



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

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

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**Committee Members Present:**

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

**Other Councillors Present:**

None

**Council Officials Present:**

Mr I Forrest, Senior Solicitor  
Ms C Aitken, Licensing Officer  
Ms A Lindsay, Licensing Officer  
PC L Wilson, Police Scotland

**Others Present:**

PC Lee Wilson, Police Scotland

**Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor J McMillan

**Declarations of Interest:**

Item 3: Councillor Findlay made a declaration of interest due to his wife running a short-term let.

**1. MINUTES FOR APPROVAL**  
**a. Licensing Sub-Committee, 14 March 2024**

Members approved the minutes as an accurate record of the meeting.

**2. APPLICATION FOR GRANT OF A LICENCE TO OPERATE A SHORT-TERM LET**  
**a. East Wing, Tynninghame House, Tynninghame**

An application had been received from Sophie Gillies for a licence to operate East Wing, Tynninghame House, Tynninghame, as a short-term let (STL). The application would be heard by the Licensing Sub-Committee on the basis that public objections had been received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL, and on the applicant to hold an STL licence.

Ian Forrest, Senior Solicitor, highlighted the number and terms of the public objections. He confirmed that no objections had been received from any of the statutory consultees, and the planning service had indicated that planning permission was not required. He advised of the impact of a recent court decision in Edinburgh which, in summary, said that in determining an STL licence application, the Sub-Committee should not look at matters already addressed as part of the planning process.

Mr and Mrs Gillies were present to speak to the application. Mrs Gillies provided context to the application, and said that the property would remain a family home if the licence was granted. She advised that the family spent three-to-five months of each year abroad for various business interests, and in this time, the property would be offered to support charities, and would also be used sparingly for paying guests. She addressed concerns raised by objectors relating to title deeds, and stated that there was no explicit prohibition for letting property on a private basis. She highlighted that other properties within Tynninghame House had been rented privately for decades without issues, and said she had taken legal advice on the matter. She advised that privacy was already an issue at Tynninghame House because the gardens were open to visitors twice each year, walkers visited regularly, and guests to the fifteen properties used the shared gardens throughout the year; it was therefore common for residents to see people they did not know personally. She felt that the situation with livestock in surrounding fields would be no different to the status quo. She explained that garden machinery was the responsibility of the estate factor who had appropriate insurance and responsibility for health and safety. She reported that there had been no complaints from neighbours when her family had held events at East Wing which had comfortably exceeded 10 people. She advised that advice from the planning service had been sought prior to submitting the STL application, and officers had advised that the property was considered a semi-detached private dwellinghouse. She noted that the property did not have shared parking, and that it had its own front and back door, a private distinguishable garden, and private garage for up to four cars. She advised that the Council had confirmed that the placing of the site notice had been acceptable. She said that there was no reason to refuse the licence, and reiterated that the house would remain their family home.

Judy Riley spoke against the application. She referred to various submitted photographs of the property and its surroundings and provided commentary. She showed the position of the site notice, which she said was almost two miles away, and highlighted where planning application notices were normally sited. She

highlighted a picture of the East Wing; she felt that unconventional dwelling described the property better than a semi-detached property, and recommended that Members make a site visit. She advised that the property was currently for sale with Savills, and she did not understand how this fit with the Gillies' assertion that they would reside at the property for several months in the year. She said the STL would be unlawful and contrary to clauses in the title deeds of the property, which stated that the property could not be used for trade or business, or anything other than a private dwelling for a single family, unless consent was given. She reported there was no entitlement to any activity deemed to be a nuisance, and all clauses were common amongst the properties of Tynninghame House. She confirmed that consent had not been sought or given. She felt there was a lack of parking space because it would be unlikely that 10 people would arrive in only two cars. She highlighted the courtyard in common use, and said that a constant stream of strangers would be an intrusion into the residents' privacy. She highlighted a number of private areas including garages and driveways, and said that the residents were all aware which areas were private. Neighbours anticipated that guests would cause nuisance as they would be naturally curious, could cause a huge invasion of the residents' privacy and enjoyment of their gardens, and this would be detrimental to their wellbeing. She felt the submitted photos demonstrated how the character of the building made it unsuitable for the grant of an STL. She said that STLs posed an additional security risk to all properties, and mismanagement of waste. She quoted from the adopted Local Development Plan 2018, CH6.37, about the Council's desire to protect, conserve, and enhance historic assets, and said she hoped that the Sub-Committee would protect the gardens by refusing the application. She said the STL could have adverse consequences on the sustainability of Tynninghame House and its community, and highlighted the work to preserve the gardens. She reiterated that residents would be happy to accommodate a site visit, as she did consider the property to be unconventional.

Responding to a question from the Convener, Mr Forrest advised that title deed conditions relating to what kind of business could proceed at the premises were not unusual. He advised that there had to be a differentiation between what was meant by a let used for private purposes and a let used for business purposes, and said the issue was that objectors suggested the title deeds did not allow the property to be used for business purposes. Although it would be preferable for issues of title to be resolved prior to the licence application, there was a clear difference of opinion as to what was permissible in this case, and he was aware the applicant had taken legal advice on the matter. He advised that activities which constituted a breach of title deeds would be a matter for individual householders to potentially take action over. He noted that feudal conditions were no longer enforceable. He summarised that Members were not in a position to make any judgement on title deeds and it was for the parties involved to resolve any issues of title.

Councillor Trotter asked the applicants about the status of their house sale. Mr and Mrs Gillies said that they had recently decided that they did not wish to leave East Lothian, as plans had changed since they found out that Mrs Gillies was pregnant. They advised that the house had not yet been delisted as they had awaited the outcome of the STL application.

Councillor Trotter asked whether a licence would remain in place with the property if sold. Carlo Grilli, Service Manager – Governance, advised that new conditions would come in to allow the licence to be transferred to another party, but this provision had not yet come into force. As it stood, a licence could not be transferred over, but this was likely to become a possibility in the next couple of years or sooner. An application process, akin to a simple notification and quick check, would likely be all that was required for such a transfer.

Councillor Cassini asked how the applicants would check guests were abiding by all conditions, such as those relating to waste disposal and respect of other residents' privacy. Mrs Gillies said that their housekeeper would take waste to the local recycling centre and ensure the property was kept pristine. Mr Gillies added that his parents lived within 30 minutes of the property and held keys. He understood neighbours' desire for privacy and amenity, and wished for his guests to have the same. He reassured Members that guests would be clearly shown the areas for their use and which areas were off limits, as currently happened when family and friends visited.

The Convener noted complaints about the site notice location, but also acknowledged that residents had come together to object to the application. Ms Riley advised that the owners of a nearby sawmill had alerted them to the site notice a few days after it had been posted, and they had alerted other residents in turn. She considered placement so far away from the house to be strange, and felt the applicants could have let residents know personally. Mr Gillies responded that they had understood the site notice to have to be placed on publicly accessible land, so they had placed it on the busy road to Tynningame Beach where there would be a lot of traffic. He rejected any claim that in doing so, they had tried to act in a mischievous way.

Councillor Findlay asked licensing officers to confirm that they were content with the placement of the site notice. Christine Aitken, Licensing Officer, said officers were happy that the site notice had been placed appropriately as the criteria was that the public could notice it.

Councillor Findlay felt the property was somewhat unconventional and proposed that a site visit take place. Councillor Cassini seconded this proposal.

Ms Gillies sought clarity on the purpose of the site visit since the planning service had already visited and confirmed that the property was not an unconventional dwelling. The Convener and Mr Forrest both responded that it was open to the Sub-Committee to request a site visit if they felt they did not have enough information to make a determination on the application.

The Convener moved to a roll call vote on the proposal to defer making a decision until the following meeting of the Licensing Sub-Committee to allow a site visit to be conducted by Sub-Committee Members, and votes were cast as follows:

For:	4	(Councillors McGinn, Cassini, Findlay, and McFarlane)
Against:	1	(Councillor Trotter)
Abstain:	0	

### **Decision**

The Sub-Committee agreed to defer making a decision on the application until the following meeting of the Licensing Sub-Committee to allow a site visit to be conducted by Sub-Committee Members

#### **b. Tusculum, Flat 4, 3 Links Road, North Berwick**

An application had been received from Jane Kitching for a licence to operate Tusculum, Flat 4, 3 Links Road, North Berwick, as an STL. The application would be heard by the Licensing Sub-Committee on the basis that public objections had been

received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL, and on the applicant to hold an STL licence.

Mr Forrest highlighted the number and terms of the public objections, and confirmed that no objections had been received from any of the statutory consultees. He advised that a Certificate of Lawfulness from planning had been obtained. He advised of the impact of a recent court decision in Edinburgh which, in summary, said that in determining an STL licence application, the Sub-Committee should not look at matters already addressed as part of the planning process.

Torquil McInroy, representing Ms Kitching, spoke to the application. He said that the hearing had to determine whether Ms Kitching was a fit and proper person to hold an STL licence, and advised that she had operated STLs at the property for some time. He advised that Ms Kitching had written to neighbours, as she would no longer tolerate the accumulation of trivial and unreasonable complaints made to her. In this letter, she had asked neighbours to raise any complaints with her agent, Mr McInroy. At this time she also asked neighbours not to contact her, her guests, or the children of her guests, directly. Mr McInroy highlighted a neighbour's response to refuse to abide by this request. He said that the neighbour had a long-held conviction that the Certificate of Lawfulness obtained from planning had been obtained on the basis of deceit, but Mr McInroy asserted that this was not the case. He advised that lawyers had been engaged to obtain the Certificate of Lawfulness in 2021, and said Ms Kitching had engaged with licensing at every step.

Continuing, Mr McInroy turned to complaints about placement of the site notice, and stated that it had been displayed on a wall right next to the property. He said that objectors made a key point that the flat had never been inspected for suitability as an STL and that the Certificate of Lawfulness had been obtained under false pretences. He said that it was not open to objectors to invite Members to go behind this certificate. He said that it was demonstrably not the case that Ms Kitching was not a fit and proper person, and that that past allegations were unlikely to be of any assistance to the Members. He also asserted that the title deeds did not state that such a use would be unlawful, and highlighted the difference between using the flat as an asset to allow people to stay and carrying on, for example, a cottage industry at the premises.

Responding to questions from Councillors Cassini and Findlay regarding the lift, Mr McInroy advised that there had been no incidents in the 34 years since the property had been let. He suggested that a condition could be placed on the licence that would effectively ameliorate the risk of the use of the lift in some way. He advised that the lift could not be called from another floor if the doors were not closed properly, and he could arrange to have a notice posted in the lift.

Hugh MacKenzie spoke against the application. He said that this was the first opportunity for permanent residents of Tusculum to formally express objection to the holiday letting ongoing since 1998. He advised that the owners had previously explained the presence of strangers staying in Flat 4 as being used by family and friends. He advised that the minutes of a residents' meeting showed that in 2013, the situation was still being explained as casual letting for fewer than 140 days in the year, and that a planning application for a change of use was not required. He said it became clear that North Berwick Holiday Homes, and subsequently Airbnb, were managing the property on a year-round basis. The residents raised a complaint to the Council in 2019, and said that the applicant had applied for a Certificate of Lawfulness with fresh and contradictory claims that the property had been exclusively occupied as short-term let accommodation since 2000, which Dr MacKenzie said had been news to the residents. He said that by the owner's avoidance of the scrutiny of the

planning system, residents had been denied opportunity to object to the loss of privacy, amenity, and security caused by the STL's operation. He referred to submitted photographs of Tusculum and highlighted various features which necessitated interactions with the holidaymakers and led to a loss of privacy. These included: two entrances to Flat 4, both of which were shared with other flats; the proximity of the external staircase to the windows of Flat 1; the proximity of the entrance doors to Flats 3 and 4; and the lift, where holidaymakers had created inconvenient and sometimes dangerous situations due to their unfamiliarity with its manual operation. He also raised issue with the placement of the site notice, which could only be seen by the resident of Flat 3. He highlighted his summary on page 60 of the document pack, and said that if the flat were let for 30 weeks each year, there would be up to 180 strangers forced upon the permanent residents of Tusculum.

Kathleen Fairweather spoke against the application. She stated that the complicated layout of Tusculum meant that it had an impact on the other residents in different ways. She said that because the courtyard was a communal space, holiday visitors also assumed that her garden was also communal. She had found guests having picnics in her garden and enjoying her summer house. She said that interactions with visitors could be polite, but it was embarrassing to have to direct them elsewhere. She gave an account of abuse from visitors after they had broken the coping stones by parking their car on them. Although she could erect a fence, Ms Fairweather contended that this would spoil the appearance. She highlighted one of the submitted photographs of an external door which was often left open by guests. She reported that visitors would impinge on her privacy as they peered into her property while they smoked outside, and left litter in the courtyard. She also highlighted issues with recycling, guests using her bins, and seagulls getting into the overflowing bins.

Anne MacKenzie spoke against the application. She said her concerns were primarily based on safety and loss of amenity. She reported that holidaymakers had been confused about which entrance to use and to which garden and parking areas they had access. She recounted intimidating incidents where guests had hammered on her door when confused as to which was the correct property, and inconsiderate car parking from guests. She said that one incident had led to residents calling in the police. She advised that the main socialising rooms of Flat 4 were close to, above, and below the bedrooms of other properties. She complained of litter and cigarette ends being left by guests in communal areas, and raised security concerns about the upper door frequently being left unlocked. She reported that the holidaymakers were frequently noisy in the stairwell, and Flat 2 also suffered excess noise after the carpets were removed from Flat 4. She felt that the continued and illegal use through Covid-19 restrictions in July 202 was further evidence of a lack of consideration to residents; residents had threatened to call the police when guests had tried to gain access to the property. She also noted that no vetting was needed for guests. She said that the title conditions forbidding the running of a business from the flats aimed to protect amenity for all residents. She said that all five flats were against the STL, and she feared that one day she could be the sole permanent resident of Tusculum. She said that every aspect of holiday letting was harmful to the amenity of permanent residents.

Responding to a question from Councillor McFarlane, Dr MacKenzie said that a group of golfers had been drunk and shouting in the late 1990s. Residents had called the police, who had intervened and quietened them down. PC Wilson responded that Police Scotland had not looked to raise any objection to the application. He had been unable to find the incident on police systems, but said this made sense since it had taken place in the 1990s.

Councillor Trotter suggested that a condition could be raised for signage to make guests aware of where they could and could not go. Mr Forrest agreed that this would be open to Members, but noted that some objectors had indicated that signs would spoil the appearance of the building.

The Convener asked about information currently available to guests. Mr McInroy advised that information was contained within the house manual, which also contained an indication of which garden could be used. He advised that there was a 'no smoking' sign on the external staircase. He said these were the first complaints he had heard about guests smoking, but agreed that the areas which were out of bounds must be clearly explained.

Dr MacKenzie stated that he had a grudge only against the consequences of letting Flat 4. He advised of incidents where people had opened the lift door prematurely and residents had tripped when trying to enter. He felt it would be ridiculous to festoon a private residence with notices.

Councillor Cassini suggested a condition that there could be sign on the lift providing instructions for its use, and signs on the private garden. She also suggested that the manual could stress which garden and areas could be used by guests, and felt it should ask for guests' respect and consideration.

Councillor Trotter asked whether the agent could commit to providing an induction to all guests on the site. Mr McInroy responded that it was possible for him to meet guests some of the time, and agreed that this was the best way to clarify which garden could be used. He said there were some situations when he could not meet guests. He suggested that adequate notices should be made clear in the house manual, and when possible, the agent or representative would meet guests. The Convener highlighted the concerns about the information available to guests; as it was not desirable to plaster signs everywhere, the onus was on the agent or representative to commit to meeting guests, as well as providing clear information in the brochure.

The Convener suggested that a substitute would have to be engaged if the agent was not available to meet guests on site, but Councillor Findlay pointed out that such a condition may not be enforceable as guests could arrive at any time of day or night. Councillor Cassini suggested that a representative would have to meet the guests within 24 hours, as people did not always read a manual. She said she would not be happy to grant without such a condition being in place.

Responding to a point made by the Convener, Mr Forrest agreed that conditions which were not practical or enforceable should not be imposed. He suggested an alternative: for any booking made, the letting agent must ensure that guests be advised in advance of the conditions, and guests would confirm to the letting agent that they had understood. This would mean that when guests arrived, they would have received, read, and understood that information. This would then be backed up by information provided in the manual. Councillor Cassini agreed that this sounded a fair way of ensuring guests received, and had to agree to, the formal instruction, and so guests were not only left to read a manual. She confirmed that she wished to make a proposal that a sign be placed in the lift.

Mr McInroy suggested that information could be sent as part of the arrival instructions, since guests had to read this to know how to access the property. Councillor Cassini said she would be more comfortable if guests had to confirm that they were going to adhere to the conditions.

Councillor Trotter said that while he did not wish to take away the owner's livelihood, there seemed to be many negative points being raised and he was becoming less comfortable with the situation. He thought the suggested conditions would be difficult to enforce, and said he was not comfortable to grant the application.

The Convener felt that the licence ought to be granted for a lesser period. Councillor McFarlane agreed that she would not be content to grant the licence for an extended period, and would prefer to see how things ran. She was also not happy about a lockbox being present, and felt that it would be better if keys were presented to guests.

Councillor McGinn formally proposed that the licence be granted for a period of 18 months, that full explanation of which areas were accessible to guests would be provided at the time of booking, and that a notice would be placed in the lift regarding its operation. Councillor McFarlane formally seconded these proposals.

The Convener then moved to a roll call vote on the application, subject to the proposed conditions, and votes were cast as follows:

Grant:	3	(Councillors McGinn, Cassini, and McFarlane)
Refuse:	2	(Councillors Findlay and Trotter)
Abstain:	0	

### **Decision**

The Sub-Committee agreed to grant the short-term let licence, subject to the following conditions:

- The licence would be granted for a period of 18 months.
- Full explanation as to which areas could and could not be used by guests must be made clear at the time of booking and also in the guest handbook.
- A notice would be posted in the lift to provide users with information on its operation.

### **c. 10 Cromwell Road, North Berwick**

An application had been received from Alexander Cleland for a licence to operate 10 Cromwell Road, North Berwick, as an STL. The application would be heard by the Licensing Sub-Committee on the basis that a public objection had been received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL, and on the applicant to hold an STL licence.

Mr Forrest highlighted the public objection, and the written responses from both sides, and confirmed that no objections had been received from any of the statutory consultees. He advised that a Certificate of Lawfulness had been obtained from planning. He reiterated the impact of a recent court decision in Edinburgh which, in summary, said that in determining an STL licence application, the Sub-Committee should not look at matters already addressed as part of the planning process.

Helen Cleland spoke to the application on behalf of her son and applicant, Alexander Cleland. She advised of her local connection to North Berwick, and said the property had been purchased in 2006 and renovated. It had been rented out through North



Berwick Holiday Homes for two-to-three months each year since 2007, and used only this agency because they wished to keep tight control over the guests staying in the property. She advised that North Berwick Holiday Homes had an office on North Berwick High Street, full-time staff, a team of contractors who dealt with issues which arose, and an out-of-hours phone number. She said the owners were keen to be good neighbours and had taken the lead in dealing with mutual maintenance issues, including a costly full re-roof. She stated that the assertions made in the objector letters were not accepted, and the objectors had never made a complaint about noise despite being asked directly. She reported that objectors had described guests as pleasant. She said that complaints about being able to hear conversations, the television, etc. were due to the configuration of the house and could not be helped. She said that guests were respectful of the property, and the owners left a personal letter to all guests asking them to be respectful of neighbours.

Responding to a question from the Convener, Ms Cleland reiterated that accusations about noise were refuted, and pointed out that there had been no other complaints from neighbours or other objections. She confirmed that the property had been let for two-to-three months of the year for 17 years.

The Convener then moved to a roll call vote, and Members unanimously agreed to grant the licence.

### **Decision**

The Licensing Sub-Committee agreed to grant the short-term let licence.

#### **d. 139/4 New Street, Musselburgh**

An application had been received from Teresa Bastiman-Davies for a licence to operate 139/4 New Street, Musselburgh, as an STL. The application would be heard by the Licensing Sub-Committee on the basis that a public objection had been received. The Sub-Committee was required to focus on the suitability of the property to operate as an STL, and on the applicant to hold an STL licence.

Mr Forrest highlighted the public objection, and confirmed that no objections had been received from any of the statutory consultees. He advised that other objections had been received but related to planning issues, and were not therefore relevant to the licence application. He advised that a Certificate of Lawfulness had been obtained from planning. He also advised that some objections had raised issue with the effectiveness of the public notice and suggestions that this had not been done or had been destroyed by rain, but said submitted objections suggested that the notice had served its purpose. He reiterated the impact of a recent court decision in Edinburgh which, in summary, said that in determining an STL licence application, the Sub-Committee should not look at matters already addressed as part of the planning process.

Teresa Bastiman-Davies spoke to the application. She provided background information on the use of the property, which had been operating for 12 years. Family spent around one third of the year living in the property, and she advised that a large number of visitors were returning guests. She said the property was valuable to her family in helping to support local family members. She said the complaints had been devastating because they had thought relationships with neighbours had been positive. The family also maintained a connection to the Tenants and Residents'

Association, but had sympathy for some of the issues caused by short-term lets. She advised that guests were met in person ideally, and they always communicated with guests prior to their arrival. She reported that guests had commented on the excellent welcome information. She felt that comments about noise were unfair, as guests were retired golfers, returning older couples with family in the area, and sometimes young families. She acknowledged that children could make noise, but noted that permanent residents could also have children. She explained that paying guests stayed for approximately one third of the year, family members for approximately one third, and for around one third of the year, the property was empty. She said the property was valuable to her family and to the wider community. She felt that the flat was unlikely to be the cause of much nuisance because reviews always said the flat was peaceful and tranquil.

Councillor Cassini asked about the gas certificate and security system. Ms Bastiman-Davies advised that the installation of the new smart meter had clashed with the renewal of the gas certificate. She agreed that the gas certificate had expired on 5 February and said she would organise a new certificate. She advised that a security system was in use at the flat and there was also a tradesperson button in use. There was a key safe option, but the owners preferred to meet guests in person when practical to do so. She advised that two keys were required for entry to the flat.

The Convener then moved to a roll call vote, and Members unanimously agreed to grant the licence.

### **Decision**

The Licensing Sub-Committee agreed to grant the short-term let licence.

#### **e. 4-5 Newtonlees Cottage, Dunbar**

The Clerk advised that, following submission of further evidence from the applicant, the one objection, which had come from Roads Services, had been withdrawn. The application therefore no longer had to be heard by the Licensing Sub-Committee and would be granted under delegated powers.

### **3. CIVIC GOVERNMENT LICENSING FEE REVIEW**

A report had been submitted by the Executive Director for Council Resources to inform Members of the results of the independent review of the civic government licensing fees, and also to seek direction from Members as to the preferred charging model and level of civic government licensing fees as set out in the report. The resulting decision would be taken to Cabinet for final approval.

Mr Grilli presented the paper. He began by highlighting a typo under Option 1 as set out in the report, which should read '207(£)' for the 2024/25 proposed cost of a one-year private hire car driver licence. He advised that the paper sought direction from the Licensing Sub-Committee as to which proposal for the new fee structure they would wish to come forward. The proposed options were based on extensive work by the firm Arneil Johnston Ltd. which looked at the time spent by officers processing each type of licence. He explained that legislation required that costs be kept neutral and be covered by licensing fees. The cost of some licences had increased while others had

decreased to reflect a clearer understanding of the time taken to process the applications. Inflationary work had also been considered to maintain the licensing service over a three-year period. He advised that STL licences had made up a considerable volume of work for officers since their introduction. He explained that under Option 2, there was provision to introduce a three-year licence for taxi drivers, metal dealers, and window cleaners following an initial one-year licence. However, for taxi drivers, there were a number of stipulations relating to medical checks, which would have to be carried out on a five-yearly basis for drivers 45-64, and on a yearly basis for drivers over 65. Further, if the driver had ongoing medical issues, regular medical checks would have to be carried out, and such licences would only be in place for the duration of the medical certificate. He highlighted that it was the case that some licences had the same fees for a temporary licence as the cost of a full licence, and explained that the time taken for the licensing team to process those shorter licences was the same as the full licence, and the licence fee was based on the base cost.

Councillor Trotter asked about the licence which would cover the Haddington Farmers' Market. Ms Aitken advised that the stalls fell under a market operator licence, and Mr Grilli added that street trader licences were sometimes required to support this. He advised that proposals to streamline the process and to avoid duplication of licences in certain areas were being considered. He added that the political stands required a roads permit, and a street trader licence was not required if nothing was being sold.

Responding to a question from the Convener, Mr Grilli confirmed that taxi drivers could only apply for a one-year duration initially, but the driver would then have the option to apply for a one-year or three-year licence following this initial year. However, a medical certificate would have to be renewed if this expired within this period.

The Convener welcomed the dog licensing options contained within the regime, as several complaints had been received relating to dog breeding and welfare.

Responding to a question from the Convener, Mr Grilli and PC Wilson explained that options for a three-year licence had been brought forward under Option 2 to taxi drivers, metal dealers, and window cleaners. Following consultation from Police Scotland, a one-year grace period had been requested to ensure the person was suitable for the role, following which, three-year licences could be applied for. There was no automatic function for alerting the licensing authority should a licensee be convicted of an offence, so Police and the licensing authority relied on the applicant making them aware, or when the licence came up for renewal.

Responding to a question from Councillor Trotter, Mr Grilli advised that the business of dog walking was not currently a licensable activity, but advised that this had been discussed. Further civic licences were expected to come forward from the Scottish Government.

The Convener and Councillor Trotter asked about animal rehoming activities, and Mr Grilli pointed out that establishments such as catteries would come under animal boarding establishments. He would check legislation to find out the scale of rehoming activities to which a licence must apply, and would have this information before the paper was presented to Cabinet in May.

Referring to the decision to pull the paper from the agenda of the meeting of Cabinet on 12 March, Councillor McGinn commented that he was grateful to be able to bring the paper back following representations made by the taxi trade. He said that officers had done a good deal of work to bring the paper to that stage, and made a plea to

taxi operators and drivers to form an association that could inform the Council on such decisions, as engagement from the trade was generally poor.

The Convener moved to roll call vote and Members unanimously voted for Option 2 as their preferred option.

**Decision**

The Licensing Sub-Committee agreed that Option 2 would be recommended to Cabinet.

Signed

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Councillor C McGinn  
Convener of the Licensing Sub-Committee