

52745



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

**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

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>	
	<i>Opening time</i>	<i>Terminal hour</i>
<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
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*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.

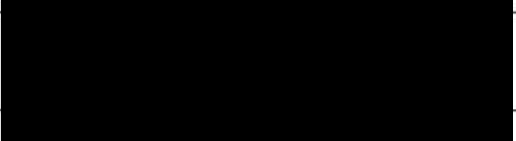
Our client and his staff can react to demand from residents as to particular products that they wish. The benefit of being a local convenience store.

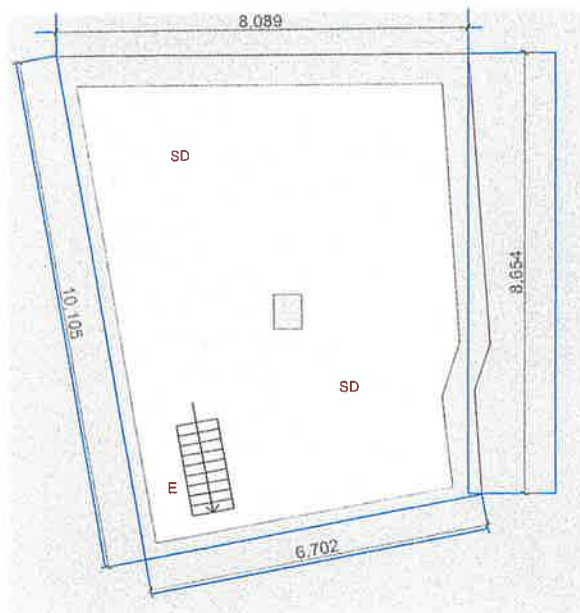
SIGNATURE AND DECLARATION BY APPLICANT

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

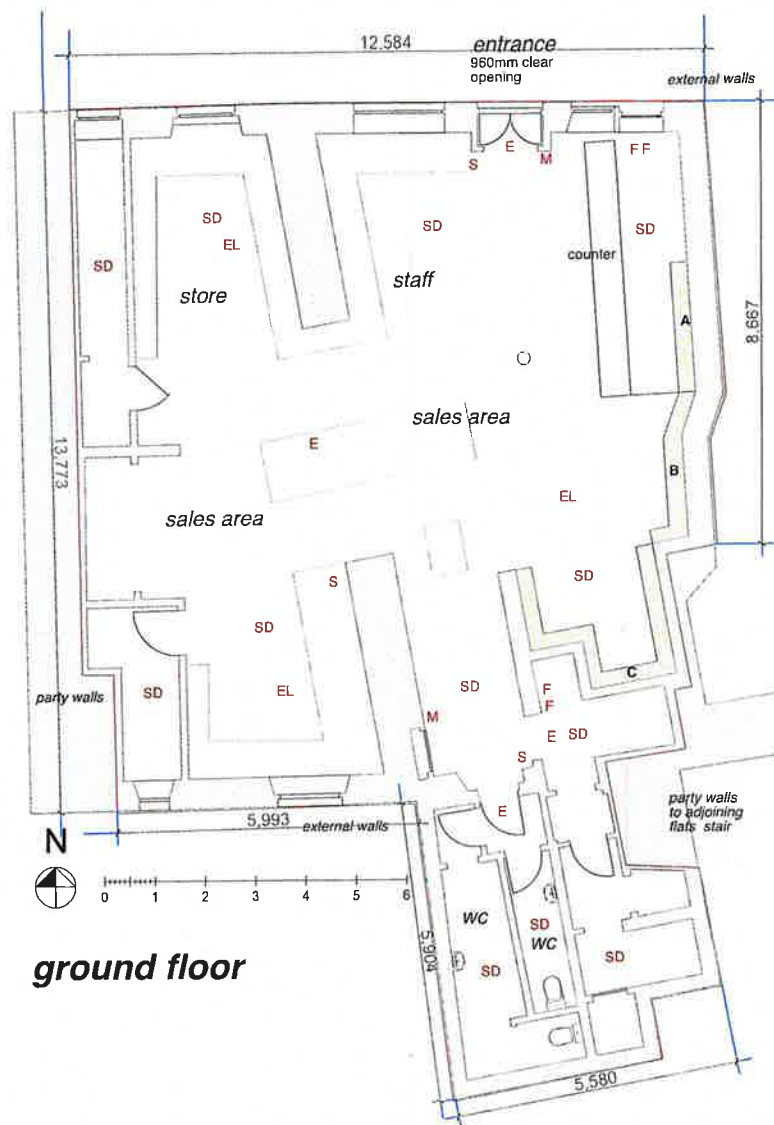
(Criminal Law (Consolidation)(Scotland) Act 1995 Section 44(2)(b))

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

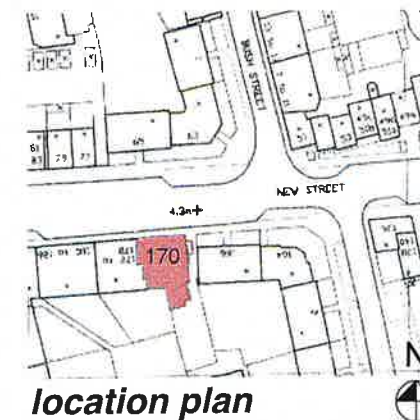
Signature	
Date	20/6/23



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.

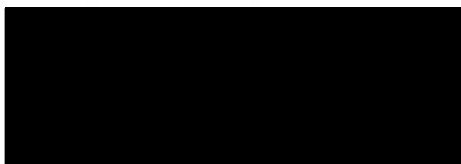
The variation requested consists of

- 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,

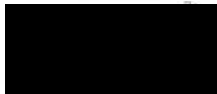
Your application was registered on **15th July 2025**.

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,

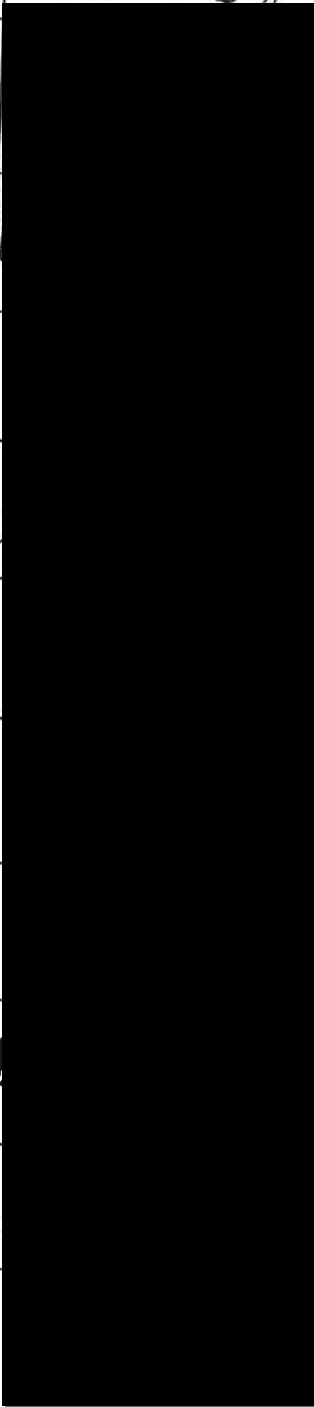
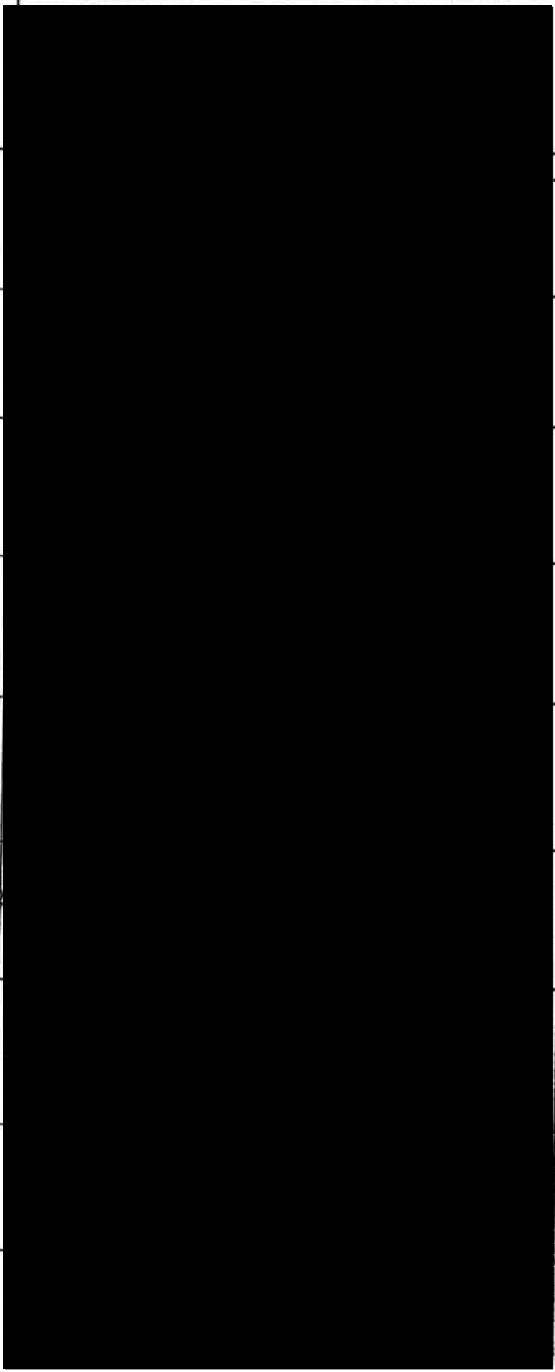
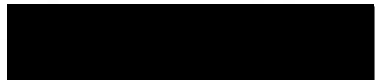
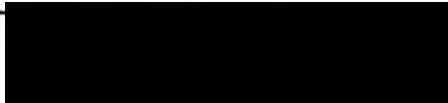
Name NARESH KUMAR

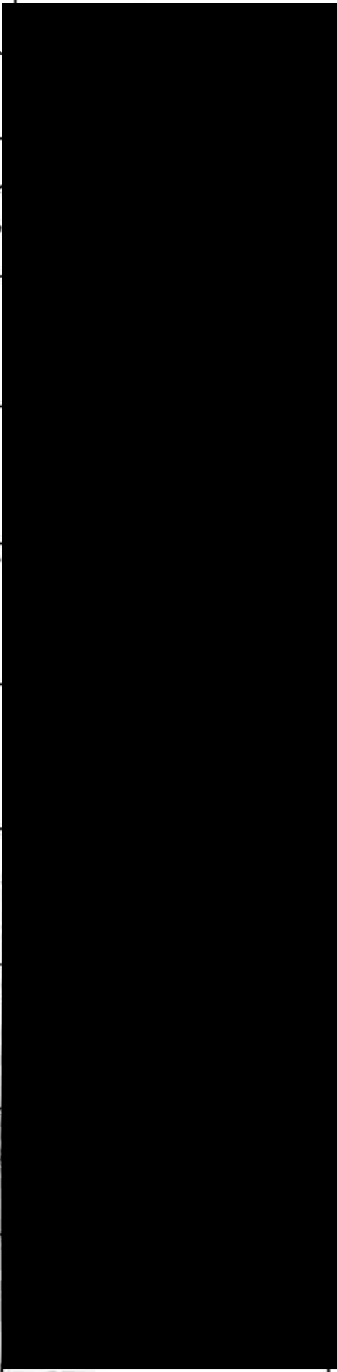
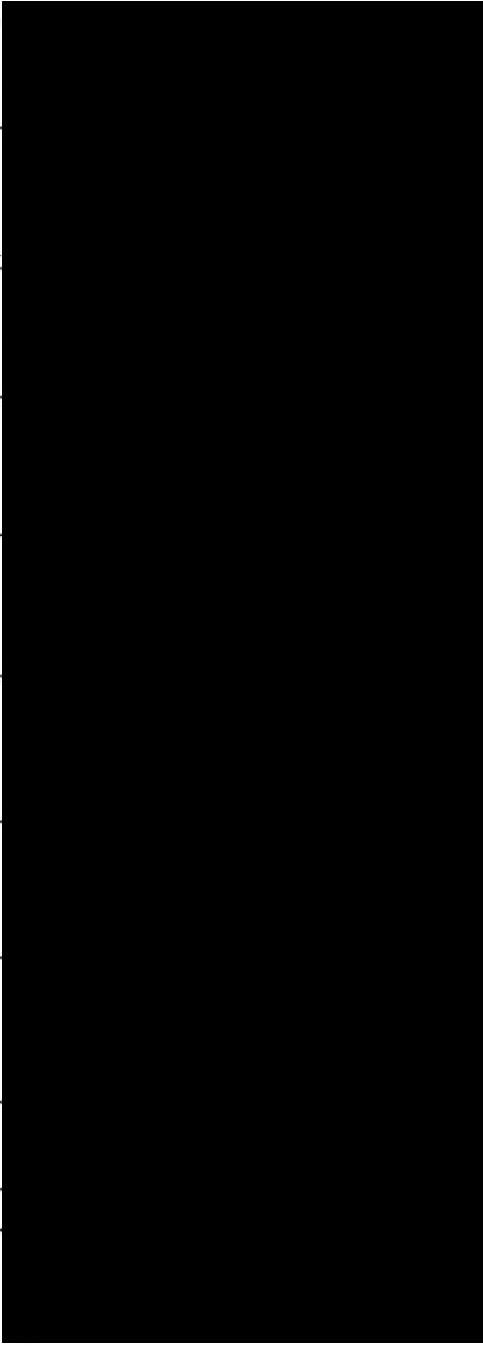
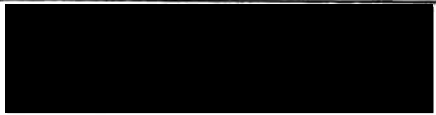

Address [REDACTED]

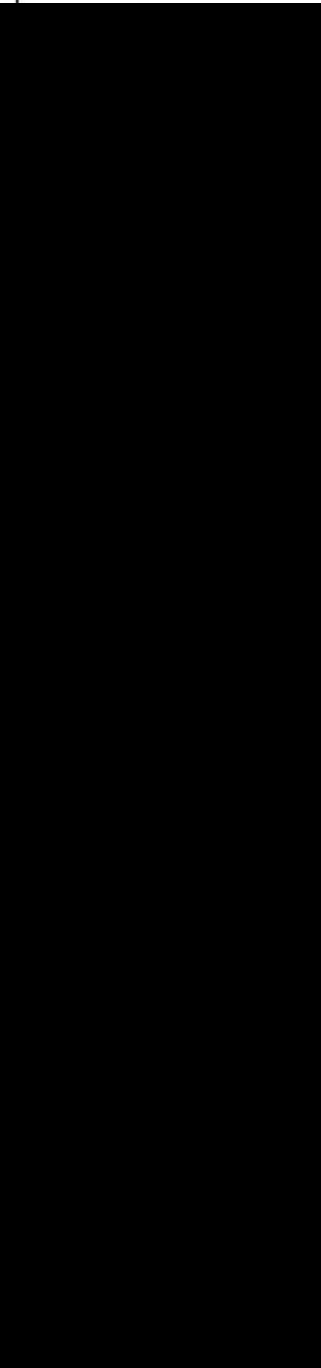
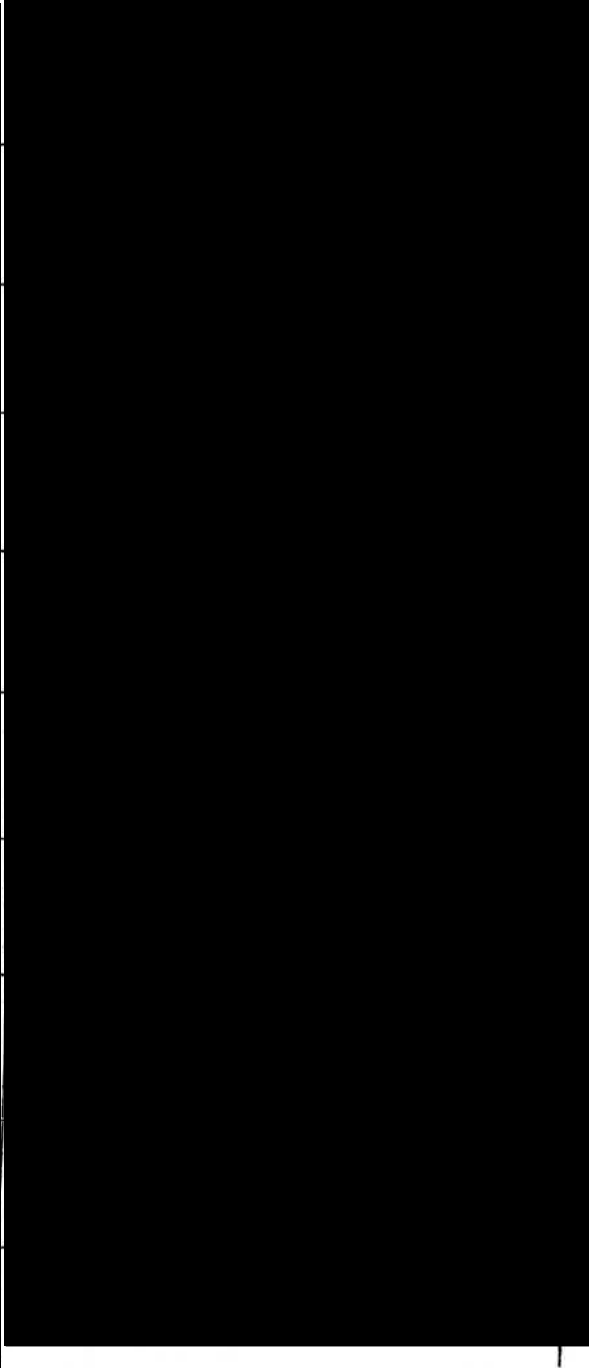

Signature [REDACTED]

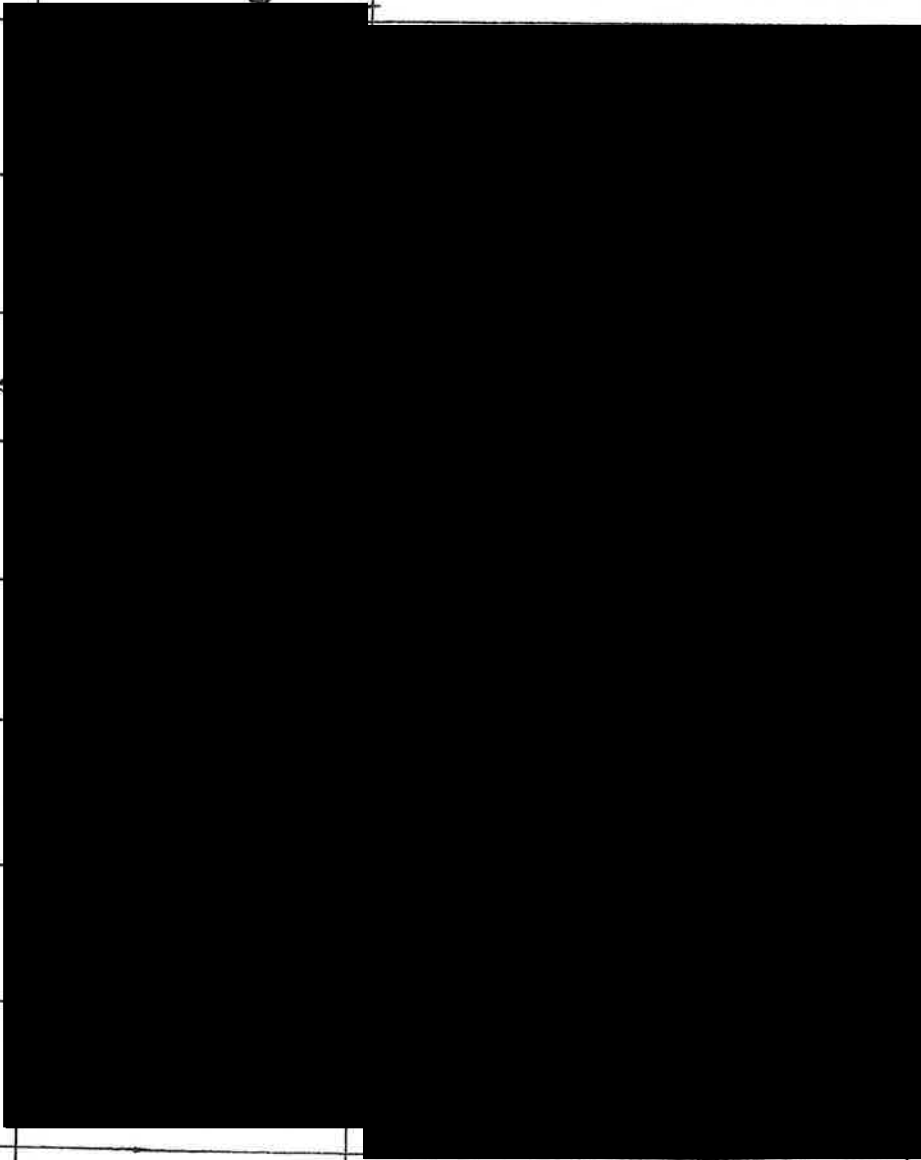
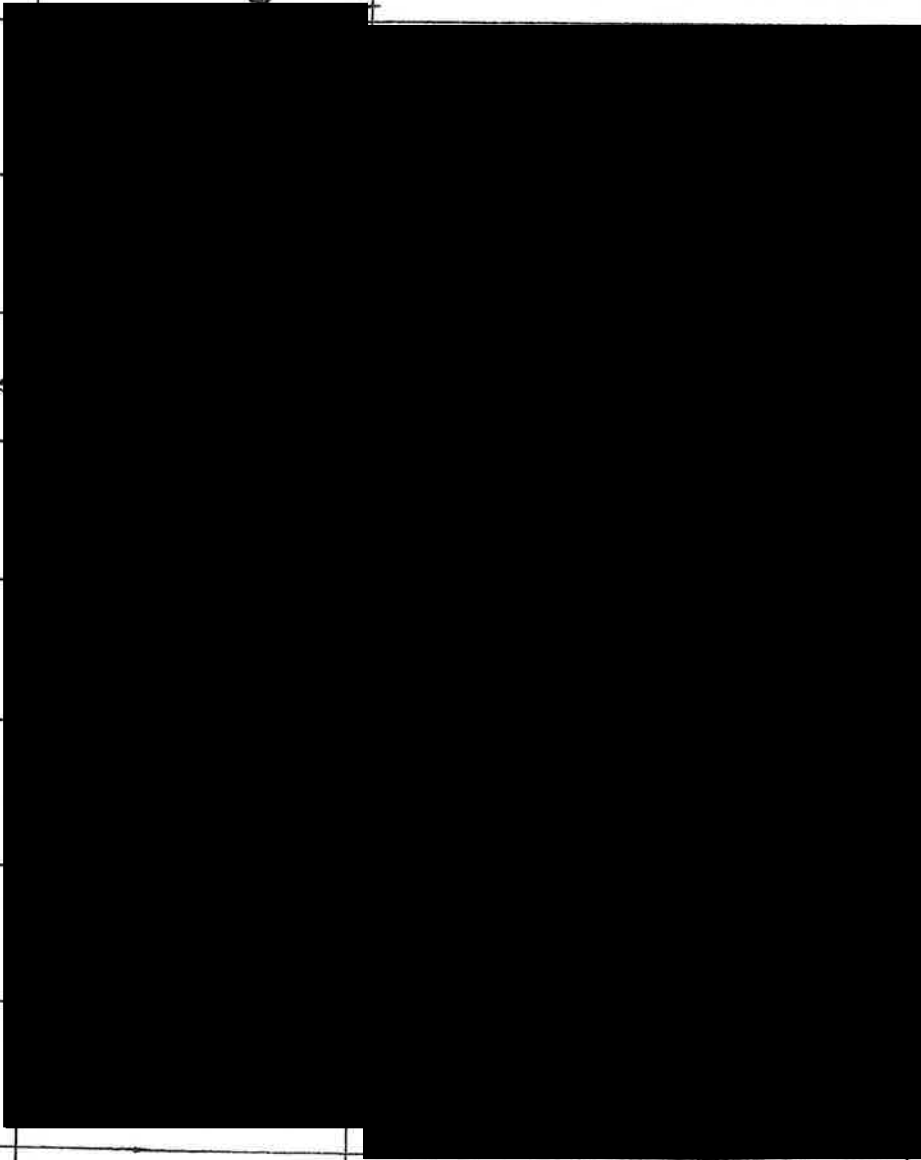
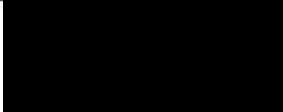

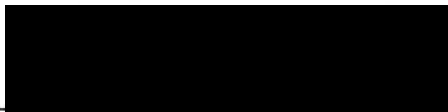
Date 13 JULY 2025

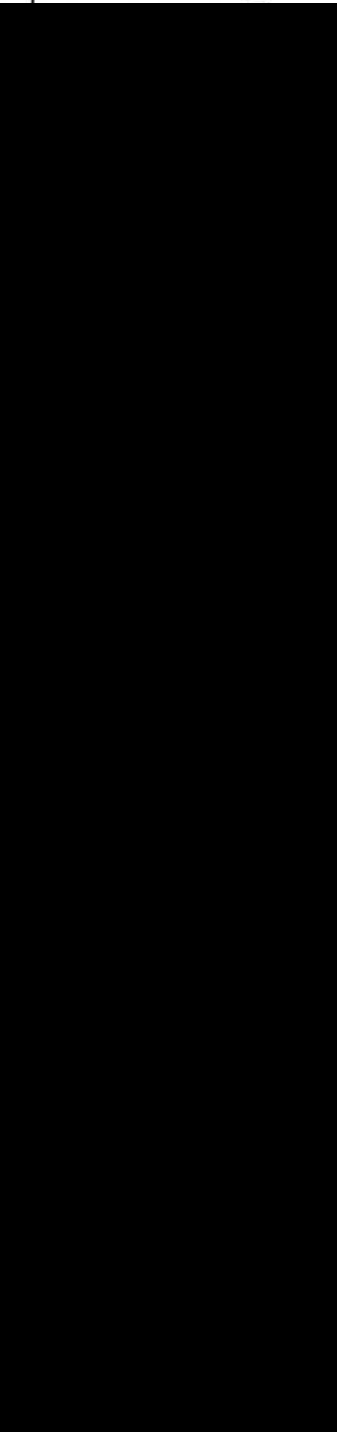
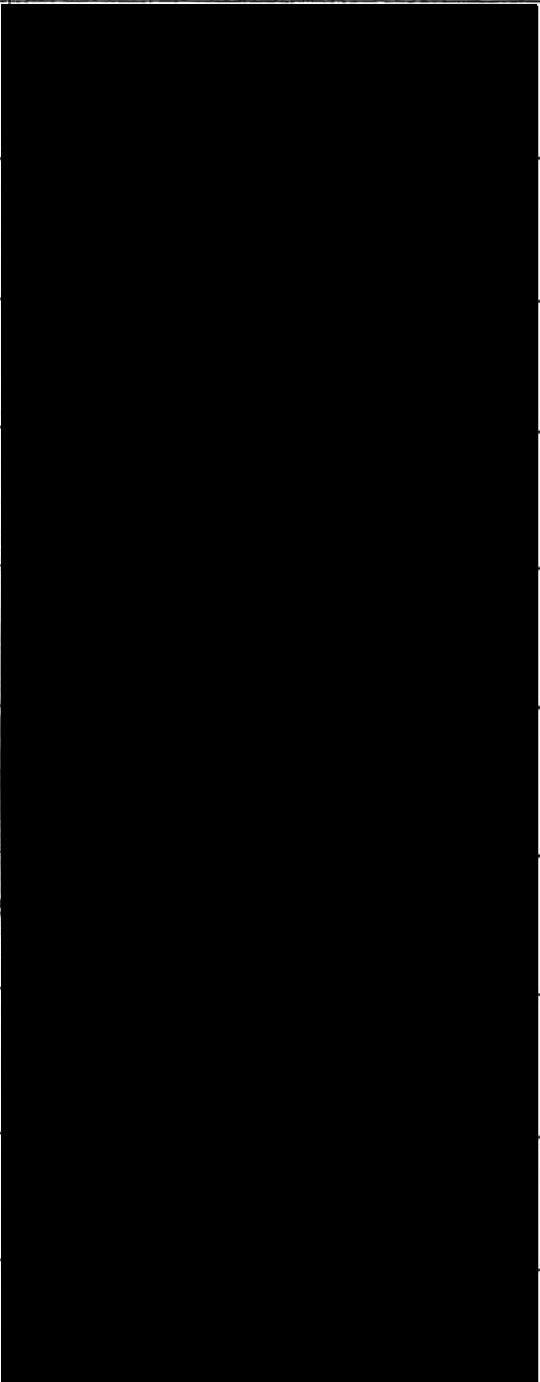



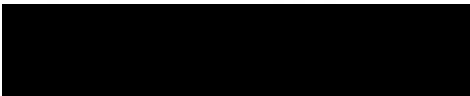
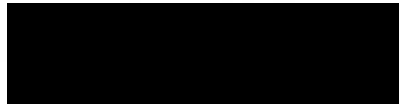


East Lothian Council
Licensing
22 JUL 2025
Received

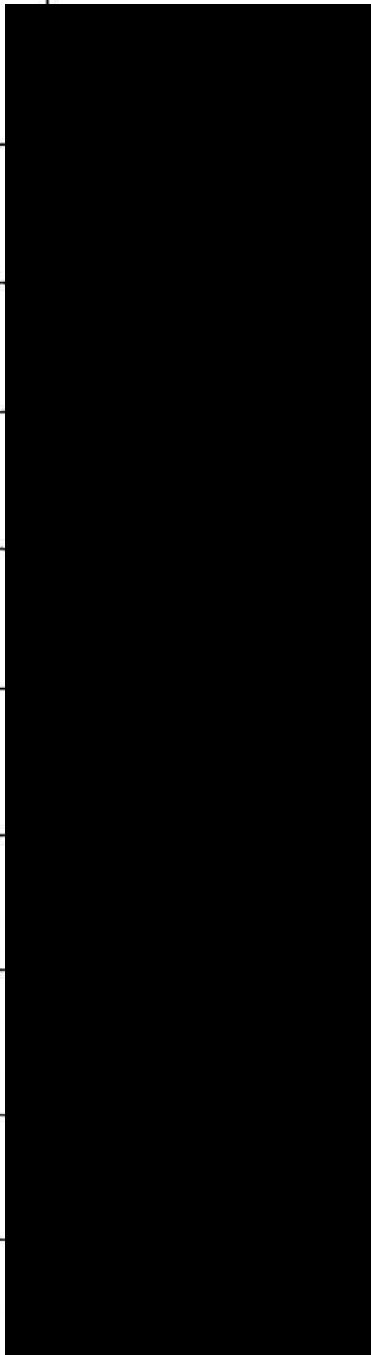
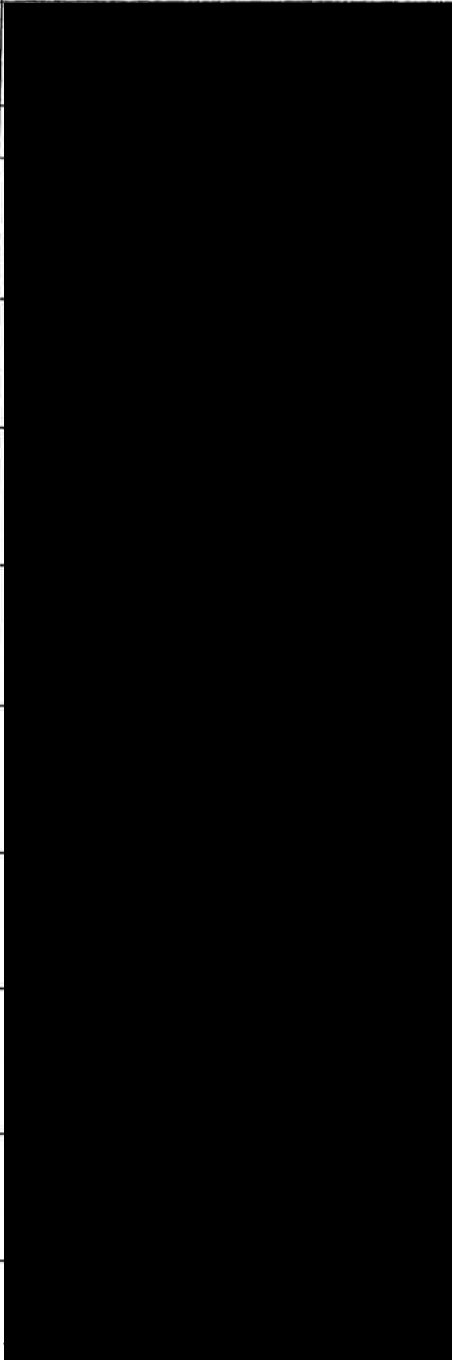
NAME	DATE	SIGN	ADDRESS	PHONE
GARY	7/11/2025 N			
KIM LINDBERG	11.7.2025			
FRANK SCOTT	11.4.25.			
SHEILA MCLEOD.	11/7/25			
DEAN HARVEY	11/7/25			
ELISSA.	11/7/25			
LORRAINE BARNES	11/7/25			
David Phillips	11/07/25			
Susan Simpson	11/7/25			
DP Jones	11/7/25			

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			
1/4 Allison	17 2 2125			
T. Nisbet	18/07/2023			

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			

[illegible]

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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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

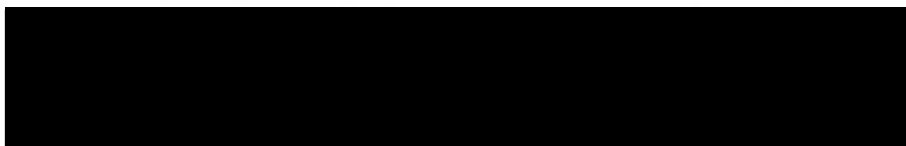
draw. An example perhaps would be persuading a slightly older member of the group being of legal age to make the purchase.

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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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