



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

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

1

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

EL 422



East Lothian Council
Licensing

- 8 JUL 2025

Received

APPLICATION FOR PREMISES LICENCE / PROVISIONAL PREMISES LICENCE*

LICENSING (SCOTLAND) ACT 2005, SECTION 20

2a

*Delete as appropriate

Question 1 – Name, address and postcode of premises to be licensed

Herd Cafe, Balgone Barns, North Berwick, EH39 5NY

Question 2 – Particulars of applicant

2(a) Where applicant is an individual, provide full name, date & place of birth, home address including postcode, telephone number & email address.

NA

2(b) Where applicant is a partnership, please provide full name, and postal address of partnership.

The Partnership of Sarah and James Grant Suttie t/a Balgone Estate

Sheriff Hall Farm, North Berwick, EH39 5PB

2(c) Where applicant is a company, please provide name, registered office and company registration number.

2(d) Where the applicant is a club or other body, please provide full name, and postal address of club or other body.

2(e) Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.*

James Edward Grant-Suttie, [REDACTED].

Easter Balgone, Balgone Barns, [REDACTED]

Sarah Jane Grant- Suttie, [REDACTED]

Sheriff Hall Farm, [REDACTED]

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

DESCRIPTION OF PREMISES**Licensing (Scotland) Act 2005, section 20(2)(a)****Question 5** – Description of premises

(where application is submitted by a members' club, please also complete question 6)

Cafe and event space at the Balgone Estate comprising of cafe, seating area and

external area.

Question 6 – To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?

YES ☐ NO ☐

Question 3 – Previous applications

Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?

YES ☐ NO ☒

If YES – provide full details NA

Question 4 – Previous convictions

Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)

YES ☐ NO ☒

If YES – provide full details. For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974.

NAME	DATE	COURT	OFFENCE	SENTENCE
NONE				

- (1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

The contents of this Application are true to the best of my knowledge and belief.

Signature  * (see note below)

Date 19 June 2025

~~APPLICANT~~ / AGENT (delete as appropriate)

Telephone number and email address of signatory 07766200588

Niall Hassard, Hassard Licensing Ltd, 5 South Charlotte St. Edinburgh, EH2 4AN

niall@hassardlicensing.co.uk

I have enclosed the relevant documents with this application – please tick the relevant boxes

☒ Operating plan

☒ Layout plan (highlighting the area where alcohol is sold/consumed)

☒ Planning certificate

☐ Building standards certificate

☐ Food hygiene certificate

* Data Protection Act 2018

The information on this form may be held on an electronic public register which may be available to members of the public on request.

OPERATING PLAN –HERD CAFÉ, BALGONE
Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Dumfries and Galloway Council
Licensing
- 8 JUL 2025
Received

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises?	N
1(b) Will alcohol be sold for consumption solely OFF the premises?	N
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	Y
*Delete as appropriate	

Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
<i>Monday</i>	1100	2300
<i>Tuesday</i>	1100	2300
<i>Wednesday</i>	1100	2300
<i>Thursday</i>	1100	2300
<i>Friday</i>	1100	0000
<i>Saturday</i>	1100	0000
<i>Sunday</i>	11.00	2300

Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	1100	2200
<i>Tuesday</i>	1100	2200
<i>Wednesday</i>	1100	2200
<i>Thursday</i>	1100	2200
<i>Friday</i>	1100	2200
<i>Saturday</i>	1100	2200
<i>Sunday</i>	1100	2200

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	Y
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**If YES – provide details*

The premises may take advantage of Board extensions in line with policy.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	N	N	N
Conference facilities	N	N	N
Restaurant facilities	Y	Y	Y
Bar Meals	N	N	N
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	Y	Y	Y
Club or other group meetings etc.	Y	Y	Y
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	Y	Y	Y

<i>Live performances – see 5(g)</i>	Y	Y	N
<i>Dance facilities</i>	N	N	N
<i>Theatre</i>	N	N	N
<i>Films</i>	N	N	N
<i>Gaming</i>	N	N	N
<i>Indoor/outdoor sports</i>	N	N	N
<i>Televised sport</i>	Y	Y	Y
5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	Y	Y	Y
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Adult entertainment</i>	N	N	N

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

The premises may open for breakfast, teas/coffees from 08.00 and column 4 activities may commence as ancillary to same.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

The premises is a café. There will be outside catering, takeaways and deliveries. The off-sale of alcohol will only be with food or part of a gifting set.

There may be product launches, demonstrations and sampling/tasting and private events

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	NA
When fully occupied, are there likely to be more customers standing than seated?	NA
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a))	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	Y
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

Children shall be accompanied by an adult but young persons may attend unaccompanied.
Both are permitted for a meal, snack or refreshment or to attend a private function.

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

0-17

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

Children until 22.00 unless attending a function when they may remain until the end but never later than midnight.
Young person until midnight.

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

All public parts

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

40 persons
3.08 m2

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) Name

8(b) Date of birth

8(c) Contact address

8(d) Email address

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature ...  * (see note below)

Date20 June 2025

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory niall@hassardlicensing.co.uk

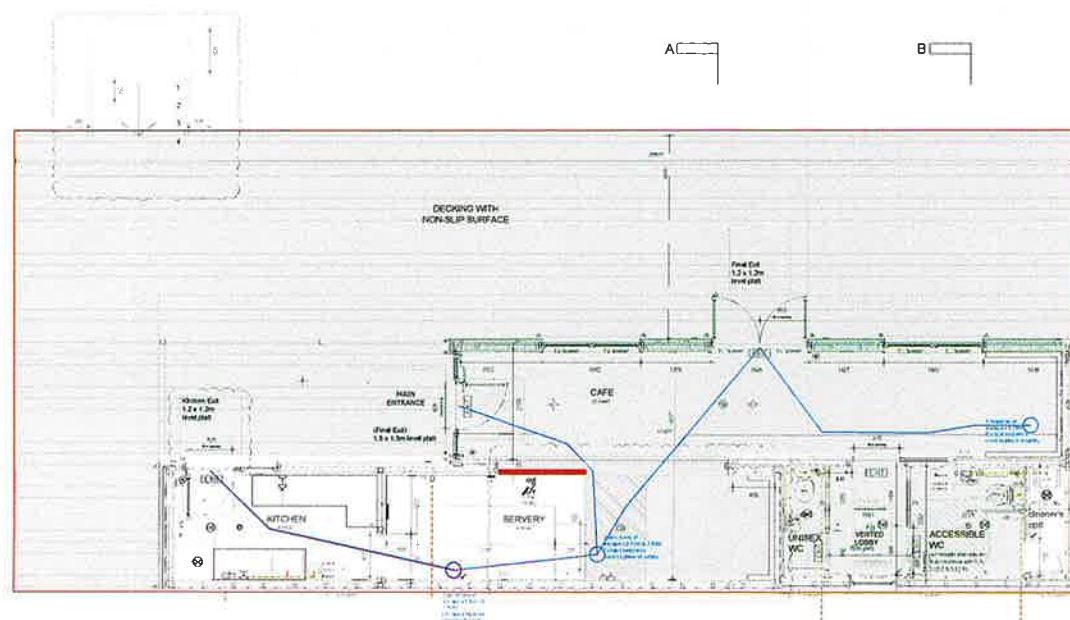
T: 07766200588

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

- Alcohol Display**
2.2 x 1.4 = 3.08m²

**AREA
ACCESSIBLE
FOR C & YP_s**



FLOOR PLAN
GIFA: 64,42m²

E. LOTHIAN LICENSING BOARD

DISABLED ACCESS AND FACILITIES STATEMENT

Licensing (Scotland) Act 2005, section 20(2)(b)(ia)

Premises Name: HERD CAFE

Question 1

Disabled access and facilities

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
<i>*Delete as appropriate</i>		

If you have answered Yes to any of the questions above, please complete, as appropriate, the following sections:-

Question 2

Disabled access to, from and within the premises

Please provide a clear and detailed description of how accessible the premises are for disabled people eg. ramps, accessible floors, signage.

Accessible on one level.

There is an accessible toilet.

Signage will confirm assistance animals welcome.

Large print menus / staff on hand to assist those with sight issues.

The main premises is an open plan space with occasional furniture which can be adjusted to accommodate guests with additional mobility needs.

Question 3

Facilities available

Please describe in detail the facilities provided for disabled people eg. disabled toilets, lifts, accessible tables.

Accessible on one level.

There is an accessible toilet.

Signage will confirm assistance animals welcome.

Large print menus / staff on hand to assist those with sight issues.

The main premises is an open plan space with occasional furniture which can be adjusted to accommodate guests with additional mobility needs.

Question 4

Other provisions

Please provide details of any other provisions made to aid the use of the premises by disabled people eg. assistance dogs welcome, large print menus.

Accessible on one level.

There is an accessible toilet.

Signage will confirm assistance animals welcome.

Large print menus / staff on hand to assist those with sight issues.

The main premises is an open plan space with occasional furniture which can be adjusted to accommodate guests with additional mobility needs.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature:  Print Name: Niall Hassard

Capacity: APPLICANT/AGENT (delete as appropriate)

Date: 19 June 2025

Telephone number and email address of signatory:

Telephone No:	07766200588
E-mail Address:	niall@hassardlicensing.co.uk

Postal Address of Agent (if appropriate)
5 South Charlotte Street, Edinburgh, EH2 4AN

Data Protection Act 1998

The information on this form may be held on an electronic public register which may be available to members of the public on request.

GUIDANCE NOTES:

Guidance for Completing a Disabled Access and Facilities Statement may be viewed [here](#).

Statement of how the Licensing Objectives will be upheld by HERD CAFÉ

Premises: Herd Café - Balgone

General

1. The premises are a café and this is the primary function thus licensed retail and any alcohol consumed on the premises is wholly ancillary to the café and the wider farm. There will be a high level of staff supervision when the public are on site.

Preventing Crime and Disorder:

1. A suitable and sufficient CCTV system with recording facilities will be in place on site.
2. Relevant staff will be trained with regard to their responsibilities in the retail sale of alcohol and initial training will be supplemented by refresher training. Training records can be made available for inspection upon request.
3. A Challenge 25 policy will be operated at the premises and staff will be trained on the acceptable forms of identification.
4. The licence holder shall display prominent signage confirming the company's Challenge 25 policy.
5. Alcohol will be located at the counter in direct supervision of the staff.

Securing Public Safety:

1. Full risk assessments are in place at the premises and reviewed on an on-going basis.
2. The premises shall be adequately staffed so that the public are supervised whilst on site.
3. Accidents and incidents will be recorded in an incident book which can be inspected upon request.

Preventing Public Nuisance:

1. The premises are situated on a farm. There are limited residences nearby as the area is mainly rural.
2. There are adequate arrangements in place to deal with litter and trade waste to ensure the surrounding area is kept clean.

Protecting and Improving Public Health:

1. A refusal log will be operated and maintained and can be produced upon request.
2. On-consumption will be ancillary to food served or events and notwithstanding this fact staff will be trained to spot the signs of overconsumption and act accordingly.

Protecting Children from Harm:

1. The premises is an environment consummate with family access and staff will be trained with regard to their responsibilities in sale of alcohol and preventing access to alcohol by U18s.
2. Training records can be made available for inspection upon request.
3. A refusal log will be operated and can produced upon request.
4. A Challenge 25 policy will be operated at the premises.
5. The licence holder shall display prominent signage confirming the company's Challenge 25 policy.



East Lothian Council

**LICENSING (SCOTLAND) ACT 2005
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**SECTION 50
PLANNING CERTIFICATE**

APPLICANT: **Balgone Estate**

**NAME AND
ADDRESS OF
PREMISES:** **Herd Café, Balgone Barns, North Berwick, EH39 5NY**

SECTION 50 PLANNING CERTIFICATE

☐

I confirm that planning permission (ref:) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.

☐

I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

☒

I confirm that planning permission (ref: 22/00945/P) has been obtained in respect of the construction or conversion of the subject premises.

☐

I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License to cover the above proposals.

Signed:



Date:

3rd June 2025

**Keith Dingwall
Chief Planning Officer**

09/07/2025

Your Ref: EL422

Our Ref: 937686

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



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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE**

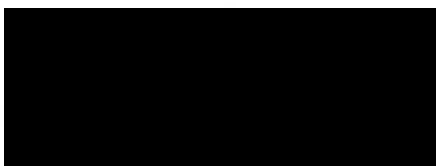
HERD CAFE

**BALGONE BARNS FARM, U160 (03) FROM BALGONE BARNS (,
CONGALTON, NORTH BERWICK, EAST LOTHIAN, EH39 5NY.
BALGONE ESTATE, SHERIFF HALL FARM, NORTH BERWICK EH39 5PB**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully



Gregg Banks
Divisional Commander

For enquiries, please contact the Licensing Department on 0300 424 0033.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 30th July 2025

Subject: LICENSING (SCOTLAND) ACT 2005

PROVISIONAL PREMISES LICENCE APPLICATION

HERD CAFE, BALGONE BARNs, NORTH BERWICK, EAST LoTHIAN EH39 5NY

I refer to the above subject and can confirm I have visited the premises previously and spoken with Alex Humphreys. More recently the site notice was correctly displayed.

Section 45 (1) Licensing (Scotland) Act 2005 - A premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises.

This type of licence is considered for premises that are yet to be, or in the course of being, constructed or converted for use as a licensed premises. On my visit the premises was constructed and operating. My understanding is that the premises has recently been constructed and has been operating for as a café. The operator is now looking to expand operations with the provision of alcohol. Several other events are held at the estate over the course of the year including a sunflower festival.

I can confirm that the application is compliant with the act. The on sales hours fall within Board policy hours.

The off sales capacity applied for is 3.08 m². There are no other licensed premises within a 800m radius of the applicant's premises. This is a rural location outside of North Berwick.

If successful in obtaining the provisional premises licence, the premises will be subject to a licensing inspection on the confirmation of the licence.

Licensing Standards Officer

O'Reilly, Arlene

From: Robertson, Scott
Sent: 16 July 2025 10:06
To: Licensing
Subject: RE: New provisional premises licence application - Herd Cafe - EL422

Hello,

Please note I have no comments or objections to this application.

Regards
Scott

Scott Robertson | Assistant Planner – Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585| E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 09 July 2025 09:02
To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; 'Burke, Kat' <kat.burke@nhs.scot>; secretary@northberwickcommunitycouncil.org.uk
Subject: FW: New provisional premises licence application - Herd Cafe - EL422

Hi

Please find attached Provisional licence application for Herd Café, Balgone Estate, North Berwick for report/representation by 30th July 2025.

Kind regards
Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

Please note :- My working days are Tuesday to Friday

Email title: Licensing Board Applications – Objection by NHS Lothian Public Health

As a statutory partner in the licensing forum and reviewer of applications, NHS Lothian value receiving new premises license applications and the opportunity to comment.

NHS Lothian continue to support the licensing board particularly in relation to the objectives of protecting and improving public health, and protecting children and young people from harm.

The licensing regime does not have responsibility for promoting business growth, but does have a legal requirement to promote the licensing objectives of ***Preventing crime and disorder; Securing public safety; Preventing public nuisance; Protecting and improving public health Protecting children and young persons from harm.***

Alcohol deaths in Scotland are increasing. There were 1,276 alcohol specific deaths registered in Scotland in 2022, an increase of 2%.¹

Levels of alcohol related harm in relation to crime, community safety, child welfare, health and wellbeing are concerning and have a greater affect in our most deprived communities, contributing to inequalities.

NHS Lothian is submitting the following objection with regards to the premises applications at:
Herd Café
Balgone Estate
North Berwick
EH395NY

The objection is based on the application being inconsistent with one or more of the licensing objectives.

We believe the application listed above is located within an area we have identified as having higher levels of alcohol related harm.²

There has been good evidence for over a decade that increased alcohol outlet density is associated with harms to health. Overprovision of alcohol creates harm by directly increasing opportunities for purchases, and influences the perceived normality of alcohol consumption, including the exposure to children and young people. Overprovision also makes it more difficult for people to recover from alcohol dependence. Specifically within Scotland, researchers at the University of Edinburgh have found that alcohol related mortality and morbidity are significantly higher in neighbourhoods with a greater density of alcohol outlets (on and off sales). This relationship was particularly striking for off sales outlet density.³

Protecting and improving public health

¹ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

² As calculated by Public Health and submitted to be considered as part of the licensing statement consultation.

³ [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality\).](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality).)

There is strong evidence that when alcohol is more available, due to more places to buy or longer opening hours, people buy and drink more, resulting in an increase in harm to health and alcohol related crime.⁴

Excessive use of alcohol is linked to a range of physical and mental health problems, as well as accidental injury and premature mortality. Medical conditions linked with alcohol use include high blood pressure, liver disease, stroke, cancer and brain damage.

The license board should consider the cumulative implication for each license application across the population, including implication on children and young people, and those recovering from alcohol dependency. The licencing board has a powerful role in reducing availability and acceptability over time, by acting on both the number and opening hours of on and off licence premises.

More licensed premises contribute to population alcohol related harm: ^{5, 6}

- Alcohol-specific deaths are 4.3 times higher in the most deprived areas compared to the least deprived areas (1.8 times higher for all causes of death).
- Alcohol related death rates in neighbourhoods with the most off-sales outlets were 2.4 times higher than in neighbourhoods with the least.

Protecting children and young persons from harm

Alcohol use is the leading cause of harm in young people and increases the risk of alcohol dependency in adulthood. Children have no control over what they are exposed to and therefore limiting exposure to alcohol is crucial, especially since:⁷

- Off sale alcohol outlets accounted for 47% of children's exposure.
- Children living in the most deprived communities were almost 5 times more likely to be exposed to off sale alcohol outlets than children in the least deprived areas.
- Children living in the most deprived communities were almost 3 times more likely to be exposed to on sale alcohol outlets than children in the least deprived areas.
- Children in deprived areas experienced 31% of their exposure to off sales outlets within 500 m of their homes compared to 7% for children from less deprived areas.
- Children from all areas received 22—32% of their exposure within 500 m of schools, but the proportion of this from off sales outlets increased with area deprivation.

Thank you for considering this written objection. We will not be objecting in person. Please contact us directly if you wish to discuss further.

⁴ <https://exilens.stir.ac.uk/>

⁵ <https://www.alcohol-focus-scotland.org.uk/media/310734/alcohol-outlet-availability-and-harm-in-city-of-edinburgh.pdf>

⁶ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

⁷ Inequalities in children's exposure to alcohol outlets in Scotland:
<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-022-14151-3>

Herkes, Gillian

From: Kathryn Smith [REDACTED]
Sent: 17 July 2025 12:36
To: Licensing
Subject: RE: New provisional premises licence application - Herd Cafe - EL422

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

Gillian

Thank you for the provisional licence application for Herd Café, Balgone Estate, North Berwick.

North Berwick Community Council has no comments to make and is happy to support the application.

Regards
Kathryn

Kathryn E Smith
Secretary, NBCC

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 09 July 2025 9:02
To: Lothian & borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <ls@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Torquil Cramer (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; 'Burke, Kat' <kat.burke@nhs.scot>; secretary@northberwickcommunitycouncil.org.uk
Subject: FW: New provisional premises licence application - Herd Cafe - EL422

Hi

Please find attached Provisional licence application for Herd Café, Balgone Estate, North Berwick for report/representation by 30th July 2025.

Kind regards
Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

Please note :- My working days are Tuesday to Friday

EL421

East Lothian Council
Licensing

- 1 JUL 2025

Received



APPLICATION FOR PREMISES LICENCE / PROVISIONAL PREMISES LICENCE*

LICENSING (SCOTLAND) ACT 2005, SECTION 20

2b

*Delete as appropriate

Question 1 – Name, address and postcode of premises to be licensed

92 North High Street

Musselburgh

EH21 6AS

Question 2 – Particulars of applicant

2(a) Where applicant is an individual, provide full name, date & place of birth, home address including postcode, telephone number & email address.

Pawan Kumar Khadka



2(b) Where applicant is a partnership, please provide full name, and postal address of partnership.

2(c) Where applicant is a company, please provide name, registered office and company registration number.

2(d) Where the applicant is a club or other body, please provide full name, and postal address of club or other body.

2(e) Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.*

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

Question 3 – Previous applications

Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?

YES ☐ NO ☒

If YES – provide full details _____

Question 4 – Previous convictions

Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)

YES ☐ NO ☒

If YES – provide full details. For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974.

NAME	DATE	COURT	OFFENCE	SENTENCE
NONE				

- (1) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES

Licensing (Scotland) Act 2005, section 20(2)(a)

Question 5 – Description of premises

(where application is submitted by a members' club, please also complete question 6)

Convenience store located on the ground floor of a building on
North High Street, Musselburgh.

Question 6 – To be completed by members' clubs only

Do the club's constitution and rules conform to the
requirements of regulation 2 of the Licensing (Clubs)
(Scotland) Regulations 2007?

YES ☐ NO ☐

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

The contents of this Application are true to the best of my knowledge and belief,

Signature _____ * (see note below)

Date 30/6/25

APPLICANT / AGENT (delete as appropriate)

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

Telephone number and email address of signatory 0131 229 6181
alistair@macdonaldlicensing.com

I have enclosed the relevant documents with this application – please tick the relevant boxes

- ☒ Operating plan
- ☒ Layout plan (highlighting the area where alcohol is sold/consumed)
- ☒ Planning certificate
- ☐ Building standards certificate
- ☐ Food hygiene certificate

* Data Protection Act 2018

The information on this form may be held on an electronic public register which may be available to members of the public on request.

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Name, address and postcode of premises to be licensed.

92 North High Street
Musselburgh
EH21 6AS

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	NO
<i>*Delete as appropriate</i>	

Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES

<i>Day</i>	<i>ON Consumption</i>	
	Opening time	Terminal hour
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF**
PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10am	10pm
Tuesday	10am	10pm
Wednesday	10am	10pm
Thursday	10am	10pm
Friday	10am	10pm
Saturday	10am	10pm
Sunday	10am	10pm

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	NO
---	----

**If YES – provide details*

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	No	N/A	N/A
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	No	No	No
<i>Bar meals</i>	No	No	No
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	No	No	No
<i>Club or other group</i> <i>meetings etc.</i>	No	No	No
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see</i> <i>5(g)</i>	Yes	Yes	Yes
<i>Live performances –</i> <i>see 5(g)</i>	No	No	No
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	No	No	No

5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Outdoor drinking facilities	No	No	No
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Adult entertainment	No	No	No

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

The shop may open from 6am providing a range of goods and services but no alcohol will be sold or supplied until the commencement of licensed hours. Certain Activities may take place during this period.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Deliveries (which may include alcohol)

Takeaways (which may include alcohol)

This is a general convenience store which will provide a range of products including groceries, confectionery, toiletries, medicines, cigarettes and vapes and may provide, subject to demand, have a coffee machine and a limited option of hot food, such as pies and snacks.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES/NO*
When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES/NO*
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

--

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

--

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

--

6(e) *Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry*

--

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

20.31 m ²

Question 8

PREMISES MANAGER (*NOTE: not required where application is for grant of provisional premises licence*)

Personal details

8(a) *Name*

--

8(b) *Date of birth*

--

8(c) *Contact address*

--

8(d) *Email address*

--

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this ~~operating plan~~ are true to the best of my knowledge and belief.

Signature  .. * (see note below)

Date 30/6/25

Capacity ~~APPLICANT/AGENT~~ (delete as appropriate).

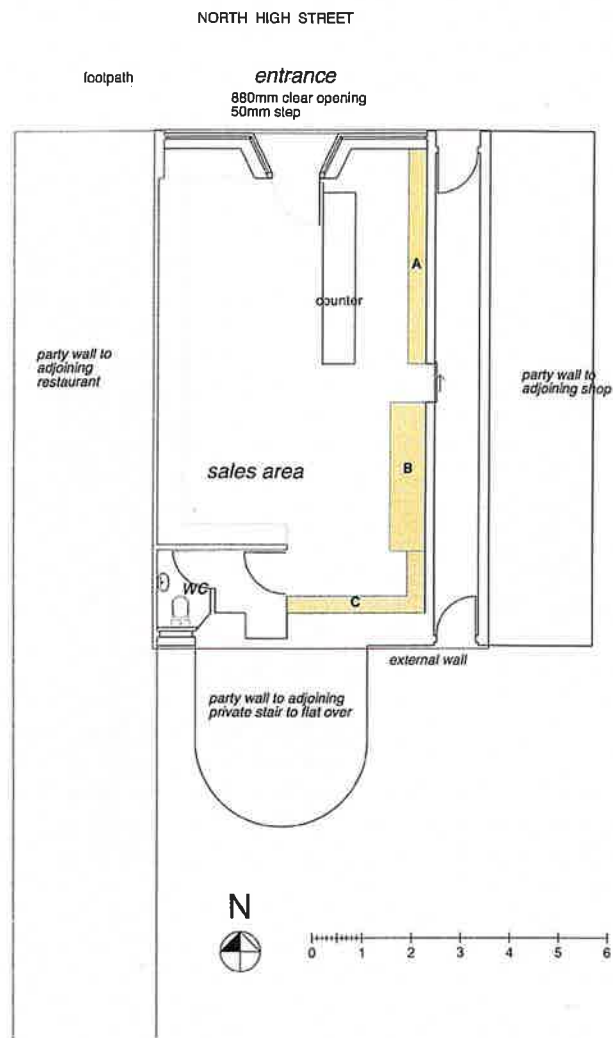
Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 2296181, alistair@macdonaldlicensing.com

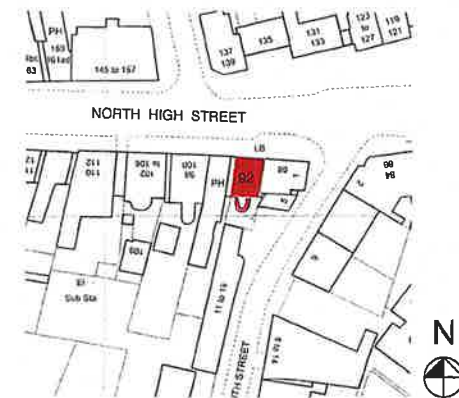
*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.



ALCOHOL DISPLAY

behind counter		
A	4300mm x 6 shelves, 2.1m high	= 25.80m / 9.03m ²
customer access :		
B	2900mm x 6 shelves, 1.5m high	= 17.40m / 4.35m ²
C	3300mm x 6 shelves, 2.1m high	= 19.80m / 6.93m ²
TOTAL		= 63.00m / 20.31m ²



location plan

existing convenience store licence plan

**92 NORTH HIGH STREET
MUSSELBURGH EH21 6AS**

scale 1:100 May 2025
Whitelaw Assoc. 01868 660452



East Lothian Council

**LICENSING (SCOTLAND) ACT 2005
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**SECTION 50
PLANNING CERTIFICATE**

APPLICANT:

Pawan Kumar Khadka

**NAME AND
ADDRESS OF
PREMISES:**

92 North High Street, Musselburgh, EH21 6AS

SECTION 50 PLANNING CERTIFICATE

☐

I confirm that planning permission (ref:) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.

☐

I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

☐

I confirm that planning permission (ref:) has been obtained in respect of the construction or conversion of the subject premises.

☒

I confirm that planning permission is not required.

I hereby confirm that, in terms the above Acts, I have no objections to the granting of the Confirmation of the Premises License to cover the above proposals.

Signed:



Date:

12th June 2025

**Keith Dingwall
Chief Planning Officer**

“SCHEDULE 6

Regulation 7

DISABLED ACCESS AND FACILITIES STATEMENT

Licensing (Scotland) Act 2005, section 20(2)(b)(iia)

Question 1

Disabled access and facilities

1(a)	Is there disabled access to the premises	YES
1(b)	Do you have facilities for those with a disability	YES
1(c)	Do you have any other provisions available to aid the use of the premises by disabled people	YES
*Delete as appropriate		

If you have answered Yes to any of the questions above please complete, as appropriate, the following sections.

Question 2

Disabled access to, from and within the premises

Please provide clear and detailed description of how accessible the premises are for disabled people. e.g. ramps, accessible floors, signage.

As will be seen from the photo attached, there is a small step but the applicant would either alter this so there is an appropriate means of access, or provide a temporary ramp. See photo attached. They would certainly wish someone in a wheelchair to be able to access the premises.

Question 3

Facilities available

Please describe in detail the facilities provided for disabled people. E.g. disabled toilets, lifts, accessible tables.

The shop inside will be designed so that there is space for a wheelchair user to manoeuvre in front of the counter. The aisles should be wide enough for a wheelchair but if there are any difficulties, such as upper shelves for instance staff will assist in procuring items for the customer.

Staff will be trained so as to be proactive in assisting customers with mobility issues, but also sight, hearing etc.

As explained this could involve fetching items, corresponding by written notes from someone who has difficulty with sight for instance.

In general our clients wish to become known as a friendly local convenience store and dealing with all customers is an important part in that.

Question 4

Other provisions

Please provide details of any other provisions made to aid the use of the premises by disabled people. e.g. assistance dogs welcome, large print menus.

Once again this matter has been brought to the attention of our clients and they will now do an assessment of what facilities they may be able to provide, and in particular assistance for other types of disability, beyond mobility difficulties, including mental health, sight, hearing and other types of illness.

It is hoped to provide staff with guidance as to how to identify such people and what assistance can be provided.

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature  * (see note below)

Date 30/6/11

Capacity APPLICANT/AGENT

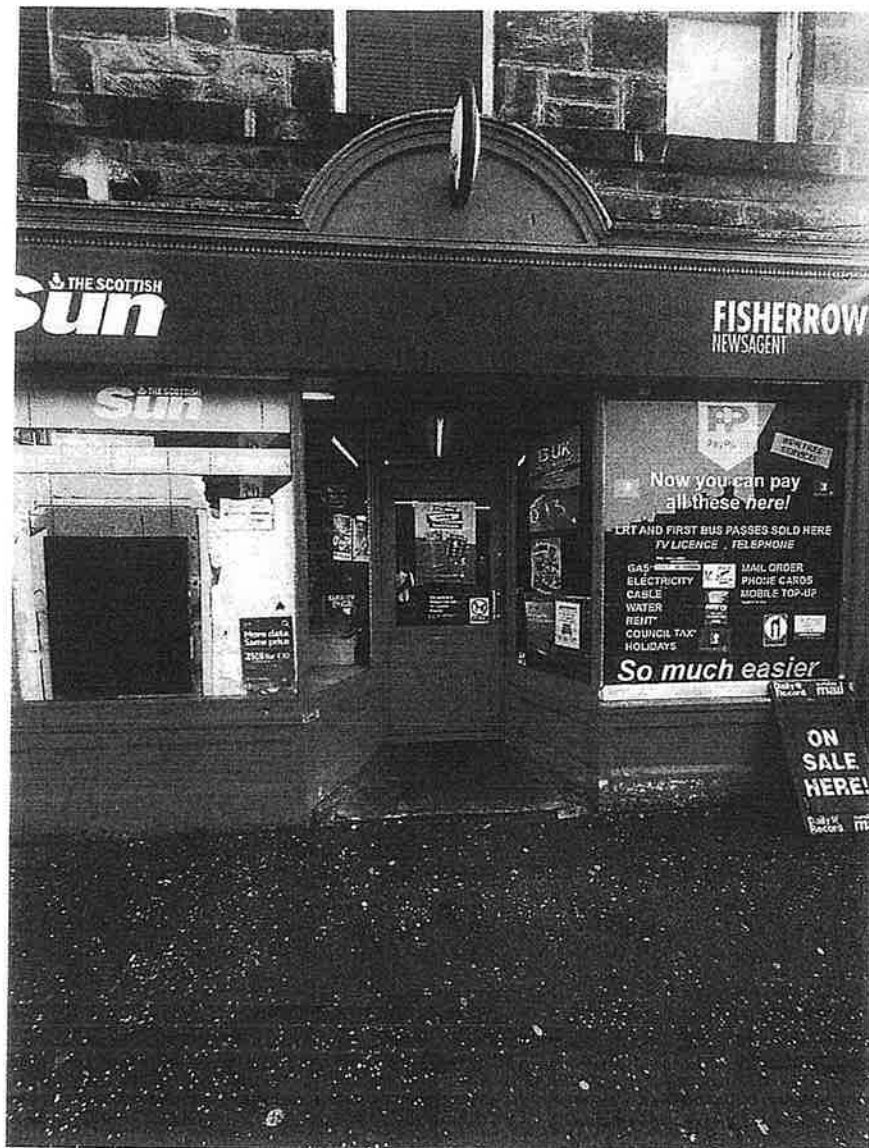
Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request."





SUPPLEMENTARY APPLICATION INFORMATION

This information is required in relation to all Premises Licence/Provisional Licence applications or any application which is a Premises Licence Variation, not considered to be a Minor Variation.

Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

BUSINESS PROFILE

Please describe your business offering

This will be a local convenience store. The business at the moment is more newsagents and confectionary, so there will be a wider range of products available.

Our client can be influenced by local demand and will take into account suggestions by customers as to what products they should be offering.

ON CONSUMPTION

(a) Please describe the type of business you intend to operate in respect of On consumption.

Not applicable.

OFF CONSUMPTION

(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries

Our clients will provide a range of beers, wines and spirits in addition to the variety of food, soft drinks, stationery, confectionery, pet food etc that will be offered in the premises.

CLARIFICATION IS REQUIRED IN RELATION TO THE CONTENT OF YOUR PROPOSED OPERATING PLAN

To what extent do you intend to use any of the following:
Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

Not applicable.

Social Functions – Weddings; Birthdays; Retirements ; Other:

If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

Not applicable.

Entertainment – Recorded Music; Live Performances; Dance Facilities;

Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

There may be background music appropriate for a shop.

Outdoor Drinking Facilities - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:

Not applicable.

Adult Entertainment – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

Not applicable.

Activities Outwith Licensed Core Hours - In your Operating Plan, at 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:

The premises may open from 6am for the provision of goods and services, but no alcohol will be sold or supplied until the commencement of licensed hours. Background music may be played during this period.

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

Our client may offer deliveries if there is sufficient demand.

Children and Young Persons – If you intend to provide access for children and young persons on the premises please provide details of what facilities you have on the premises in respect of different age groups. In addition, please state where and what baby changing facilities will be provided for children under five years.

There is of course no restriction on children and young persons entering retail premises but our client appreciates that that does bring a responsibility. Our client will be diligent, and strictly enforce Challenge 25. Staff will receive training highlighting this, what ID they can accept, how to check ID, and how to refuse politely but firmly.

It is envisaged that the Till will have an Age Verification prompt and record refusals.

LICENSING OBJECTIVES

Please provide details below of how you will ensure that the 5 Licensing Objectives are complied with. It may be helpful in answering this section if you refer to the East Lothian Council Licensing Board's 'Statement of Licensing Policy, which can be found at https://www.eastlothian.gov.uk/downloads/file/27884/statement_of_licensing_policy_2018-2023

Preventing Crime and Disorder

The premises are located on North High Street, Musselburgh, which is a busy road with a wide variety of shops, bars and restaurants nearby. Whilst our client would like to build up a regular customer base, he appreciates that he will also depend on people visiting the area for whatever reason, which could be as a result of working in the area, or just passing through. Customers will be expected to behave properly in the shop, towards staff and other customers. If it is deemed inappropriate to serve any particular customer they will be asked, politely, to leave. Our client would phone the Police for assistance if required. CCTV footage would be available for viewing by the Police.

Securing Public Safety

The premises are to be refurbished. At present they do not include a toilet, as the shop owner also owns the flat above. He locks the door and goes to his flat. Part of the arrangement would be that this entry into the flat would be blocked off and a toilet and kitchen facility provided, in terms of the Layout Plan. There will require to be a Building Warrant for this, which will require suitable safety aspects to be taken into account. Our client will also design the layout with that in mind.

Preventing Public Nuisance

The background music to be played will not disturb residents, we are sure. It is not anticipated that there will be customers "hanging about" outside. It is likely that they will either be going home, or to a further destination, but our client would ask customers to move on if necessary. They will have CCTV to assist in this anyway.

Protecting and Improving Public Health

Our client would like to build up a rapport with the local customer base. The last thing he would want is to do anything or supply anything that would affect adversely the health of his customers, or staff. Customers who appear to be under the influence of alcohol, or drugs, will be refused politely but firmly.

Protecting Children and Young Persons From Harm

As explained our client will strictly enforce Challenge 25 and have an Age Verification Policy in place. Staff will be trained, with a specific highlight on Challenge 25, ID, how to check etc. They will also be made aware of possible Agency Purchases and how to identify this. Our clients would not hesitate to notify the Police of any adult who is purchasing alcohol for youngsters.

APPLICATION SUPPORTING COMMENTS**Additional Information**

This is an exciting proposed venture for our clients. The shop has been run by the same owner for many years, and needs to be update and upgraded with a wider range of products. Our client is excited at the prospect of this.

Supporting Comments

i.e. reasons why the Board should support your application.


As explained above our client would very much appreciate the support of the Board in this proposed project. He would like to add alcohol to the product range offered but is aware of his responsibilities if he was to be given the privilege of a Licence.

SIGNATURE AND DECLARATION BY APPLICANT

IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

The contents of this Application are true to the best of my ~~knowledge~~ and belief.

Signature	
Date	20/6/20

07/07/2025

Your Ref:

Our Ref: 935977

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE**

92 NORTH HIGH STREET

**92 NORTH HIGH STREET, FISHERROW, MUSSELBURGH, EAST LoTHIAN,
EH21 6AS.**

PAWAN KUMAR KHADKA, [REDACTED]

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully

[REDACTED]

Gregg Banks
Divisional Commander

For enquiries, please contact the Licensing Department on 0300 424 0033.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 23rd July 2025

Subject: LICENSING (SCOTLAND) ACT 2005

PROVISIONAL PREMISES LICENCE APPLICATION

92 NORTH HIGH STREET, MUSSELBURGH, EAST LoTHIAN EH21 6AS

I refer to the above subject and can confirm I have visited the premises, and the site notice was correctly displayed.

Section 45 (1) Licensing (Scotland) Act 2005 - A premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises.

This type of licence is considered for premises that are yet to be, or in the course of being, constructed or converted for use as a licensed premises. On my visit the premises was constructed and operating. My understanding is that the premises has been a convenience store for many years without the provision of alcohol. The current operator is retiring and a new operator, the applicant has taken on the premises. There are building works to be completed to add a toilet to the rear to reflect the submitted plan.

I can confirm that the application is compliant with the act.

The off sales capacity applied for is 20.31 m². As per Board policy section 26.5 the Board will consider the number, capacity and type of licensed premises within an 800m radius of the applicant's premises. There are 39 other licensed premises within an 800m radius as follows:

On and off sales premises

1. The Auld Hoose, 102 New Street – On and off sales
2. Anchor Bar, 159 North High Street – on and off sales
3. Auld Brigg Tavern, 45 Eskside West – On and off sales
4. Buenos Aires Café and Grill, 76 High Street – On and off sales
5. Caprice Restaurant, 198 High Street – On and off sales
6. Coach and Horses, 110 High Street – On and off sales
7. Company Bakery, 6 Station Road – On and off sales
8. Dal Patino, 49a High Street – On sales only
9. David Macbeth Moir, 30-34 Bridge Street – On and off sales
10. Dragon Way, 81 High Street – On sales only
11. East Coast, 171-173 North Street – On and off sales

12. Eskmills Bowling Club, 4 Station Road – On sales only
13. Event Space (Eskmills), Archibald House – On sales only
14. Fisherrow Tap – On sales and off sales – Subject to major variation to change to off sales only, convenience shop
15. Gurkha Bar and Restaurant, 96 North High Street – On and off sales
16. Inveresk Bowling and Social Club, 19 Carlyle
17. Lanna Thai – 32 Bridge Street – On sales online
18. Lido, 168-170 High Street – On and off sales
19. Musselburgh and Fisherrow Welfare Club, 253 North High Street – On and off sales
20. Sportsman's Bar, 58 High Street – On and off sales
21. The Ship Inn, 184 North High Street – On and off sales
22. The Stand, 72-74 High Street – On and off sales
23. The Volunteer Arms (Staggs), 78-81 North High Street – On and off sales
24. The Willow, 83 High Street – On and off sales

Off sales only

25. Low Cost Supermarket (Day Today), 119-121 North High Street – Off sales only
26. The Scotsman (Musselburgh Express) 179 North High Street – Off sales only
27. Musselburgh Service Station, 1 Edinburgh Road – Off sales only
28. Flowers by Arrangement, 138 North High Street – Off sales only
29. Aldi, Olive Bank Retail Park – Off sales only
30. Home Bargains, Olivebank – Off sales only
31. Lidl, Olivebank Industrial Estate – Off sales only
32. Iceland Food Limited, Newhailes Road – Off sales only
33. Tesco Extra, Olive Bank Road – Off sales only
34. Best One, 121 High Street – Off sales only
35. Miros village, 127 High Street – Off sales only
36. Morrisons Daily, 160 High Street – Off sales only
37. Musselburgh News, 53 High Street – Off sales only
38. The Wee Shop – 18 Newbigging – Off sales only
39. Open All Hours, 56 Eskview Terrace – Off sales only

Within the 800m radius there are 15 similar premises. There are 3 similar premises (highlighted) within a 400m radius.

I recommend the following condition be considered in relation to deliveries of alcohol:

- 1) 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.

If successful in obtaining the provisional premises licence, the premises will be subject to a licensing inspection on the confirmation of the licence.

Licensing Standards Officer

Herkes, Gillian

From: Robertson, Scott
Sent: 09 July 2025 08:57
To: Licensing
Subject: RE: 92 North High Street, Musselburgh - Provisional Premises Licence

Hello,

Please note I have no comments in relation to this application.

Kind Regards
Scott

Scott Robertson | Assistant Planner – Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 01 July 2025 13:46
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; stewart_m1@sky.com; kat.burke@nhs.scot
Subject: FW: 92 North High Street, Musselburgh - Provisional Premises Licence

Good Afternoon

Please find attached provisional premises application for report/representation by 24th July, 2025.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

Please note :- My working days are Tuesday to Friday



Accredited paralegal
liquor licensing

Email title: Licensing Board Applications – Objection by NHS Lothian Public Health

As a statutory partner in the licensing forum and reviewer of applications, NHS Lothian value receiving new premises license applications and the opportunity to comment.

NHS Lothian continue to support the licensing board particularly in relation to the objectives of protecting and improving public health, and protecting children and young people from harm.

The licensing regime does not have responsibility for promoting business growth, but does have a legal requirement to promote the licensing objectives of ***Preventing crime and disorder; Securing public safety; Preventing public nuisance; Protecting and improving public health Protecting children and young persons from harm.***

Alcohol deaths in Scotland are increasing. There were 1,276 alcohol specific deaths registered in Scotland in 2022, an increase of 2%.¹

Levels of alcohol related harm in relation to crime, community safety, child welfare, health and wellbeing are concerning and have a greater affect in our most deprived communities, contributing to inequalities.

NHS Lothian is submitting the following objection with regards to the premises applications at:

**92 North High Street
Musselburgh
EH216AS**

The objection is based on the application being inconsistent with one or more of the licensing objectives.

We believe the application listed above is located within an area we have identified as having higher levels of alcohol related harm.²

There has been good evidence for over a decade that increased alcohol outlet density is associated with harms to health. Overprovision of alcohol creates harm by directly increasing opportunities for purchases, and influences the perceived normality of alcohol consumption, including the exposure to children and young people. Overprovision also makes it more difficult for people to recover from alcohol dependence. Specifically within Scotland, researchers at the University of Edinburgh have found that alcohol related mortality and morbidity are significantly higher in neighbourhoods with a greater density of alcohol outlets (on and off sales). This relationship was particularly striking for off sales outlet density.³

Protecting and improving public health

¹ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

² As calculated by Public Health and submitted to be considered as part of the licensing statement consultation.

³ [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality\).](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality).)

There is strong evidence that when alcohol is more available, due to more places to buy or longer opening hours, people buy and drink more, resulting in an increase in harm to health and alcohol related crime.⁴

Excessive use of alcohol is linked to a range of physical and mental health problems, as well as accidental injury and premature mortality. Medical conditions linked with alcohol use include high blood pressure, liver disease, stroke, cancer and brain damage.

The license board should consider the cumulative implication for each license application across the population, including implication on children and young people, and those recovering from alcohol dependency. The licencing board has a powerful role in reducing availability and acceptability over time, by acting on both the number and opening hours of on and off licence premises.

More licensed premises contribute to population alcohol related harm: ⁵, ⁶

- Alcohol-specific deaths are 4.3 times higher in the most deprived areas compared to the least deprived areas (1.8 times higher for all causes of death).
- Alcohol related death rates in neighbourhoods with the most off-sales outlets were 2.4 times higher than in neighbourhoods with the least.

Protecting children and young persons from harm

Alcohol use is the leading cause of harm in young people and increases the risk of alcohol dependency in adulthood. Children have no control over what they are exposed to and therefore limiting exposure to alcohol is crucial, especially since:⁷

- Off sale alcohol outlets accounted for 47% of children's exposure.
- Children living in the most deprived communities were almost 5 times more likely to be exposed to off sale alcohol outlets than children in the least deprived areas.
- Children living in the most deprived communities were almost 3 times more likely to be exposed to on sale alcohol outlets than children in the least deprived areas.
- Children in deprived areas experienced 31% of their exposure to off sales outlets within 500 m of their homes compared to 7% for children from less deprived areas.
- Children from all areas received 22—32% of their exposure within 500 m of schools, but the proportion of this from off sales outlets increased with area deprivation.

Thank you for considering this written objection. We will not be objecting in person. Please contact us directly if you wish to discuss further.

⁴ <https://exilens.stir.ac.uk/>

⁵ <https://www.alcohol-focus-scotland.org.uk/media/310734/alcohol-outlet-availability-and-harm-in-city-of-edinburgh.pdf>

⁶ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

⁷ Inequalities in children's exposure to alcohol outlets in Scotland:
<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-022-14151-3>

Herkes, Gillian

From: Margaret Stewart [REDACTED]
Sent: 15 July 2025 11:28
To: Licensing
Subject: Licence applications - North High Street and New Street, Musselburgh

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

Good morning,

Musselburgh and Inveresk Community Council have recently sent a letter to Chief Inspector Leathes, stating our concerns on antisocial behaviour in Musselburgh, which is at an all time high at the moment.

We are now aware of 2 applications, one at 92 North High Street and another at 170 New Street - the latter of which is mainly a residential area a minute away from the North High Street and less than a minute from the beach.

These applications, if granted will do nothing but aggravate an already 'pollution of licensed premises' in this area and so near to the beach, which is putting our young people in harms way when they are jumping into the harbour and endangering themselves and others whilst being under the influence of alcohol.

If these licences are allowed to go ahead it just makes a mockery off the system and the communities inability to help or change anything.

We are trying to help our young people stay safe and also the rest of the community whilst going about their everyday business.

We would urge East Lothian Council not to grant these licences and add to an already overburdened police force.

Yours sincerely

Margaret Stewart
Secretary
MICC

On behalf of
Musselburgh & Inveresk Community Council.



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

3a

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary – (Tick all relevant boxes)

- ☐ Any of the Conditions to which the Premises Licence is subject
- ☒ Any of the information contained within the Operating Plan
- ☐ The Layout Plan
- ☐ Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0133

2(b) Name and Address of Premises Co-op, 2B Elcho Road, Longniddry, East Lothian

Post Code EH32 0LB Tel. No. 0141 333 0636 (AGENT)

Email info@mshblicensing.com (AGENT)

2(c) Full Name and Address of Current Licence Holder

Co-operative Group Food Limited, 1 Angel Square, Manchester

Post Code M60 0AG

Tel. No. 0141 333 0636 (AGENT) Email address info@mshblicensing.com (AGENT)

3. NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought -

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and detail below the proposed changes. **(See Note 1)**

On the Operating Plan, amend the box at Q5(f) to read: "The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005."

3(c) Variation to the Layout Plan of the Premises Licence

A copy of the proposed Layout Plan must accompany this application. **(See Note 2)**
In addition please provide details below of the proposed change to the layout of the Premises.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premises Licence)

4. LICENCE TO BE AMENDED (See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES ☐ NO ☒

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because –

- ☐ The licence has not yet been issued by the Board
- ☐ The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- ☒ Other (provide details)

The most recent version of the premises licence has only been issued electronically.

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

If submitted with an application for transfer, please specify the order in which the applications are to be considered–

- ☐ Application for Transfer of Premises Licence followed by Application for Variation
- ☐ Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that

(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200 is enclosed

☒

(ii) the proposed Operating Plan is enclosed

☒

(iii) the proposed Layout Plan is enclosed

☐

(iv) the Premises Licence is enclosed

☐

Signature  (See note 5 overleaf)

Date 4th July 2025

Capacity ~~APPLICANT~~ / AGENT (delete as appropriate)

If agent, please provide details

Full name Audrey Junner

Address Hill Brown Licensing, The Forsyth Building, 5 Renfield Street, Glasgow

Post Code G2 5EZ

Tel. No. 0141 333 0636

Email address info@mshblicensing.com

Note 1

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</i>
<i>*Delete as appropriate</i>	

Question 2

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10:00	22:00
<i>Tuesday</i>	10:00	22:00
<i>Wednesday</i>	10:00	22:00
<i>Thursday</i>	10:00	22:00
<i>Friday</i>	10:00	22:00
<i>Saturday</i>	10:00	22:00
<i>Sunday</i>	10:00	22:00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
--	-----------

**If YES – provide details*

N/A

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 <i>5(a)</i> Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	NO	N/A	N/A
Conference facilities	NO	NO	NO
Restaurant facilities	NO	NO	NO
Bar meals	NO	NO	NO
<i>5(b)</i> Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	NO	NO	NO
Club or other group meetings etc.	NO	NO	NO
<i>5(c)</i> Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	YES	YES	YES
Live performances – see 5(g)	NO	NO	NO
Dance facilities	NO	NO	NO
Theatre	NO	NO	NO

<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO
5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	NO	NO	NO
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Adult entertainment</i>	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

Background music will be played within and outwith core hours.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	N/A
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

N/A

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

N/A

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

N/A

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

N/A

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

Off Sales – 21.228m2

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) Name

David Browning

8(b) *Date of birth*

██████████

8(c) *Contact address*

100

8(d) *Email address*

info@mshblicensing.com (AGENT)

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
06/07/2021	East Lothian Council	EL1736

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature  * (see note below)

Audrey Junner, Hill Brown Licensing
The Forsyth Building, 5 Renfield Street
Glasgow G2 5EZ

Date ...4th July 2025.....

CapacityAGENT

Telephone number and email address of signatory ...0141 333 0636 / info@mshblicensing.com.....

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

Co-op Home Deliveries
Supplementary Information

Board: East Lothian

Application: Major Variation

This application seeks to add the following wording at Question 5(f) of the Operating Plan: *'The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and compliance with the relevant provisions of the Licensing (Scotland) Act 2005.'*

Home deliveries are something that Co-op have been rolling out across their business for some time and the former situation with COVID-19 has only strengthened the appetite and need for this service as part of their business. Co-op already operate deliveries successfully from many stores across Scotland, and the rest of the UK, and this application simply seeks to allow them to do so from premises in East Lothian, in line with your Statement of Licensing Policy.

As an experienced operator, Co-op have robust procedures in place in respect of home deliveries. They are, of course, compliant with the relevant provisions of the Licensing (Scotland) Act 2005 and Challenge 25 is implemented at the point of delivery. Their procedure dictates that alcohol is only ever delivered to a person and is never left unattended in any way (for example, delivered to a 'safe place'). Although it is not a legislative requirement, all delivery drivers employed direct by Co-op receive 2 hours' mandatory licensing training and any third-party drivers receive training via their courier companies to a standard that Co-op are entirely satisfied with.

Co-op operate three types of delivery, as follows -

In-store

- The customer visits the store and swipes their home delivery card at in-store home delivery terminal
- The customer selects delivery slot on home delivery terminal – these are normally between 10am and 6pm Monday – Saturday, but some stores offer smaller delivery windows
- Home delivery terminal produces a slip for the customer to scan at the till
- Customer then completes their shopping as normal and goes to the till to make payment
- Colleague scans the slip which alerts the till that this is a delivery purchase
- Colleague will serve customer and take payment as normal, carrying out Challenge 25 check at the till where appropriate
- Customer leaves and the shopping is stored awaiting delivery
- Delivery is added to driver's 'Home Delivery Round signoff' document which includes a further Challenge 25 prompt for the driver
- Delivery is made to customer at the allotted time by colleague using Co-op home delivery van
- Alcohol is only ever delivered to a person and is never left unattended in any way – for example delivered to a 'safe place'
- At point of delivery, if a person is deemed to be under aged 25 then the driver will request compliant photographic identification
- If proof of age ID is not suitable or no other person deemed over age 25 is available then the order will not be delivered and taken back to the store

- Alternatively the age-restricted products will be retained by the delivery driver and the rest of the order is delivered to the customer. A refund would be issued for the age-restricted products not delivered or the customer is contacted for re-delivery if appropriate
- At the end of the day the 'Home Delivery Round signoff' document is filed with the store's age related paperwork for 12 months
- All of this information is available to store colleagues on HDI ('How Do I?') system and in the home delivery drivers' handbook
- If drivers feel unsafe or threatened by someone while out on delivery, this is reported immediately to Co-op. Full training and guidance is also provided to the driver should any incidents need to be reported to the Police.

Deliveroo

- 'Opening' hours on the Deliveroo website/app match the licensed hours of the store and customers can only place an order when the service is open
- The customer enters their postcode into the Deliveroo website/app and is shown the store or stores that deliver to their address
- There is a clear warning on the website/app that customers must be over 18 to purchase alcohol and that Challenge 25 is in operation on delivery
- They place an order online and this is sent to the store
- The store can accept or reject the order depending on whether they have the products ordered in stock. If the order is accepted, payment is taken from the customer.
- The order is picked in store by colleagues
- Once picked, the order is collected by a Deliveroo rider who delivers the goods to the customer's home
- If the order contains an age restricted item, this is flagged to the Deliveroo rider and they carry out a Challenge 25 check. This is recorded on their device and is auditable. These records are held electronically but not passed directly back to the store. They are held in Head Office and can be accessed at any point if and when required
- All customers, regardless of their age and the Challenge 25 Policy, must verify their age to the Deliveroo Rider using a valid form of Photo ID. If a customer fails an ID check or is intoxicated and the alcohol cannot be delivered then the Deliveroo Rider is asked to dispose of the product in a responsible way and not return the item(s) to store.
- If riders feel unsafe or threatened by someone while out on delivery, this can be reported immediately to Deliveroo within the Rider App. Full training and guidance is also provided to the rider should any incidents need to be reported to the Police.

E-Commerce

- Customers enter their postcode into the shop.coop website and can select their preferred store
- Customers select the items they would like to purchase and place their order. This is sent to the chosen store and payment pre-authorised at this point.
- Before orders are placed, customers must agree to terms and conditions which state that you must be over 18 to use the service
- It also states before placing the order that the customer may be asked for photographic identification due to the operation of their Challenge 25 policy

- Challenge 25" age verification policy is in operation and at the time of delivery the drivers ask customers who do not look 25 or over, to verify that they are over 18 by producing a valid photographic ID.
- The store is not able to reject the order – all orders must be fulfilled. If an item is out of stock, it can be substituted for another or removed from the order.
- The order is then picked by store colleagues before the order is confirmed and payment taken (this will always be during licensed hours)
- The order is collected and delivered by a third party courier.
- Orders are only ever delivered to an individual and would never be left in a 'safe place', for example.
- The delivery drivers are provided training on the delivery of Age Restricted Goods prior to them carrying out delivery of age restricted goods. A record of this training can be provided to Co-op upon request.
- If the order contains an age restricted item, this is flagged to the courier and they carry out a Challenge 25 check. This is recorded on their devices and is auditable. Co-op can request a copy of all deliveries of age restricted goods and all refusals of age restricted goods and the record must be passed to Co-op within three days
- The delivery driver must not deliver any age restricted goods to a person who cannot, upon request, verify their age by producing valid photographic identification. They also must not deliver any age restricted goods to a person who they know to be intoxicated.
- If drivers feel unsafe or threatened by someone while out on delivery, this is reported immediately to Co-op. Full training and guidance is also provided to the driver should any incidents need to be reported to the Police.

Relevant sections of the Act:

- **S.108** – Delivery to/by children or young persons - It is an offence to deliver alcohol to children or young persons. The usual age verification system are in place. Challenge 25 is instigated at the point of delivery. Purchasers must confirm that they are 18+ to purchase online.
- **S.119** – Delivery from vehicles etc. – Day and delivery book requirements. Day book will be kept on the dispatching premises, and delivery book with the driver. Both will contain a record of the quantity of alcohol, description, price and name of person to be delivered to. Electronic receipts are kept for 12 months.
- **S.120** – Prohibition on late night deliveries – Alcohol cannot be delivered between midnight and 6am. Electronic systems are in place which do not allow for this. This covers all sales i.e. orders are placed and payment made within licensed hours of 10am – 10pm. Heads of Terms, tills, Deliveroo, website etc. are all set up as such.

09/07/2025

Your Ref: EL133

Our Ref: 937541

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



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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
CO-OP LONGNIDDRY
2B ELCHO ROAD, LONGNIDDRY, EAST LOTHIAN, EH32 0LB.
CO-OPERATIVE GROUP FOOD LIMITED, 1 ANGEL SQUARE, MANCHESTER
M60 0AG**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of

- The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Gregg Banks
Divisional Commander

For enquiries, please contact the Licensing Department on 0300 424 0033.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 28th July 2025

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL0133, CO-OP, 2B ELBO ROAD, LONGNIDDRY, EAST LoTHIAN EH32 0LB

I can confirm that premises have been visited in relation to this variation application and the site notice was displayed.

The changes applied for are:

- To add deliveries as follows to the operating plan – “The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005.

I have been provided with a copy of the delivery policy for Co-op which describes operations and complies with the Act.

I recommend the Board considers the following condition:

- 1) 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.

Licensing Standards Officer

Herkes, Gillian

From: Anshus, Oyunn
Sent: 16 July 2025 11:35
To: Licensing
Cc: Harling, Karen (Licensing)
Subject: 25/01024/LICVAR - Co-op, 2B Elcho Road, Longniddry, East Lothian, EH32 0LB (Licence No. EL0133)
Attachments: bacs - East Lothian Council (Longniddry).pdf; Operating Plan - Major Var Home Deliveries (Longniddry).doc; Major Var App - Home Deliveries (Longniddry).pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,
I share the following information re this application, following a visit to the shop yesterday.

The plan is for part of the shop floor to be converted to a Just Eat collection unit. This would in my opinion require a layout plan that has not been provided in the application. Co-op staff will pick food off shelves and add into the collection unit. The delivery service is to be carried out by people making deliveries for Just Eat. I have asked for the Shop Manager to get in touch with me with more details. The shop floor is small. I lack information about how temperature control for use by food will be managed.

I cannot at present comment on this application due to lack of information.

Kind regards,

Oyunn Anshus
Senior Environmental Health Officer - Business Compliance
Place, Protective Services, East Lothian Council, John Muir House, Court Street, Haddington, East Lothian EH41 3HA
M 07855 187997 | **E** oanshus@eastlothian.gov.uk | **W** www.eastlothian.gov.uk

From: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Sent: 08 July 2025 14:13
To: Anshus, Oyunn <oanshus@eastlothian.gov.uk>
Subject: FW: Co-op, 2B Elcho Road, Longniddry, East Lothian, EH32 0LB (Licence No. EL0133)

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 08 July 2025 14:04
To: Licensing Standards Officer <lso@eastlothian.gov.uk>; Lothian & borders Police <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Fire (<torquil.cramer@firescotland.gov.uk> <torquil.cramer@firescotland.gov.uk>; longniddrycommunitycouncil@gmail.com; 'Burke, Kat' <kat.burke@nhs.scot>
Subject: FW: Co-op, 2B Elcho Road, Longniddry, East Lothian, EH32 0LB (Licence No. EL0133)

Hi

Major Variation application for East Lothian Co-op 2B Elco Road, Longniddry for report/representation by 30th July 2028.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

Please note :- My working days are Tuesday to Friday



Law Society
of Scotland

Accredited paralegal
liquor licensing

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

**We're living through stressful times
right now, and everyone's feeling it.**

Our staff are doing their best to assist local residents
and businesses whilst delivering essential services.

Please, be nice.



East Lothian
Council

BE NICE

RESPECT US AS WE RESPECT YOU

O'Reilly, Arlene

From: Robertson, Scott
Sent: 10 July 2025 11:41
To: Licensing
Subject: RE: Co-op, 2B Elcho Road, Longniddry, East Lothian, EH32 0LB (Licence No. EL0133)

Hello,

Please note I have no comments or objections to this application.

Regards
Scott

Scott Robertson | Assistant Planner – Planning Delivery | East Lothian Council | John Muir House | Haddington
EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 08 July 2025 14:04
To: Licensing Standards Officer <lso@eastlothian.gov.uk>; Lothian & borders Police
<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Environment Reception
<environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>;
Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>;
longniddrycommunitycouncil@gmail.com; 'Burke, Kat' <kat.burke@nhs.scot>
Subject: FW: Co-op, 2B Elcho Road, Longniddry, East Lothian, EH32 0LB (Licence No. EL0133)

Hi

Major Variation application for East Lothian Co-op 2B Elco Road, Longniddry for
report/representation by 30th July 2028.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

Please note :- My working days are Tuesday to Friday



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

3b

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary - (Tick all relevant boxes)

- ☐ Any of the Conditions to which the Premises Licence is subject
- ☒ Any of the information contained within the Operating Plan
- ☒ The Layout Plan
- ☐ Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

- Increase in on-sales capacity from 12 to 20
- Increase in off-sales capacity 7.96 m²
- Online order deliveries 6am - 12am.

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL 0380

2(b) Name and Address of Premises The Cheese Lady

3 Court St, Haddington

Post Code EH41 3JD Tel. No. 01620 823 729

Email svetlana@thecheeselady.co.uk

2(c) Full Name and Address of Current Licence Holder

The Cheese Lady Limited

3 Court Street

Haddington Post Code EH41 3JD

Tel. No. 01620 823 729 Email address svetlana@thecheeselady.co.uk

3. NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought -

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought



3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and detail below the proposed changes. (See Note 1)

Premises capacity

- On-sales from 12 to 20 people.*
- Off-sale to 7.96 m²*

Other activity: online order deliveries

3(c) Variation to the Layout Plan of the Premises Licence

A copy of the proposed Layout Plan must accompany this application. (See Note 2)
In addition please provide details below of the proposed change to the layout of the Premises.

Additional shelving in the alcohol retail area.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premises Licence)

4. LICENCE TO BE AMENDED (See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES ☒ NO ☐

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because –

- ☐ The licence has not yet been issued by the Board
- ☐ The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- ☐ Other (provide details)

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

If submitted with an application for transfer, please specify the order in which the applications are to be considered–

- ☐ Application for Transfer of Premises Licence followed by Application for Variation
- ☐ Application for Variation followed by Application for Transfer of Premises Licence



East Lothian Council Licensing Board

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that

(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200 is enclosed ☒

(ii) the proposed Operating Plan is enclosed ☒

(iii) the proposed Layout Plan is enclosed ☒

(iv) the Premises Licence is enclosed ☒

Signature [REDACTED] (See note 5 overleaf)

Date 21.06.25

Capacity APPLICANT / AGENT (delete as appropriate)

If agent, please provide details

Full name _____

Address _____

Post Code _____

Tel. No. _____ Email address _____

Note 1

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)





OPERATING PLAN

LICENSING (SCOTLAND) ACT 2005, SECTION 20(2)(B)(i)

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

Name and Address of Premises _____

The Cheese Lady
3 Court Street
Haddington Post Code *EH41 3JD*

1(a) Will alcohol be sold for consumption
solely ON the premises?

YES ☐ NO ☒

1(b) Will alcohol be sold for consumption
solely OFF the premises?

YES ☐ NO ☒

1(c) Will alcohol be sold for consumption
both ON and OFF the premises?

YES ☒ NO ☐

2. STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

DAY	ON CONSUMPTION	
	Opening time	Terminal Hour
Monday	11am	10pm
Tuesday	11am	10pm
Wednesday	11am	10pm
Thursday	11am	10pm
Friday	11am	10pm
Saturday	11am	10pm
Sunday	11am	10pm

3. STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	10am	10pm
Tuesday	10am	10pm
Wednesday	10am	10pm
Thursday	10am	10pm
Friday	10am	10pm
Saturday	10am	10pm
Sunday	10am	10pm



4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES ☐ NO ☒

*If YES – provide details



5. PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

ACTIVITY	ACTIVITY PROVIDED? YES / NO	To be provided during core licenced hours. Please confirm YES / NO	Where activities are also to be provided outwith core licensed hours. Please confirm YES/NO
----------	--------------------------------	---	--

5a.

Accommodation	No	N/A	N/A
Conference facilities	No	No	No
Restaurant facilities	No	No	No
Bar meals	No	No	No

Social functions including:

5b.

Weddings, funerals, birthdays, retirements etc.	No	No	No
Club or other group meetings etc.	Yes	Yes	Yes

Entertainment, including:

5c.

Recorded music – see 5(g)	No	No	No
Live performances – see 5(g)	No	No	No
Dance facilities	No	No	No
Theatre	No	No	No
Films	No	No	No
Gaming	No	No	No
Indoor/outdoor sports	No	No	No
Televised sport	No	No	No

5d.

Outdoor drinking facilities	No	No	No
-----------------------------	----	----	----

5e.

Adult Entertainment	No	No	No
---------------------	----	----	----

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

5(f) If you propose to provide any activities other than those listed in 5(a) – (e), please provide details or further information below.

- We wish to hold day and/or evening tastings
- Online order deliveries:
 - Age verification for under 25s
 - Deliveries 6am - 12am.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?

YES ☐ NO ☐

When fully occupied, are there likely to be more customers standing than seated?

YES ☐ NO ☐



6. ON-SALES ONLY - CHILDREN AND YOUNG PERSONS

6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry?

YES ☒ NO ☐

6(b) Where the answer to **6(a)** is YES provide statement of the TERMS under which they will be allowed entry

Children will only be allowed accompanied by a responsible adult; They will be allowed into the shopping area but not for sitting at the micro cafe. Children will not be allowed to attend tastings.

6(c) Provide statement regarding the AGES of children or young persons to be allowed entry

0-17

6(d) Provide statement regarding the TIMES during which children and young persons will be allowed entry

During core hours.

6(e) Provide statement regarding the PARTS of the premises to which children and young persons will be allowed entry

Front shop only

7. CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

On-sales : 20 people

Off-sales: 7.96 m²

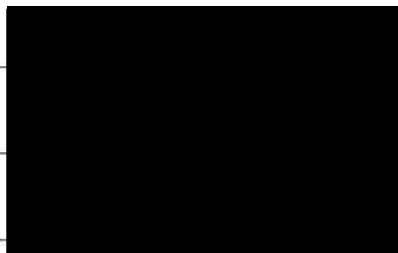
8. PREMISES MANAGER

(NOTE: not required where application is for grant of provisional premises licence)

Full Name

Svetlana Kukharчук

Date of birth



Contact address

Post Code



Tel. No.



Email address

svetlana@thecheeselady.co.uk

Personal licence

Date of issue

12.11.2010

Name of Licensing Board issuing

Tife Licensing Board

Reference no. of personal licence

FI 2554



East Lothian Council Licensing Board

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

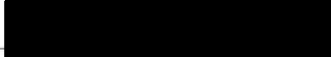
If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief

Signature  (* see note below)

Date 21.06.25

Capacity APPLICANT / AGENT (delete as appropriate)

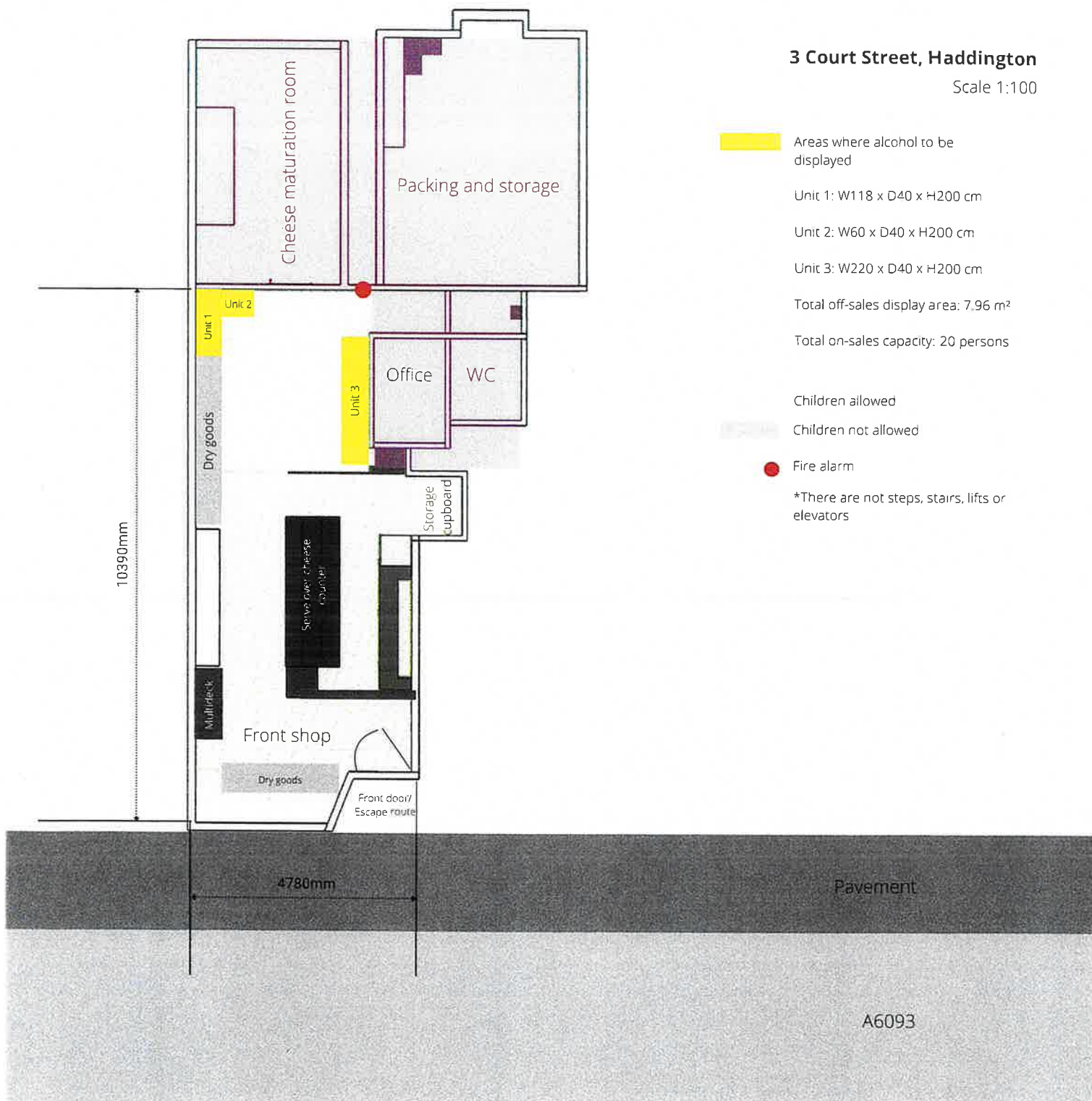
Tel. No. of signatory 

Email address Svetlana@thecheeselady.co.uk.

*** Data Protection Act 2018**

The information on this form may be held on an electronic public register which may be available to members of the public on request.





02/06/2025

Your Ref: EL0380

Our Ref: 927568

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
THE CHEESE LADY
3 COURT STREET, HADDINGTON, EAST LOTHIAN, EH41 3JD.
THE CHEESE LADY LTD, 3 COURT STREET, HADDINGTON EH41 3JD**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

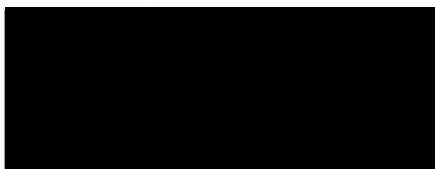
The variation requested consists of

- **Increase in premises capacity to 20 persons**
- **Add online order & deliveries**
- **Additional shelving for alcohol in retail area, capacity 7.96m²**

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Gregg Banks

OFFICIAL

Divisional Commander

For enquiries, please contact the Licensing Department on 0131 654 5557.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 14th July 2025

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL0380, THE CHEESE LADY, 3 COURT STREET, HADDINGTON, EAST LoTHIAN EH41 3JD

I can confirm that the application has been discussed with the applicant and premises have been visited in relation to this variation application. The site notice was correctly displayed.

The changes applied for are:

- Increase in off sales to 7.96m2
- Increase in on sales capacity to 12-20 people
- Addition of deliveries as an activity

In relation to on sales capacity this should be listed as the maximum number of people and not a range. I suggest this should be taken as 20 people.

I have received no complaints about the premises, however the premises licence holder has been guided to make this variation following activities not listed on the operating plan being conducted at the premises and the layout plan and off sales capacity previously being unclear. It is unclear if the delivery of alcohol would be with a delivery of food items or on its own.

I recommend that the board consider the below condition in relation to deliveries of alcohol:

- 1) 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.

Licensing Standards Officer

O'Reilly, Arlene

From: Johnson, Darren
Sent: 29 May 2025 16:12
To: Licensing
Subject: FW: Major Variation for The Cheese Lady, 3 Court Street, Haddington
Attachments: 2025 TCL Layout plan.pdf; Major_Variation_application - The Cheese Lady.pdf; Premises Licence - The Cheese Lady.pdf; Operating_Plan_Application_The Cheese Lady.pdf

Hi

No objections subject to standard conditions.

Darren

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 29 May 2025 15:41
To: Johnson, Darren <djohnson@eastlothian.gov.uk>
Subject: FW: Major Variation for The Cheese Lady, 3 Court Street, Haddington

Hopefully the last one for today, fingers crossed.

Tracey

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 29 May 2025 15:35
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Cramer, Torquil <torquil.cramer@firescotland.gov.uk>; kat.burke@nhs.scot; all@haddingtoncc.org.uk
Subject: FW: Major Variation for The Cheese Lady, 3 Court Street, Haddington

Good Afternoon

Please find attached Major Variation for The Cheese Lady, 3 Court Street, Haddington to add online deliveries, change capacity of shop to 20 people and off sales capacity 7.96m2 for report/representation by 23rd June, 2025.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council

Herkes, Gillian

From: Robertson, Scott
Sent: 30 May 2025 10:39
To: Licensing
Subject: RE: Major Variation for The Cheese Lady, 3 Court Street, Haddington

Hello,

Please note I have no comments or objections to this major variation application.

Regards
Scott

Scott Robertson | Assistant Planner – Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585| E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 29 May 2025 15:35
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Cramer, Torquil <torquil.cramer@firescotland.gov.uk>; kat.burke@nhs.scot; all@haddingtoncc.org.uk
Subject: FW: Major Variation for The Cheese Lady, 3 Court Street, Haddington

Good Afternoon

Please find attached Major Variation for The Cheese Lady, 3 Court Street, Haddington to add online deliveries, change capacity of shop to 20 people and off sales capacity 7.96m2 for report/representation by 23rd June, 2025.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

Please note :- My working days are Tuesday to Friday

Email title: Licensing Board Applications – Objection by NHS Lothian Public Health

As a statutory partner in the licensing forum and reviewer of applications, NHS Lothian value receiving license applications and the opportunity to comment.

NHS Lothian continue to support the licensing board particularly in relation to the objectives of protecting and improving public health, and protecting children and young people from harm.

The licensing regime does not have responsibility for promoting business growth, but does have a legal requirement to promote the licensing objectives of ***Preventing crime and disorder; Securing public safety; Preventing public nuisance; Protecting and improving public health Protecting children and young persons from harm.***

Alcohol deaths in Scotland are increasing. There were 1,276 alcohol specific deaths registered in Scotland in 2022, an increase of 2%.¹ Levels of alcohol related harm in relation to crime, community safety, child welfare, health and wellbeing are concerning and have a greater affect in our most deprived communities, contributing to inequalities.

NHS Lothian is submitting the following objection with regards to the premises applications at:
The Cheese Lady
3 Court Street
Haddington
EH413JD

The objection is based on the application being inconsistent with one or more of the licensing objectives.

We believe the application listed above is located within an area we have identified as having higher health related harm.²

There has been good evidence for over a decade that increased alcohol outlet density is associated with harms to health. Overprovision of alcohol creates harm by directly increasing opportunities for purchases, and influences the perceived normality of alcohol consumption, including the exposure to children and young people. Overprovision also makes it more difficult for people to recover from alcohol dependence. Specifically within Scotland, researchers at the University of Edinburgh have found that alcohol related mortality and morbidity are significantly higher in neighbourhoods with a greater density of alcohol outlets (on and off sales). This relationship was particularly striking for off sales outlet density.³

Protecting and improving public health

There is strong evidence that when alcohol is more available, due to more places to buy or longer opening hours, people buy and drink more, resulting in an increase in harm to health and alcohol related crime.⁴

¹ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

² As calculated by Public Health and submitted to be considered as part of the licensing statement consultation.

³ [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality\).](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality).)

⁴ <https://exilens.stir.ac.uk/>

Excessive use of alcohol is linked to a range of physical and mental health problems, as well as accidental injury and premature mortality. Medical conditions linked with alcohol use include high blood pressure, liver disease, stroke, cancer and brain damage.

The license board should consider the cumulative implication for each license application across the population, including implication on children and young people, and those recovering from alcohol dependency. The licensing board has a powerful role in reducing availability and acceptability over time, by acting on both the number and opening hours of on and off licence premises.

More licensed premises contribute to population alcohol related harm:^{5, 6}

- Alcohol-specific deaths are 4.3 times higher in the most deprived areas compared to the least deprived areas (1.8 times higher for all causes of death).
- Alcohol related death rates in neighbourhoods with the most off-sales outlets were 2.4 times higher than in neighbourhoods with the least.

Protecting children and young persons from harm

Alcohol use is the leading cause of harm in young people and increases the risk of alcohol dependency in adulthood. Children have no control over what they are exposed to and therefore limiting exposure to alcohol is crucial, especially since:⁷

- Off sale alcohol outlets accounted for 47% of children's exposure.
- Children living in the most deprived communities were almost 5 times more likely to be exposed to off sale alcohol outlets than children in the least deprived areas.
- Children living in the most deprived communities were almost 3 times more likely to be exposed to on sale alcohol outlets than children in the least deprived areas.
- Children in deprived areas experienced 31% of their exposure to off sales outlets within 500 m of their homes compared to 7% for children from less deprived areas.
- Children from all areas received 22—32% of their exposure within 500 m of schools, but the proportion of this from off sales outlets increased with area deprivation.

Thank you for considering this written objection. We will not be objecting in person. Please contact us directly if you wish to discuss further.

⁵ <https://www.alcohol-focus-scotland.org.uk/media/310734/alcohol-outlet-availability-and-harm-in-city-of-edinburgh.pdf>

⁶ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

⁷ Inequalities in children's exposure to alcohol outlets in Scotland:
<https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-022-14151-3>

28 MAY 2025

Received

APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

3c

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary – (Tick all relevant boxes)

- ☐ Any of the Conditions to which the Premises Licence is subject
- ☒ Any of the information contained within the Operating Plan
- ☐ The Layout Plan
- ☒ Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL042

2(b) Name and Address of Premises The Gothenburg, 227-229 High Street,
Prestonpans, East Lothian

Post Code EH32 9BE

Tel. No. 01875 819 922

Email

2(c) Full Name and Address of Current Licence Holder

Michael Suret Singh

[REDACTED]

Post Code [REDACTED]

Tel. No. [REDACTED]

Email address

3. NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought -

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and detail below the proposed changes. (See Note 1)

- To increase the on sale hours on a Thursday and Sunday to midnight.
 - To amend the Seasonal Variation section to provide that not only will this cover the Festive period but also any General Extensions for significant events for which they may decide to increase the hours.
 - To delete the reference to Dance Facilities, Theatres, Films and Gaming.
 - To provide that the premises may open prior to 11am for certain events, but no alcohol will be sold or supplied before licensed hours commence.
 - To delete the reference to a micro brewery.
 - To add Deliveries and Takeaways as Activities (which may include alcohol with food).
 - To amend children and young persons access so that Children will require to be accompanied by an adult. Young persons may be unaccompanied at management discretion. There will be no restriction on age. Children will require to vacate the premises by 11pm unless attending a private pre-booked function in which case they may remain until the end of the function. no restrict for Young persons.
- Children and young persons will have access to all public areas.

3(c) Variation to the Layout Plan of the Premises Licence

A copy of the proposed Layout Plan must accompany this application. (See Note 2)
In addition please provide details below of the proposed change to the layout of the Premises.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premises Licence)

To change the name of the premises to:- "Bombay Bar & Grill Restaurant".

4. LICENCE TO BE AMENDED (See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES ☐ NO ☒

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because –

- ☐ The licence has not yet been issued by the Board
- ☒ The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- ☐ Other (provide details)

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

If submitted with an application for transfer, please specify the order in which the applications are to be considered–

- ☐ Application for Transfer of Premises Licence followed by Application for Variation
- ☐ Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that

(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200.00 is enclosed



(ii) the proposed Operating Plan is enclosed



(iii) the proposed Layout Plan is enclosed



(iv) the Premises Licence is enclosed



Signature [Redacted] (See note 5 overleaf)

Date 28/5/15

Capacity ~~APPLICANT~~ / AGENT (delete as appropriate)

If agent, please provide details

Full name Macdonald Licensing

Address 21a Rutland Square, Edinburgh

Post Code EH1 2BB

Tel. No. 0131 229 6181 Email address alistair@macdonaldlicensing.com

Note 1

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Name, address and postcode of premises to be licensed.

Bombay Bar & Grill Restaurant
227-229 High Street
Prestonpans
East Lothian
EH32 9BE

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises?	NO
1(b) Will alcohol be sold for consumption solely OFF the premises?	NO
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	YES
*Delete as appropriate	

Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11am	11pm
Tuesday	11am	11pm
Wednesday	11am	11pm
Thursday	11am	Midnight
Friday	11am	1am
Saturday	11am	1am
Sunday	11am	Midnight

Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	11am	10pm
Tuesday	11am	10pm
Wednesday	11am	10pm
Thursday	11am	10pm
Friday	11am	10pm
Saturday	11am	10pm
Sunday	11am	10pm

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES
---	-----

**If YES – provide details*

For the benefit for application for festive Christmas period. Also any General Extensions for significant events for which they may decide to increase the hours.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	No	N/A	N/A
Conference facilities	Yes	Yes	Yes
Restaurant facilities	Yes	Yes	Yes
Bar meals	Yes	Yes	Yes
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	Yes	Yes	Yes
Club or other group meetings etc.	Yes	Yes	Yes
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	Yes	Yes	Yes
Live performances – see 5(g)	Yes	Yes	No
Dance facilities	No	No	No
Theatre	No	No	No
Films	No	No	No
Gaming	No	No	No
Indoor/outdoor sports	Yes	Yes	No
Televised sport	Yes	Yes	No

<i>5(d)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Outdoor drinking</i> <i>facilities</i>	Yes	Yes	No
<i>5(e)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Adult entertainment</i>	No	No	No

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

Conference Facilities – sometimes arrival and set up starts from 8am.
Restaurant and Bar Meals from 7am can be breakfast, early morning teas/ coffees and light snacks for organised group history or mural tours package walks.

Weddings/ Funerals/ Retirement events – can set up any time from 10am.

Background Recorded Music can commence at conference as background only no earlier than 8.30am.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Deliveries (which may include alcohol with food).

Takeaways (which may include alcohol with food).

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	<i>YES/NO*</i>
--	----------------

<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
---	----------------

**Delete as appropriate*

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

Children will require to be accompanied by an adult. Young persons may be unaccompanied at management discretion.

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

No restriction (0-17 years).

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

Children will require to vacate the premises by 11pm unless attending a private pre-booked function in which case they may remain until the end of the function. No restriction for Young Persons .

6(e) *Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry*

All public areas.

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

On sales - 230

Question 8

PREMISES MANAGER (*NOTE: not required where application is for grant of provisional premises licence*)

Personal details

8(a) *Name*

Rahat Hasan Chowdhury

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address and telephone number*

[REDACTED]

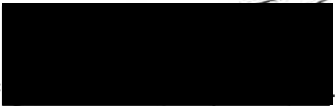
8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
18 April 2025	Midlothian Licensing Board	MID 1751

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are ~~true~~ to the best of my knowledge and belief.

Signature  * (see note below)

Date 20/5/25

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 2296181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

02/06/2025

Your Ref: EL042

Our Ref: 927590

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



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

Dear Sir/Madam,

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
GOTHENBURG
THE GOTHENBURG - 229, 227 HIGH STREET, PRESTONPANS, EAST
LOTHIAN, EH32 9BE.
PREMISES LICENCE HOLDER: MICHAEL SURET SINGH, [REDACTED]
[REDACTED]

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the following-

- To increase the on-sale hours on Thursday and Sunday to midnight.
- To amend the seasonal variation section to cover the Festive period and also any general extensions for significant events for which they may decide to increase hours.
- To delete the reference to dance facilities, theatres, films and gaming.
- To provide that the premises may open prior to 1100 hours for certain events, but no alcohol will be sold or supplied before licensed hours commence.
- To delete the reference to a micro-brewery.
- To add deliveries and takeaways as activities (which may include alcohol with food)
- To amend children and young person's access so that children will require to be accompanied by an adult. Young persons may be unaccompanied at management discretion. There will be no

OFFICIAL

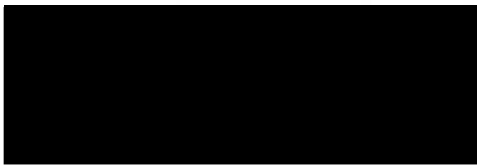
restriction on age. Children will require to vacate the premises by 2300 hours unless attending a private pre-booked function in which case they may remain until the end of the function. No restriction for young persons.

- Children and young persons will have access to all public areas.
- To change the name of the premises to Bombay Bar & Grill Restaurant

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



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

Date: 26th June 2025

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL042, THE GOTHENBURG, 227-229 HIGH STREET, PRESTONPANS, EAST LoTHIAN EH32 9BE

I can confirm that the application has been discussed with the applicant's solicitor. The premises has recently been taken over by a new tenant and is intended to operate as a restaurant and takeaway. The operator is experienced and runs successful premises in other local authorities.

The changes applied for are:

- To increase the on sales hours on a Thursday and Sunday to midnight
- Amend the seasonal variations section
- Delete dance facilities, theatres, films and gaming
- To provide that the premises may open before 11am for certain events, without alcohol before licensed hours
- Delete the reference to micro brewery
- To add deliveries and takeaways that may include alcohol with food
- To amend the children and young person access
- To change the premises name to Bombay Bar and Grill Restaurant

The current licensed hours of the premises are show below:

The requested change in on sales hours falls within board policy. I have no concerns in relation to any of the other changes requested and welcome the adjustment of the premises licence.

I recommend the following condition be considered in relation to deliveries of alcohol:

- 1) 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.

Licensing Standards Officer

Aitken, Christine (Licensing)

From: Robertson, Scott
Sent: 03 June 2025 11:11
To: Licensing
Subject: RE: Major Variation for Bombay Bar & Grill Restaurant - Formerly The Gothenburg, 227-229 High Street, Prestonapns.

Hello,

Please note I have no objections to this application.

However, I note that the property is category B listed and as such I would advise the applicant that any internal or external alterations to the building to accommodate the new restaurant will require listed building consent. If the applicant has any queries regarding this and what works would require listed building consent please email environment@eastlothian.gov.uk.

Regards
Scott

Scott Robertson | Assistant Planner – Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA

T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 30 May 2025 14:35
To: Lothian and Borders Police <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Cramer, Torquil <torquil.cramer@firescotland.gov.uk>; kat.burke@nhs.scot; secretary@prestonpanscommunitycouncil.org
Subject: FW: Major Variation for Bombay Bar & Grill Restaurant - Formerly The Gothenburg, 227-229 High Street, Prestonapns.

Good Afternoon

Please find attached Major Variation for The Bombay Bar & Grill Restaurant for report/representation by 23rd June, 2025.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington

From: claire williamson [REDACTED]
Sent: 23 June 2025 15:49
To: Licensing
Subject: objections or concerns

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

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

regarding the premises bombay bar & grill restaurant 227-229 high street prestonpans .

as neighbours nearby the new opening of this restaurant our concerns are . children being in a private function until it finished? i feel this is extremely late and i am worried about noise at this time of night. also the concern of the scent/ smell of the food. is worry some for me as i keep very ill health and anything cnn trigger me being sick ie smells ect.

we are also worried about deliveries coming back and forth which concerns us from noise again. and safety of people trying to cross the road especially if lorries are coming with food drinks ect.

hopefully you will task our small concerns into account and get back to us regarding these.
thanks

52745



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

3d

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary – (Tick all relevant boxes)

- ☐ Any of the Conditions to which the Premises Licence is subject
- ☒ Any of the information contained within the Operating Plan
- ☒ The Layout Plan
- ☐ Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

East Lothian Council
Licensing
30 JUN 2025
Received

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL025

2(b) Name and Address of Premises Fisherrow Tap

170 New Street, Fisherrow, Musselburgh

Post Code EH21 6BZ

Tel. No. _____

Email _____

2(c) Full Name and Address of Current Licence Holder

Excel Estates (Glasgow) Limited

115 Rimsdale Street, Glasgow

Post Code G40 3DP

Tel. No. _____

Email address _____

3. NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought -

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

East Lothian Council Licensing Board

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and detail below the proposed changes. (See Note 1)

To remove on sales and to provide that the premises will only sell off sales.

To amend the off sale hours from 10am to 10pm each day.

To remove Seasonal Variations, and the following Activities, namely:- Bar Meals, Receptions, Club or Other Group Meetings, Live Performances, Gaming, Indoor/Outdoor Sports, and Televised Sport.

To replace the current narrative regarding Activities taking place outwith licensed hours and replacing them with the provision that the shop may open from 7am providing a range of goods and services, but no alcohol will be sold or supplied until the commencement of licensed hours. Activities answered "yes" in column 4 may take place during this period.

To add Deliveries and Takeaways as additional Activities.

To delete the provisions regarding access by children.

to delete the on sales capacity and replace it with an off sale capacity of 24.20sqm.

3(c) Variation to the Layout Plan of the Premises Licence

A copy of the proposed Layout Plan must accompany this application. (See Note 2)
In addition please provide details below of the proposed change to the layout of the Premises.

To substitute a replacement Layout Plan.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premises Licence)

To delete the information contained in the current description and to replace it with "Convenience Store located on the ground floor of a building on New Street, Musselburgh".

4. LICENCE TO BE AMENDED (See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES ☒ NO ☐

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because –

- ☐ The licence has not yet been issued by the Board
- ☐ The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- ☐ Other (provide details)

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

If submitted with an application for transfer, please specify the order in which the applications are to be considered–

- ☐ Application for Transfer of Premises Licence followed by Application for Variation
- ☐ Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that

(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ 200.00 is enclosed



(ii) the proposed Operating Plan is enclosed



(iii) the proposed Layout Plan is enclosed



(iv) the Premises Licence ~~is enclosed~~



Signature [REDACTED] (See note 5 overleaf)

Date 30/6/15

Capacity ~~APPLICANT~~ / AGENT (delete as appropriate)

If agent, please provide details

Full name Macdonald Licensing

Address 21a Rutland Square, Edinburgh

Post Code EH1 2BB

Tel. No. 0131 229 6181 Email address alistair@macdonaldlicensing.com

Note 1

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Name, address and postcode of premises to be licensed.

170 New Street
Musselburgh
EH216BZ

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	NO
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	YES
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	NO
<i>*Delete as appropriate</i>	

Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES

<i>Day</i>	<i>ON Consumption</i>	
	Opening time	Terminal hour
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

Question 3

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10.00 am	10.00 pm
Tuesday	10.00 am	10.00 pm
Wednesday	10.00 am	10.00 pm
Thursday	10.00 am	10.00 pm
Friday	10.00 am	10.00 pm
Saturday	10.00 am	10.00 pm
Sunday	10.00 am	10.00 pm

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	NO
---	----

**If YES – provide details*

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	No	N/A	N/A
Conference facilities	No	No	No
Restaurant facilities	No	No	No
Bar meals	No	No	No
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	No	No	No
Club or other group meetings etc.	No	No	No
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	Yes	Yes	Yes
Live performances – see 5(g)	No	No	No
Dance facilities	No	No	No
Theatre	No	No	No
Films	No	No	No
Gaming	No	No	No
Indoor/outdoor sports	No	No	No
Televised sport	No	No	No

<i>5(d)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Outdoor drinking facilities</i>	No	No	No
<i>5(e)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Adult entertainment</i>	No	No	No

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

The shop may open from 7am providing a range of goods and services, but no alcohol will be sold or supplied until the commencement of licensed hours. Activities answered "yes" in column 4 may take place during this period.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Deliveries (which may include alcohol).
Takeaways (which may include alcohol).

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?

N/A

When fully occupied, are there likely to be more customers standing than seated?

N/A

**Delete as appropriate*

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

--

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

--

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

--

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

--

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

Off sale – 24.20m2

Question 8

PREMISES MANAGER (*NOTE: not required where application is for grant of provisional premises licence*)

Personal details

8(a) *Name*

Stuart Edy

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]


8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
7 February 2023	City of Edinburgh Council	793412

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature  * (see note below)

Date 30/0/22

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 2296181, alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.



SUPPLEMENTARY APPLICATION INFORMATION

This information is required in relation to all Premises Licence/~~Provisional Licence applications~~ or any application which is a Premises Licence Variation, not considered to be a Minor Variation.

Application submissions generally tend to be insufficiently detailed as to provide a complete picture of what businesses propose to provide the public. Therefore, Licensing Boards often have too little information, in advance of Board hearings, to fully appreciate what is being applied for. This situation often leads to numerous unnecessary objections and representation being made due to interested parties, such as neighbouring residents, not understanding what proposed activities really relate to i.e. What does Live Music actually mean and how will it impact on their lives. For these reasons, the Board has made a policy decision to require applicants to provide a fuller description of their business proposals and detail how the five licensing objectives will be met.

BUSINESS PROFILE

Please describe your business offering

The proposal is to change these premises, formally a traditional public house, to a convenience store. Our client is an experienced licensee in off sale convenience stores and has held Licences in Edinburgh for many years.

The premises were acquired by a company, the directors of whom are friends of the applicant. He will be the tenant and operator. The bar had been closed permanently.

ON CONSUMPTION

(a) Please describe the type of business you intend to operate in respect of On consumption.

Not applicable.

OFF CONSUMPTION

(b) Please describe the type of business you intend to operate in respect of Off consumption & deliveries

The Licence would be used for the sale of alcohol by way of off sales only, in this convenience store.

CLARIFICATION IS REQUIRED IN RELATION TO THE CONTENT OF YOUR PROPOSED OPERATING PLAN

To what extent do you intend to use any of the following:
Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals:

Not applicable.

Social Functions – Weddings; Birthdays; Retirements ; Other:
If you intend to provide for any of these functions please describe the nature and extent and likely frequency of each:

Not applicable.

Entertainment – Recorded Music; Live Performances; Dance Facilities;
Theatre; Films; Gaming; Indoor/outdoor sports; Televised Sport - If you intend to provide for any of these facilities please describe the nature and extent and likely frequency of each:

There may be background music at an appropriate level played.

Outdoor Drinking Facilities - If you intend to provide outdoor drinking facilities please describe where and what the facilities will be used for. You will also be required to provide a statement in the objectives section how you intend to prevent public nuisance from use of such facilities:

Not applicable.

Adult Entertainment – If you intend to provide any entertainment of a sexual nature please state the type and likely frequency if use. Adult entertainment is any form of sexual stimulation and includes adult humour or explicit language. The Board will also expect you to address the objective of preventing harm to children and young persons:

Not applicable.

Activities Outwith Licensed Core Hours - In your Operating Plan, at 5(e), you should have given details of any activity that will be provided outwith core licensed hours. If you wish you can expand on your explanation here:

The premises may open from 7am for the sale of general goods and services but no alcohol will be sold or supplied until the commencement of licensed hours.

Any Other Activities - In your Operating Plan at 5(f) you should have given details of any other type of activity you are likely to cater for. It would be useful to give an indication of the extent and frequency of such events:

Deliveries and Takeaways.

Children and Young Persons – If you intend to provide access for children and young persons on the premises please provide details of what facilities you have on the premises in respect of different age groups. In addition, please state where and what baby changing facilities will be provided for children under five years.

There are no restrictions as such for the entry of children and young persons onto retail premises but our clients appreciate that by allowing young persons access there is an additional responsibility on them. In particular groups of children on their own e.g. school children will be closely monitored. Our client is fully familiar with Challenge 25, and the responsibilities thereunder, including the need to have an Age Verification Policy.

LICENSING OBJECTIVES

Please provide details below of how you will ensure that the 5 Licensing Objectives are complied with. It may be helpful in answering this section if you refer to the East Lothian Council Licensing Board's 'Statement of Licensing Policy, which can be found at https://www.eastlothian.gov.uk/downloads/file/27884/statement_of_licensing_policy_2018-2023

Preventing Crime and Disorder

As explained our client is an experienced operator and has a pool of staff, including Personal Licence Holders, to choose from. They are fully conversant with the rules on Challenge 25, how to check ID properly, and what forms of ID can be accepted. They are aware of behaviour that might indicate a Proxy Sale and would not hesitate to report this. They are also aware of the fact that they should consider security and possible theft when designing the shop.

Securing Public Safety

The safety of staff and customers is paramount to our client. As will be appreciated, there will be a substantial refurbishment of the premises to convert it into a shop, so the Building Warrant will provide for safety issues within it, but our client will also give this due consideration.

The layout of the shop, the entrance to the shop, and all other facilities will be designed with a view to improving public safety.

Preventing Public Nuisance

Our client might play background music in the shop at a level conducive to shoppers.

It is not anticipated that customers will cause a nuisance to residents. There will be CCTV internally, which will also include the immediate outside of the premises which should deter anyone gathering outside. Our clients would ask people to move on quickly anyway.

Any concerns expressed by neighbours will of course be dealt with in an appropriate manner.

Protecting and Improving Public Health

Our client and his staff are fully aware of the concerns expressed regarding over consumption and irresponsible consumption of alcohol in Scotland. They would not hesitate to refuse if they considered that it would be inappropriate for a customer's health to serve them i.e. they were inebriated, or showing signs of being under the influence of drugs for instance. In general our client and his staff would refuse if they considered it inappropriate to do so, firmly but politely.

Protecting Children and Young Persons From Harm

As explained before our client will operate a robust Challenge 25 process, demand ID when required and check it properly. They would also check on a regular basis and not accept, for instance, promises to bring it next time etc. The same would apply to other age restricted products such as vapes etc.

APPLICATION SUPPORTING COMMENTS**Additional Information**

It is a sign of the times that there is less of a demand for traditional vertical drinking establishments, and whilst Musselburgh has many good operations, this one latterly did not seem to be able to survive financially. Perhaps due to it being off the High Street. Our client identified the site, however, as being attractive to their desire to operate a convenience store in Musselburgh.

Supporting Comments

i.e. reasons why the Board should support your application.

This is a building that was lying sadly empty and unwanted as a bar. It will be brought back to life and hopefully provide a facility to local residents.

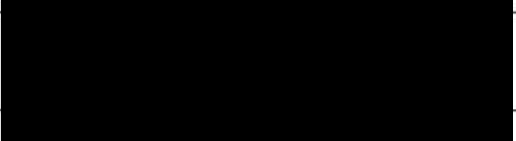
Our client and his staff can react to demand from residents as to particular products that they wish. The benefit of being a local convenience store.

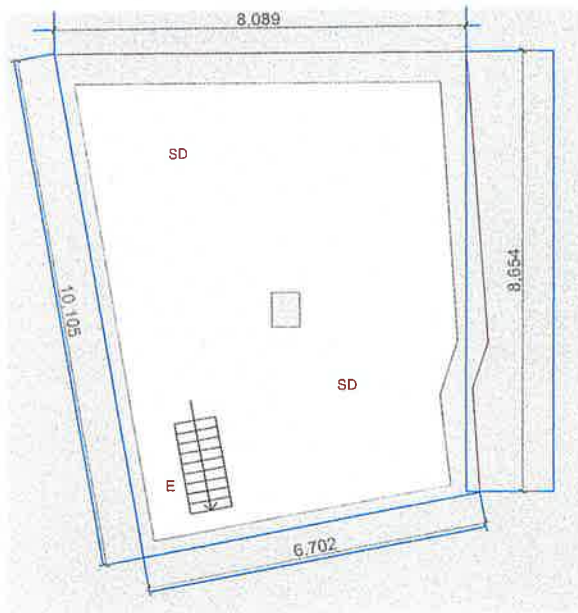
SIGNATURE AND DECLARATION BY APPLICANT

IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

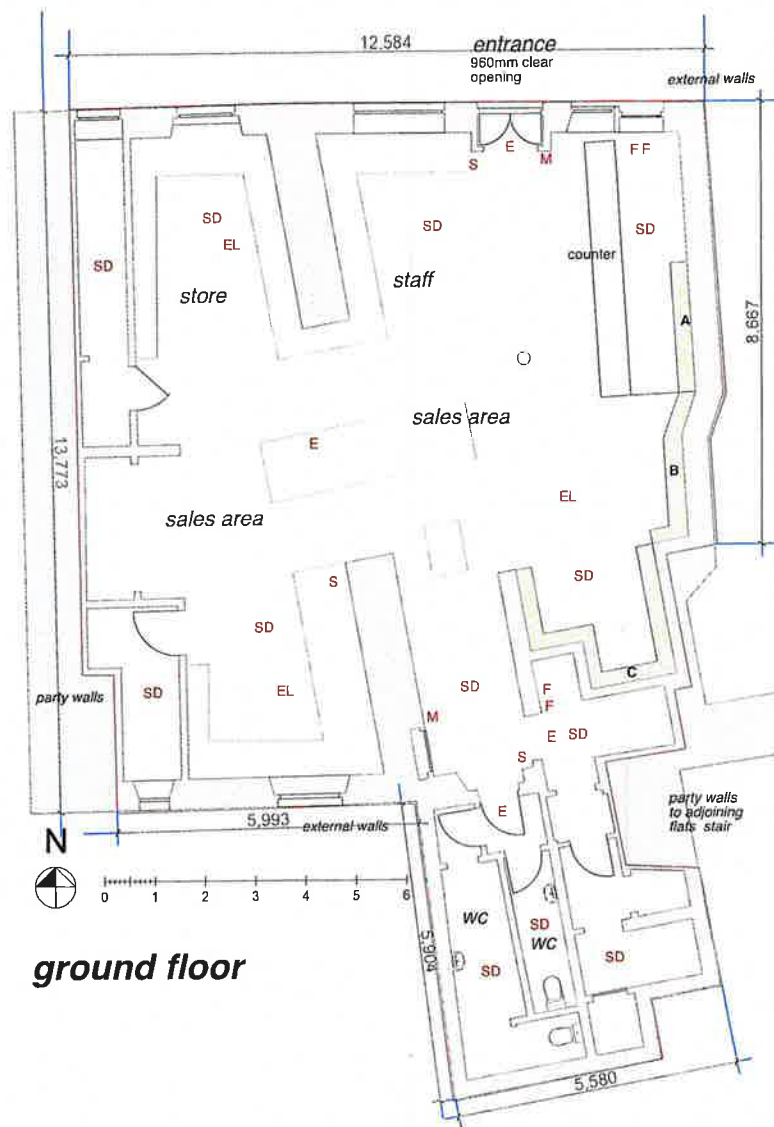
(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

The contents of this Application are true to the best of my knowledge and belief.

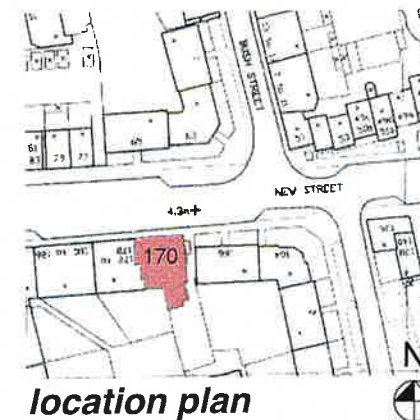
Signature	
Date	20/6/23



basement



ground floor



location plan

- E** emergency exit illuminated sign
3 hours maintained to BS5266-1:2016
- EL** emergency light
- SD** smoke detector
- M** manual call point
- S** sounder
- F** fire extinguisher
- red line around entire licensed premises

ALCOHOL DISPLAY

behind counter		
A	2.5m wide x 2m high	= 5.0m ²
customer access		
B	3.0m wide x 2m high	= 6.0m ²
C	6.6m wide x 2m high	= 13.2m ²
		= 24.20m ²

licence plan

**170 NEW STREET
MUSSELBURGH, EH21 6BZ**

scale 1:100 June 2025

Whiteleaw Assoc. 01968 660452

07/07/2025

Your Ref: EL025

Our Ref: 936256

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



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

Dear Sir/Madam,

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
FISHERROW TAP
170 NEW STREET, FISHERROW, MUSSELBURGH, EAST LOTHIAN, EH21
6BZ.
EXCEL ESTATES (GLASGOW) LTD, 115 RIMSDALE STREET, GLASGOW
G40 3DP

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

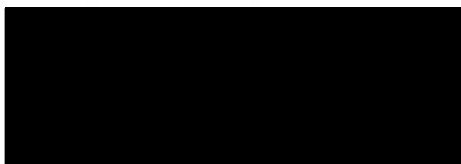
The variation requested consists of

- To remove on sales and to provide that the premises will only sell off sales.
- To amend the off sales hours from 10am to 10pm each day.
- To remove Seasonal Variations, and the following Activities, namely:- Bar Meals, Receptions, Club or Other Group Meetings, Live Performances, Gaming, Indoor/Outdoor Sports, and Televised Sport.
- To replace the current narrative regarding Activities taking place outwith licensed hours and replacing them with the provision that the shop may open from 7am providing a range of goods and services, but no alcohol will be sold or supplied until the commencement of licensed hours. Activities answered "yes" in column 4 may take place during this period.
- To add Deliveries and Takeaways as additional Activities.
- To delete the provisions regarding access by children.
- To delete the on sales capacity and replace it with an off sales capacity of 24.20sqm.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Gregg Banks
Divisional Commander

For enquiries, please contact the Licensing Department on 0300 424 0033.

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 23rd July 2025

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL025, FISHERROW TAP, 170 NEW STREET, MUSSELBURGH, EAST LoTHIAN EH21 6BZ

I refer to the above subject and can confirm I have visited the premises, and the site notice was displayed however it had fallen and was slightly obscured, the premises was closed. This premises was previously operated as a pub with a small food provision however closed in December 2024. The Board heard a previous major variation in October 2023. There has also been a premises licence transfer submitted. This variation seeks to change the type of premises to a convenience store with off sales only.

The changes applied for are:

- Remove on sales so that the premises will sell off sales only at a capacity of 24.20m²
- Amend the off sales hours to 10am – 10pm each day
- Remove seasonal variations, and multiple activities
- Replace the narrative of activities to describe the retail premises opening from 7am selling a range of goods and services.
- Add deliveries and takeaways
- Remove all provisions regarding children and young persons
- Substitute a new layout plan
- Change current premises description

I can confirm that the application is compliant with the act. However, I believe the premises manager named on the operating plan has left this post and will need to be replaced.

The off sales capacity applied for is 24.20m². This is not an application for a new premises; however, the variation seeks a change in the type of premises. As per Board policy section 26.5 the Board will consider the number, capacity and type of licensed premises within an 800m radius of the applicant's premises. There are 38 other licensed premises within an 800m radius as follows:

On and off sales premises

1. The Auld Hoose, 102 New Street – On and off sales
2. Anchor Bar, 159 North High Street – on and off sales
3. Auld Brigg Tavern, 45 Eskside West – On and off sales
4. Buenos Aires Café and Grill, 76 High Street – On and off sales
5. Caprice Restaurant, 198 High Street – On and off sales

6. Coach and Horses, 110 High Street – On and off sales
7. Company Bakery, 6 Station Road – On and off sales
8. Dal Patino, 49a High Street – On sales only
9. David Macbeth Moir, 30-34 Bridge Street – On and off sales
10. Dragon Way, 81 High Street – On sales only
11. East Coast, 171-173 North Street – On and off sales
12. Eskmills Bowling Club, 4 Station Road – On sales only
13. Event Space (Eskmills), Archibald House – On sales only
14. Fisherrow Tap – On sales and off sales
15. Gurkha Bar and Restaurant, 96 North High Street – On and off sales
16. Inveresk Bowling and Social Club, 19 Carlyle
17. Lanna Thai – 32 Bridge Street – On sales online
18. Lido, 168-170 High Street – On and off sales
19. Musselburgh and Fisherrow Welfare Club, 253 North High Street – On and off sales
20. Sportsman's Bar, 58 High Street – On and off sales
21. The Ship Inn, 184 North High Street – On and off sales
22. The Stand, 72-74 High Street – On and off sales
23. The Volunteer Arms (Staggs), 78-81 North High Street – On and off sales
24. The Willow, 83 High Street – On and off sales

Off sales only

25. Low Cost Supermarket (Day Today), 119-121 North High Street – Off sales only
26. The Scotsman (Musselburgh Express) 179 North High Street – Off sales only
27. Musselburgh Service Station, 1 Edinburgh Road – Off sales only
28. Flowers by Arrangement, 138 North High Street – Off sales only
29. Aldi, Olive Bank Retail Park – Off sales only
30. Home Bargains, Olivebank – Off sales only
31. Lidl, Olivebank Industrial Estate – Off sales only
32. Iceland Food Limited, Newhailes Road – Off sales only
33. Tesco Extra, Olive Bank Road – Off sales only
34. Best One, 121 High Street – Off sales only
35. Miros village, 127 High Street – Off sales only
36. Morrisons Daily, 160 High Street – Off sales only
37. Musselburgh News, 53 High Street – Off sales only
38. The Wee Shop – 18 Newbigging – Off sales only

Within the 800m radius there are 14 similar premises. There are 3 similar premises within a 400m radius.

I recommend the following condition be considered in relation to deliveries of alcohol:

- 1) 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.

Licensing Standards Officer

Herkes, Gillian

From: Robertson, Scott
Sent: 09 July 2025 08:54
To: Licensing
Subject: RE: 170 New Street, Musselburgh - Major Variation

Hello,

Please be advised that planning permission is required for the change of use of the property from a public house to a convenience store. There are no records of planning permission being granted at the property and the property should not operate as a convenience shop until planning permission has been obtained.

As such, I would advise that the applicant should apply for planning permission for a change of use of the property. Planning permission can be applied for through the Scottish government e-planning portal.

Kind Regards
Scott

Scott Robertson | Assistant Planner – Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 02 July 2025 09:14
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; [REDACTED]; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; kat.burke@nhs.scot
Subject: FW: 170 New Street, Musselburgh - Major Variation

Good Morning

Please find attached Major Variation for Fisherrow Tap – to be made into a convenience store, taking away on sales etc and making it off sales only for report/representation by 24th July. 2025.

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

Please note :- My working days are Tuesday to Friday

Licensing

From: Alistair Macdonald <alistair@macdonaldlicensing.com>
Sent: 10 July 2025 16:51
To: Licensing
Subject: 170 High street, Musselburgh

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

Afternoon Gillian

Planning Permission has been applied for and so has a Building Warrant

Kind regards

Alistair I Macdonald
Macdonald Licensing

Macdonald Licensing (Scotland) Limited (SC388451)
21a Rutland Square
Edinburgh
EH1 2BB

DX Edinburgh 561

Tel: 0131 229 6181
Fax: 0131 221 1282
www.macdonaldlicensing.com

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Our Ref: 25/00740/P
Ask For: Amelia Smith Tel: 01620827686
Your Ref:
Date: 15th July 2025

Usave Edinburgh Limited
c/o Scott Francis Allan Architectural Design
Per Scott Allan
36 Wallace Avenue
Wallyford
East Lothian
EH21 8BZ

Dear Sir/Madam,

PROPOSAL Change of use of public house to shop (Class 1A) (Part Retrospective)
LOCATION 170 New Street, Fisherrow, Musselburgh, EH21 6BZ,

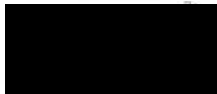
Your application was registered on **15th July 2025**.

The Council as Planning Authority has a period of 2 months from the date of registration to determine this application, unless an extended period is at any time agreed upon in writing between the applicant and the Planning Authority. If by the end of the 2 months determination period **14th September 2025** or by the end of an agreed extended period you have not been notified of the Planning Authority's decision on the application, you may within 3 months of the end date of either period apply to the Council's Local Review Body for a review on the grounds of the non-determination of the application by the Council's Appointed Officer.

The request for such a review must be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997. You can apply for a review on the grounds of non-determination by downloading the forms from the planning pages of the Council website www.eastlothian.gov.uk. Alternatively please contact the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington.

If you want to discuss the progress of the application please contact the case officer Amelia Smith, on 01620827686 quoting reference 25/00740/P.

Yours faithfully



Keith Dingwall
Chief Planning Officer

Email title: Licensing Board Applications – Objection by NHS Lothian Public Health

As a statutory partner in the licensing forum and reviewer of applications, NHS Lothian value receiving new premises license applications and the opportunity to comment.

NHS Lothian continue to support the licensing board particularly in relation to the objectives of protecting and improving public health, and protecting children and young people from harm.

The licensing regime does not have responsibility for promoting business growth, but does have a legal requirement to promote the licensing objectives of ***Preventing crime and disorder; Securing public safety; Preventing public nuisance; Protecting and improving public health Protecting children and young persons from harm.***

Alcohol deaths in Scotland are increasing. There were 1,276 alcohol specific deaths registered in Scotland in 2022, an increase of 2%.¹

Levels of alcohol related harm in relation to crime, community safety, child welfare, health and wellbeing are concerning and have a greater affect in our most deprived communities, contributing to inequalities.

NHS Lothian is submitting the following objection with regards to the premises applications at:

Fisherrow Tap

170 New Street

Fisherrow

Musselburgh

EH216BZ

The objection is based on the application being inconsistent with one or more of the licensing objectives.

We believe the application listed above is located within an area we have identified as having higher levels of alcohol related harm.²

There has been good evidence for over a decade that increased alcohol outlet density is associated with harms to health. Overprovision of alcohol creates harm by directly increasing opportunities for purchases, and influences the perceived normality of alcohol consumption, including the exposure to children and young people. Overprovision also makes it more difficult for people to recover from alcohol dependence. Specifically within Scotland, researchers at the University of Edinburgh have found that alcohol related mortality and morbidity are significantly higher in neighbourhoods with a greater density of alcohol outlets (on and off sales). This relationship was particularly striking for off sales outlet density.³

Protecting and improving public health

¹ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

² As calculated by Public Health and submitted to be considered as part of the licensing statement consultation.

³ [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality\).](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4415114/#:~:text=An%20IQR%20increase%20in%20off,%2C%2015%25%20higher%20mortality).)

There is strong evidence that when alcohol is more available, due to more places to buy or longer opening hours, people buy and drink more, resulting in an increase in harm to health and alcohol related crime.⁴

Excessive use of alcohol is linked to a range of physical and mental health problems, as well as accidental injury and premature mortality. Medical conditions linked with alcohol use include high blood pressure, liver disease, stroke, cancer and brain damage.

The license board should consider the cumulative implication for each license application across the population, including implication on children and young people, and those recovering from alcohol dependency. The licencing board has a powerful role in reducing availability and acceptability over time, by acting on both the number and opening hours of on and off licence premises.

More licensed premises contribute to population alcohol related harm: ^{5, 6}

- Alcohol-specific deaths are 4.3 times higher in the most deprived areas compared to the least deprived areas (1.8 times higher for all causes of death).
- Alcohol related death rates in neighbourhoods with the most off-sales outlets were 2.4 times higher than in neighbourhoods with the least.

Protecting children and young persons from harm

Alcohol use is the leading cause of harm in young people and increases the risk of alcohol dependency in adulthood. Children have no control over what they are exposed to and therefore limiting exposure to alcohol is crucial, especially since:⁷

- Off sale alcohol outlets accounted for 47% of children's exposure.
- Children living in the most deprived communities were almost 5 times more likely to be exposed to off sale alcohol outlets than children in the least deprived areas.
- Children living in the most deprived communities were almost 3 times more likely to be exposed to on sale alcohol outlets than children in the least deprived areas.
- Children in deprived areas experienced 31% of their exposure to off sales outlets within 500 m of their homes compared to 7% for children from less deprived areas.
- Children from all areas received 22—32% of their exposure within 500 m of schools, but the proportion of this from off sales outlets increased with area deprivation.

Thank you for considering this written objection. We will not be objecting in person. Please contact us directly if you wish to discuss further.

⁴ <https://exilens.stir.ac.uk/>

⁵ <https://www.alcohol-focus-scotland.org.uk/media/310734/alcohol-outlet-availability-and-harm-in-city-of-edinburgh.pdf>

⁶ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-deaths>

⁷ Inequalities in children's exposure to alcohol outlets in Scotland:
<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-022-14151-3>

Herkes, Gillian

From: Margaret Stewart [REDACTED]
Sent: 15 July 2025 11:28
To: Licensing
Subject: Licence applications - North High Street and New Street, Musselburgh

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Good morning,

Musselburgh and Inveresk Community Council have recently sent a letter to Chief Inspector Leathes, stating our concerns on antisocial behaviour in Musselburgh, which is at an all time high at the moment.

We are now aware of 2 applications, one at 92 North High Street and another at 170 New Street - the latter of which is mainly a residential area a minute away from the North High Street and less than a minute from the beach.

These applications, if granted will do nothing but aggravate an already 'pollution of licensed premises' in this area and so near to the beach, which is putting our young people in harms way when they are jumping into the harbour and endangering themselves and others whilst being under the influence of alcohol.

If these licences are allowed to go ahead it just makes a mockery off the system and the communities inability to help or change anything.

We are trying to help our young people stay safe and also the rest of the community whilst going about their everyday business.

We would urge East Lothian Council not to grant these licences and add to an already overburdened police force.

Yours sincerely

Margaret Stewart
Secretary
MICC

On behalf of
Musselburgh & Inveresk Community Council.

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

Subject: Objection to Premises Licence Application – Fisherrow Tap, 170 New Street,
Musselburgh

Date: 13 JULY 2025

Dear Sir/Madam,

We, the undersigned, wish to formally object to the premises licence application submitted by Excel Estates (Glasgow) Limited for the premises at 170 New Street, Musselburgh (formerly known as Hole in the Wa), under Section 20 of the Licensing (Scotland) Act 2005.

Our objection is based on the grounds of overprovision in terms of licensed premises in the locality. The area already has a sufficient number of outlets providing alcohol for both on-sales and off-sales consumption. Granting a new or expanded licence at this location would contribute to an excessive density of alcohol availability, which could negatively affect the local community in terms of public health, safety, and order.

This new application, if granted, could also have an adverse economic impact on existing small local businesses that have served the community responsibly for many years. We believe that the Licensing Board's policy objectives—particularly promoting public health and preventing public nuisance—would not be best served by approving this application.

We respectfully request that the Board refuse this application on the grounds stated.

Yours faithfully,

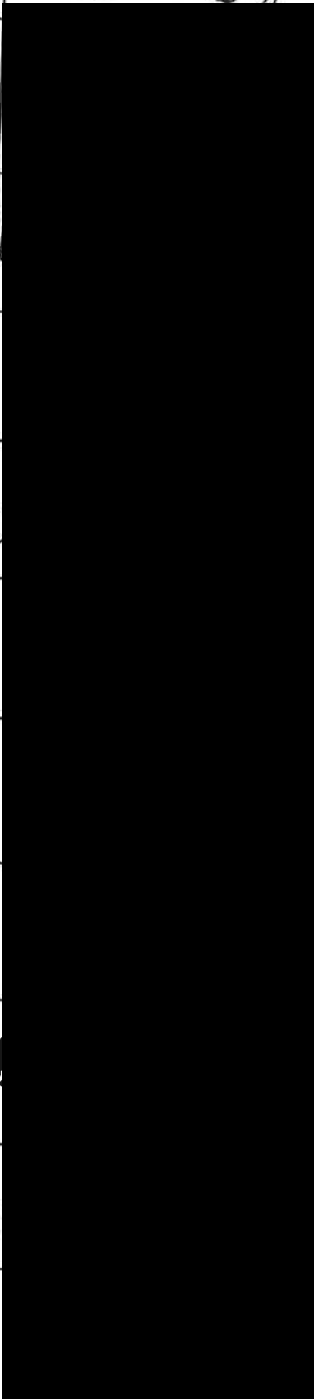



Name NARESH KUMAR


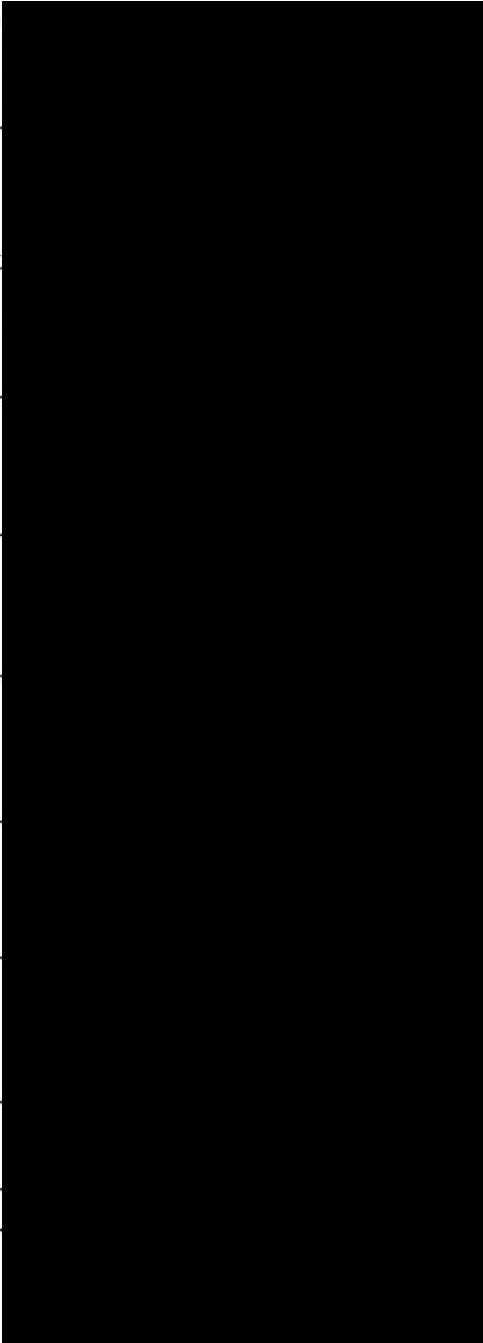
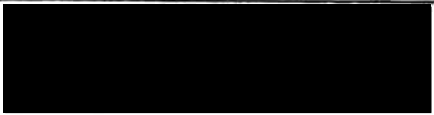

Address [REDACTED]

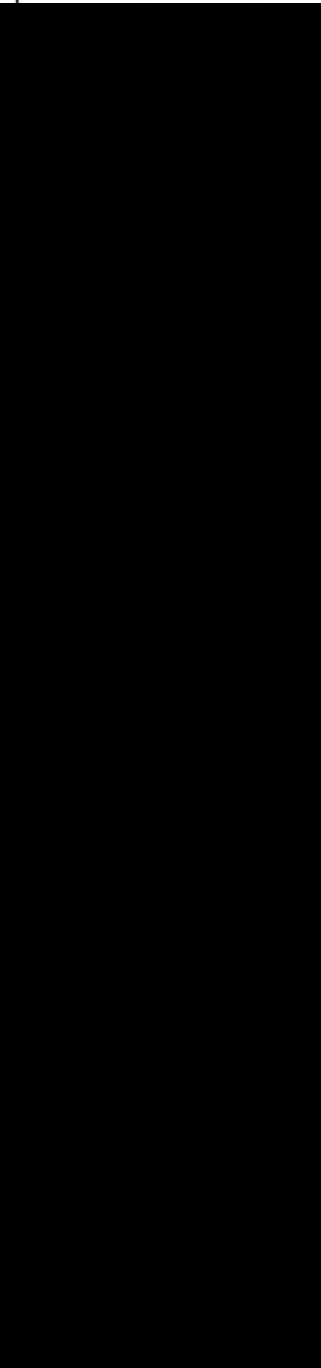
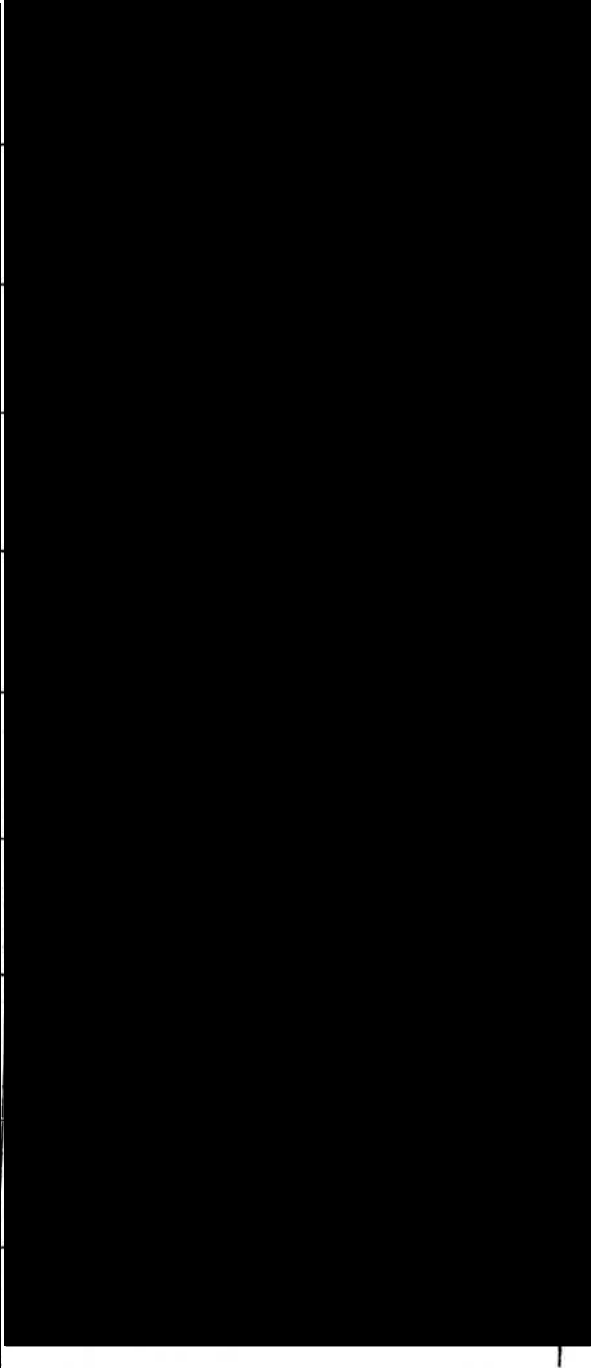
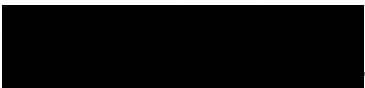
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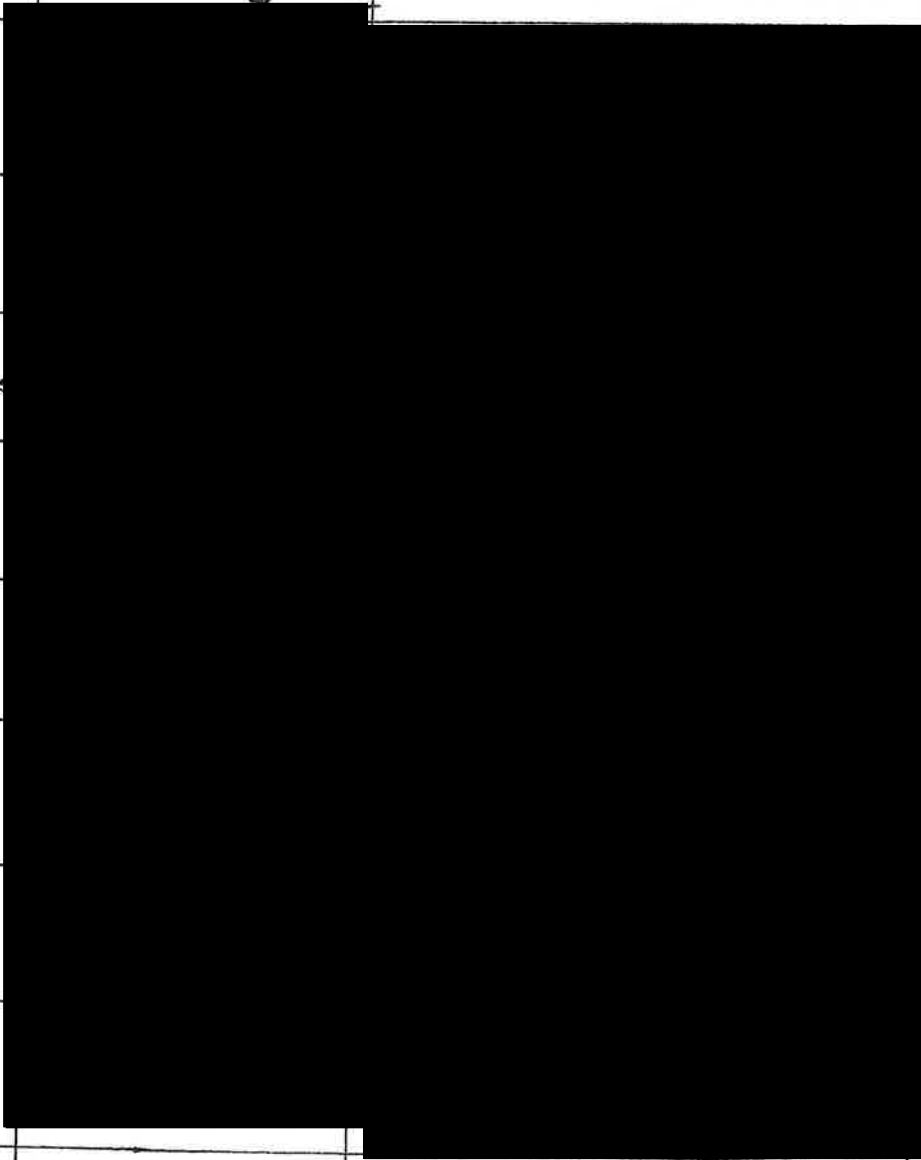
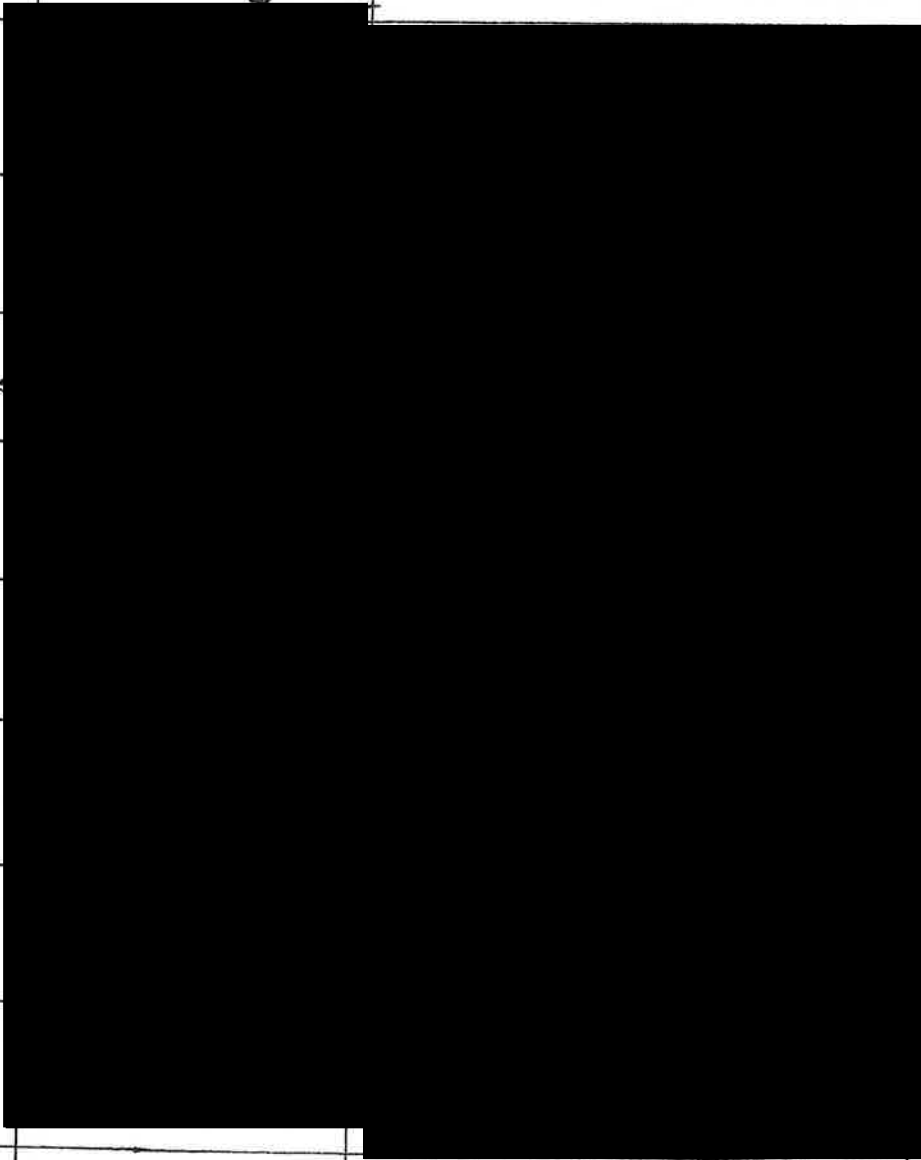
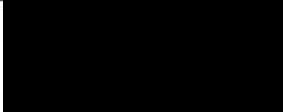

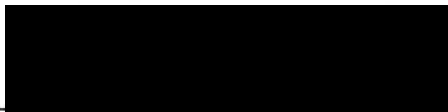
Date 13 JULY 2025

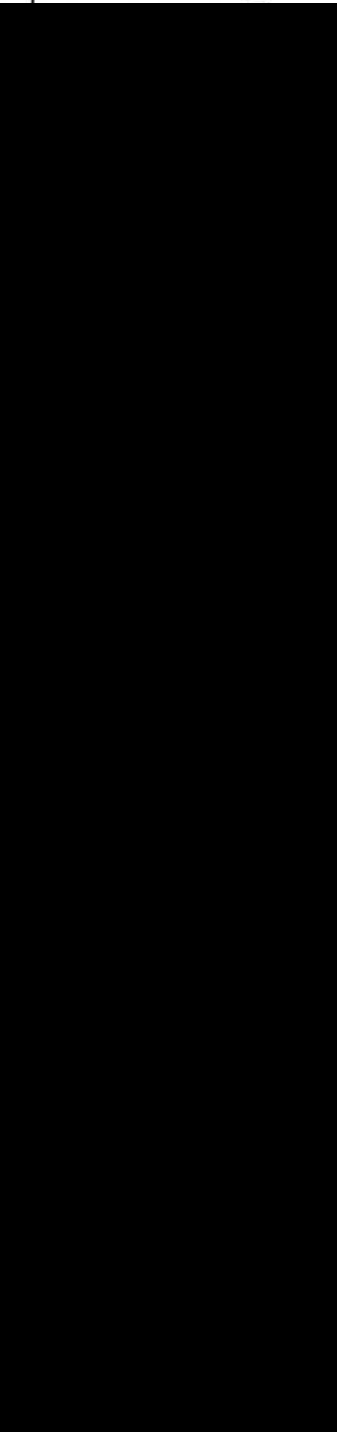
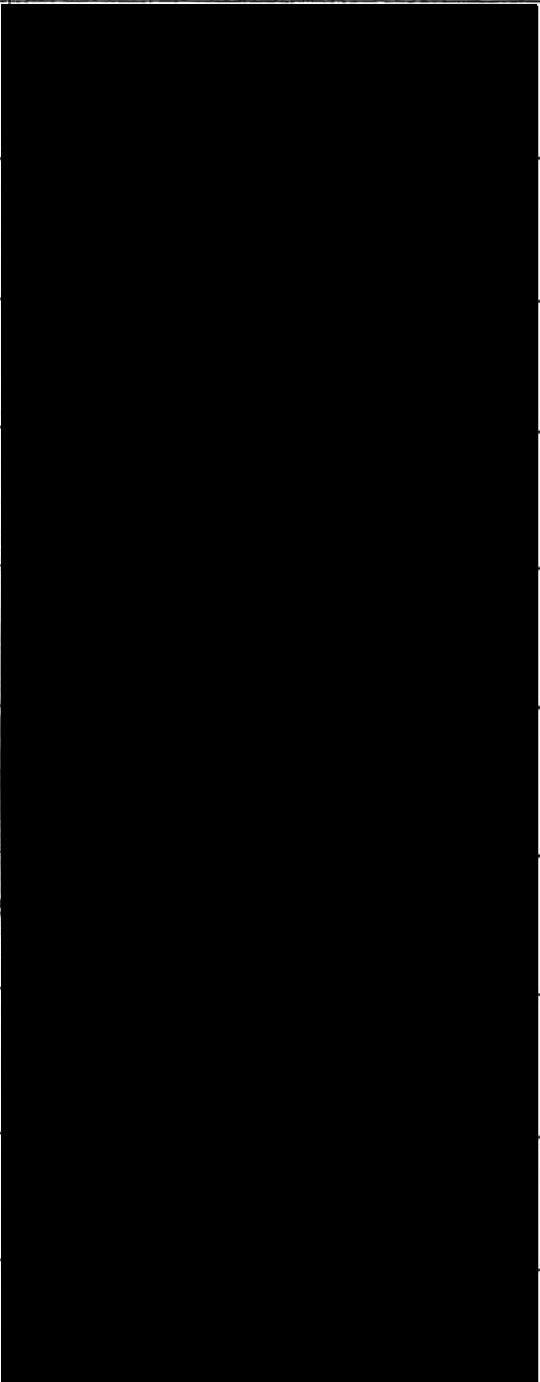



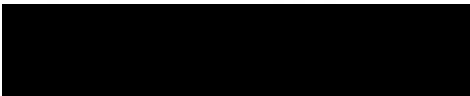
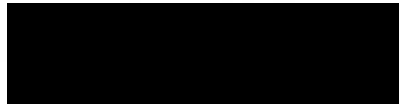


East Lothian Council
Licensing
22 JUL 2025
Received

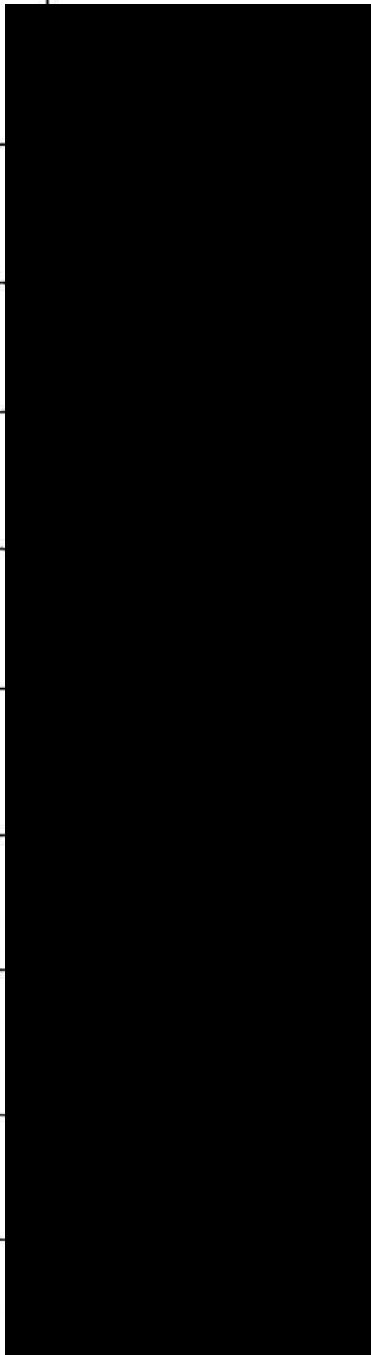
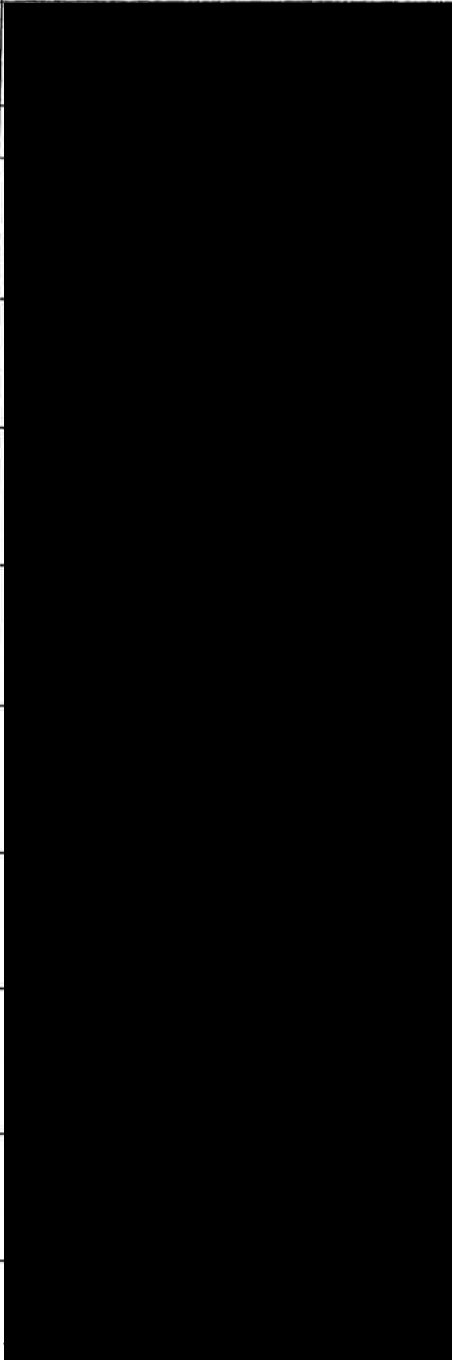
NAME	DATE	SIGN	ADDRESS	PHONE
Gray	7/11/2025 N			
KIM LWINGSTONE	11.7.2025			
FRANK SCOTT	11.4.25.			
SHEILA MCLEOD.	11/7/25			
DEAN HARVEY	11/7/25			
ELISSA.	11/7/25			
LORRAINE BARNES	11/7/25			
David Phillips	11/07/25			
Susan Simpson	11/7/25			
DP Jones	11/7/25			

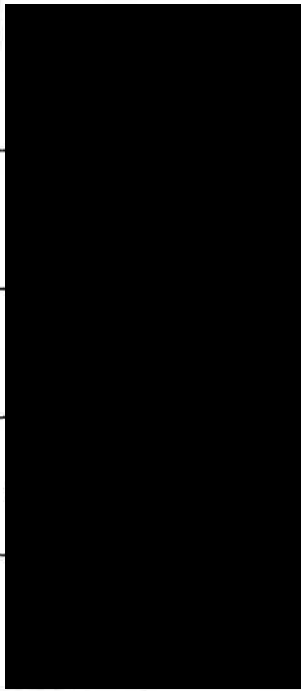
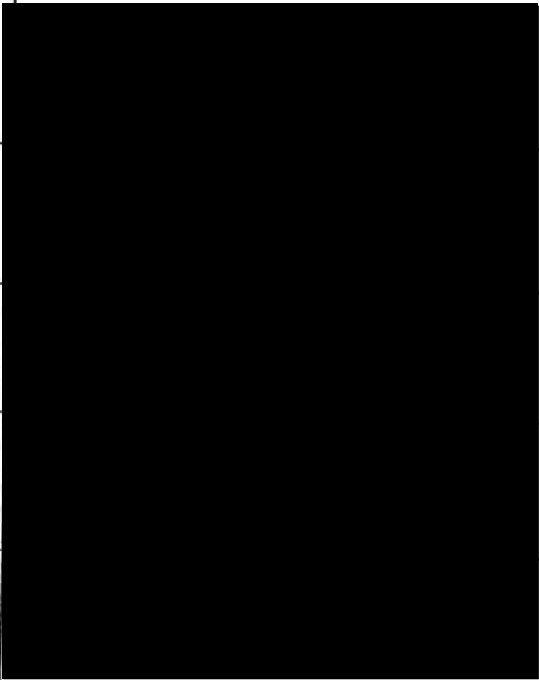
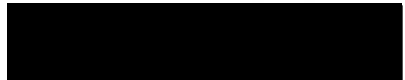


NAME	DATE	SIGN	ADDRESS	PHONE
M L ADE	11-07-25			
G Walters	11-07-25			
C Glen	11-7/25			
J. BALFOUR	11-7-25			
C. Mooney	11-7-25			
C. McFarlane	11-7-25			
C. Curren	11-7-25			
S B Cunnell	11/7/25			
D Hunter	11-7-25			
	11-7-25			

NAME	DATE	SIGN	ADDRESS	PHONE
Matthew	11/08/23			
SANDRA CARRION	11/08/25			
LEE SKED	11/7/25			
Marcis McIntyre	11/7/25			
Owen	12/7/25			
ANDREA	12-7-25			
DIANE PEDEN	12/07/25			
LISA MCLEOD	12/7/25			
Chris Wilson	12/7/25			
JOHN BONGBOS	12-7-25			

NAME	DATE	SIGN	ADDRESS	PHONE
Andrew Patton	12/2/25			
David Henratty	12/7/25			
Frank White	13/7/25			
P. Clarke	16/7/25			
D. Matedl	16/7/25			
P. Paves	17/7/25			
J. Allison	17 2 2125			
T. Nisbet	18/07/2025			

NAME	DATE	SIGN	ADDRESS	PHONE
Lauren Anderson	11/7			
Andrew Hosie	11/7			
VICTORIA BLACK	11/7			
Ryan Brown	11/7			
Laurie Devlin	11/7			
D HALLY	11/7			
Tracey Morrison	11/7			
Sammy McGARR	11/7			
Anna Heegan	12/07/25			
 SCOTT GRANT	12/7/25			

NAME	DATE	SIGN	ADDRESS	PHONE
GILLIAN ANDERSON	12.7.25			
DARRIN DAVIDSON	12.7.25			
GORDON COLE	12 7 25			
GARY DAVIES	12/07/25			
Mawreen Johnstone	12/27/25			
Siobhan Neill	12/7/25			
Petrina Bennett	12/7/25			
JOHN STEWART	12/7/25			
Chloe Gambin	12/7/25			
DEBBIE MILNE	12/7/25			

NAME	DATE	SIGN	ADDRESS	PHONE
J.M. ELLIOT	12/7/25			
R. ELLIOT	12/7/25			
P. KEYNOLDS	12.4.25			
SAUDRA CARRION	12.7.25			
Jaswinder Singh	21/7/2025			

O'Reilly, Arlene

From: Jacqueline Campbell [REDACTED]
Sent: 24 July 2025 14:30
To: Licensing
Subject: Licensing permission 170 New Street Musselburgh

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To Whom It May Concern

I am writing to object to the granting of a 10-10 license of alcohol off sales at 170 New Street Musselburgh.

I feel there is a saturation of alcohol selling convenience stores in Fisherrow and am concerned at the impact with youth anti social behaviour and the proximity to the harbour/ pier where there is already and ongoing health and safety issue within the younger population.

Thank you for considering my concerns.

Jacqueline
Jacqueline Campbell

Herkes, Gillian

From: Lauren Burr [REDACTED]
Sent: 25 July 2025 00:00
To: Licensing
Subject: Ref: CG/mjw/EN/L/L1

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

Dear Carlo Grilli,

Please find below my concerns/objections for consideration in respect of the variation to a premises license for Usave Edinburgh Limited (formerly Fisherrow Tap):

- Over provision of similar shops in the area.
- Selling alcohol - potential issue with attracting anti-social behaviour/public nuisance (which is already an issue in Musselburgh, particularly on the high street) to an otherwise quiet residential area.
- Potential late hours causing disturbance.
- Lane at side of property is an open area for people to gather.
- Parking issues (already limited for residents)
- Difficult for current households without transient cars stopping.

Kind regards,

Lauren Burr
[REDACTED]

East Lothian Council
Licensing

16 JUL 2025

Received



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


14th July 2025

Ref: CG/mjw/EN/L/L1

**Re: LICENSING (SCOTLAND) ACT 2005, APPLICATION FOR VARIATION
(MAJOR), PREMISES – FISHERROW TAP (FORMERLY HOLE IN THE WA) 170
NEW STREET, FISHERROW, MUSSELBURGH, EAST LOTHIAN, EH216BZ,
TYPE—OFF SALE**

Dear Sir/Madam

We wish to lodge an objection to this application for the following reasons:-

There has been a public house on the site for over 125 years. However, anyone drinking did so inside under the landlord's supervision and any off sales were similarly monitored. Changing the selling of alcohol from a public house to a convenience store radically changes how alcohol will be sold. This will open up the possibility of increased drinking on the street. 

New Street by its nature is normally rather a quiet street and away from the main shopping area. Given the problems with anti social behaviours often through drink and drugs, this store may encourage mainly young people to believe alcohol can be obtained more readily because it is situated away from the from the main High Street.

To add to this a store here would be a particularly attractive target for this behaviour as it is also located close to the beach and harbour (both only a few hundred yards away) and popular gathering points for groups of young people.

During spells of good weather we have noticed an increase in groups of young people gathering in these areas, often arriving by bus. It would be naive to believe that they would be unable to find ways to access alcohol from this locale or that it wouldn't be seen as a

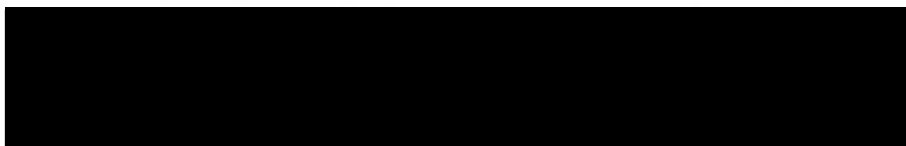
draw. An example perhaps would be persuading a slightly older member of the group being of legal age to make the purchase.

There are also very evident signs of increased anti social behaviour. Watt's Close which is now often littered with cans, bottles vapes etc. and indeed vomit, and we find this is spreading further around the area. Groups of young people often gather, sitting drinking on walls, running around the harbour. which is alarming. Later in the evening they often become louder, more belligerent and this can leave them open to harm.

It is a sad fact is that our police service is understaffed and cannot attend every request. Another source of alcohol provision may only increase the pressure on their already limited time.

We fear granting this particular licence will have an adverse effect not only on the town but on health and safety of young people who not only live here but who arrive from other areas.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Ronnie Elliot

Janet M Elliot

Licensing

From: irenetait [REDACTED]
Sent: 21 July 2025 09:07
To: Licensing
Subject: Licence 170 New Street.EH21 6BZ

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Carlo Grillo
Clerk of Licensing Board
Ref.CG/mjw/EN/L1
John Muir House
EH41 3HA

I think it would be detrimental [REDACTED]

[REDACTED] residential area family's with young children and grandchildren

As you will hopefully , be aware . Musselburgh as a town has at present the highest rate of antisocial behaviour.
in East Lothian.

It is a known fact the Police have concerns about the town at the moment.

In the main it is the High Street ,the Harbour and beach area.

Our biggest concern is firstly the young people who come down to the beach with alcohol ,dive off the harbour come up under the boats. It is very worrying and dangerous for them and, consequently their family if horrendous outcomes.

So, I would not encourage yet another
Off Licence in this area. Which is located one minute from the beach.

I Tait.
[REDACTED]

Herkes, Gillian

From: Linda [REDACTED]
Sent: 23 July 2025 13:14
To: Licensing
Subject: Shop in New Street

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

Dear Sir

I would like to object to a licence being given to the proposed new shop in New Street Musselburgh. There is enough anti social behaviour in Musselburgh and I believe that giving this shop a licence to sell alcohol would just make it worse. As this shop will be away from the high street I think it would encourage more young folk to use it to buy alcohol on the way to the beach. [REDACTED]

[REDACTED] There is more than enough shops sell alcohol in Musselburgh we don't need any more.

Yours faithfully
Linda Borthwick