOMMENDATIONS**

- 2.1 It is recommended that the Licensing Sub-Committee approve the proposals outlined at para 3.4.

**3 BACKGROUND**

- 3.1 Taxi and PHC Driver and Operator conditions have been updated in consultation with Legal Services, Transportation, Licensing, and Information Governance. The updated Conditions and Guidance were the subject of reports to the Licensing Sub-Committee on 12 January, 14 September, and 9 November 2023.
- 3.2 Consideration has been given to some comments received from the trade, highlighting recent investment in vehicles which do not comply with the number of seats requirement and/or the side-loading requirement in the updated Conditions. Following further discussion with Transportation, and noting that the delays in drawing up the updated Conditions meant that drivers received only about 15 months' notice of the changes rather than the roughly three years which has originally been intended, it is now proposed that a slight amendment be made to these updated Conditions, with a view to differentiating between new grants of a licence, and renewals of a current licence, so as to avoid unfairly penalising those who have invested in new vehicles recently, which will not meet the updated Conditions on the points noted above.

3.3 Schedule A of the Conditions, which deals specifically with vehicle conditions of fitness, is attached hereto as an appendix for reference.

3.4 It is proposed that the undernoted sections of Schedule A will, from and after their coming into effect on 1 April 2025, apply only to new grants of a licence:

Condition 1 - regarding side loading

Conditions 13.4-13.6 - regarding age of vehicles

Condition 14.2 - regarding number of passenger seats

For vehicles which are licenced prior to these conditions becoming live on 1 April 2025, these conditions will not apply and the licence for such vehicles will be renewable on the terms of the previous conditions, reproduced at 3.5 below, and applying prior to the new terms coming into effect on 1 April 2025. The intention for this change is to allow presently licenced vehicles that seat six passengers, and/or are rear-loading as opposed to side-loading, to continue to be able to be licenced until such time as they meet the upper age-limits provided for in the Guidance.

3.5 The Conditions prior to the recent update read as undernoted:

Vehicles presented for grant of a new licence shall be no more than three years old (since date of first registration) on the date when the licence is granted.

Vehicles presented for substitution, including temporary substitution, on an existing licence (1) shall be no more than six years old (since date of first registration) on the date when the substitution on the licence is to take effect and (2) shall not be older than the vehicle to be replaced as at the date or proposed date of substitution on the licence.

Saloon-type and other regular production vehicles presented for renewal of licence shall be regarded, as unsuitable if more than six years old (from date of first registration) on the date on which the renewal of licence is to take effect.

Purpose built taxi-cabs and limousine-type vehicles shall be regarded as unsuitable if more than twelve years old (from date of first registration) on the date on which the renewal of licence is to take effect.

#### **4 POLICY IMPLICATIONS**

None.

#### **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment, or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none.
- 6.2 Personnel – none.
- 6.3 Other – none.

## **7 BACKGROUND PAPERS**

- 7.1 None.

<b>AUTHOR'S NAME</b>	Ian Forrest
<b>DESIGNATION</b>	Senior Solicitor
<b>CONTACT INFO</b>	<a href="mailto:iforrest@eastlothian.gov.uk">iforrest@eastlothian.gov.uk</a> 01620 827389
<b>DATE</b>	6 March 2024

## SCHEDULE A

### VEHICLE CONDITIONS OF FITNESS

1. Taxis in East Lothian must be a side-loading motor vehicle which is Disability and Discrimination Compliant (DDA). Vehicles must have a minimum power output of 70kW/94hp.
2. The vehicle must hold low volume type approval or such equivalent amended certification as issued by the Vehicle Certification Agency or its successors and must comply in all respects with the requirements of all Acts and Regulations relating to motor vehicles.
3. Taxis must be capable of being licensed to carry between 5 and 8 passengers. The decision of the Transport Compliance Officer as to the appropriate number of passengers for the vehicle to be licensed to carry shall be final following inspection of the vehicle and consideration of safety and luggage requirements.
4. A fee will be payable to the Licensing Office, East Lothian Council, John Muir House, Haddington, for non-attendance at the time/test date provided and if test dates are cancelled 48 hours from the date of the test date.
5. All vehicles must have a valid M.O.T. Certificate obtained within the previous 30 days.
6. Vehicle inspections, outwith the standard M.O.T. inspection, will take place annually and will ensure that every vehicle meets the Licensing Authority's criteria of fitness to carry fare-paying passengers.
7. The inspection and examination will extend beyond mechanical aspects and will also cover bodywork condition, structure, cleanliness etc.
8. The fee for inspections is contained within the annual licence fee however a vehicle failing inspection will require to be retested with a further fee payable, for each occasion, prior to the retest. This must be paid online at <http://www.eastlothian.gov.uk> or at any of the Council Area Offices, with cash or by debit/credit card and the receipt produced at the VPMU. If the vehicle is returned to the VPMU and retested within 10 working days on one or more of the following items only then no retest fee will apply.
  - a) Access panels
  - b) Battery
  - c) Bonnet
  - d) Boot lid
  - e) Brake pedal anti-slip
  - f) Break glass hammer
  - g) Doors (including hinges, catches and pillars)
  - h) Door open warning device
  - i) Dropsides
  - j) Electrical wiring
  - k) Emergency exits and signs
  - l) Entrance door remote control
  - m) Entrance/exit steps
  - n) Fire Extinguisher
  - o) First aid kit
  - p) Fuel filler cap

- q) Headlamp cleaning or levelling devices (not requiring a headlamp aim check)
- r) Horn
- s) Lamps (excluding headlamp aim)
- t) Lifting Jack
- u) Loading door
- v) Main beam 'tell-tale'
- w) Mirrors
- x) Paintwork
- y) Rear reflectors
- z) Registration plates
- aa) Seat belts (but not anchorages)
- bb) Seat belt load limiter
- cc) Seat belt pre-tensioner
- dd) Seats
- ee) Sharp edges or projections
- ff) Spare wheel
- gg) Spare wheel method statement
- hh) Stairs
- ii) Steering wheel
- jj) Tailboard
- kk) Tailgate
- ll) Tyre pressure monitoring system
- mm) Vehicle identification number (VIN)
- nn) Windscreen and glass
- oo) Windscreen wipers/ washers
- pp) Wheel brace
- qq) Wheels and tyres

9. All vehicles presented must be in appropriate condition with the bodywork and passenger accommodation being clean and the underside of the vehicle free from road dirt, excess grease and oil etc.

9.1 Where the inspection shows the vehicle has not been presented in a suitable condition, it is the responsibility of the licence holder to arrange any required remedial work prior to re-presentation. A supplementary inspection charge will be levied against vehicles presented in an unsuitable condition. Payment to be made in accordance with retest fees.

10. In addition to the annual inspection, spot checks on vehicle condition will be conducted, from time to time, by an authorised Officer of the Licensing Authority, an authorised Officer of the Vehicle Inspectorate or the Police, any of whom may require identified remedial work to be carried out. In such circumstances, the vehicle must be re-presented to VPMU after the remedial work has taken place before approval is granted for the vehicle to be used in service.

11. All vehicles, of an approved type and model, must carry:

11.1 A spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres and wheels on the vehicle, or where a spacesaver wheel and tyre (as provided by the manufacturer) is used, a method statement indicating limits of use must be present with the vehicle. Any spare wheel must be in such condition as to instantly replace any damaged wheel or a wheel on which the tyre has become damaged;

11.2 A suitable lifting jack;

11.3 A suitable wheel brace;

11.4 Any vehicle manufactured without space for a spare wheel must provide a copy of a

contract for vehicle recovery and onward travel of the passengers. Evidence that such cover is in place must be produced annually at the time of the vehicle inspection;

11.5 A fire extinguisher (BSI approved) suitable for use on petrol, diesel or electrical fires carried in a suitable fastener fixed to the vehicle or held within a suitable compartment of the vehicle in a position approved by the licensing authority;

11.6 A first aid kit that is adequate for treating the maximum number of passengers carried in the vehicle, fixed to or held within a compartment within the vehicle in a position approved by the licensing authority.

## **12. Appeal Process**

If you wish to appeal against a decision to fail your vehicle, you should do so on the Appeal Request form available at the VPMU. This form together with a further full test fee should be sent to Licensing, East Lothian Council, John Muir House, Haddington, EH41 3HA within 14 days of the initial vehicle inspection. Your appeal will be heard at the next appropriate Licensing Sub-Committee after which, if your appeal is successful your test fee, or if appropriate part of it will be returned to you. Prior to submitting your appeal you should contact the VPMU and ensure that an agreed photographic record of the item in dispute is available for the Sub-Committee's information and consideration, this may entail securing this evidence prior to any repair work being carried out or the vehicle being put back into service.

## **INSPECTION AND FAILURE CRITERIA**

### **13. AGE OF VEHICLE**

13.1 Zero Emission vehicles presented for grant of a new licence shall be no more than four years old (since date of first registration) on the date when the licence is granted.

13.2 Internal Combustion Engine (ICE) vehicles presented for grant of a new licence shall be no more than three years old (since date of first registration) on the date when the licence is granted.

13.3 Any vehicle presented for substitution or replacement, on an existing licence:

13.3.1 shall be no more than seven years old (since date of first registration) on the date when the substitution on the licence is to take effect and

13.3.2 shall not be older than the vehicle to be replaced as at the date or proposed date of substitution on the licence.

13.4 Effective 1st April 2025 there will be an Age Limit applied to Taxis and Private Hire Cars (PHC) licensed by East Lothian Council, Subject to meeting normal conditions about roadworthiness:

13.04.1 A Taxi can be submitted for test prior to the 12th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.

13.04.2 A PHC can be submitted for test prior to the 10th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.

13.5 Effective 1st April 2025 to allow any Electric Taxi, which is not a hybrid vehicle, to be an exception to the 12 year age limit and allow an additional 2 years of operation. Subject to meeting normal conditions about roadworthiness and 6 monthly compliance test from the vehicles 12th anniversary this will allow a vehicle to be submitted for test prior to the 14th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.

13.6 Effective 1st April 2025 to allow any Electric PHC, which is not a hybrid vehicle, to be an exception to the 10 year age limit and allow an additional 4 years of operation. Subject to meeting normal conditions about roadworthiness and 6 monthly compliance test from the vehicles 10th anniversary this will allow a vehicle to be submitted for test prior to the 14th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period

#### 14. VEHICLE TYPES (Effective 1 April 2025)

##### 14.1 Taxi

- Motor vehicles of a type or model which holds a valid European Whole Vehicle Type Approval as a M1 vehicle
- Is purpose-built for use as a Licensed Vehicle
- Is Euro 6 emissions compliant

Are deemed suitable.

##### 14.2 Private Hire Vehicle

Must have:

- A minimum of four separate doors (excluding rear-facing doors)
- Exactly four passenger seats if a saloon vehicle
- Exactly eight passenger seats for multi-passenger vehicles

#### 15. CLEANLINESS/APPEARANCE

The purpose of the inspections is to ensure that vehicles are safe, aesthetically pleasing and present both the operator and East Lothian Council in a favourable manner.

Inspection	Failure	Note
Check bodywork is not damaged or extensively corroded	Body work damaged Bodywork extensively corroded Dent in excess of 600mm <sup>2</sup>	
Check paint in good condition	Different colour/shade Not to a uniform finish Has surface deficiencies e.g. paint runs or peeling Scratched or stained Broken paint surface	
Check External Cleanliness	Dirty/Contaminated exterior	
Check Vehicle Underside	Not free from road dirt Excess grease Excess oil	
Check passenger compartment is clean and free from rubbish Check interior upholstery for security, cleanliness and condition	Dirty Contains any rubbish Upholstery, trim or headlining is dirty, missing, insecure, torn or in such condition as to soil clothing or adversely affect passenger comfort	
Check Tariff Sheet if vehicle fitted with a meter	Absent Out of Date	



Check front and rear Licence Plate	Not displayed Different Not secured with approved fixing kit	
Check roof mounted "Taxi" sign (not applied to Private Hire Vehicles)	Absent Insecure Fails to illuminate	
Check front and rear Private Hire Plate (not applied to Taxis)	Not displayed Different Not secured with approved fixing kit	
Check door mounted Private Hire sign	Absent Insecure	
Check Road Fund Licence Proof to be supplied at test	Out of Date	

## 16. ADVERTISING

- All advertising carried either externally or internally by Taxis must not be of a nature to cause offence and every request to display advertisements must therefore be submitted to the Licensing Authority for a prior decision on suitability. Requests to display 3<sup>rd</sup> party advertising should include scale drawings of the adverts. The Civic Government (Scotland) Act 1982 prohibits any form of advertising on a Private Hire Car that could imply the vehicle is a Taxi. Where permission is granted for an advertisement to be carried this permission will be granted for one year or to the next annual test of the vehicle.
- Fees will not be payable for adverts on a Taxi which are solely for the purpose of identifying the Taxi as that of the Operator.

### 16.1 Taxis

Exterior advertising on Taxis must meet the following conditions:

16.1.1 Where the complete vehicle body forms an advertisement this must be approved by the Licensing Authority and the relevant fee paid prior to the advert being fitted to the body or the vehicle painted;

16.1.2 Adverts for 3<sup>rd</sup> party companies, on the bonnet or panels of the vehicle, must be in no more than two colours and measure no more than 800mm by 400mm and must not be fitted prior to the relevant fees being paid and Licensing Authority approval given;

16.1.3 No advert may be placed on any window of a Taxi. (Excluding Health & Safety signs)

Interior advertising on Taxis must meet the following conditions:

16.1.4 Adverts inside a Taxi can be placed on seat fronts or backs and seat headrests subject to the relevant fees being paid and Licensing Authority approval given.

## 16.2 Private Hire Cars

16.2.1 Private Hire Cars may display the name of the operator and a telephone number on two rear side panels of the vehicle or on the bonnet only, but not on all three locations or the rear of the vehicle. The display must be single colour and cover an area of no more than 800mm by 400mm. The display must not in any way or form imply that the vehicle is other than a Private Hire Vehicle. It must not include the words Taxi(s), Cab(s) or Car(s).

Inspection	Failure	Note
Check Advertising (if applicable – see note)	Offensive Placed on any window Size Colour	The Local Government (Scotland) Act prohibits any form of advertising on a Private Hire Car that could imply the vehicle is a taxi

## 17 DRIVER'S COMPARTMENT AND CONTROLS

The purpose of these inspections is to ensure the safety and comfort of passengers and driver.

Inspection	Failure	Note
Check for cleanliness and presentation	Dirty Contains rubbish Contains items liable to interfere with the proper control of the vehicle	
Check the condition and security of the driver's seat	Seat insecure or structurally weakened Padding or covering is seriously deteriorated	
Check seat adjusting mechanism noting movement relative to vehicle structure	Insecure Ineffective	
Check driver's controls can be operated from the driver's seat	Control cannot be operated from the driver's seat without maintaining proper control of the vehicle	
Check view to front and rear	Any object on the vehicle which is located or is of such a size that the driver has a restricted view of the road ahead or view to the rear having regard to the original design of the vehicle.	

Check the operation of all ventilation equipment and heaters	A heater that does not emit heat Ventilation equipment not supplying adequate air to screen or car interior A leaking unit An insecure unit A control mechanism is inoperative or ineffective	
Check Fire Extinguisher (may be secured within an exposed area of the luggage compartment)	Absent Not easily accessible Clearly discharged Damaged Not conforming to current British Standards Last maintenance check in excess of expiry date Not secured or in an inappropriate compartment	
Check First Aid Kit (of a size suitable for the number of passengers carried in the vehicle)	Absent Insufficient for maximum number of passengers Not secured or in an inappropriate compartment	

## 18 WHEELS AND TYRES

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

18.1 No road wheel or tyre, including spare wheel, shall be of a different circumference from that for which the taximeter affixed to the vehicle was designed, geared and tested by East Lothian Council's VPMU.

Inspection	Failure	Note
Check circumference of all wheels/tyres	Different from that specified by taximeter	
Check inflation of tyres	Beyond tolerance specified by vehicle manufacturer	
Check tyre condition	Tyre is worn Tyre has a lump or bulge Incorrectly seated on the wheel rim Tyre is cut Any part of the cord is exposed Tread depth is less than 1.6mm over the centre $\frac{3}{4}$ of the tyre	
Check wheel rim condition	Damaged, distorted or cracked	
Check wheel security	Insecure	
Check spare wheel security	Not secured If secured in the passenger cabin and not covered	

## 19 BRAKES

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

19.1 Where brake connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pin is uppermost.

Inspection	Failure	Note
Check foot brake pedal	Any side play Not anti-slip Worn or corroded Fading on holding down pedal for approximately 1 minute	
Check hand brake lever	Any side play	
Check pawl holding	Insecure	
Foot Brake Efficiency	Not met	
Hand Brake Efficiency	Not met	

## 20 STEERING

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

20.1 The steering wheel must be on the offside of the vehicle.

20.2 The steering mechanism must be so constructed and arranged that no over lock is possible and that the road wheels do not, in any circumstance, foul any part of the vehicle.

20.3 Where steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pin is uppermost.

Inspection	Failure	Note
Check steering column security	Insecure	
Check steering box or steering rack for security to chassis	Insecure	
Check steering box or steering rack	Leaking Fractured Roughness	
Check sector shaft, or rack, bushes	Excessively worn	

## 21 LIGHTING

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- Adequate lighting of the passenger and driver must be provided.
- All step entry areas must have adequate lighting when in use.

Inspection	Failure	Note
Check operation of all lights	Not fitted Insecure Not working Flickers when tapped lightly by hand	
Check reflectors	Not fitted Cracked or broken	

## 22 ELECTRICAL EQUIPMENT

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- All electrical leads and cables must be adequately insulated. Suitable fuses must protect all electrical circuits.

Inspection	Failure	Note
Check battery	Insecure Leaking	
Check battery terminals	Insecure Corroded	
Check wire/cable insulation	Not insulated Not secured Heavily contaminated with oil Signs of chaffing Heat damage	

## 23 COMMUNICATION APPARATUS

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- Communication equipment must be fitted so as not to obstruct the operation of the vehicle controls or access for passengers.

Inspection	Failure	Note
Check all radio equipment	Insecure Inappropriate position	
Aerial	Inappropriate type	Only aerials of a type and in a position approved by the Licensing Authority

## 24 DOORS

- The vehicle must have a minimum of 4 doors usable for entry to the vehicle.
- All doors and door locks must be capable of being readily opened. On all vehicles only approved original central locking systems will be permitted.

Inspection	Failure	Note
Check operation of door opening mechanism, internally and externally	Inoperative Incomplete	
Check door hinges	Worn Insecure	
Check door pillars	Insecure Weakened by damage Corroded	
Check door locks in the closed position	Insecure locking	
Check Side door open to maximum extent (wheelchair accessible vehicles)	Open door over-extends to be in contact with vehicle bodywork Door does not stay in open position Access dimension is less than 1220mm (height) by 680mm (width)	
Check Rear door open to maximum extent (wheelchair accessible vehicles)	Access dimension is less than 1220mm (height) by 780mm (width)	

## 25 WINDOWS AND VISIBILITY

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- An interior mirror must be fitted in the driver's compartment. External mirrors must be fitted to the near side and off side of the vehicle.
- The vehicle must have windows at the sides and rear.
- For vehicles used on or after 01 April 1985, legal requirements must be met, in that, the light transmitted through the windscreen must be at least 75% and the front side windows must allow at least 70% of light to be transmitted through them. In East Lothian, agreed requirements are that the rear side windows must allow at least 40% of light to be transmitted through them and should be of such transparency as to enable the driver and passengers to be seen from outside the vehicle.
- No advertising sign or sticker should be positioned on glazed areas, unless it displays a legal requirement. E.g. No smoking. It is acceptable for the warning/legislative sticker to display a suppliers name.

Inspection	Failure	Note
Check windows	Missing Insecure Not made of safety glass Excessively scored or marked Tinted so as to obscure visibility Obscured by signs/stickers	
Check window opening	Does not open Insecure Open beyond design limits	Applies only to windows designed to open

## 26 EXHAUST

The exhaust pipe must be fitted or shielded so that no flammable material can fall or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any flammable material on the vehicle. The outlet must be placed at the rear of the vehicle in such a position as to prevent exhaust fumes entering the vehicle.

Inspection	Failure	Note
Check exhaust system	Insecure Leaking Corroded	

## 27 LUGGAGE COMPARTMENT

The vehicle must have adequate provision for the carriage of luggage with an effective method of securing luggage being provided. No luggage fittings may be attached to or carried upon the outside of the vehicle.

Inspection	Failure	Note
Check for cleanliness/tidiness	Dirty Untidy	
Check boot latch	Insecure Defective	
Check luggage carrying capacity	Insufficient space to carry two suitcases	
Check mechanism to secure luggage	Missing Insecure	

## 28 ACCESSIBILITY

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

28.1 All Taxis must be wheelchair accessible. Wheelchair accessible Private Hire Vehicles must comply with accessibility requirements of this section

28.2 Wheelchair accessibility must be available without the requirement to remove any seating from the vehicle. Seating may be moved within the vehicle on approved tracking in the vehicle floor to provide sufficient space for wheelchair compliance. Anchorage for a wheelchair should be available in a forward/reverse and side to side direction.

28.3 If the vehicle is fitted with a powered lifting ramp it must be presented for inspection with current certification.

28.4 Steps.

28.4.1 The top of the tread on the lowest step for any entrance, or where there is no step on the floor itself at the lowest entrance, must not be more than 38 centimetres above the ground when the vehicle is unladen.

28.4.2 Where any step in the vehicle is electronically operated, it must be fully retractable, tamper and weather-proof. Any such step must be equipped with sensors and a warning system to alert the driver when the step is extended. This step should be under the automatic control of the driver in such a way that it cannot be left extended when the vehicle is moving.

28.4.3 Any fixed step must not protrude from the vehicle line further than the folded in rear view wing mirror

Inspection	Failure	Note
Check passenger side door entrance	Any height dimension less than 1220mm Any width dimension less than 680mm No locking device in open position	
Check passenger rear door entrance	Any height dimension less than 1220mm Any width dimension less than 780mm No locking device in open position	
Check access ramps for side or rear door as applicable	Missing Max gradient greater than 25% (1:4) Safe working load less than 250kg	
Check Passenger Lift	Hydraulic oil leak	
Check LOLER Record	If certificate in excess of 6 months	
Check minimum space requirement for wheelchair.	An area of less than 1200mm by 700mm wide. (1200mm to be measured from rear wheel of wheelchair location to footstep location in vehicle)	



## 29 SEATING

The purpose of these inspections is to ensure the safety of passengers.

Inspection	Failure	Note
Check seating	Not securely fixed Not facing either front or rear Not provided with 3 point lap and diagonal seat belt or where not possible a 2 point lap seat belt.	
Check upholstery	Dirty Worn Torn	

## 30 FLOOR COVERING

The purpose of these inspections is to ensure the safety of passengers.

- Floor coverings should be of a quality and standard to minimise the possibility of any slip or trip hazard.

Inspection	Failure	Note
Check floor covering	Dirty/Oily Excessively worn Torn Uneven	

## 31 HAND GRABS

The purpose of these inspections is to ensure the safety of passengers.

Inspection	Failure	Note
Check hand grabs	Missing Insecure	

## 32 METER & FARE TABLE FRAMES

32.1 All taximeters must be calendar type.

32.2 Where a taximeter is fitted, it must be operational, calibrated to the correct Fare Table and be sealed by the Licensing Authority in a manner that meets the satisfaction of the Licensing Authority. Every taximeter must be fitted in a position where the passenger can easily view it. All vehicles fitted with a taximeter must display the Licensing Authority approved Fare Table in a position enabling the passenger to view it.

**32.3 It is an offence to operate with a taximeter that is not sealed and vehicles must not operate if the seal has been broken, damaged or tampered with in any way. The Licensing Authority shall retest meters before being used again.**

32.4 Taxi Plates issued by the Licensing Authority will be displayed at all times when the vehicle is on or available for hire. Plates require to be kept clean and if broken should be replaced by the Licensing Authority on payment of the appropriate fee.

- 32.5 Meter calibration and sealing will take place annually.
- 32.6 Private Hire Cars do not require a taximeter to be fitted, but where a taximeter is fitted it must be used unless the hirer has given prior permission.
- 32.7 Private Hire pre-booked signs issued by the Licensing Authority will be displayed at all times when the vehicle is on or available for hire.
- 32.8 Private Hire identification plates must be displayed on the front and rear of the vehicle.
- 32.9 After a Fare Table review and approval by the Licensing Authority, operators must present all vehicles for checking of taximeter calibration and sealing within fourteen days of the commencement of the new Fare Table

Inspection	Failure	Note
Check fare table frame	Missing Insecure Incorrectly positioned to be easily viewed by the passenger	
Check fare table	Missing Incorrect fare table Incorrectly positioned to be easily viewed by the passenger	
Check taximeter seal	Missing Damaged Not approved by Council	
Check taximeter	Not operational Incorrectly positioned to be easily viewed by the passenger	

Inspection	Failure	Note
Check taximeter calibration for distance over a pre-determined measured distance	Calibration is shown to be incorrect	
Check taximeter calibration for standing time	Calibration is shown to be incorrect	

### 33 ENGINE & ANCILLARIES

These checks are primarily a visual examination of readily observable items.

Inspection	Failure	Note
Check engine/ancillaries	Dirty Insecure Defective engine mounting Fractured Oil leak Water leak Brake fluid leak Fuel leak Air leak Any warning light illuminated	

### 34 FUEL

34.1 Fuel tanks must be adequately protected from possible damage by collision. All fuel tanks and apparatus supplying fuel to the engine must be placed or shielded in such a manner that no fuel overflowing or leaking therefrom can fall or accumulate on any part or fitting where it is capable of being ignited or can fall into any receptacle where it may accumulate.

34.2 The filling point for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.

34.3 In the case of a gas-powered engine, a device must be provided to enable the supply of fuel to the engine to be cut off immediately. The device must be visible and readily accessible from the outside of the vehicle and the "OFF" position must be clearly marked.

Inspection	Failure	Note
Check fuel tanks	Positioned under bonnet Not protected from collision damage Leaking	
Check fuel supply systems	Not shielded Overflowing Leaking Fuel accumulating on/in any fitting or receptacle	
Check fuel cut off device	Missing Not operating effectively Not visible Not readily accessible Not on outside of vehicle "Off" position not clearly marked	Applies to gas-powered engine only
Alternative fuel range	Fuel range below 60% on presentation for test	Electric, hydrogen or other alternative fuel

### 35 ROAD TEST

During a short road test with the vehicle in motion, the following tests will be conducted.

Inspection	Failure	Note
Check engine performance	Not able to maintain a reasonable pace Excessively noisy Excessive vibration	
Check transmission	Excessively noisy Excessive vibration	
Check speedometer/odometer	Inoperative Malfunctioning	
Check clutch operation	Clutch slipping	
Check ride of vehicle	Causes discomfort or distress to a passenger	

