



**MINUTES OF THE MEETING OF
EAST LOTHIAN LICENSING BOARD**

**THURSDAY 27 MARCH 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

Board Members Present:

Councillor L Bruce
Councillor F Dugdale
Councillor N Gilbert
Councillor G McGuire

Clerk of the Licensing Board:

Mr R Thompson (Acting Clerk)

Attending:

Ms K Harling, Licensing Standards Officer
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Ms A Rafferty, Licensing Officer
Ms E Barclay, Committees Assistant
PC S Gibson, Police Scotland

Committee Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor C Cassini
Councillor J McMillan

Declarations of Interest:

None

The clerk advised that the meeting was being held as a hybrid meeting; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the East Lothian Licensing Board was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for six months from the date of the meeting.

The committee clerk recorded the attendance of Board members by roll call.

1. MINUTES FOR APPROVAL
East Lothian Licensing Board, 27 February 2025

Board members approved the minutes as an accurate record of the meeting.

2. PROVISIONAL PREMISES LICENCE
18 Newbigging, Musselburgh

A provisional licence application had been received. There had been no objections from statutory consultees, but one public objection had been received. The LSO had submitted a report with a suggested condition, noted below.

Alistair Macdonald, the applicant's agent, spoke to the application, and was accompanied by his client, Samir Khan. Mr Macdonald advised that the shop had operated under occasional licences since it had opened a few weeks previously. He reported that the shop had been well received by the community, and gave some background information on Mr Khan and his other business at the Musselburgh Post Office. He noted that there had been no adverse comment made by statutory consultees. He advised that the public objection had been made prior to the shop's opening; in response to the objector's concerns, Mr Khan had installed a CCTV camera facing the lane outside the shop, and Mr Macdonald reported that Police Scotland were content for the camera to be placed in this location. Mr Macdonald said there was an open line of communication between Mr Khan and nearby residents. Mr Macdonald also explained that the application had been made for a provisional licence because feedback was awaited from Building Standards.

Karen Harling, Licensing Standards Officer (LSO), reported that she had visited the premises before it had opened, but she had seen the shop's refit, and till and CCTV systems. She was pleased that a camera would cover the rear area of the shop because there were concerns that this area could attract proxy purchasing. She highlighted that similar premises within an 800m radius had been included in her report, and also highlighted her recommended condition relating to home deliveries.

PC Stephen Gibson had no further comment to make on the application, and said that Police Scotland could be contacted if any issues arose.

Responding to a question from the Convener, Mr Macdonald confirmed that Mr Khan was happy to accept the LSO's recommended condition.

Responding to a question from Councillor Gilbert, Mr Khan explained that the shop had a ramp which could be used when required; it was not a permanent fixture, and there was just one step to access the shop.

The Convener and Councillor Dugdale indicated that Mr Macdonald's presentation had answered any questions they may have had, and were content to support the application. The Convener formally proposed the LSO's recommended condition, and this was seconded by Councillor Dugdale.

The Convener moved to a roll call vote on the application, including the LSO's recommended condition, and Board members unanimously indicated their support.

Decision

The East Lothian Licensing Board granted the provisional premises licence, subject to the following condition:

- Should a service of delivery of alcohol to customers be conducted, the terms of the Licensing (Scotland) Act 2005 Section 119, and those of the Board's statement of licensing policy on deliveries of alcohol, should be complied with.

3. OCCASIONAL LICENCES

b. Seton Garden, Seton Mains, Longniddry – Craig Wood (OCC160-OCC180/25)

The occasional licence applications had come before the Board on the basis of Section 23.1 and Section 23.2 of the Board's Statement of Licensing Policy. Section 23.1 related to repeated applications for occasional licences for the same premises. Section 23.2 related to grounds for refusal of an occasional licence application on the basis that the granting of the licence would be inconsistent with one or more of the licensing objectives, since the scrutiny given to a premises licence application was not available when a premises operated under a series of occasional licences.

Craig Wood, applicant, spoke to the applications. He referred to an appearance before the Board in 2024, and explained that there had been an intention to apply for a premises licence, but unfortunately, the landowner had subsequently passed away. However, an application had been made for a change of use for the premises; the outcome of this application was still awaited, despite follow up. Mr Wood explained that the application had been resubmitted in another colleague's name, and reported that SEPA had made a visit with regards to potential flood damage. He said he understood that the Board did not wish for premises to operate on a stream of occasional licences, and said he also did not wish for the current situation to continue.

The LSO said that Mr Wood had provided an accurate account of the situation. She advised that the applications had been made from April to September 2025 to cover weddings across the season, similar to the previous year's applications. She reported that Mr Wood had been knowledgeable when she had spoken with him; she had identified no compliance issues and understood the premises to be working hard to rectify the premises licence situation.

PC Gibson indicated that he had no concerns with the application.

Councillor McGuire and the Convener acknowledged the situation the business found itself in when trying to apply for a premises licence, and wished Mr Wood all the best.

The Convener moved to a roll call vote on the applications, and Board members unanimously indicated their support.

Decision

The East Lothian Licensing Board granted the occasional licence applications.

a. La Trattoria, 119 High Street, Tranent – Mauro Pacitti (OCC155-OCC157/25)

The occasional licence applications had come before the Board on the basis of Section 23.2 of the Board's Statement of Licensing Policy, which stated that where an occasional licence application was to allow a premises to trade on a regular basis prior to a premises licence application having been determined, the application would be referred to the Board for consideration in the first instance.

Mr Macdonald, the applicant's agent, spoke to the application, and was accompanied by his client, Natasha Pacitti. He made the Board aware of various persons involved in the business, and advised that Ms Pacitti would be the premises manager (DPM) and would run the restaurant with her mother and father. The initial applications had been made in the name of a family friend because Ms Pacitti had not yet been a personal licence holder at the time of application; since this time, Ms Pacitti had obtained her personal licence and had made applications in her own name. Mr Macdonald explained that the premises had previously been run by Ms Pacitti's former husband, but Ms Pacitti had worked there. Mr Macdonald also acknowledged that the premises had previously had issues with non-payment of annual fees; he said Ms Pacitti was committed to maintaining high standards and not causing any issue to the Board with regards to paperwork.

The LSO reported that she had visited the premises after having written her report, and advised that the provisional licence application had now been submitted. She confirmed that she had no recommended conditions to be attached to the occasional licences, but had discussed the outside area on the pavement with Ms Pacitti on her visit; she understood that Ms Pacitti did not intend to use this area until the restaurant was more established. She also understood that an experienced colleague would overlook the running in the first few weeks, but said that Ms Pacitti was well aware of her responsibilities with regards to the sale of alcohol.

PC Gibson noted that Ms Pacitti now held a personal licence, and said he had no adverse comment to make on the occasional licence applications.

Councillors Dugdale and McGuire both indicated that any questions they may have had had been answered in Mr Macdonald's presentation. They welcomed the restaurant and wished it every success.

The Convener moved to a roll call vote on the applications, and Board members unanimously indicated their support.

Decision

The East Lothian Licensing Board granted the occasional licence applications.

Signed

Councillor L Bruce
Convener of East Lothian Licensing Board