

EL 423



East Lothian Council
Licensing *Police*
- 1 SEP 2025 *via NIS*
Received *LSO Planning*
ENTS

Rateable value. Category 2

APPLICATION FOR PREMISES LICENCE / *dunbar* PROVISIONAL PREMISES LICENCE*

LICENSING (SCOTLAND) ACT 2005, SECTION 20

*Delete as appropriate

Board 30/10
Advert 11/9 5
Objection 2/10

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

Sweet and Smoky

17 West Port

Dunbar

EH42 1BT

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.

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.

The K.C Empire Ltd

29 Torrance Row

Edinburgh

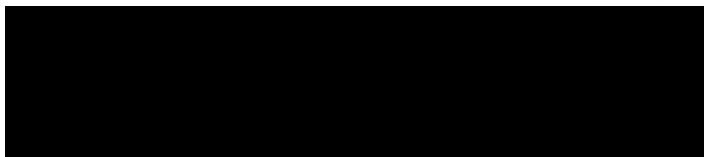
EH17 8ES

Company Number SC724500

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.*

Samrat Khatri Chhetri



* 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

- (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)

Restaurant premises located on the ground floor of a three storey
building on West Port, Dunbar.

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 1/9/25

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.

For use by the Licensing Board only Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (INITIALS)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

For use by the Licensing Board only If application is for a Premises Licence – Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

For use by the Licensing Board only If application is for a Provisional Premises Licence Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Sweet and Smoky
17 West Port
Dunbar
East Lothian
EH42 1BT

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

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>	12noon	9pm
<i>Tuesday</i>	12noon	9pm
<i>Wednesday</i>	12noon	9pm
<i>Thursday</i>	12noon	9pm
<i>Friday</i>	12noon	9pm
<i>Saturday</i>	12noon	9pm
<i>Sunday</i>	12noon	9pm

Question 3

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

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	12noon	9pm
Tuesday	12noon	9pm
Wednesday	12noon	9pm
Thursday	12noon	9pm
Friday	12noon	9pm
Saturday	12noon	9pm
Sunday	12noon	9pm

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES
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**If YES – provide details*

Would like to take advantage of any General Extensions granted in East Lothian, or Dunbar in particular, including Christmas/ New Year, and the Fringe by the Sea.

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>	Yes	Yes	Yes
<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>	Yes	Yes	Yes
<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) <i>Activity</i>	<i>Please confirm</i> 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) <i>Activity</i>	<i>Please confirm</i> 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.

Activities may take place with the benefit of an Extension of Permitted Hours and may apply during periods of General Extensions during the Festive period for instance.

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>	YES/NO*
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	YES/NO*
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**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 and young persons will be welcomed. Children will require to be accompanied by an adult. Young persons may be unaccompanied.

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 10pm and young persons by 11pm (to cover any periods of extensions during General or Specific Extensions).

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?

20 people plus 5 staff = 25

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 1/9/25

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.



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

These premises are located on the ground floor of a building on West Port, about 150 metres from Dunbar High Street. It has been lying vacant for a while but may have been a Vets most recently. Our clients obtained Change of Use in 2024 and hope to open their tenants will be able to open their café/ restaurant later this year/ beginning of next year.

The applicants are the landlords, being a father and son team. The father has been involved in the licensed trade himself for many years. The tenant is a company called Sabor Portuguese Limited and the menu will have grilled chicken, ribs, sausage, rump steak, and other side dishes. It will be called Sweet and Smoky. The proposed Manager is Lisa Pereira who has experience at the Bridge Inn in Ratho, Dunstane House in Haymarket, and North Berwick Golf Club. She is self employed and been running a food trailer. Previous to this she worked in Portugal.

The premises will provide a facility for sit in customers, and also a takeaway and delivery service. Our client already has a restaurants in Edinburgh, Falkirk and Bathgate and is familiar with the rules on deliveries.

Hot and cold soft drinks will be available and the Applicant would like to support the tenant in including a range of alcoholic beverages as well, for people to consume both on the premises, perhaps with their meal or snack, or with takeaways and deliveries. Alcohol would only be sold for takeaway/ delivery purposes if with a food order.

ON CONSUMPTION

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

As explained above the operator would like to offer customers who come in to sit down and have something to eat and drink and the option of an alcoholic beverage.

OFF CONSUMPTION

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

Again as explained above the operator would like to be able to offer the option of alcohol, such as wines and beers, being included in a takeaway or delivery service but only if there is food included. The operator would not offer a facility where people could just come in and purchase alcohol.

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:

Restaurant Facilities are very much part of this Application, being a food driven business.

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:

The operator would like to be able to offer a facility for small functions, but this would mean closing the premises to other customers so it is likely to only happen on a few occasions.

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 will be background music. It is not envisaged that there will be Live Performances. They might have a TV showing sport such as golf, tennis, rugby, and occasionally football but they do not wish this to become a destination for football fans! There are plenty of good bars in Dunbar that can provide that facility.

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 business may open at (7am) for breakfasts, snacks, plus takeaways and maybe deliveries. 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:

The business may occasionally allow BYOB functions or evenings.

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.

It is considered that this will be a family friendly business and children and young persons will be welcomed. Children will require to be accompanied by an adult. Young persons, at the discretion of management, may be unaccompanied. It is not envisaged that any activities taking place on the premises that would be unsuitable for children or young persons to be there.

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

This business will be very much a mixture of locals and visitors/ tourists. Our clients will provide a friendly and relaxed atmosphere for them to come and enjoy their food and drink. They will expect customers to behave, and would expect them to do likewise when they leave. (There will be CCTV, which will cover the entrance.) Our clients would not hesitate to notify the Police of any serious disturbances, and to provide access to their CCTV footage.

They will strictly enforce Challenge 25 and will have no hesitation in refusing customers access if they are considered drunk or inebriated, nor anyone that appears under 25 that cannot provide ID.

Securing Public Safety

A substantial refurbishment and fit out will be necessary and this will need a Building Warrant, which will cover many safety aspects for the layout of the premises. The safety of our client's staff and customers are paramount and the layout will take this into account including facilities for ordering a takeaway.

This is a considerable investment for our clients and the newly fitted (bistro) will be maintained to a high standard.

Preventing Public Nuisance

There are residential properties nearby including immediately above and our clients are aware that their amenity should not be disturbed. Recorded Music will be very much background music but if there are any issues our clients will be proactive in working to remedy them, including, if required, with the LSO.

Protecting and Improving Public Health

Our clients are aware of the concern expressed by the Government, the NHS, and Licensing Boards as to the overconsumption and irresponsible consumption of alcohol in Scotland. Our clients certainly do not wish to contribute to this.

They very much want to become part of the Dunbar hospitality scene, and be a magnet for local people to visit and utilise. The only way of doing that is to prove that they are responsible operators, which they have no doubt they will do.

Protecting Children and Young Persons From Harm

As mentioned previously our clients will strictly enforce Challenge 25 and will have an Age Verification Policy. Staff will be trained as to what ID they can accept, how to check it and how to refuse in a polite but firm way.

There will be no activities taking place that would be adverse to the interests of children and young persons being there.

APPLICATION SUPPORTING COMMENTS**Additional Information**

As explained the proposed tenant has considerable experience in the licensed trade and is excited to be opening her own project in Dunbar. She lives in the town and knows the area well. She feels sure that there is a demand for her type of operation.

Supporting Comments

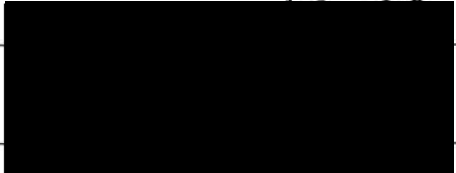
i.e. reasons why the Board should support your application.

This is bringing a property that has been closed for several years, just off the High Street, back into use, to satisfy a demand that our clients consider to be there. They are responsible operators as they have provided in their other business. Whilst the business is food driven the ability to provide the option of an alcoholic beverage to customers sitting in, and to those who want to takeaway or have food and drink delivered, is important. They would ask the Board to support this new business in Dunbar.

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	19/11

Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, alistair@macdonaldlicensing.com

“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.

It should be straightforward for a wheelchair user to obtain access here. The door is quite narrow but certainly access should be possible with care, and assistance will be available. A copy of the entrance is attached. There is no step.

Question 3

Facilities available

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

Once inside there should be plentiful space for a wheelchair user to be shown to a table where there will be table service of course. As will be seen from the plan there is an accessible toilet near the front of the premises.

Our client wishes to provide a facility for visitors and tourists, but also for locals and would not wish access restricted for anyone, whether it be due to mobility, sight, hearing etc. Guide Dogs will be permitted.

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 1/9/25

Capacity APPLICANT/AGENT

Telephone number and email address of signatory.....

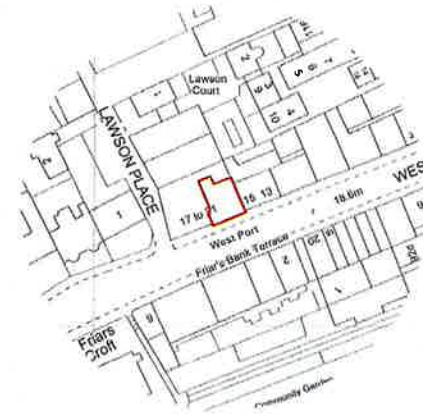
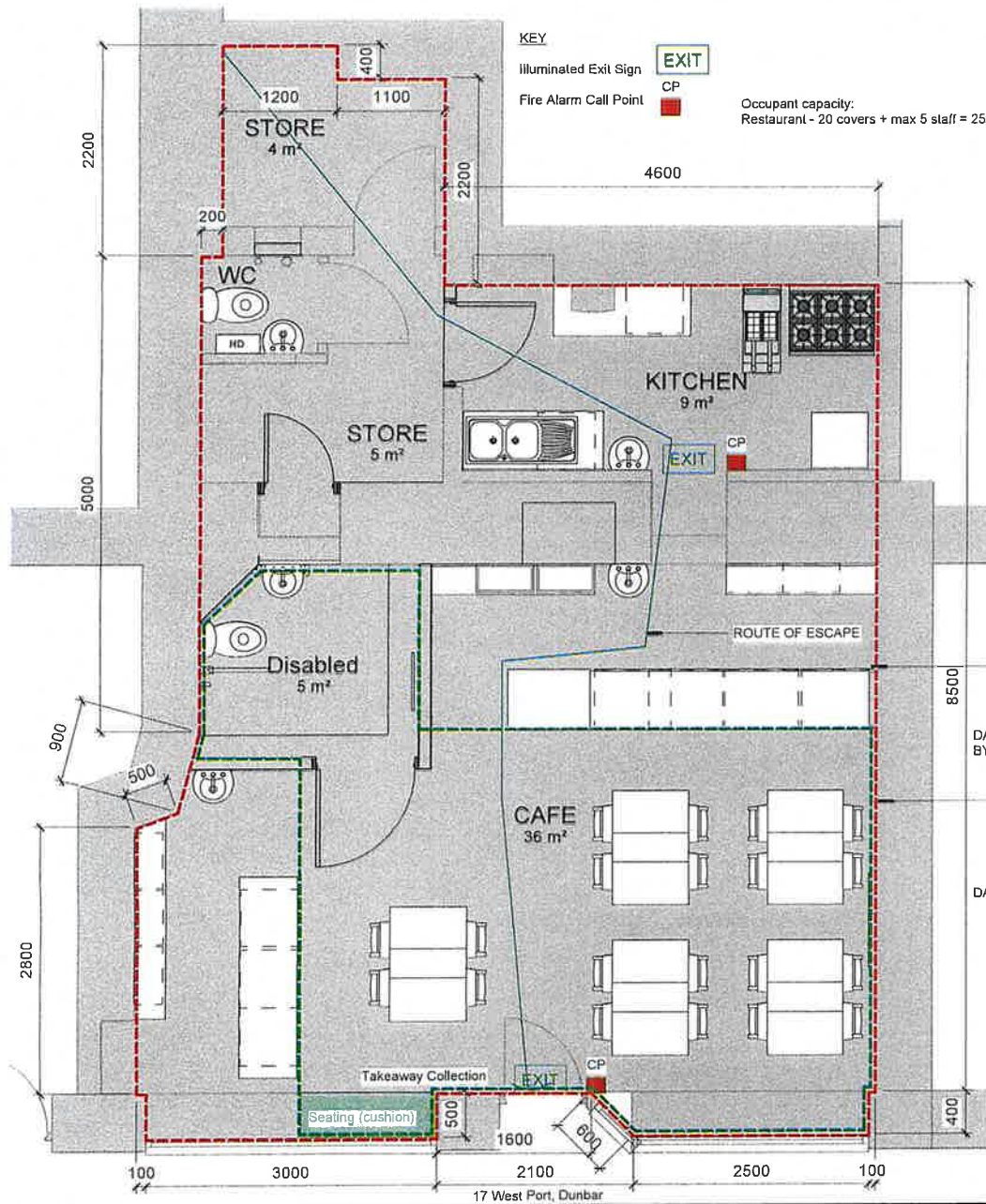
Macdonald Licensing
21a Rutland Square
Edinburgh, EH1 2BB

0131 229 6181, Alistair@macdonaldlicensing.com

*** Data Protection Act 1998**

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VISUAL SCALE 1:1250 @ A3

Location Plan License

1 : 1250

DASHED GREEN LINE INDICATES ACCESS
BY CHILDREN AND YOUNG PERSONS

DASHED RED LINE INDICATES LICENCED PREMISES



VISUAL SCALE 1:50 @ A3

Floor Plan License

1 : 50

Alan Hardie Architect

5 Mitchell Street, Dalkeith, EH22 1JQ
m. 07706 270072 e. alan@alanhardie.co.uk
w. www.alanhardie.co.uk

No dimensions for construction to be scaled from this drawing, refer to figured dimensions only. Any discrepancies to be referred to the architect. This drawing is to be read in conjunction with relevant engineer's drawings and specifications. Structural & services information is indicative. Alan Hardie Architect owns the copyright for this drawing which should not be reproduced in any form without written permission.

Client

Khushi Enterprises

Project

Alterations to create Café
17 West Port,
Dunbar, EH42 1BT

Floor Plan (Licensing)

Project number	2024-044A	Drawing number	Revision
Date	November 2024	A(01)004	A
Drawn by	AH		
Status	WARRANT	Scale As indicated	Size A3

Rev Description

A	Amendments
0	Initial issue

Date

17.07.2025
17.07.2025



East Lothian Council

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

SECTION 50
PLANNING CERTIFICATE

APPLICANT: **The KC Empire Ltd**

NAME AND
ADDRESS OF
PREMISES: **17 West Port, Dunbar, EH42 1BT**

SECTION 50 PLANNING CERTIFICATE

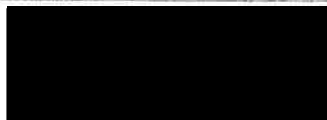
- ☐ I confirm that planning permission (ref:) under the Town and Country Planning (Scotland) Act 1997 in respect of any development of the subject premises in connection with their proposed use as a licensed premises has been obtained.
- ☐ I confirm that planning permission is not required.

SECTION 50 PROVISIONAL PLANNING CERTIFICATE

- ☒ I confirm that planning permission (ref: 24/01311/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: **11th August 2025**

Keith Dingwall
Chief Planning Officer

Aitken, Christine (Licensing)

From: Stephen Gibson <Stephen.Gibson@scotland.police.uk>
Sent: 12 September 2025 09:48
To: Licensing
Subject: LIC06 Premises - no convictions - EL423 SWEET & SMOKY DUNBAR
Attachments: LIC06 PREMISES - NO CONVICTIONS - EL423 SWEET & SMOKY DUNBAR.RTF

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.

Morning

No police objections

PSOS ref 953627

regards

Stephen

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 2nd October 2025

Subject: LICENSING (SCOTLAND) ACT 2005

PROVISIONAL PREMISES LICENCE APPLICATION

SWEET AND SMOKY, 17 WEST PORT, DUNBAR, EAST LoTHIAN, EH42 1BT

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 however closed for refurbishment.

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

Within an 800m radius there are 21 premises, 18 of which provide on sales:

Morrisons Daily	21 High Street	Off sales
Premier Store	135 High Street	Off sales
The Topsy Truffle	59 High Street	Off sales
Eagle Inn	75 High Street	On and off sales
Graze	65 High Street	On and off sales
King's Palace Chinese Restaurant	129-131 High Street	On and off sales
New Bayswell Hotel	16 Bayswell Park	On and off sales
Royal MacIntosh Hotel	Station Road	On and off sales
Station Yard Micropub	Station Road	On and off sales
Board Game Bistro	119-121 High Street	On and off sales
The Bear & Bull	72 High Street	On and off sales
The Rocks Bar and Restaurant	Marine Road	On and off sales
The Royal British Legion (Scotland)	147 High Street	On and off sales
The Volunteer Arms	17 Victoria Street	On and off sales
Castle Hotel	163 High Street	On sales
Dunmuir Hotel	11 Newhouse Terrace	On sales

Hector's	32a High Street	On sales
Hillside Hotel	3 Queens Road	On sales
Shapla Tandoori	140 High Street	On sales
The Creel Restaurant	25 Lamer Street	On sales
The Harbour Chapel	10 Victoria Street	On sales

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

Aitken, Christine (Licensing)

From: Robertson, Scott
Sent: 16 September 2025 08:13
To: Licensing
Subject: RE: EL423 - Application for Provisional Premises Licence - Sweet and Smoky, 17 West Port, Dunbar EH42 1BT

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: 11 September 2025 08:26

To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Kat Burke (kat.burke@nhs.scot) <kat.burke@nhs.scot>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; dunbarcommunitycouncil@gmail.com

Subject: EL423 - Application for Provisional Premises Licence - Sweet and Smoky, 17 West Port, Dunbar EH42 1BT

Morning

Please find attached EL423 - Application for Provisional Premises Licence - Sweet and Smoky, 17 West Port, Dunbar EH42 1BT for report.

Last day for objections/comments is 2nd October 2025.

Regards

Alison

Alison Rafferty

Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

****please note my working week is Monday, Tuesday, Thursday, Friday**

Protect Our Privacy: use a password manager to store your passwords. Never leave passwords near your computer or use the same password for multiple applications

Rafferty, Alison (Licensing)

From: Licensing
Sent: 30 September 2025 08:08
To: Rafferty, Alison (Licensing)
Subject: FW: Objection Alcohol License for Sweet and Smoky, West Port, Dunbar

From: Fitzpatrick, Sheila <sfitzpatrick1@eastlothian.gov.uk>
Sent: 30 September 2025 07:45
To: Licensing <licensing@eastlothian.gov.uk>
Subject: FW: Objection Alcohol License for Sweet and Smoky, West Port, Dunbar

Good morning,

Please see objection/representation from Lynn Jardine, below. I haven't acknowledged receipt of this.

Sheila

From: Jardine, Lyn <ljardine1@eastlothian.gov.uk>
Sent: 29 September 2025 17:03
To: Fitzpatrick, Sheila <sfitzpatrick1@eastlothian.gov.uk>
Cc: Elliot, Fiona <felliott@eastlothian.gov.uk>
Subject: Objection Alcohol License for Sweet and Smoky, West Port, Dunbar

Hello Sheila

I'm of the understanding that the Licensing (Scotland) Act 2005 allows for me as councillor to represent the concerns of constituents. Section 22(1)(b) allows objections and representations from "any person" and this is deliberately broad.

I am writing in my capacity as an elected member for Dunbar and East Linton ward to object to the above licensing application. I do so in my own right as permitted under section 22 of the *Licensing (Scotland) Act 2005*, and also on behalf of constituents who have raised concerns with me.

The concerns expressed to me relate to the following grounds:

- **Public Nuisance and Residential Amenity** – The premises lie within a mixed residential and commercial area. Constituents are concerned that the proposed licence would significantly increase noise, late-night disturbance, and associated anti-social behaviour. In particular at pub closing time, there are often groups shouting very loudly, probably making their way home. This regularly disturbs sleep on a Friday and Saturday night, as well as with increased frequency in summer and special holidays. There are young children and elderly people living in the vicinity for whom the sense of safety, family life, health and wellbeing as well as peaceful enjoyment of their home face being impacted should their licence be granted. West Port, despite its town centre location, is relatively quiet in terms of residential aspects - with the businesses being mostly during daylight hours. The consent for the food outlet already extends commercial hours, without enabling the additional risks associated with sale of alcohol.
- **Public Safety** – There are specific worries about increased footfall, traffic, and potential disorder in the immediate vicinity, with risks to residents, including families living nearby. Furthermore, cars regularly

stop on the opposite side of the road to Sweet and Smoky, leaving their engines running while they eat takeaway from the chip shop. This is noisy and disruptive. It also creates danger and difficulty in crossing the road, and using the pavement - with cars often mounting the pavement on the Sweet and Smoky side so cars can pass each other and avoid the stationary cars.

- **Prevention of Crime and Disorder** – Constituents fear that granting this licence could contribute to incidents of disorder and strain on local policing resources. The Ridge, occupying all the land on the opposite side to the West Port properties, have an events permission from 09:00 - 00:00, for up to 90 people, who can bring their own alcohol. This will increase footfall between the venue and the premises and potentially risk increasing instances of anti-social behaviour, drunk and disorderly behaviour, around a high density but quiet residential area.

I believe these objections fall squarely within the licensing objectives set out in the legislation and merit full consideration by the Board/Committee.

For clarity: while I am submitting this objection in my own name, it reflects concerns put to me directly by residents who do not wish to be individually identified for reasons of privacy and safety. I therefore ask that the Committee considers this representation as expressing genuine local concerns.

I would be grateful if you could confirm receipt of this objection and ensure that it is included in the papers for consideration.

Yours sincerely,

Lyn Jardine
Councillor - Dunbar & East Linton Ward

Email - ljardine1@eastlothian.gov.uk
DD - 01620 827006
M - 07977 165050
linktr.ee/lynjardineSNP

Please note that I carry out my Council duties alongside work so am not always available to respond quickly. If you have an urgent matter, please leave a message on voicemail.

Data Protection

To serve the interests of constituents and to fulfil my role as a Councillor, I need to collect, store, use, share and dispose of personal data. In doing so, I abide by the Data Protection principles set out in General Data Protection Regulation and the Data Protection Act 2018. My privacy notice on the Council's website explains how I do this.



LICENSING (SCOTLAND) ACT 2005, SECTION 22

NOTICE OF OBJECTION OR REPRESENTATION

If you are completing this form by hand, please write legibly
in block capitals using ink.

Please indicate below the type of notice you are making (tick appropriate box)

☒ Objection

☐ Representation

Please send your Objection or Representation to:

**The Clerk to the Licensing Board, East Lothian Council,
Licensing, Administration and Democratic Services,
John Muir House, Haddington
East Lothian, EH41 3HA**

Any person may, by notice to the Licensing Board —

- (a) Object to the application on any ground relevant to one of the grounds for refusal specified in section 23(5), or
- (b) Make representations to the Board concerning the application

If you are OBJECTING, please complete Part A of this form.

If you are MAKING REPRESENTATIONS, please complete Part B of this form.

All parties should complete Sections 1, 2 and Part C of this form.

**YOU MAY WISH TO CONSULT YOUR SOLICITOR
BEFORE COMPLETING THIS FORM**

Section 1 – Application Details

This objection/representation relates to the following Application:

Applicant's name (if known) The K.C. Empire c/o MacDonald Licensing

(This is the name of the applicant in respect of the licensed premises referred to in the application)

Name & Address of premises Sweet and Smoky, 17 West Port, Dunbar

Post code EH42 1BT

This Application is for

☒ Premises Licence

☐ Provisional Premises Licence

☐ Variation of an existing Premises Licence

☐ Occasional Licence

Application Number (if known) _____

Section 2 – Objector/Representer Details

If you fail to complete this section, the objection or representation may not be considered

(A) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION AS AN INDIVIDUAL

Individual title: Mr Mrs Miss Ms Other Mr and Mrs
(delete/complete as appropriate)

Surname STEWART

First Name(s) ALAN and MARGARET

Address _____



_____ Post code _____

**(B) COMPLETE IF YOU ARE OBJECTING OR LODGING A REPRESENTATION
ON BEHALF OF AN ORGANISATION**

Title: Mr Mrs Miss Ms Other _____
(delete/complete as appropriate)

Surname _____

First Name(s) _____

Address of person lodging objection/representation on behalf of organization

_____ Post code _____

Name of Organisation _____

Nature of Organisation e.g. resident's association, ward councillor, trade association

Address of Organisation _____

_____ Post code _____

PART A – OBJECTION

I/we object to a premises licence being granted to the above premises, on the following grounds (delete any that do not apply):-

- (a) The premises are excluded premises.
- (b) The application must be refused where:-
 - the Licensing Board has refused a premises licence application in respect the premises less than a year before this application – Section 25(2)
 - Granting the application would have the effect of allowing alcohol to be sold on the premises during a continuous period of 24 hours or more – Section 64(2) or
 - Granting the application would have the effect of allowing alcohol to be sold for consumption off the premises before 10am, after 10pm, or Section 65(3) or both.
- (c) That, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence for the following reasons:

The applicant has already demonstrated a disrespectful disregard for neighbours by criticising

objectors on social media, calling West Port "dirty" and "a dump". These comments were subsequently removed.

- (d) Granting the application would be inconsistent with one or more of the licensing objectives¹:-

Objective	Explanation
Preventing crime and disorder	See additional information.
Securing public safety	Type text here
Preventing public nuisance	The premises will attract additional traffic. The premises will attract antisocial noise. Residents above and opposite the premises already face the prospect of it being open 7 days a week until 2100 hours. Whos is protecting the amenity of residents?
Protecting and improving public health	Residents amenity, well-being and health is seriously threatened by this application which will create additional noise and disturbance at anti social hours.
Protecting children and young persons from harm	See additional information.

¹ Please indicate which of the licensing objectives the application would be inconsistent with, along with a concise explanation why. Please delete any of the objectives that do not apply.

(e) The premises are unsuitable for use for the sale of alcohol, having regard to ²:-

- (i) the nature of the activities proposed to be carried on in the subject premises,
- (ii) the location, character and condition of the premises, and
- (iii) the persons likely to frequent the premises.

Please explain why

The building was formerly a vet surgery. This was a quiet, day time use of premises which was complimentary to the residential part on the fringe of town centre within the conservation area.
The applicant originally applied for planning permission for a cafe.
However they wrote on social media ton 13 January 2025 on their 'follow the chicken FaceBook page' that they were planning a restaurant.
Planning permission has been granted for a cafe.
This has been extended to being a take-away.
All three points above are entirely relevant because they would create additional nuisance traffic, temporary parking issues for customers collecting take-aways.
The planning permission is for a cafe with take away - not an off-licence shop that also sells food.

(f) Granting the application would result in overprovision of licensed premises, having regard to the number and capacity of—

- (i) licensed premises, or
- (ii) licensed premises of the same or similar description as the subject premises,

Please explain why

There are 4 shops in close proximity to the premises that are off-licenses :
The Coop, Friars Bank (100 meters south from Sweet and Smoky and open until 2200hours)
The Coop, High Street (100 metres north)
Premier Foods, High Street (130 metres north)
Morrisons, High Street, 300 meters south)

There is no need for thsi premises to sell off-licence alchohol.

² Please indicate which of the factors apply, with a concise explanation why.
Please delete any that do not apply.

PART B – REPRESENTATION

I/We wish to make these representations to the Board concerning the application:

In support of the application.

--

As to modifications which should be made to the Operating Plan

--

As to conditions which should be imposed

--

Other representations

--

PART C – Additional Information/Supporting Documents

Please add here any additional comments you wish to make. If you are submitting any background written materials in support of your Objection/Representation it would be helpful if you could list them here

Please see additional document which gives details of relevant information and situations likely to be exacerbated by this application

**Please attach supporting documents/further pages as necessary.
Please number all extra pages.**

I have read and understood the attached privacy notice

Your Signature

[REDACTED]

Date 1 October 2025

YOU MAY WISH TO CONSULT YOUR SOLICITOR BEFORE COMPLETING THIS FORM

GDPR

Any person who has supplied personal information as part of this application
MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE

PRIVACY NOTICE

The Data Controller of the information being collected is East Lothian Licensing Board. The information is collated on its behalf by East Lothian Council.

The Data Protection Officer can be contacted at
01620 827989 Email: DPO@eastlothian.gov.uk

Your information is being collected to use for the following purposes:

- The processing of an application for a premises licence
- The determination of an application for a premises licence
- The issue of any premises Licence granted
- Inclusion on the Register of premises Licences available for public inspection
- Ensuring compliance with the terms of the Premises Licence
- The processing of any complaints made in respect of the Premises Licence
- The determination of any complaints made in respect of the Premises Licence

Your information is:

Being collected by East Lothian Council on behalf of the East Lothian Licensing Board

The legal Basis for collecting the information is:

Personal Data	Special categories of personal data
Legal Obligations	Processing is necessary for one of the Conditions in Part 2 of Schedule 1 to the Data Protection Act 2018 referring to substantial public interest in terms of paragraph 6 thereof as processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law

Where the legal basis for processing is either Performance of a contract or Legal obligation, please note the following consequences of failure to provide the information:

If you fail to provide the information required on the attached pro forma, East Lothian Council may not be in a position to accept the objection/representation as competent or relevant. This means that your objection/representation will not be considered when determining whether the application to which your objection/representation relates is determined.

Your information may be shared with the following recipients or categories of recipient:

- | | |
|--|--|
| ■ Police Scotland | ■ Some information will also be shared with the Public via the Register of Premises Licences |
| ■ Scottish Fire & Rescue Service | |
| ■ Public Health | ■ Planning Services |
| ■ The applicant and/or the applicant's agent | ■ Building Standards |
| ■ Neighbouring Proprietors | ■ Environmental Health |
| ■ Licensing Standards Officers | ■ Community Councils |
| | ■ The Scottish Government |

The retention period for the data is:

- (1) Where an application relates to the grant of a premises licence, variation of premises licence, or transfer of premises licence is refused by the Board, information relating to that application will be retained on the Licensing Register for a period of 5 years from the **date of refusal** and thereafter will be destroyed.
- (2) In any other case, where information relates to a premises licence, that information will be retained on the Licensing Register for a period of 5 years from the date the premises licence **ceases to have effect** and thereafter will be destroyed.

Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- To object, where the legal basis specified above is:
 - (i) Performance of a Public Task; or
 - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

Objection_TakeAwayLicensing_Oct2025

A & M Stewart

OBJECTION TO SWEET AND SMOKY Licensing application.

ADDITIONAL INFORMATION

Consideration regarding licensing needs to look at this application in context, not just for the licensing application alone.

We object to the application because it is a clear and calculated attempt to be disingenuous with the planning and licensing process, with the objective of manipulating the system to gain their intended outcome.

The planning application was for a cafe and was submitted in December 2024, just before the Xmas holiday when most people and businesses were on holiday. The application was for a cafe, but the applicant boasted on social media that they would soon be opening a restaurant. This planning application was subsequently changed to a take-away. Now, the applicant refers to a 'restaurant' with a take away..

Councillors were alerted and the applicant was revised and resubmitted to include a take-away. Residents objected on many legitimate grounds yet, the planning permission was still granted for opening hours 1200-2100hrs, 7 days a week.

Now, the advertisement in the window of the premises is different from the notice which is logged on East Lothian Council's website.

- The notice on the website is for on/off licence.
- The notice in the shop window states that the application is for "consumption of alcohol on and off premises the premises and offering, restaurant facilities, receptions such as weddings, funerals, birthdays, retirements etc, recorded music".

This is not a cafe. It is not a restaurant.

This is now an entertainment venue with large parties and music.

It is evident that this applicant is intent on using the premises well beyond the original 'cafe' application.

Therefore the entire context of this application needs to be considered rather than just this licensing application.

Anti social noise and behaviour.

We will have inevitable noise from deliveries if similar to cafe - refrigerated lorry parked immediately outside our building similar to the invasive noise caused by chip shop deliveries - Sunday - at 7.30am - which woke us. We regularly have refrigerated lorries outside running their engines to keep refrigeration working - causes disturbance when working at desks in our home. This is because the lorries cannot always park outside the chip shop and because there are insufficient restrictions on the loading area, it means that refrigerated large trucks can park 1.5meters from our bedroom windows and unload trolleys -clattering and banging whilst leaving the engine running.

The sale of alcohol and the link to anti social behaviour is also well known - we experience enough of this already from licensed cafes and pubs on the High Street during their opening hours. A serious example on a summer weekday afternoon happened just a few weeks ago and made me very uneasy and fearful of going on to the High Street at around 5pm - two men were having a fist fight across the road from The Eagle - had clearly been sitting drinking outside there in the sunshine for much of the afternoon. There were children in the area as well as people shopping and also visitors to our town walking along the High Street- some of the shopkeepers were outside their premises phoning the police - there was blood on the pavement outside Flux afterwards- the police arrived too late to break up the fight sadly

I hope this will not be something I might witness again and not on the street [REDACTED]

Re off sales - There are already numerous places for off sale alcohol purchases in our town and I fail to see why a cafe and takeaway needs to be able to also sell alcohol as another off licence vendor- I can count at least 5 within a short walk from the cafe/takeaway itself.

The trading hours will also mean we will potentially experience anti social noise and behaviour before the pubs close followed by more such noise when the pubs then close.

We have indicated that the applicant has already intentionally or otherwise, provided a history of creeping specification – increasingly edging the stakes forward from a café that someone might expect to be open in daytime hours – to an off licence open for parties with music.

Therefore, we strongly suspect to see a future application from the owners of 'Sweet and Smoky' to extend their business hours beyond 2100 hours.

They initially applied for planning permission for a cafe and boasted on social media they were actually planning to be a takeaway so then had to re-apply for the correct permission - not a good way to instil confidence in your neighbours that you are going to be trustworthy licence holders.

Further context :

[REDACTED] on Garden Lane we also experience anti-social behaviour from drinkers - mainly underage - who use the garden created by The Ridge as a 'drinking den'. This is because they think they are hidden away from sight of the public. There is also urination in the area across from this garden just behind the wall at the top of the steps leading to the Co-op and also in the vennel a [REDACTED] leading from Garden Lane on to Friars Bank Terrace. This occurs throughout the summer evenings, in darkness ours and even on Hogmany when a large group gathered, smashed bottles, vomited and urinated whilst creating considerable noise. This wasn't good-humoured partying at a national holiday, it was blatant under-age drunken, anti-social behaviour resulting in broken glass and cans being thrown into our garden and damage to the Ridge gardens. The opening archway between Delisle Street and the pathway to the Coop shop is often frequented at night by youths gathering at the seats net to the archway. Under-age drinking, running across the road and loud shouting, swearing etc is common.

The creation of an off-licence in this residential end of town, thinly disguised as a 'take-away' located directly opposite this vennel and archway can only fuel this anti-social behaviour.