



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

**THURSDAY 28 AUGUST 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

Board Members Present:

Councillor C Cassini
Councillor F Dugdale
Councillor N Gilbert
Councillor G McGuire
Councillor J McMillan (Depute Convener)

Clerk of the Licensing Board:

Mr C Grilli

Attending:

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

Committee Clerk:

Ms L Gillie

Apologies:

Councillor L Bruce (Convener)

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.

1. MINUTES FOR APPROVAL
East Lothian Licensing Board, 26 June 2025

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

2a. PROVISIONAL PREMISES LICENCE
Herd Café, Balgone Barns, North Berwick

Niall Hassard and his client Alex Humphreys attended and firstly addressed the objection from the NHS. Mr Hassard stated that there was no mention of what the concerns were or what the negative impact would be. He continued by saying that they hold a wide range of events to support the farm but that previously all events have been held outdoors, this being changed with the Herd Café. Mr Hassard referred to a farm to fork ethos and that the licence would enable events such as small weddings to take place and a move to evening events. He advised that people are more likely to have a meal with a drink being an addition and that the application was within policy. Finally, he noted that there were no objections from Police Scotland, the Licensing Standards Officer or the Community Council.

PC Iain Anderson from Police Scotland stated that there were no adverse comments.

The Licensing Standards Officer advised that the applicant had sought advice early and that there had been no problems with the application. She also noted that there had been occasional licences in use with a personal licence holder being brought in.

Councillor Dugdale noted that the NHS objection was very general and asked for a more detailed response from the NHS in future. Carlo Grilli, Clerk to the Licensing Board, agreed to take this as an action.

Sederunt: Councillor Cassini joined the meeting.

In response to questions from Councillor McMillan Mr Hassard stated that they would get the right professionals in. Mr Humphreys added he was keen to widen the events while integrating with the farm and incorporating produce from the local economy. He concluded by saying that around 20% of visitors are from East Lothian.

Members echoed Councillor Dugdale's comments about the NHS objection and stated that they were happy to support the application.

The Convener moved to the roll call vote and noted that Councillor Cassini would not be able to vote as she had not been present for the whole application.

Decision

The Board unanimously agreed to grant the Provisional Premises licence

2b. PROVISIONAL PREMISES LICENCE
92 North High Street, Musselburgh

Alistair Macdonald and his client Pawan Kumar Khadka attended. Mr Macdonald stated the shop has been in same ownership for 20 – 25 years and that the current owner uses the facilities in the flat above which he also owns. He explained that the reason for the provisional licence was due to the applicant needing to install a toilet and basin in the shop. Mr Khadka wants to lease the shop and run it as a convenience store, he has two shops in Edinburgh and around 15 years of experience. Mr

Macdonald commented on a shop across the road and said that Mr Khadka felt that he could provide a better service and that there will be a large range of products, including newspapers. The Licensing Standards Officer's comments were then mentioned with Mr Macdonald saying that there are two other shops in North High Street as well as a petrol station and major operators further away. Mr Macdonald stated that this store would serve people who walk to it and mentioned elderly people and vulnerable people. He then referred to the NHS comments and said that it was to be expected that the number of outlets was above average as Musselburgh is the most populated town in East Lothian. He disagreed with the comments from the NHS and Community Council while noting that there were no individual objections. He stated that his client had a personal licence and was used to Challenge 25. Mr Macdonald concluded by highlighting statistics around deaths from alcohol and stated that young people are drinking less than they did 20–30 years ago.

PC Anderson from Police Scotland stated that there were no adverse comments.

The Licensing Standards Officer stated that she had visited but the current operator was in the premises. She also noted that a toilet needs added to the premises. She commented on 15 similar premises being within 800m of the shop, with three of them being within 400m. She recommended a condition regarding deliveries be added.

In response to questions from Councillor Cassini Mr Macdonald stated that his client has two shops in Edinburgh and that neither shop has ever had any issues with the police. He advised that underage customers or customers who were likely to cause anti-social behaviour would not be served. Mr Macdonald added that there are more checks carried out in smaller shops as customers are known to staff.

Councillor Macmillan asked about how much time Mr Khadka would spend in Musselburgh and about training. Mr Khadka said he has 15 years' experience and that he would be there most of the time as his other shops are well run and he does not need to be there all the time. All staff will be trained by him, and he highlighted that he is not wanting to create any issues for the community.

Councillor Gilbert asked about CCTV and Mr Khadka confirmed cameras will be fitted inside and outside the shop. Mr Macdonald added that the layout of the shop is important to reduce instances of theft and that cameras outside are important to pick up adults buying alcohol for underage or those who are banned.

Members commented that they were reassured and that their concerns had been addressed with Councillor Macmillan describing Mr Khadka as an experienced and focused manager and Councillor Dugdale noting a sense of detail and quality. They stated they were happy to support the application.

Decision

The Board unanimously agreed to grant the Provisional Premises licence subject to the following condition:

- 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.

3a. MAJOR VARIATION Co-op, 2b Elcho Road, Longniddry

Lewis Barn, solicitor, attended remotely and stated that the Co-op was gradually rolling out home deliveries across Scotland. He added that nine stores in East Lothian have deliveries in place with Challenge 25 implemented at the point of delivery. This would be the tenth store to be compliant with the 2005 Act. Mr Barn advised that alcohol was never left in a safe place and would always be delivered to a person. Staff have 2 hours mandatory training, and any third-party drivers used would be trained to a level that the Co-op was happy with.

PC Anderson from Police Scotland stated that there were no adverse comments.

The Licensing Standards Officer highlighted that the Co-op's delivery policy was included in the papers and confirmed this was in line with the Board's statement of policy. She added that the same condition as the previous application would apply.

In response to a question from Councillor Gilbert Mr Barn stated that deliveries would be dispatched from the nearest store and that this would ideally only be within East Lothian but that they can go further. He added that this was part of the store's current sales and that as it was not a large store, they had capacity for one or two deliveries per hour. A Click and Collect service is not planned.

Councillor MacMillan stated that he was minded to grant the application subject to the Licensing Standards Officer's condition.

Decision

The Board unanimously agreed to grant the Major Variation subject to the following condition:

- 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.

3b MAJOR VARIATION

The Cheese Lady, 3 Court Street, Haddington

Svetlana Kukharchuk attended and explained that she wanted to change the micro café to additional retail space and to provide complimentary products to go with their farmhouse artisan cheeses.

PC Anderson from Police Scotland stated that there were no adverse comments.

The Licensing Standards Officers advised that the applicant made the application for a major variation after being found to be non-compliant in terms of home deliveries and the capacity within the store. She also commented that the layout plan was very unclear, and that guidance was given. She added that a condition in relation to deliveries would apply but that it was unclear if alcohol would be delivered on its own or as part of a delivery with other products.

Ms Kukharchuk confirmed that the deliveries would be within licensing hours and that alcohol would be an additional item to other products with no alcohol only deliveries.

The Licensing Standards Officer highlighted that guidance had been given on orders through a website as no payment should be taken out with the licensed hours.

Members commented that they were happy to support the application with Councillor McGuire calling it an excellent addition and Councillor MacMillan saying he hoped the partnership with the Licensing Standards Officer continues if there are any concerns.

Mr Grilli, Clerk of the Licensing Board, clarified that the application currently states deliveries between 6am–12am and that this needs to be changed formally when the licence is issued to deliveries between 10am–6pm.

Decision

The Board unanimously agreed to grant the Major Variation subject to the following condition:

- 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.

3c. MAJOR VARIATION

Bombay Bar and Grill, 227-229 High Street, Prestonpans

Alistair Macdonald and his client Michael Suret Singh attended. Mr Macdonald began by stating that they accepted the Licensing Standards Officer's condition on deliveries. He continued by saying that it was a large building which needed to be made a destination, and that there had been a positive response. He added that changes had been made but they were limited in what could be done. Mr Singh has another restaurant in Dalkeith and was described as a good host. Mr Macdonald commented Mr Singh knew everyone who came into the premises which is now a restaurant first and foremost. Mr Macdonald addressed the public objection regarding smells by stating that the premises had always provided food but that this was an environmental services matter not a matter for the Licensing Board. Regarding deliveries he noted that this would be no different as there had always been deliveries made to the premises.

PC Anderson from Police Scotland stated that there were no adverse comments and advised that Mr Singh has premises in Dalkeith and that there have been no issues.

The Licensing Standards Officer stated there were no comments other than the condition on deliveries which had already been accepted

In response to questions from Councillor Gilbert Mr Macdonald stated that music is at a level suitable for a restaurant to enable guests to have a conversation. In relation to parking there is a car park across the road which guests can use. He added that they would always be happy to arrange taxis and that there have been no complaints. Mr Singh was described as extremely proactive willing to meet with people to deal with any complaints should there be any.

Mr Singh added that he wants to create in Preston Pans what they already have in Dalkeith. The premises has a total of 250 seats. They are not doing deliveries at present, but they have a good process at Dalkeith. They have eight cameras on the ground floor and four to six cameras will be installed upstairs. Mr Singh continued by saying that there are car parking spaces on the street and three entrances for deliveries. He concluded by saying that they have spoken to the neighbours, and they are happy to have the building open.

Councillor Gilbert commented that he valued new business and was happy to support the application. Councillor Macmillan commented on the quality of the business and the good communication.

Decision

The Board unanimously agreed to grant the Major Variation subject to the following condition:

- 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.

3d. MAJOR VARIATION Fisherrow Tap, 170 New Street, Musselburgh

Alistair Macdonald attended along with the applicant, the owner and Kevin McLelland from Cost Cutter. Mr Macdonald stated that a convenience store would be useful for elderly and vulnerable residents. He commented on the two shops on North High Street and other stores such as the service station, and larger retailers. He said that he thought the stores on the High Street have a different customer base. He added that New Street is a little community and that he had expected the objections to be for the previous application. Mr Macdonald said that he would not repeat his presentation from the previous application and noted that building warrant would be needed for change of use. Commenting on the objections Mr Macdonald said that he was surprised how many people had an issue with application and that Mr Kumar is an owner of a shop on the High Street and that this was a trade objection. He added that he felt the petition was not valid as it did not contain names and addresses. In relation to the NHS, Community Council and other individual objections Mr Macdonald highlighted that there had been a pub on the site for 125 years and that this would have more potential for disturbances than a convenience store. He advised that his clients were aware of the previous application (92 North High Street, Musselburgh) and that they did not see this as an issue and have a good relationship with the applicant and that Cost Cutter are very supportive of his clients.

PC Anderson from Police Scotland stated that there were no adverse comments.

The Licensing Standards Officer gave a summary of the history of the premises and stated that it had closed in 2023. She advised that the change of name for the premises would come about at the same time as appointing a premises manager. She concluded by noting that there are 14 similar premises and that three of these are within 400m and added that a condition of deliveries would apply.

Mr M Joshi who was representing Mr Naresh Kumar, who had made representation, spoke to say that Mr Kumar was not able to attend as he had to go to India. He stated that the Mr Kumar's objection was based on the potential impact on Mr Kumar's business and the sale of alcohol.

In response to questions from Councillor McGuire Mr Macdonald advised that the lane at the side of the property would be covered by CCTV. He added that they will work with the residents as a problem for the residents is also a problem for them. Mr Macdonald also stated that in relation to parking this is not a store that people are likely to drive to but if they do, they would be popping in for five minutes.

In response to a question from Councillor Macmillan the applicant advised that they would have a locked area for alcohol and that CCTV will be in operation both inside

and outside the store. He added that staff will be trained mostly by Macdonald licensing, that all refusals will be recorded and that there will be no irresponsible selling. The store will have regular customers, and it is not their intention to impact on other businesses.

Members commented that having a wider variety of goods for sale would be a benefit and Councillor Dugdale stated she was reassured with the information given about CCTV and training. Councillor Macmillan noted that while there were comments from the community on anti-social behaviour there were none from Police Scotland.

Councillor MacMillan stated that the economic development team would be willing to meet with small businesses.

Decision

The Board unanimously agreed to grant the Major Variation subject to the following condition:

- 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.

Signed

Councillor J McMillan
Depute Convener of East Lothian Licensing Board