

EAST LoTHIAN COUNCIL

Licensing Standards

3b

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 25th August 2025

Subject: LICENSING (SCOTLAND) ACT 2005

SECTION 28 – PREMISES LICENCE CEASE TO HAVE EFFECT

EL0322 THE KEBAB MEHAL, HAWTHORN ROAD, PRESTONPANS, EAST LoTHIAN, EH32 9QW

The Licensing (Scotland) Act 2005, section 28(1)(b) & 28(5)(b) provides that if licensed premises in respect of which a premises licence has been issued ceases to be used for the sale of alcohol, then the premises licence ceases to have effect.

Kast Scotland Ltd are the holders of Premises Licence No. EL322 relating to the premises known as The Kebab Mahal, Hawthorn Road, Prestonpans, East Lothian EH32 9QW.

The premises in question were a pub for many years until the licence was surrendered in February 2010. The building was then split into two, with a dance studio on the ground floor and a children's' play centre upstairs. When the dance facility fell through Kast Scotland Ltd applied for and was granted a new premises licence in July 2014 in respect of a cafe/bistro facility. This venture never really happened as, after a very short trial run the premises closed and were unused, other than a small part of the ground floor which was leased to a local barber who took up occupancy in November 2015. In 2016 a major variation application was submitted to change the premises into an off sales only premises called Johnnie Cope Convenience Store, however this application was withdrawn prior to hearing.

It appears that it has not been used for the sale of alcohol since the closure of the café/bistro in 2014. It has been used as a boxing gym, hair and beauty salon, dance studio and children's play centre. In 2017 - 2019 it was used by Promethean Mixed Martial Arts, 2019 -2020 a food business operated at the premises for the making of sweets, covid forces a closure in 2020 however the premises was used as a boxing gym and beauty salon. It was then taken over by Forza Fit-In-Fitness in 2021 where it was run as a gym with tanning facilities and children's play centre. It has been now re occupied by Promethean Mixed Martial Arts who opened on 1st May offering three treatment rooms, a physio, café/shop, two training arenas, weights and gym area, along with a reception area. Photos are attached below showing the premises in August 2025.

I have attempted to contact the premises licence holder Kast Scotland Ltd on the phone number supplied however, it appear to no longer in in use. The premises was also sent a letter along with the annual fee reminder in August asking for an update however no reply has been received.

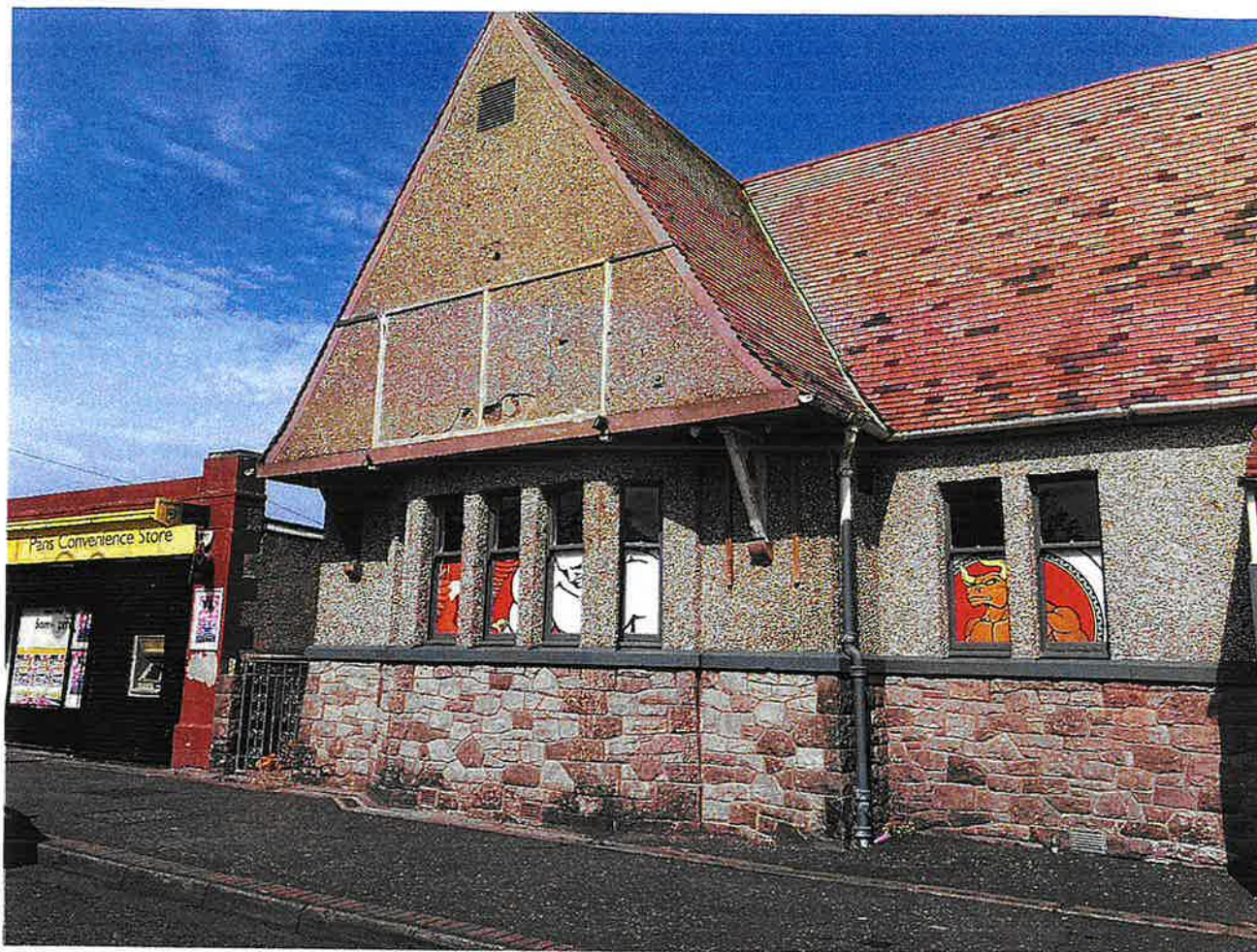
I have spoken to the current tenant, Patrick McKinnon, on the phone. He detailed that he is aware that there is a premises licence however there is no intention to sell alcohol and the current café that is advertised is a breakout area for members and not functioning as a café. It will shortly be changed into a supplements shop.

It is quite clear that in all the circumstance the premises have ceased to be used for the sale of alcohol for over 10 years and there are no plans to sell alcohol. Activities have been taking place at this premises that are not on the operating plan which is a breach of the premises licence condition.

I would recommend that East Lothian Licensing Board note the content of this report and confirms by declaration at the next meeting of East Lothian Licensing Board that premises licence No. EL0322 now ceases to have effect, and that they notify the premises licence holder accordingly.

Licensing Standards Officer





Our Reference: CG/GH

Date: 3 September 2025

Private & Confidential

Kast Scotland Ltd
137 Restalrig Road
Edinburgh
EH7 6HN

Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 28(1)(b) & 28(5)(b)
PREMISES LICENCE CEASE TO HAVE EFFECT
KAST SCOTLAND LTD - EL322, THE KEBAB MEHAL, HAWTHORN ROAD, PRESTONPANS,
EH32 9QW**

The Licensing Board, has resolved to hold a review hearing, in terms of Section 28(1)(b) & 28(5)(b) of the Licensing (Scotland) Act 2005, **on the following grounds:- The Licensing (Scotland) Act 2005, Section 28(1)(b) & 28(5)(b) provides that if licensed premises ceases to be used for the sale of alcohol, then the premises licence ceases to have effect. In addition following a report from the Licensing Standards Officer the board will consider the premises licence in term of Section 28 of the Act.**

The Review Hearing will be heard at the next meeting of the Licensing Board to be in the Council Chambers, Town House, High Street, Haddington or by Hybrid System at 10.00am on **Thursday 25th September 2025.**

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

The Licensing Board has asked the Licensing Standards Officer to prepare a report into this matter for their consideration at the Hearing.

A copy of the report is included with this letter. Details of the Board hearing and agenda will be sent to you in due course.

Yours sincerely

Carlo Grilli
Clerk to the Licensing Board

Direct Dial : 01620 827664
E-mail : licensing@eastlothian.gov.uk