



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

**THURSDAY 25 SEPTEMBER 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

Board Members Present:

Councillor L Bruce (Convener)
Councillor C Cassini
Councillor N Gilbert
Councillor G McGuire

Clerk of the Licensing Board:

Mr R Thompson

Attending:

Ms C Aitken, Licensing Officer
Ms E Barclay, Committees Assistant
Ms K Harling, Licensing Standards Officer
PI A King, Police Scotland
PS S Miller, Police Scotland

Committee Clerk:

Ms L Gillie

Apologies:

Councillor F Dugdale
Councillor McMillan - attempted to join the meeting but was unable to do so.

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, 28 August 2025

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

2a. OCCASIONAL LICENCE
Bella Italia, 10 High Street, North Berwick

Alistair Macdonald and his client Loredana Calabrese attended. Mr Macdonald began by advising the restaurant had been family operated since 1981. The family believed the licence was in the company name and when Ms Calabrese's father died in November 2022 a transfer was not submitted. Board became aware of this when Ms Calabrese notified them of a change to the company. The application for Occasional Licences has been submitted and a premises licence application will hopefully come to Board in November. Mr Macdonald referred to the Licensing Standards Officer's (LSO) report and advised his client had attended a course to increase her knowledge. Mr Macdonald described the restaurant as well run, with no police involvement and concluded by advising that the premises had been operating as bring your own bottle.

The Licensing Standards Officer (LSO) advised she had contacted Ms Calabrese to advise that alcohol sales had to stop immediately. Ms Calabrese was receptive to the call and when the LSO visited shortly afterwards a notice stating that alcohol could not be sold was in place. Guidance was given on the menu (alcohol in deserts and coffee), on removing all alcohol from the bar and training requirements were discussed.

PS Stuart Miller, Police Scotland, advised that they had reviewed the circumstances, and it was not progressing. He added there had been no reports to the police from the premises and that there were no adverse comments.

Councillor McGuire commented that it was an unfortunate situation, that action had been taken swiftly and that training had been completed. The Convener echoed Councillor McGuire's comments and added that he looked forward to having the premises licence before Board soon.

Decision

The Board unanimously agreed to grant the Occasional licence

2b. OCCASIONAL LICENCE
La Trattoria, 119 High Street, Tranent

Alistair Macdonald and his client Natascia Pacitti, now using the name Scott, attended. Mr Macdonald stated that previous occasional licences were granted as was a provisional licence in the name of his client's mother. His client was a personal licence holder who had applied for the occasional licences. Mr Macdonald highlighted a period when he had no contact with his client due to a change of email address from Pacitti to Scott. He advised several emails were sent but that his client assured him she had not received them. The occasional licences ran out at the end of August and Mr Macdonald advised there was a period after this when alcohol continued to be sold, and that Ms Scott admitted this. He added that his client has assured him that no alcohol has been sold since the LSO made contact. Mr Macdonald then commented on the second LSO report and advised that a day-to-day manager (Lorenzo) was in post and booked onto a personal licence holder course next month. He added that on the provisional licence application it was stated that his client's mother would be involved in the administration but that this had not happened. She had been copied into emails but did not seem to want to be involved as she had taken on a lot more

childcare, so he stated that he thought there should be a different premises licence holder. He added that he believed Lorenzo should be manager and the main contact for police and LSO while his client should have a personal licence. Mr Macdonald said that the incident referred to in the second LSO report is a police matter and his client had a meeting booked. He stated that his client denied the sale of alcohol and that she feels she has evidence to prove it. He concluded by saying that his client was sending a manager on a course but that she does not consider she needs an update as she is confident about the law.

Ms Scott added that this was all new to her, she was a single parent and she had never run a restaurant previously. She continued by saying she had two businesses and two children that she looked after six days a week with very little help. Ms Scott added that she needed Lorenzo to help her and that she had apologised for the mistake.

The LSO highlighted some of the points from her reports including that on 08 September she had called Ms Scott to check that the sale of alcohol had stopped and was informed it had not stopped. The LSO continued by saying that Ms Scott seemed unfamiliar with the licensing requirements and advised that she reported the offence to Police Scotland and suggested to Ms Scott she undertake the personal licence holder's course. The LSO then referred to information she had received about an event held at the restaurant on 20 September called BoozeBrunch, she stated she had reported to Police Scotland another potential section 1 offence. The LSO then referred to the images from social media and stated that there was no evidence that this was a bring your own bottle event. The LSO then highlighted other images on social media which advertised cocktails which appeared after Ms Scott was advised to stop the sale of alcohol. She noted that while the legislation doesn't include fit and proper she would ask the Board to consider if Ms Scott is a fit and proper person to be granted occasional licences and if she can be trusted going forward to adhere to the licensing objectives. She further asked that grounds for refusal are be considered.

PS Stuart Miller, Police Scotland, stated there were no objections to the initial application for occasional licences. He added that as the enquiry is ongoing he could not comment further, he advised that they could report back once it had been concluded.

The Convener called for an adjournment to the meeting to seek legal advice.

Mr Macdonald stated it was inappropriate for Licensing Board to decide and judge the incident mentioned in the second LSO report as it was a police matter. He added that his client denies the accusations, that not all the images on social media were of the event on 20 September and that his client would discuss this with the police. It was noted that Police Scotland had no objection to the occasional licences and that fit and proper is not relevant to these applications.

In response to questions from Councillor McGuire Mr Macdonald stated that Lorenzo is booked onto the course but that this could take longer as he lives in Edinburgh. Lorenzo, he stated, would be the manager and needed to be there six days a week. He added that he had concerns about his client's mother and that he feels she would not resist being removed. The lease is in the name of the company and the company would also become the licence holder, with an application being lodged at the end of next week. Mr Macdonald suggested that there should be an additional licence holder in addition to his client and highlighted that his client's father is a well-known licence holder who provides help.

The Convener asked how the occasional licences, if granted, would be operated. Mr Macdonald replied that four or five occasional licences have been operated without issue. He ended by saying the issues were administrative not operational.

Ms Scott advised that she does not run her social media company and that advertisements are generically posted. She stated that she had not thought about requesting that the advertisements be removed. She continued by saying that all tables that are booked are called daily to advise that they are not selling alcohol.

The Convener commented that although Ms Scott may not have known about it, she is responsible. Ms Scott responded by saying that she totally understood.

Councillor Gilbert asked about Ms Scott's limited knowledge of legislation and if she intended to take any action to remedy this. Ms Scott responded by saying she had no issue with going on another course to and was happy to oblige. Councillor Gilbert followed up by asking if Ms Scott accepted that her knowledge is limited without attending a course. Ms Scott stated it was not fully limited but that maybe she needed to increase her knowledge and understanding of some areas.

The Convener called for an adjournment to the meeting to seek legal advice.

Councillor McGuire commented that they were there to decide on the occasional licence application and nothing else. He added that based on the steps being taken and the support from her father he was happy to support the application.

The Convener noted his concerns about the event on Saturday and stated that he would like to know what happened and that he was certain the police would find out. He also highlighted his concerns about administrative issues such as changing email addresses and not informing lawyers. He concluded by saying that he would support the application for Occasional licences but stressed that he has concerns.

Decision

For: 2 (Councillors Bruce, McGuire)

Against: 2 (Councillors Cassini, Gilbert)

The application was approved with the Convener using his casting vote.

3a. REVIEW OF PREMISES LICENCE

The Stand, 72/74 High Street, Musselburgh

Mr Macdonald and his client Mr Khan attended. Mr Macdonald began by stating that his client had paid his annual fee and that it was appropriate for the licence to continue. He explained that his client had bought The Stand after he was told that his current premises was going to be changed to a museum. The change to the premises did not go ahead and Mr Macdonald advised that his client had accepted an estimate with work on The Stand hopefully starting next month. The work should be completed at the beginning of next year and then his client would find a tenant. Mr Macdonald concluded by saying it was hoped the premises would be up and running next year.

The LSO commented that she had had no contact with the applicant over the last year.

PS Stuart Miller, Police Scotland stated that there were no comments.

Councillor Cassini asked why there was an application to have the licence continue when it is not going to be used for some time. Mr Macdonald replied by explaining that it could take many months to put the licence back in place. He added that they would have to apply for a variation to the licence.

In response to a question from the Convener Mr Macdonald advised that the intention was for a restaurant.

Councillor McGuire stated that it would not make sense to drop the licence at this point. Members agreed that they would be happy for the licence to continue.

3b REVIEW OF PREMISES LICENCE

The Kebab Mehal, Hawthorn Road, Prestonpans

This item did not need to be considered by Board due to information received from the applicant.

Sederunt: Councillor Cassini left the meeting

4 CHIEF CONSTABLES REPORT, 2024-2025

PS Stuart Miller thanked the Board for the opportunity to present the report for the 24-25 period and highlighted key areas of the report. This included detailing the police structure in East Lothian and the priorities for J Division following public consultation. He added that the East Lothian Licensing Team is normally based at Dalkeith Police Station and that PC Michael Upton had been brought into the licensing team to work in East Lothian. PS Miller then commented that he was concerned that the figures in the report were unusually low. He noted the number of licence applications during the period as well as the number of crimes of violence which were recorded for licenced premises and commented that where alcohol is a factor an alcohol tag should be applied but that it is not compulsory. A section one offence was highlighted as was a section 105 offence which occurred in Haddington. PS Miller also detailed the measures in place working with children and young people including youth volunteers and social media activity. He advised that funding from East Lothian Council for the local East Lothian Community Action Team has ceased for this period but that there was still a robust community team in place. PS Miller concluded by saying he would like to thank East Lothian Council Licensing Board, the LSO and Council colleagues, for their continued support and collaboration.

The Convener asked why the team for East Lothian for licensing is based in Dalkeith and PS Miller advised that there was more office space than other stations.

In response to a question from the Convener about the comments on concerns about the figures being incorrect PS Miller advised shoplifting across Scotland had increased. He continued by saying that when alcohol is stolen there would be a crime report for theft and an innkeeper report submitted. The numbers he had taken were from the innkeeper system and he stated that with the absence of PC Gibson there was a gap. The instance of shoplifting had been recorded but he questioned if the innkeeper report had been made. PI King added that there was probably a bit of learning and that while innkeepers are being recorded for theft of alcohol they are not being recorded for non-alcohol thefts. The Convener highlighted that his concern was that resources could be deployed elsewhere if the figures showed that instances were reducing in East Lothian. PS Miller responded by saying that the policing plan would probably be taking the data from the crime reports as an initial guide as to where the problems were rather than innkeeper which is more an internal licensing record.

The Convener further asked about the use of alcohol tags not being compulsory. PS Miller replied that it came down to individual officer's interpretation of the circumstances where they think alcohol has been a factor in a particular crime. The Convener added that he would have assumed there would be a lot more uniformity.

Councillor McGuire began by thanking the police for their service and noting that there was a byelaw of no drinking in the streets. He continued by stating he has regularly reported a group that gathers almost daily in Haddington but that the police are not dealing with it. In response PI King stated that in an ideal world they would be able to deal with this every day. He added that he chairs a multi-agency group where hotspot areas of concern for anti-social behaviour are raised but that people drinking in the street are ranked against higher risk incidents. He added they are aware of them and are actively looking to enforce the byelaws.

Councillor McGuire commented on people being seen dealing drugs on the street and PI King stated that they are aware of the problem and are trying to tackle this. He added that they are actively tackling this with community teams.

Councillor Gilbert asked if there was anywhere where shoplifting was more of an issue. PS Miller replied by saying that supermarkets had more instances with meat theft being a common occurrence. He added that there was a task force in place for retail crime and there are plans in place across all areas of Scotland to try and tackle this.

Councillor Gilbert further asked about the theft of alcohol increasing and whether this was due to an increase in the number of people shoplifting or shoplifters stealing more. PI King replied by advising it was a bit of both. He stated that they were working with partners to identify repeat offenders to divert them to community payback orders rather than short-term prison sentences. He also commented on the impact of the cost of living and repeat offenders.

The Convener asked about the section 105 offence for alcohol being purchased for a child. The information was not shared with the Board or the LSO and he asked about the process. PS Miller stated that this had been a breakdown in communication and that the incident had been dealt with appropriately but not fed back to him or Stephen Gibson. The Convener stated that he assumed discussions had taken place but noted his concerns.

The Convener thanked the police for their work and support and closed the meeting.

Signed

Councillor L Bruce
Convener of East Lothian Licensing Board