



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

**THURSDAY 26 JUNE 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

Board Members Present:

Councillor L Bruce
Councillor C Cassini
Councillor F Dugdale
Councillor N Gilbert
Councillor J McMillan

Clerk of the Licensing Board:

Mr C Grilli

Attending:

Ms K Harling, Licensing Standards Officer
Ms G Herkes, Licensing Officer
Ms A O'Reilly, Licensing Officer
PC I Anderson, Police Scotland
Insp A King, Police Scotland
Ms E Barclay, Committees Assistant

Committee Clerk:

Ms B Crichton

Apologies:

Councillor G McGuire

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 five years from the date of the meeting.

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

Carlo Grilli, Clerk of the Licensing Board, advised that the agenda had been amended so that Items 4a and 4c would be heard at the end of the agenda.

1. MINUTES FOR APPROVAL
East Lothian Licensing Board, 22 May 2025

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

2. REVIEW OF PREMISES LICENCE
Wiremill Social Club, 4 Balcarres Road, Musselburgh

The premises licence had been suspended at the previous meeting of the Licensing Board, and the item had returned for an update on progress.

Lynn Hastie and Ashley McGarvie were present to represent the club.

Karen Harling, Licensing Standards Officer (LSO), referred to her submitted report and provided an update to the Board. She advised that a meeting had been held with the club's committee, and had been constructive and positive. She reported that the club had also met with Environmental Protection Officers, and had implemented their recommendations. She felt there had been vast improvements in the club's compliance, and highlighted that it had taken all guidance on board.

PC Iain Anderson, of Police Scotland, advised that no further incidents had come to the attention of Police Scotland, and he had nothing further to add to the original police letter.

Lynn Hastie provided a detailed account of all actions undertaken since the premises licence suspension, including: convening a full committee meeting; replacing the Chair with someone who had previously held the position; increasing the committee by four new members; submission of policies and risk assessments; advertising for an assistant bar manager; increasing the number of personal licence holders; implementing a duty rota; gathering training materials for new inductees; increasing the frequency of committee meetings; and implementing regular staff meetings.

Responding to questions from Board members, Ms Hastie explained that the bar manager would be accountable for monitoring compliance, and would be supported by staff and the committee. She advised that an emergency meeting would be called if necessary. The committee would monitor the bar manager to ensure their development in the role. Ms Hastie also discussed the committee's understanding of their serious obligation to look after public safety and to have suitable processes in place to mitigate risks.

Board Members commented on the comprehensive actions taken by the club to rectify the issues highlighted previously. Members acknowledged the club's willingness to work with the LSO, and felt reassured that the situation at the premises would continue to improve.

Councillor McMillan proposed that the premises licence suspension be lifted, and this was seconded by Councillor Dugdale. Board members unanimously agreed to lift the suspension by roll call vote.

Decision

The Board agreed to lift the suspension of the premises licence.

3. REVIEW OF PREMISES LICENCE

The Rocks Bar and Restaurant, Marine Road, Dunbar

The LSO had made an 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 ('the Act') to the East Lothian Licensing Board to review the premises licence of The Rocks Bar and Restaurant.

Alistair Macdonald, the licence holder's agent, was present, and Louis Di Resta, licence holder, was also in attendance.

The LSO provided a summary of events, as had been outlined in her submitted report. She advised that the operation of the premises by the tenant, Nick Adams, had resulted in complaints, and her report detailed the breaches found during her compliance visits. Breaches had included: facilities which were not on the operating plan; Mr Adams being in sole control of the premises while under the influence of alcohol; a 17-year-old consuming alcohol in the bar; and Mr Adams being unable to produce his personal licence. She reported that Environmental Health Officers had visited the premises. She also advised that there had been complaints of cannabis use by staff. She reported that Mr Adams' tenancy had now been terminated.

PC Anderson provided a timeline of events from Police Scotland's perspective. He advised that no offences had been detected on a premises visit on 26 April, but that a younger age group of patrons had been found. He recounted the various breaches the LSO had made Police Scotland aware of, and reported that, following the LSO's issue of a Section 14 Compliance Notice, Police Scotland had made a licensed premises visit on the night of 3 May. He discussed the visit, which included finding a 17-year-old drinking in the premises; he reported that Mr Adams had claimed to have checked IDs, but had not provided CCTV footage to back this up. He reported that Mr Adams had been cautioned and charged on 14 May under Section 106(2) of the Act; allowing a child or young person to consume alcohol. PC Anderson also reported that a pool table, dart board, and gaming machine were in use, despite not being included in the operating plan.

Mr Macdonald spoke on behalf of the premises licence holder, Louis Di Resta. He provided background information on Mr Di Resta's experience in the licensed trade over a 40-year career. He explained that the bar function should have provided an ancillary facility to guests of the hotel, and previous tenants had operated the premises well. Mr Macdonald explained that Mr Di Resta had been aware that Mr Adams' other restaurants in Dunbar were well known and well run, and was not aware of any issues; however, after the hotel was leased to Mr Adams, the restaurant never opened and the hotel rooms were never used. He explained that Mr Adams had no experience in operating a bar, and the premises had not been known as a bar. Mr Macdonald advised that there were immediate issues at the premises, and the police and LSO had tried to assist the tenant. Mr Macdonald felt that the relationship between the premises and its neighbours had broken down. He reported that the tenancy had been terminated due to the serious breach of conditions, and the premises had been closed since this time.

Continuing, Mr Macdonald advised that there had been a lot of interest from potential new tenants, and Mr Di Resta would ensure that the premises would reopen under a tenant who would offer all functions of the hotel. He advised that an application to

rectify the anomalies in the licence had been submitted, but subsequently withdrawn when the tenancy ended. He explained that many of the issues had occurred outwith the premises, so could not be checked on CCTV. He addressed some of the concerns from neighbours, and advised that the outdoor music system had now been removed. Mr Macdonald apologised on behalf of his client for the inconvenience caused, and said that Mr Di Resta had learned a lesson about choosing tenants.

Mr Macdonald responded to questions from Board members. He described the process that would be adopted in recruiting the new tenant. He said that the business should not attract young people if it was running as it should, and confirmed that Mr Adams had surrendered his personal licence. Mr Macdonald reported that Mr Di Resta had acted quickly when concerns had been raised, but that he would ensure greater monitoring when the new tenant took over. He noted that the indoor and outdoor sports had always been at the hotel, so he had some sympathy with Mr Adams for this particular error; a major variation application would be lodged once again. He reiterated that the main problem had been that only the bar had opened, and he reassured the Board that the issues would not occur again.

Councillor McMillan expressed concern for Mr Di Resta's health, as well as his distance from the property as a West Lothian resident. He commented on the importance of hotels to the county. He felt that proper recruitment and training of the tenant was important, and sought advice as to how the Board could firmly note the seriousness of the breach, but allow the premises to get back on a firm footing. Following advice from Mr Grilli on the various options available to the Board, Councillor McMillan expressed that he would wish to issue a formal written warning. He commented that he felt reassured by the comments, but would not wish to see a repeat of the situation. He formally proposed that a written warning be issued.

Councillor Dugdale agreed with Councillor McMillan's comments, and seconded the proposal to issue a formal written warning.

The Convener made comment on the seriousness of the previous tenant's breaches, and noted the surrender of his personal licence. He appreciated that Mr Di Resta had taken action to remove the tenant. He welcomed the comments on how the operation would be run, and looked forward to receiving a progress update when the major variation application was heard. He agreed with Councillor McMillan's comments on the importance of hotels to East Lothian, and thought The Rocks could be a great venue and hotel again. He supported the issue of a formal written warning.

The Convener then moved to a roll call vote, and the Board unanimously agreed to issue a formal written warning to the premises licence holder.

Decision

The Board agreed to issue a formal written warning to the premises licence holder.

4. MAJOR VARIATION

b. Musselburgh and Fisherrow Welfare and Social Club, 253 North High Street, Musselburgh

An application was submitted to move to an open club licence. There had been no objections from statutory consultees.

Thomas Malcolm and Isobel Benn were present to represent the club. Mr Malcolm explained that an open club licence was sought for the sake of flexibility, as currently,

club members had to sign paperwork to bring in guests. He confirmed that the club would remain a members' club. He added that three members of staff were personal licence holders.

PC Anderson advised that Police Scotland had no adverse comment to make on the application.

The LSO had had to leave the meeting at the end of the previous item, and had sent her comments to Mr Grilli. Mr Grilli informed the meeting that the LSO also had no adverse comment to make.

The Convener and Councillor McMillan expressed that they were content to support the application. The Convener felt that the move to an open club licence made things easier, and Councillor McMillan discussed the responsibility that came with the new licence.

The Convener moved to a roll call vote, and the Board unanimously agreed to grant the major variation.

Decision

The Board agreed to grant the major variation.

5. PREMISES LICENCE

Tranent Bowling Club, Edinburgh Road, Tranent

The application sought a premises licence for a bowling club. An objection had been received from NHS Scotland on the basis of the premises being located within an area of higher health-related harm. A report had been submitted by the LSO, which included recommended conditions. There were no other objections from statutory consultees, but several public objections had been received.

Matt Osborne was in attendance to represent the club. Two objectors, Keith Griggs and Ms Herron, were also present.

Mr Osborne explained that the lapse of the previous premises licence had been an administrative error, and the person responsible had been removed from any position in the club. He also noted that the Council's removal of amenity services meant that the licence was essential to the club's future.

PC Anderson advised that Police Scotland had no adverse comment to make on the application.

On behalf of the LSO, Mr Grilli pointed out the two recommended conditions from the LSO's report.

Mr Griggs spoke against the application. He raised concern that various sources of noise in the area, including the club, haulage activity, and a neighbour's dog, collectively meant that noise was regularly above the acceptable 55dB. He questioned how these groups would ensure that the noise level did not exceed 55dB, particularly with the increase in licensed hours. He explained that he had not officially complained about the noise level, but had passed his concerns onto a neighbour, who had made contact with the club. Mr Griggs recalled that a new drinks cooler had made excessive noise for days before being rectified. He reported that the noise level from the club increased in the evening during the summer months in the evening, and he said he

would record excessive noise levels in future from his property. He asked whether the club could address parking problems, as visitors blocked driveways and access to the haulage company garage. He pointed out that the facility was for the enjoyment of bowls and not excessive drinking. He also pointed out that the application did not consider the neighbouring properties.

Ms Herron also spoke against the application. She advised that mediation had been used between the club and its neighbours in 2008. She reported that continuous swearing could be heard from the bowling green, and she could not take her grandchildren into her garden for this reason. She also reported having been woken up by slamming doors and staff dealing with bottles. She described the noise from the club as being terrible.

Mr Osborne responded to the objections and to follow-up questions. He explained that he had worked extensively with Police Scotland and the LSO in preparing the application. He reported that the club had a new committee, and he would feed back the objectors' concerns to them. He pointed out that the club could not manage parking on public roads. He reassured the Board that the club had always operated within the terms of its previous licence, and had never had a complaint with regards to licensing or cause for a visit. He acknowledged that the club was surrounded by neighbours, and said it was the club's responsibility to keep everyone happy. He reported that neighbours had been contacted when remedial works were undertaken outwith normal hours, and highlighted that the club members were all volunteers who held other jobs. He felt that lines of communication had not been in place under the previous committee. He pointed out that events would only take place during licensed hours, but said they could notify neighbours of larger events. He would discuss the concerns about bottles being taken out late at night. He also advised that the capacity of the overall facility was no greater than could be comfortably seated within the club.

Responding to questions from Councillor McMillan, Ms Herron advised that things had been quiet for the last two years, but highlighted that there were now several children living nearby. She raised concern about the smell of smoke from the club causing nuisance in neighbouring gardens. Mr Griggs also showed a photograph of a recent parking issue in front of the haulage garage.

Responding to a further question from Councillor McMillan, Mr Osborne said that he would be happy with an earlier terminal hour for the outdoor area, but noted that matches would still be ongoing at 8pm. He also noted that a pub within 100 yards of the club also had an outdoor area.

The Convener called for an adjournment to allow the Board to discuss the application in private.

Upon the Board members' return, the Convener discussed the importance of effective management, the culture of the club and its players, and cautioned that the space was to be used wisely. He said that swearing on the bowling green was unacceptable. He noted that the parking issues were not a licensing consideration, and advised residents to contact their local Councillors for assistance if problems continued. He said that bottles being dealt with at midnight was also unacceptable, and encouraged neighbours to make contact with the LSO if this issue persisted. He felt that a 10pm close of the outdoor area was acceptable, but added that it must be managed and used responsibly. He proposed the LSO's recommended conditions.

Councillor McMillan commented on the importance of good communication with neighbours, and suggested that the club may wish to remind its visitors about refraining from parking in certain areas. He explained that action could not be taken unless formal channels were used to raise complaints. He urged the club to think about how its

neighbours and their children were affected by noise and smoking, and said that outdoor drinking must be managed when matches were being played late into the evening. He discussed the new Head of Communities' track record of supporting sport and social clubs. He acknowledged the objection from the NHS, and hoped the club had taken this into consideration in ensuring the five licensing objectives were met. He commented that Mr Osborne had given the Board confidence around the new committee, and he formally seconded the LSO's recommended conditions.

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

Decision

The Board agreed to grant the premises licence, subject to the following conditions:

1. No public entertainment, amplified music, amplified vocals, or live music to be played in the outdoor area, to ensure the use does not cause nuisance to neighbouring residential properties.
2. The use of the outdoor area to cease by 10.00pm.

4. MAJOR VARIATION

a. The Law (formally known as County Hotel), 15-17 High Street, North Berwick

The application sought a number of alterations to the operating plan following refurbishment and reopening of the premises, including: a change to the terminal hour on a Thursday; deletion of various conditions; use of the external area outwith core hours; and a general tidy up of activities.

Niall Hassard, the applicant's agent, was present, and was accompanied by Jeremy Williams of Star Pubs, and Andrena Salter, the new tenant. Two objectors, Peter Hammond and Mark Badham, were also present.

Mr Hassard provided background information on the premises, which would be significantly upgraded and would operate as a hotel. He advised that the general manager was from North Berwick, that Ms Salter knew the area well, and the premises would hire local staff insofar as possible. He described the menus that would be on offer, and advised that dogs would be welcome at the premises. He addressed some of the objectors' concerns, and pointed out that the request to amend the terminal hour on Thursday would provide flexibility. He suggested that the request for a 1am terminal hour had become conflated with the use of the external area, and advised that the use of the outdoor area would be curtailed at 10pm. He explained that the deletion of four conditions had been requested because these were already covered other statutory regimes. He requested that limited dispensation be given for outside amplification for the period of Fringe by the Sea to allow musical acts to perform in the outdoor area; he reported that the LSO had no concerns with such an amendment to her recommended condition.

PC Anderson advised that Police Scotland had no adverse comment to make on the proposed variations.

Mr Grilli advised that the LSO had agreed that the proposed condition could be amended to tie in with Fringe by the Sea dates, to allow for low-level music. He noted that there was some concern around the Fringe by the Sea festival being a variable

date. He reported that the LSO agreed that there was a lot of music being played in the vicinity during the festival, so this amendment would be unlikely to cause issue.

Mr Hammond said that he already felt more positive about the application following Mr Hassard's presentation. He said that he had not enjoyed living next to a rapidly deteriorating building. He did not welcome smoking areas at the front of the hotel, and asked that appropriate soundproofing be added to the function suite, due to its proximity to his living space. He welcomed the beer garden, but commented that noise levels must be controlled so they did not impact on his enjoyment of his courtyard and balcony. He expressed that he had no confidence that he would be treated properly as a neighbour of the premises, and felt that it was important that neighbours held contact details. He commented that communication with Star Pubs in the past had not been fruitful, particularly over their downpipe ruining his building's frontage.

Mr Badham spoke to his objection. He raised concerns over the hours proposed. He also asked what outdoor sports would be offered, and commented that live performances could cause a lot of noise. He was also concerned about the allowed maximum noise level of 85dB. He highlighted that the neighbourhood had been quiet in the seven years the premises had been closed, and was concerned that activity at the premises could affect residents' sleep and devalue their properties.

Mr Hassard responded to a number of questions from the Convener and Board members. He advised that 'indoor and outdoor sports' was the phrasing used in the application form, but would only refer to a pool table and dartboard. He also noted that noise, although described as up to 85dB on the application form, would still have to be controlled so as not to create public nuisance. He highlighted that guests occupying the hotel rooms would not want to be disturbed by noise from the function suite. He advised that the room would mostly be used as overspill when the restaurant was busy, but could also be used for functions. He explained that there had been discussion regarding suitable noise control and submission of a noise management plan to the LSO. He gave reassurance that, other than the period through Fringe by the Sea, there were no plans to have music or sport in the outdoor area. He said that the concerns of objectors had been listened to, and contact details would be exchanged. He added that there would be soundproofing along the wall of the function suite, but that noise would not be at an intrusive level in this room in any case.

Ms Salter responded to a question from Councillor McMillan about the style of management. She explained that she preferred to hire local people to manage premises where possible. She looked forward to working with neighbours to ensure they had a quiet life and could enjoy a great venue. She explained that managers went through extensive training, and were monitored regularly. She also advised that the venue would probably not open until September.

The Convener called for an adjournment to allow the Board to discuss the application in private.

Upon the Board members' return, Mr Grilli outlined three conditions, noted below.

The Convener and Councillor McMillan formally proposed and seconded the conditions as outlined by Mr Grilli, respectively. They commented on the importance of hotel rooms to East Lothian and the constructive approach of the premises' neighbours. They also suggested that the issue of downpipes be addressed with Mr Williams. Councillor Dugdale also said she felt reassured about the communication between the premises and neighbours.

The Convener moved to a roll call vote on the application, including the conditions outlined by Mr Grilli, and Board members unanimously indicated their support.

Decision

The Board agreed to grant the major variation, subject to the following conditions:

1. Save for Condition 3, no public entertainment, amplified vocals or live music to be played in the outdoor area to ensure the use does not cause nuisance to neighbouring residential properties.
2. The use of outdoor area to cease by 10:00pm.
3. Notwithstanding Condition 1, public entertainment, amplified vocals or live music are to be provided in the outdoor area during the period of North Berwick's Fringe by the Sea festival subject to agreement of a suitable Noise Management Plan with the Licensing Standards Officer.

Sederunt: *Councillor Gilbert left the meeting.*

c. Longniddry Inn, Main Street, Longniddry

The application sought to amend the layout plan to include an extension to the beer garden and booth seating in the public bar. It also sought to extend the terminal hour to 1am on a Thursday, and for children to have access to all public areas. Reports had been submitted by Police Scotland and the LSO, but there had been no objections from statutory consultees. One public objection had been received.

Mr Hassard and Mr Williams were also present for this item, along with Renee Sarbach. Mr Hassard provided background information to the application and the business, and noted that the variations were in line with Board policy. He thought that the objector had not understood that the premises was already licensed to 1am on a Friday and Saturday, which he suggested meant that this terminal hour had caused no issues.

PC Anderson, and Mr Grilli on behalf of the LSO, both advised that there were no comments on the application.

The Convener wished Alan Russell, the previous operator, well in his retirement. He commented that the premises had been a positive part of the community and had a good reputation in Longniddry. Councillor McMillan felt that the Longniddry Inn was particularly well designed for encouraging community activity, and had a family-friendly welcome. They were both happy to support the application.

The Convener then moved to a roll call vote, and the Board unanimously supported the major variation application.

Decision

The Board agreed to grant the major variation.

Signed

Councillor L Bruce
Convener of East Lothian Licensing Board