

02/06/2025

Your Ref: THE ROCKS

Our Ref: 927352

The Clerk of the Licensing  
Board  
East Lothian Council  
John Muir House  
Haddington  
East Lothian  
EH41 3HA



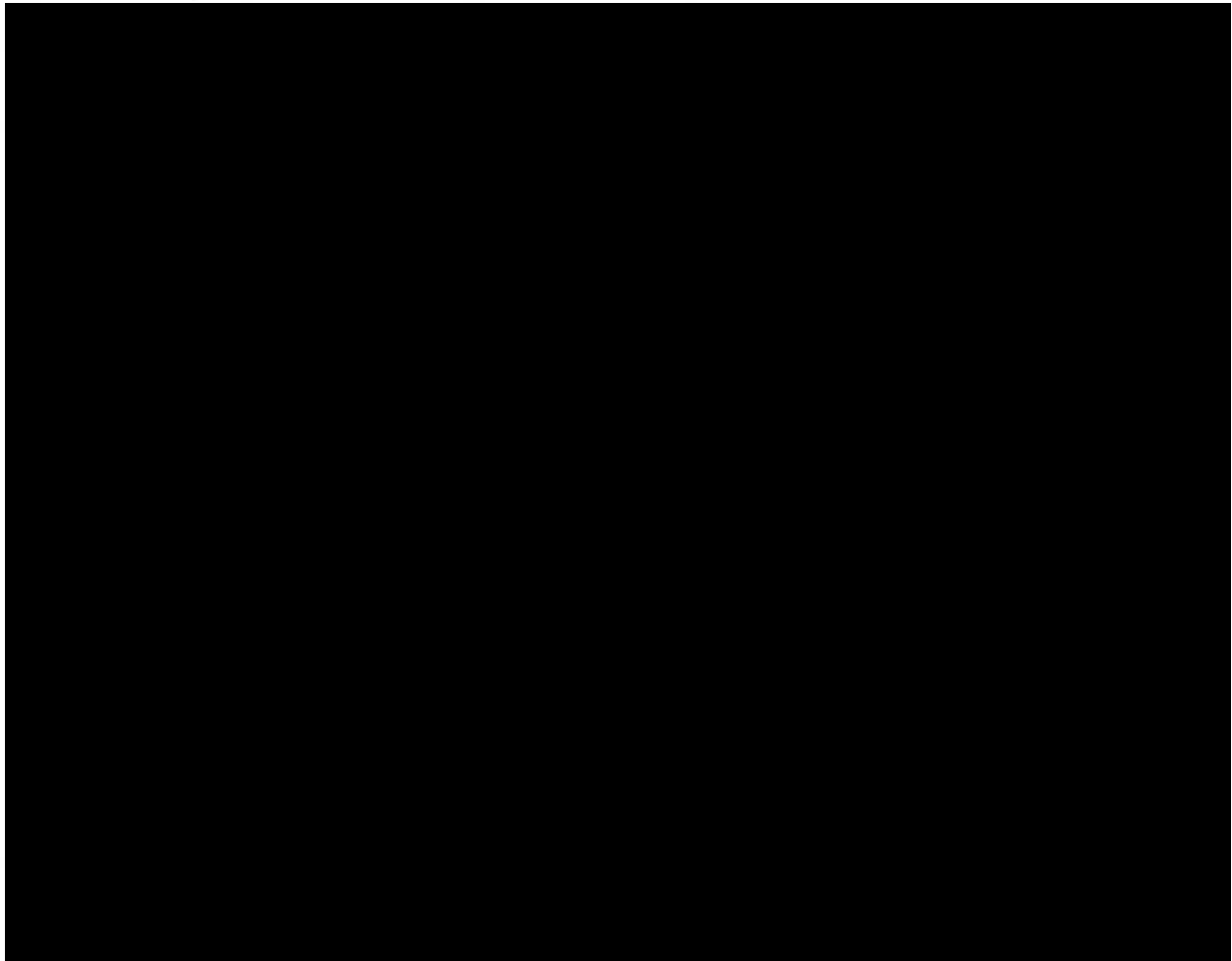
**POLICE  
SCOTLAND**

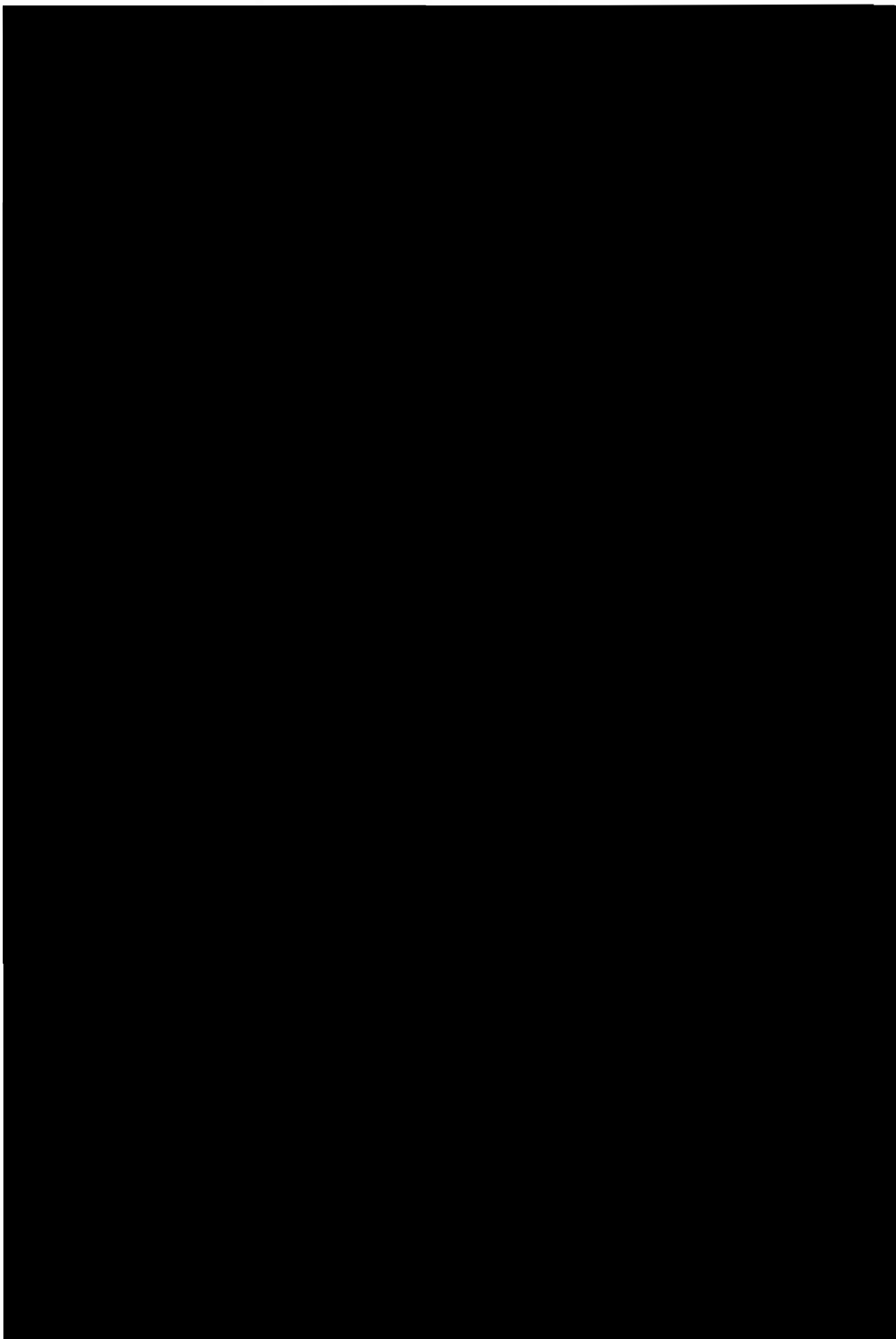
Keeping people safe

Gregg Banks  
Chief Superintendent  
Divisional Commander  
The Lothians and Scottish Borders Division  
Dalkeith Police Station  
Newbattle Road  
Dalkeith, EH22 3AX

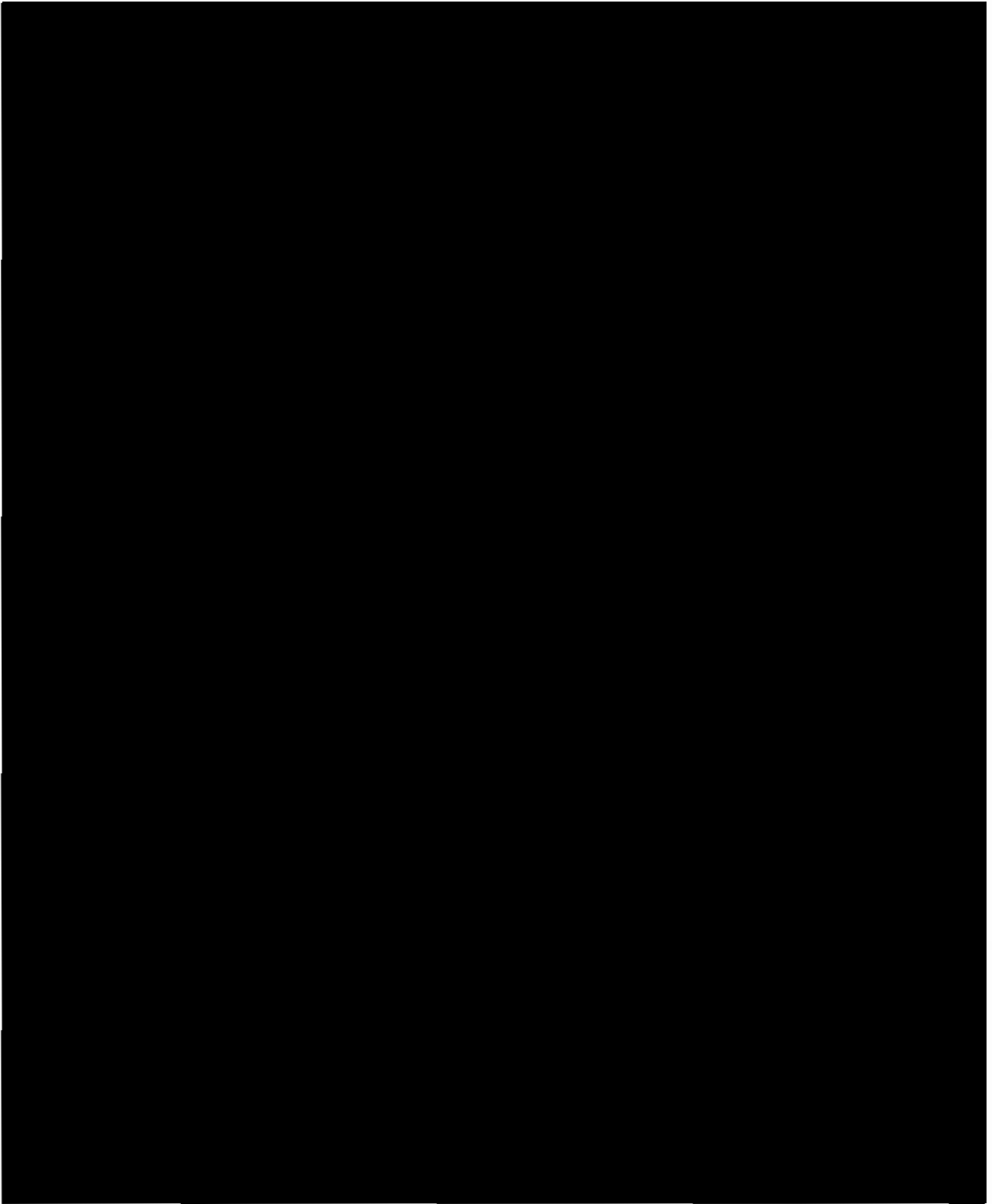
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**IN CONFIDENCE FOR THE ATTENTION OF EAST LOTHIAN LICENSING  
BOARD**





OFFICIAL



Gregg Banks  
Divisional Commander

For enquiries, please contact the Licensing Department on 0131 654 5583

# **EAST LoTHIAN COUNCIL**

## **Licensing Standards**

**From: Licensing Standards Officer**

**To: C. Grilli  
Clerk to the Licensing Board**

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**Date: 2<sup>nd</sup> June 2025**

**Subject: LICENSING (SCOTLAND) ACT 2005**

**PREMISES LICENCE REVIEW APPLICATION**

**PREMISES LICENCE NO EL0210, P & S PROPERTY DEVELOPMENTS LIMITED  
THE ROCKS BAR AND RESTAURANT, MARINE ROAD, DUNBAR, EAST LoTHIAN**

I make application in terms of Section 36(1) and 36(4) on the grounds specified in Section 36(3)(a) and 36(3)(b) of the Licensing (Scotland) Act 2005 to the East Lothian Licensing Board to review the Premises Licence in respect of the above premises.

I have prepared this report outlining information relevant to the review for the consideration of Licensing Board Members.

Licensing Standards Officer

## Premises Licence Review Application

Premises Licence No. EL0210

**Premises Licence Holder – P & S Property Developments Limited**  
**The Rocks Bar and Restaurant, Marine Road, Dunbar, East Lothian**

### Premises Background

Premise licence number EL0210 – The Rocks Bar and Restaurant, was converted from the previous act on 1<sup>st</sup> September 2009. The premises licence was transferred to P & S Property Developments Limited in March 2016. The director of P & S Property Developments Limited is Louis Di Resta.

P & S Property Developments Limited leased the premises to Flex Hospitality Limited from 1<sup>st</sup> March 2025.

The sole director of Flex Hospitality Limited is Nicholas Adams.

An interested party is defined in section 147(5) Licensing (Scotland) Act 2005:

*(5) For the purposes of this Act, a person is an interested party in relation to licensed premises if the person is not the holder of the premises licence in respect of the premises but—*

*(a) has an interest in the premises as an owner or tenant, or*

*(b) has management and control over the premises or the business carried on, on the premises.*

Nicholas Adams is therefore determined to be an interested party.

Section 36(5A) allows for:

*A person making a premises licence review application may include in the application any information that the applicant considers may be relevant to consideration by the Licensing Board of the alleged ground for review including, in particular, information in relation to—*

*(a) the licence holder,*

*(b) where the licence holder is neither an individual nor a council, a connected person in relation to the licence holder, or*

*(c) any person who is an interested party in relation to the licensed premises.*

Most of the information in this application relates to Nicholas Adams who is currently running the premises.

On 2<sup>nd</sup> April 2025 Nicholas Adams was appointed premises manager.

A short time later 29<sup>th</sup> April 2025 Nicholas Adams was removed as premises manager and Jaqueline Gallacher was appointed.

It is my view is that this review is necessary for conduct detailed below, that is inconsistent with the Licensing Objectives. In particular the licensing objectives of preventing crime and disorder, securing public safety, preventing public nuisance and protecting children and young persons from harm.

There have been breaches of the mandatory premises licence conditions and failure to follow a section 14 compliance notice issued.

### **Timeline of Events**

#### **19th March 2025 – Pre-arranged Meeting at premises accompanied by additional ELC Licensing Standards Officer.**

I met with Nicholas Adams at the premises. He detailed he was the new tenant and would be running the premises, hoping to open very soon. I went through the current premises licence with him which he seemed very unfamiliar with. He detailed that he wished to add a pool table, and darts board and open later. He was guided that any changes would require a major variation application to be submitted by the premises licence holder and the application would require to be heard and granted at a licensing board hearing before changes could be started, this included the addition of a pool table and darts board and any gaming and gambling facilities. He told me he fully understood and would comply.

A major variation application was submitted to the Licensing Board and sent for consultation to Licensing Standards on 8<sup>th</sup> April 2025.

Information was received that the premises re-opened and began trading approx. mid April, with Mr Adams as premises manager.

#### **25<sup>th</sup> April 2025 – Site notice check for major variation application at premises, accompanied by Trading Standards Apprentice.**

I visited the premises to check the site notice was appropriately displayed. I searched the whole perimeter of the premises and could not find the site notice. I informed the Clerk to the Licensing Board who determined that the site notice should be displayed for another continuous period of 21 days until 16th May 2025.

**25<sup>th</sup> April – 1<sup>st</sup> May 2025** – 9 complaints about the premises received by East Lothian Council as follows:

##### **1) Complaint received - 25/04/2025**

Sanitised Details - Week beginning 14th April - cars arriving and leaving after 11pm. Use of the road above the 20mph. Revving car engines. A man leaving The Rocks and the urinating in the hedges in Marine Road Park. Friday 18th April, 11.25 - two couples talking loudly; one man swaying unsteadily. Saturday 19th April, approximately 11.30pm - car horn used several times to attract the attention of a guest inside The Rocks. Sunday 20th April (after midnight) - guests walking down Marine Road talking loudly.

Thursday, a car of five young men arrived after 11pm. They entered The Rocks. Friday 25th April 00.02am several young people left The Rocks. There was shouting, loud talking, car doors banging and speeding off. Three young men hung about outside The Rocks for a further ten minutes, laughing and talking loudly.

##### **2) Complaint received – 25/04/2025**

Sanitised details - Stewart Brewing glass found on residential wall; photo provided.

##### **3) Complaint received 27/04/2025**

Sanitised details - 23:10 26/04/2025 20 young men left the premises one very drunk. They sang football songs up to the end of Marine Road very loudly.

**4) Complaint received 28/04/2025**

Sanitised details - A family within the premises on 24/04/2025 witnessed sales of alcohol to 16- and 17-year-old boys (school pupils known to them). Reported through Dunbar Community Council.

**5) Complaint received 29/04/2025**

Sanitised details - noise complaint with audio file of shouting from the premises, dealt with by Environmental Protections Officers

**6) Complaint Received 30/04/2025**

Sanitised details - Email listing concerns in relation to the current operation of the premises and the proposed major variation. Concerns raise that the premises is acting like a pub and not a hotel, activities such as pool, arcade machines, darts and gaming machines have already been added, bottles lying in the street and loud singing after 2300 as patrons make their way home, and a music system that operates outside. Concerns in relation to operator Nick Adams attracting a young crowd.

**7) Complaint received 30/04/2025**

Sanitised details - End of school for Dunbar Senior Pupils lock in night occurred that coincided with the end of term where under 18's served alcohol by Nick Adams who was in attendance offering money to use gambling/gaming machines. Reported through an official letter from Dunbar Community Council. Letter is included as an objection/representation to the major variation.

**8) Complaint received 01/05/2024**

Sanitised details - Resident woken at 2235 30/04/2025 by 3-4 youths coming from the direction of The Rocks

**9) Complaint received 01/05/2024**

Sanitised details - 22:30 30/04/2025 group of teenagers outside resident property who were mucking around and also carrying a female who was unsteady on her feet. Resident witnessed couple with children chasing young patrons up Marine Road telling them to keep it down – established to be Jaqueline Gallacher and husband Mark with their children.

The above complaints were received from 5 different complainers.

**29<sup>th</sup> April 2025 – Appointment of new premises manager**

Jacqueline Gallacher was appointed as premises manager to replace Mr Adams. No reason for the change was given.

**1<sup>st</sup> May 2025 – Premises visit accompanied by ELC Compliance Officer Trading Standards.**

On entering the premises there was a male behind the bar, he greeted us and asked how he could help. We introduced ourselves and showed our ID. I enquired as to who was in charge and he answered he was the only staff member at the premises. I asked for his name which he gave and asked him who authorised him to sell alcohol, and he replied "Mark". I informed him I didn't think that was correct and he said "Nick". I then asked who the premises manager is, and he was able to identify her as "Jackie". I requested to see his staff training record which he was unable to provide, and it was established that he had not received any training. Within the bar area there were used glasses and a cider bottle that had been recently consumed. I asked him if he wanted to call management to see if they would come to the premises.

Whilst he was doing this, we had a look around the premises, the games room was open and there was a pool table with balls, a dart board along with darts, an arcade machine, within the hall there were two arcade machines, in the snug area off the main bar there was a category C gaming machine. There was the provision of board games on all the tables in the bar area and some in the bistro area. We checked the outside area following a report of installation of an outdoor music system however did not find any obvious speakers.

At this time Nicholas Adams arrived at the premises. I asked him about staff training, and he informed us that none had been completed. I asked why, detailing all staff are required to complete 2 hours mandatory training by a personal licence holder before making sales or service of alcohol. He said they had only been open for two weeks and he hadn't had a chance to do it. I explained this was a breach of mandatory condition 6 on the premises licence and on our visit today we had found an untrained member of staff behind the bar who was also the only staff member at the premises. I asked him for the age verification policy, and he replied the sign was up. I asked him what the policy was, was there a written policy in place and had staff been trained on it. He said that nothing was in place and he thought putting up the sign was all he needed to do. I explained this was a breach of mandatory condition 9A. Having observed that there were several activities on offer that were not detailed on the operating plan I asked why he had not followed my guidance given in March that these activities, such as the pool table, darts, arcade machines, gaming machine and board games could not commence or be available until a major variation was granted by the Licensing Board. He could not give a reason saying he would just jack it all in and was in a lot of debt. I asked where the sign detailing children and young person access was as required, and he said he didn't know he had to do that. I explained it was also a breach of mandatory premises licence condition 11. I didn't request the premises licence as it was assumed it has been submitted to the Licensing Board as part of the ongoing major variation application.

I asked Mr Adams if there was working CCTV in the premises, and he confirmed there were numerous cameras in working order, recording onto a server which stored the footage for 28 days. I asked if he had access to the system and could provide footage and he replied "yes". I enquired if an outdoor music system had been installed and he confirmed that it had. I advised that use of this could potentially cause complaints and maybe considered a statutory noise nuisance, and it was my intention to recommend a condition to the Licensing Board for the variation to prohibited amplified music and speech and entertainment in the outdoor areas.

I informed him that in my view there were several significant failings and mandatory premises licence conditions had been breach. I commented that he is a personal licence holder and meant to be an experienced operator who should already know the requirements of the law.

Guidance was given to him from our Business Compliance officer that there was no evidence of weights and measure signage or a price list and to review compliance for this.

Information was given to Mr Adams in relation to 9 complaints received. The complaints relating to the premises detailed patron noise, Stewart Brewery glasses left in gardens, people leaving and urinating in hedges, intoxicated patrons leaving the premises, and underage drinking, disturbance from a possible outdoor music system, staff following patrons up the street asking them to be quiet along with their young children. He was very dismissive of the complaints and replied that they must be all from one person who was sacked from another local licensed premises. He was unwilling to hear about individual complaints and became argumentative. He was informed that the complaints had been received from multiple sources.



At the end of the discussion Mr Adams was informed that I would be serving a compliance notice under section 14 of the Licensing (Scotland) Act 2005 in relation to breaches of mandatory premises licence conditions 3 – compliance with the operating plan, activities carried on in the premises, 6 - Staff training, 9A - age verification policy and 11 – notice for admission of persons under 18. I verbally detailed that he must take immediate action and complete the following before any alcohol could be sold as follows:

- All activities not on the current operating plan must cease. Access to the games room should be shut off, the arcade machines and category C gaming machine be removed from public access and stored securely, and board games removed from the tables
- All staff must have received the mandatory two hours training by a personal licence holder and staff training records must be available to be viewed by an LSO or Police
- A written age verification policy be implemented, and all staff trained on this
- A children and young person access sign be displayed.

He informed me that all of that was in progress and would be done that afternoon. He said the premises manager Jacqueline Gallacher was putting it all together as we spoke and had received the training material from his solicitor. I informed him that the compliance notice would be sent to the premises licence holder Mr Di Resta and his solicitor, and to contact him to discuss the visit today. On return to the office, I received confirmation that the children and young person access sign had now been displayed.

I sent a compliance notice under Section 14 of the Act to the premises licence holder Mr Di Resta and his solicitor detailing the conditions breached and the required immediate remedy. See appendix 1. In addition, details of the complaints received between 25<sup>th</sup> April and 1<sup>st</sup> May were sent by email and information about Mr Adams demeanour and that he had dismissed the complaints.

### **3<sup>rd</sup> May 2025 – Premises visit accompanied by Officers from Police Scotland**

I attended at the premises at 2200 hours, Saturday 3<sup>rd</sup> May 2025, along with 4 Police Officers. On entering the premises 5 males were found in the rear bistro area all drinking alcohol. They all appeared to be under the age of 25. Further police officers entered to establish their age and ask them for ID. I entered the bar area accompanied by police. I found Nicholas Adams in the bar area along with his partner and her 6-year-old child. He informed us that he was the only staff member on duty. He immediately told me he had done what I had asked. He showed me an incident diary where he had written the following on Saturday 3<sup>rd</sup> May "21:40 5 Boys entered all ID's checked and approved by licensing holder Nick Adams". At this time police returned from the bistro area and informed me that one of the 5 males was 17 years old and had been found consuming alcohol. His 18-year-old friend claimed that he had bought it for him but information as to how alcohol had been obtained was not clear. Mr Adams had no explanation for this and after a while he claimed along with his partner that one must have snuck in.

I asked for the staff training records which were produced. There were 3 complete records and one incomplete. I asked for the age verification policy which he could not produce. I asked Mr Adams for his personal licence. He became obstructive and argumentative claiming he was trying to find it on his laptop. I explained that he could not do that as it was an official document that was produced, laminated and sent out by the Licensing Board. He then became even more aggressive and started filming me on his mobile phone. Again, I requested he produce his personal licence. He went back to his laptop which was at a table in the bar area surrounded by paperwork saying he was printing it

and going to laminate it. I approached the table where I could see two drinks on it. In front of him was a ½ pint which I smelt and established was cider. I asked him if he was drinking which he denied, however, he then took the drink, became agitated and said, can you not give a guy a break and poured it away. I could smell alcohol on him, and it was clear from his demeanour and lack of comprehension of my requests that he was under the influence of alcohol whilst in charge and the sole staff member at the premises. He started telling me that he had read my job description and that I was meant to be helping him. The police then stepped in and asked him to stop and calm down. I informed Mr Adams that he should have his personal licence with him when he is working and failure to produce it when asked by an LSO or police is an offence. He had no reasonable excuse as to why he could not produce it.

I asked the mother of the 6-year-old why they were in the premises, and she replied due to personal circumstances they liked to come and be here when Mr Adams was working. I asked if she felt it was late for the child and she said no. I expressed my concerns that a bar was not a suitable place for a young child to be cared for whilst her partner was working.

The premises manager Jaqueline Gallacher arrived along with her husband and two children. It was established that she had been working at Hector's as an employee of Mr Adams. I also spoke to her in relation to a complaint that I received detailing a woman and a man following a group of young patrons up the street telling them to be quiet whilst they had children with them. She confirmed that was her and her husband and that the children have been at the premises whilst they have been working. I advised her that this was an unsuitable arrangement. She cannot be responsible for both her children and role as premises manager at the same time and this was an unsuitable environment for them to be cared for in.

Mrs Gallacher was informed that a 17-year-old had been found drinking in the rear bistro and that Mr Adams had been drinking whilst in charge of the premises. She informed me that she worked at both Hector's and The Rocks, but that was changing soon as Hector's had been sold. I spoke with her and reminded her of her responsibilities as a premises manager. I asked her for the age verification policy, and she produced a blank template that had not been implemented. Within the rear snug area the gaming machine was still present albeit switched off. I informed her and Mr Adams that the section 14 notice had not been complied with and that the circumstances found at the premises were inconsistent with the licensing objectives. I detailed a review application for the premises licence would be considered.

Police then asked Mr Adams to provide CCTV to establish the circumstances of the 17-year old's access to alcohol. He informed them he could not access the system and claimed that there were encryption issues. They asked him to provide the CCTV by Monday 5<sup>th</sup> May. They informed Mr Adams that further enquiry would be completed in relation to possible offences that had occurred.

On Monday 5<sup>th</sup> May 2025, I spoke with the premises licence holder's solicitor and appraised him of the visit on Saturday 3<sup>rd</sup> May.

#### **Thursday 8<sup>th</sup> May – Contact with Premises Licence Holder – Louis Di Resta**

I received a phone call from the premises licence holder Mr Di Resta. He detailed he had held an in-person meeting at the premises with Mr Adams and Mrs Gallacher and outlined several rules and responsibilities. This included strict rules in relation to children, young persons, those under 25 and compliance with the premises licence. He was aware of that a 17-year-old had been found in the

premises with alcohol, however, he was unaware the Mr Adams had failed to supply the CCTV and had been drinking on that night. I raised my concerns about the children present late in the bar.

#### **14<sup>th</sup> May 2025 - Police Scotland Update**

I was informed by Police that Mr Adams had been charged with Section 106 Licensing (Scotland) Act 2005 allowing the consumption of alcohol by a young person on a licensed premises and had not provided the CCTV requested.

#### **15<sup>th</sup> May 2025 – Premises visit accompanied by ELC Business Compliance Officer Trading Standards.**

At the time of our visit the premises was closed however trade persons were working to the rear and within. The kitchen is not in use and requires work. Renovation work was also being carried out in the bedrooms. Jacqueline Gallacher arrived and informed me that they had been very strict with patron ages and were trying to attract an older dynamic. We had a general chat about management where she confirmed she had left Hector's and was working full time at the premises. Guidance was given about signage to ask patrons to be quiet on leaving. She informed me that CCTV had been supplied to the Police that morning but could not really detail what it showed.

#### **16<sup>th</sup> May 2025 – Contact with Environmental Health Officers**

I was informed that Environmental Health Officers had visited the premises on 15<sup>th</sup> May and following concerns had served notice for the premises to close until issues were rectified.

#### **Tuesday 20<sup>th</sup> May 2025 – Contact with Environmental Health Officers**

It was established that the premises had been open over the weekend without the removal of the notice issued by Environmental Health. Following this Officers reattended the premises where further issues were identified that required a further closure and rectification.

#### **Tuesday 20<sup>th</sup> May 2025 - Complaint**

I received a complaint that on Sunday 11<sup>th</sup> May persons left the premises in taxis 01:00am and on the following Sunday 18<sup>th</sup> May, a man at The Rocks called out to a group of young women on Marine Road. The women approached The Rocks and went inside and then left just before 2.30am. I contacted Mrs Gallacher about the complaint. As no reply was received within a couple of days I notified the premises licence holder Mr di Resta by email.

#### **Monday 26<sup>th</sup> May 2025 – Contact with Police Scotland**

I was made aware by police that a search warrant had been executed on Friday 23<sup>rd</sup> May and a vehicle at Marine Road near the premises belonging to Nicholas Adams was searched. A weapon was recovered, and Mr Adams was arrested and charged.

#### **Monday 26<sup>th</sup> May 2025 – Complaint**

I received a complaint detailing the week prior staff had been witnessed on the promenade opposite the premises sharing a "joint" and that in recent days cannabis had been smelt from the premises. I contacted Mrs Gallacher and Mr Di Resta in relation to this complaint. I was informed by Mrs Gallacher that the chef at the premises has a prescription for cannabis. On further enquiry I established that smoking prescription cannabis is illegal in Scotland.

#### **Wednesday 28<sup>th</sup> May 2025 – Contact with premises licence holder – Louis Di Resta**

I spoke further on the phone with Mr Di Resta in relation to the complaint of drug use and information was shared in relation to the weapon found within the vehicle on Marine Road. Mr Di

Resta informed me he would visit the premises the following day. He had an arranged visit that day which was cancelled. Following the meeting I informed Mr Di Resta of my intention to apply for a premises licence review.

At the time of writing (2<sup>nd</sup> June) to my knowledge the premises is still closed under the notice issued by Environmental Health.

### Summary

I have serious concerns in relation to this premises and the tenant Nicholas Adams. The premises licence holder has leased the premises to Mr Adam's however remains responsible for the premises licence, compliance with conditions and upholding the licensing objectives.

Mrs Gallacher has been appointed premises manager, however, I have seen no clear evidence that she is responsible for the day to day running of the premises and able to make any decisions. She is employed by Mr Adams and appears to be an employee under his control.

Since re-opening under the control of Mr Adams and premises manager there has been conduct inconsistent with the licensing objectives of preventing crime and disorder, preventing public nuisance, securing public safety and protecting children and young persons from harm. Three of the mandatory premises licence conditions have been breached despite my attempts to give guidance which has been ignored to the point that I have felt that a compliance notice was necessary. Following the issue of this notice, the breach of two of the conditions has continued. Multiple complaints and concerns have also been received.

Following the discovery of a weapon in a vehicle outside the premises there are now significant safety concerns for Council Staff and the public.

It is evident that Mr Adams has a clear disregard for the licensing objectives and licensing law. He believed it acceptable to be in control of the premises whilst drinking, failed to supervise the premises sufficiently allowing young patrons into the rear bistro area where a 17-year-old has been allowed to consume alcohol. Had he been more diligent and responsible in his actions, implementing a controlled age verification policy and proper supervision the offence could have been prevented.

This review application is presented to you, following breaches of conditions on the premises licence and the failure to take the remedial action detailed on a notice issued, as well as grounds relevant to the licensing objectives. It is however, also open to the Board to consider ground 36(3)(za) below in their decision making process:

*36 (3) The grounds for review referred to in subsection (1) are—*

*(za) that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence,*

*(a) that one or more of the conditions to which the premises licence is subject has been breached, or*

*(b) any other ground relevant to one or more of the licensing objectives.*

There has been and continues to be a mismanagement of the premises. The premises licence holder has made efforts with Mr Adams, however, he and others have whilst working in the licensed premises acted in a manner inconsistent with the licensing objectives. Mr Adams and Mrs Gallacher have run this premises with no regard for the law or the responsibilities required under the Licensing (Scotland) Act 2005.

*Under Section 84 Licensing (Scotland) Act 2005 in the course of a review hearing, where there is a finding that a personal licence holder who is or was working on the licensed premises, acted in a manner inconsistent with the licensing objectives, the Board must hold a hearing in relation to their personal licence.*

I have submitted a report in terms of Section 84B Licensing (Scotland) Act 2005 for Mr Adams personal licence however the Licensing Board members may wish to consider a review of the premises manager Jacqueline Gallacher's personal licence in addition under the above section 84.

I ask the board, to consider all the information given, in their deliberations and decision on this matter.

Licensing Standards Officer

Our Reference: CG/ar/EN/L/EL0210

Date: 3<sup>rd</sup> June 2025

Private & Confidential



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Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(1)  
NOTIFICATION OF PREMISE REVIEW HEARING  
EL0210 – The Rocks, 13 Marine Road, Dunbar, East Lothian EH42 1AR**

The Licensing Board has received a request from Police Scotland and the Licensing Standard Officer for a review of the **Premises Licence** noted above. The Licensing Board, has resolved to hold a review hearing.

Police Scotland in terms of Section 36(1) of the Licensing (Scotland) Act 2005, on the grounds one or more of the conditions to which the premises licence is subject to has been breached. The application for review is made in terms of the grounds set out at Section 36(3)(b) that there are grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely:

- Preventing crime and disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting Children and Young Persons from Harm

Licensing Standards Officer made review in terms of Section 36(1) and 36(4) on the grounds specified in Section 36(3)(a) and 36(3)(b) of the Licensing (Scotland) Act 2005.

The Review Hearing will be heard at the next meeting of the Licensing Board to be held in Council Chambers, Court Street, Haddington or virtually, by Remote Connect at 10.00am on **Thursday 26<sup>th</sup> June 2025**

You are entitled to attend the Hearing and the Board members may, but are not obliged to, invite you to give your views in respect of this matter. If you wish someone else to represent you at the Hearing, you will be required to provide a written mandate confirming that they are instructed to do so. You can provide that mandate to this office in advance of the Hearing.

The Licensing Board has asked Fire Scotland, Environmental Health, Trading Standards, Planning to prepare a report into this matter for their consideration at the Hearing.

A copy of the report along with the board details and agenda will be sent to you in due course.

Yours sincerely

Clerk to the Licensing Board

cc. Alistair MacDonald, MacDonald Licensing

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## Background

EH found in late March 2025 that the premises, known as The Rocks, at 13 Marine Parade, Dunbar, which had not traded for some time, was looking to re-open under new ownership (a new Food Business Operator).

Food Registration forms were sent/given to the new (at that time proposed) Food Business Operator (FBO) and the premises registered with this office in early May 2025.

## Inspections/Actions BY EH

### 15<sup>th</sup> May 2025

The initial visit to the premises was made by two officers from EH on 15<sup>th</sup> May 2025. At the inspection the following were noted: -

- The main kitchen and associated areas were not in use, nor were they ready for use.
- A barbeque unit was set up on the external decking (and had been used by the business) but there was no handwash facility.  
On questioning, the FBO/premises manager advised they were using the washhand basin in the kitchen. On checking this sink, located across a messy courtyard with no public access, it was found to have no hot water.
- The bar was also in use, and had been in use, and on checking the sinks, it was found that there was no hot water to wash hands in the bar.
- The toilets were checked, and no hot water was available at any of the hand wash sinks. We were unable to identify any sinks with hot water in the premises.  
The staff advised that there had been issues with the boiler, which had been sorted, but the issue must have recurred hence the lack of hot water in the premises. The staff advised that they were waiting on a further repair to the boiler.
- The bar itself was found to be in a dirty condition.
- There was evidence/historic evidence of rodent(rat) activity in the basement/cellar areas.
- The inspection label on the fixed electrical installation appeared to indicate that a Periodic Inspection of the Electrical Installation was overdue (the label had a last inspected date of 2023 with a next date of 18/12/24).
- There were several other matters noted as being required which were brought to the attention of the FBO/manager.

**A Remedial Action Notice (a RAN)** was served which resulted in the premises closing and requiring them to remain closed until such times as the hot water/boiler was sorted, and hot water was available.

### 20<sup>th</sup> May 2025

A revisit to the premises was arranged for the 20<sup>th</sup> of May 2025, as the manager advised in a phone call, that the hot water issue had been sorted. They had obtained a portable handwash unit (with hot water) for the barbecue area, and the boiler had been repaired. This was required to comply with the **RAN** served on the 15<sup>th</sup> of May.

During the inspection the officers found the following: -

- Whilst hot water was found at some of the sinks and washhand basins it was not available at all of them, and thus the **RAN** could not be withdrawn.
- The bar was again found to be in poor condition and there was further evidence of rodent activity in the bar cellar. The premises had not been vermin proofed and the food areas did not, in their current condition, permit the hygienic operation of food activities, which includes sale of beverages. EH Officers served another **RAN** requiring the premises to be deep cleaned and further action to be taken in terms of pest control.

The FBO and manager were advised to contact this office when the works had been completed but until the **RAN** was removed by this office, they should remain closed.

### **23<sup>rd</sup> May 2025**

The FBO contacted this office to advise that the boiler had been repaired, hot water was now available at all sinks and the necessary works in terms of cleaning, upgrades and pest control had been completed. Some electrical works had been carried out to address matters of immediate safety concern, and a report from an electrician was provided.

Officers revisited the premises on the afternoon of the 23<sup>rd</sup> of May and found the following: -

- Hot water was available as required by the first **RAN** and this notice was withdrawn.
- The bar was still not clean (nor were other food areas), and officers found evidence of rodent activity. Pest proofing against rodent ingress had not been completed, and the FBO/manager could not provide evidence to demonstrate that the premises had been effectively treated for rodents. During the visit, the officers had a conversation with the Pest Control Contractor. He highlighted that additional proofing was needed, as part of a 6-week rat eradication programme.

The conditions of the second **RAN** had not been met and the premises remained closed.

The FBO and manager were advised that they could not carry out any food activity including bar sales, until the second **RAN** had been withdrawn. Officers advised the FBO to contact EH to arrange a revisit when works had been completed.

### **29<sup>th</sup> May 2025**

EH received a phone call from the premises manager, advising that the works had been completed. A Pest Control report was requested to evidence that there was no current rodent activity. The manager responded that they would acquire this, and it was agreed that the revisit would be carried out once this information could be reviewed.



### **30<sup>th</sup> May 2025**

EH contacted the manager, who advised that a new report was not available. The Pest Control Contractor was due to attend that day.

### **4<sup>th</sup> June 2025**

A call was received from the manager advising that the premises had been closed permanently.

### **6<sup>th</sup> June 2025**

A call was received from the Property Owner (who had leased the premises to the FBO) confirming that the premises was closed. He informed EH that the FBO was no longer involved with the premises. The Owner also advised that the services of the Pest Control Contractor, on a rodent riddance and pest control programme, would continue.

EH requested a copy of the Pest Control Contractors report, and access to the premises to assess progress with works required by the second **RAN**.

### **12<sup>th</sup> June 2025**

An email was received from the property owner including a Pest Control report (dated 11<sup>th</sup> June) which outlined that.

- rodent monitoring on 30<sup>th</sup> May and 6<sup>th</sup> June 2025 showed no further evidence of bait take.
- areas of concern had been sealed.
- an inspection camera had shown no evidence of activity.
- there was no fresh evidence of gnawing, droppings, burrowing etc.
- there were no reports of sightings by the owner or staff.

The contractor has made several recommendations including further visits and improvements.

### **13<sup>th</sup> June 2025**

Officers from EH visited the premises. The premises was closed, and it is unknown when it will reopen and who the FBO will be. Officers noted that improvements, in terms of cleaning, pest proofing and general conditions had been made. There was no evidence of rodent activity.

EH wish to highlight that further remedial works is required in the premises. The Property Owner will be advised of works needed to comply with food and health and safety law. A new Electrical Installation Condition Report must be provided to EH at the earliest opportunity.

