



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

**THURSDAY 27 NOVEMBER 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

1

Board Members Present:

Councillor L Bruce
Councillor F Dugdale
Councillor N Gilbert
Councillor G McGuire (Convener)
Councillor J McMillan

Clerk of the Licensing Board:

Mr C Grilli, Service Manager - Governance

Attending:

Ms E Barclay, Democratic Services Assistant
Ms K Harling, Licensing Standards Officer
PC M Upton, Police Scotland
Ms G Herkes, Licensing Officer

Committee Clerk:

Ms L Gillie

Apologies:

Councillor C Cassini

Declarations of Interest:

None

The committee 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.

Councillor Bruce declared that he would be relinquishing the role of Convener due to other commitments. He proposed Councillor McGuire as Convener, and this was seconded by Councillor McMillan. Councillor McGuire took the chair.

1. MINUTES FOR APPROVAL
East Lothian Licensing Board, 30 October 2025

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

2. REVIEW OF PREMISES LICENCE
Anchor Bar, 159 North High Street, Musselburgh, EH21 6AN

Carlo Grilli, Clerk to the Licensing Board introduced the first item and asked Police Scotland to begin.

PC Upton began by stating that two assaults, a serious assault and a minor assault to injury, were reported. He advised the suspect for the serious assault was a 17-year-old male who had thrown a pint glass at another customer and that CCTV had shown a high level of violence. Due to the age of the suspect PC Upton had inspected the premises and a report has been submitted to the Procurator Fiscal. He continued by saying that the staff had engaged well and noted areas highlighted in his letter such as a personal licence not being made available and the Section 110 notice not being on display, he added that both had been rectified. In relation to the Section 110 notice PC Upton stated that it may have been on display at the time of inspection, but it could not be located. PC Upton noted the offences as allowing a person under the age of 18 to consume alcohol on the premises and allowing disorder on the premises. The staff and premises manager have been formally cautioned and charged. He concluded by saying that he had been unable to contact Richard Ross or Cameron Ross to inform them that a report has been submitted to the Procurator Fiscal.

The LSO advised that she had received notification on 12 November that a review application had been received from Police Scotland. She continued by highlighting areas from her report. The LSO advised she had visited the premises on 13 November and completed a compliance inspection during which all documentation was produced. She further advised that no written age verification policy was in place, CCTV was found to be working, and guidance was given to display a sign for children and young person access at the entrance, a no smoking sign to be placed on the door and a written age verification policy to be implemented. The LSO noted that prior to the visit her last contact with the premises was in December 2022.

Mr Macdonald began by introducing his clients, Richard Ross the director of the company who are the premises licence holders, Nicola Burdell the premises manager and Cameron Ross a personal licence holder. Mr Macdonald stated that a report at September Board provided details of police process in such cases. He explained the process as being the licensee being asked to interact with the police and if more serious an intervention meeting being held with recommendations and timescales being put in writing. Mr Macdonald noted that only if they didn't adhere to the recommendation would it be brought to review. He added that he felt it premature for this to have been brought to Board. Mr Macdonald advised the four members of staff, his three clients and Nicole Craig, are all personal licence holders and if charged and convicted, they will have a duty to notify Board. At this time a review of their personal licenses would take place and Mr Macdonald suggested this as the way forward. He continued by advising that Mr R Ross was an extremely experienced operator involved in the licencing forum from its'

inception and added that he considered he had a very good relationship with the police. Mr Macdonald highlighted that the bar called the police and that CCTV was made available to help the police. Mr R Ross was described as very upset when the police raised the issue of not being a fit and proper person. While Mr Ross has been suffering from ill health and had limited involvement in the bar Mr Macdonald advised that he still keeps in touch with his staff. There are seven personal licence holders and two other members of staff who once they are permanent will be trained. Mr Macdonald then referred to the incident saying that the two people involved were removed from the premises and were arrested in another bar. Mr C Ross was shown fake ID by the 17-year-old. He added that neither Mr R Ross or Mr C Ross tried to avoid discussions with the police and that the wrong address was on Mr C Ross's personal licence. He confirmed that the police had Mr R Ross's phone number, but that Mr R Ross would not answer calls if he did not recognise the number. Mr Macdonald added that the police could have left a message with one of the staff in the bar or spoken to his son. In summary Mr Macdonald stated that he did not consider his clients had done anything wrong and that there was no requirement for the Board to act in terms of the review.

Mr R Ross stated the police had not knocked on his door or left a card. He added that he would never avoid messages and that he would respond to any cards that were left.

In response to questions from Councillor Bruce it was confirmed that the incidents had taken place between 9 and 9.30pm. PC Upton responded to a question on why intervention meetings had not taking place by advising when he became aware of the incident and viewed the CCTV he was of the opinion that he had to submit a report to the Procurator Fiscal and apply for a review. In response to a question about staff calling the police about assaults and for support the LSO confirmed that she would encourage communication with the police and herself. She said that if there's an element of criminality or disorder then ideally that should be dealt with by the police in the first instance and then she would be able to give guidance thereafter. Mr Macdonald replied to a question on the CCTV footage by asking why the premises would delete it when the police had a copy. Mr R Ross added that one of the employees of the company who installed the CCTV was involved in the incident. Mr Ross stated that although he had no evidence, he believed that this person had remotely deleted the footage. In relation to the management of the pool table Councillor Bruce was informed that a customer took the pool cue off the person who was brandishing it and snapped it in two so it could not be used. Ms Burdell added that the area is covered by cameras and that they walk around the area to see what is happening.

In response to questions from Councillor McMillan PC Upton advised that he was not involved in any of the incidents, and he would need to do further research to answer whether the same people were involved in the reported incidents. The LSO confirmed that she was not made aware of the incidents, the last incident before 27 September this year that she was aware of was in December 2022. In response to a question about omissions and errors Mr Macdonald stated that the missing personal licence was found and Ms Burdell confirmed that she had explained to the officer that it was in the safe. In relation to the age verification policy document, it was noted that it must have been in place previously as the LSO would have completed an inspection in 2022, this policy document has now been replaced. Mr Macdonald stated that a different style Section 110 notice may have been on display. Mr Macdonald advised that a refusal book is not compulsory, and an incident book was in place which covers refusals. He added that he and the LSO may speak to Mr R Ross about how the incident book is used. Mr R Ross added that that a local customer would be barred for a year with others barred permanently so he did not believe it could be the same people involved. Councillor Macmillan commented that he would like to follow this up with the police.

The LSO commented that the conversation with Ms Burdell about the use of the incident book had taken place.

In response to a question about the attempts made to contact Mr R Ross PC Upton advised that several phone calls were made, that he had attended the correct address and left a voicemail for Mr C Ross. He added that he did not think that Mr R Ross knowing he was trying to contact him was in dispute.

Councillor Bruce asked for clarification on whether the police were in possession of the CCTV footage and PC Upton confirmed they were.

Councillor McMillan asked for clarification on whether ID had been requested from the 17-year-old. Mr Macdonald replied by saying that the father had gone to the bar while the 17-year-old had gone directly to the toilet. This was noticed by Mr C Ross, who requested ID as the 17-year-old left the toilets. He added that they were arrested in another bar. Mr C Ross noted that fake IDs are very good and included the hologram.

In response to a question from Councillor Bruce about fake IDs the LSO advised that they are easy to obtain. She detailed advice given on how to check IDs. The LSO added that premises do have the ability to refuse service regardless of whether ID is produced.

Mr R Ross queried what address PC Upton had visited and Councillor McMillan queried the importance of keeping a licence address up to date. The LSO replied by advising that if there is a change of address under the legislation, the requirement is to notify the licencing board within a month. In this case the address had not been changed it was an error when the application was made. The LSO highlighted that the licence had been re issued with the correct address.

The Convener asked for clarification on where messages had been left and Mr C Ross stated that he did not receive the voicemail due to having a new phone. PC Upton added that he had attended number three but had not left a slip, he mentioned the ring doorbell, which was working, said he had left a voicemail for Mr C Ross and that Ms Burdell had been aware that the police were trying to contact Mr R Ross.

Mr Macdonald stated that if Mr C Ross is answerable to the court and convicted, he would come back to Board. He concluded by saying that comments about individuals are not part of a premises licence review and not relevant.

The Convener requested the meeting be adjourned.

On return the Convener opened the meeting to comments with members stating they felt the police were right to bring the review to Board and that there was a duty to review the licence. Members also highlighted Boards serious concerns with Councillor Bruce asking how everyone could do better in terms of the process, including the LSO being notified of all incidents of note. Councillor Bruce detailed the actions discussed during the adjournment and said he believed they should place a warning on the licence and alongside that ask the LSO to monitor the premises. He added that in terms of the personal licences they will be monitored by Board and any action would depend on the actions of the Procurator Fiscal and the court system. Councillor McMillan commented that what he was looking for was well managed premises and highlighted the importance of good communication between the premises managers, the LSO and the police. He also highlighted the history of good compliance, cooperation and good management. The Convener concluded by stating that Councillor Bruce had suggested a motion of a written warning letter to the licence holder with the LSO being asked to monitor the premises. Councillor McMillan seconded this proposal.

Mr Grilli confirmed that a formal written warning would be issued to Mr Ross's licence holder after the meeting.

Decision

The Board agreed unanimously to:

- Issue a formal written warning.
- Request the LSO monitor the premises.

3. MAJOR VARIATION

Board Game Bistro, 119-121 High Street, Dunbar, EH42 1ES

Lynn Simpson, TLT Solicitors attended with Jane McAlister, Premises Manager and one of the company directors. Ms Simpson began by advising that the premises had previously been an Italian restaurant and that her clients had turned it into a board game bistro where guests can come and enjoy food and drink while playing board games at their table. She stated that the application was to update the operating plan, the description of the premises and the wording around seasonal variations to cover any general extensions that the board might decide to offer. Receptions and group meetings outside of licenced hours are also added along with films, gaming and indoor-outdoor sports being added as permitted activities. Ms Simpson continued by advising that the wording at question five of the operating plan was updated to ensure that the licence covers all possible events which may be hosted. She further advised that access of children was not being changed but they were tidying up the wording as there had been some ambiguity. Ms Simpson concluded by saying that there were no objections or representations for this application.

The LSO advised that she had visited the premises and provided guidance on staff training and signage. She concluded by stating that she had received no complaints about the premises.

Police Scotland confirmed that they had no comment to make.

In response to a question by Councillor Bruce Ms Simpson confirmed that the access to young people was not changing. She added that in practice this would be at the discretion of her clients and their team.

Councillor Gilbert asked whether the age of the children would have a bearing on when they would be allowed access and Ms Simpson advised that being unaccompanied only applied to 16 and 17 year olds. Any children under 16 would need to be accompanied by an adult and would be permitted to stay up to 10pm or to the end of an event.

In response to a question from Councillor Dugdale about the games library Ms McAlister advised membership had not been set up yet. She continued by stating that an amount per month would be paid and it would act like a library, this is a work in progress.

In response to a question from Councillor MacMillan Ms McAlister advised that the general ethos is of a very calm and family friendly environment. She stated that there had not been any arguments and that a lot of the games are based around cards. She concluded by saying that the games are not very antagonistic and that they offer a wide range of non-alcoholic drinks.

Members commented that they would be happy to support the application.

Decision

The Board unanimously agreed to grant the Major Variation.

4a. PROVISIONAL LICENCE

Bella Italia, 12 High Street, North Berwick, EH39 4HQ

Alistair Macdonald attended with Loredana Calabrese tenant of the premises and operator. Mr Macdonald began by reminding members of the previous attendance at Board. The premises had had a short period of non-compliance following the death of the previous licence holder. He explained that the application was for a provisional licence as there was no building control certificate in place yet. He advised that he was hopeful that they would be able to reapply very soon. The premises has been operating under occasional licences and Mr Macdonald highlighted that it was not an exact copy of the previous licence as off sales had been added and the times of operation changed. He concluded by stating that there were no adverse comments from the police and no public objections.

Police Scotland confirmed that they had no comment to make.

The LSO noted that Mr Macdonald had gone through much of her report and advised of a recommendation on the delivery of alcohol.

Members had no questions on the application.

Councillor Bruce thanked the applicant for coming back to Board and members all commented that they would support the application with the LSO recommendation attached.

The Convener proposed that the LSO recommendation be attached, Councillor Macmillan seconded this.

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.

4b. PROVISIONAL LICENCE

140 High Street, Musselburgh, EH21 7DZ

Alistair Macdonald attended with Kasim Mustafa and Muhammed Shahid directors of the applicant company. Mr Macdonald began by advising that the application was for a provisional licence as the premises was not yet open. He stated that his clients had experience in the licence trade and they have a lease on the premises. The premises is an old bank on the High Street and it was stated that it would be a convenience store with additional sections such as a bakery and food to go. The building complies with building standards and includes facilities for customers with mobility issues. Mr Macdonald advised that Mr Mustafa has a store in Fife and Mr Shahid took over a RS McColl store. He noted the police have no adverse comments. Mr Macdonald commented on the list of stores within 800 meters provided by the LSO and noted five

of them being on the High Street but stated they are different types of operation. He then commented on the objections and highlighted one of them being from a Musselburgh Councillor. Mr Macdonald stated the objections were all from commercial premises with no objections from nearby residential properties. The indication of issues on the High Street was commented on by Mr Macdonald who added that the police have not raised this as a concern. He continued by saying that it was not about the number of licences it was about the standard and quality of the operation. Mr Mustafa and Mr Shahid would work in the store alongside experienced staff to start with, they know of Challenge 25, have personal licences and their staff will be well trained. Mr Macdonald concluded by saying that his clients would want to work with other commercial operators in the street, the police and the LSO.

Police Scotland confirmed that they had no comment to make.

The LSO advised that she had visited and that the site notice was displayed correctly. She added that as the premises was not open there was no reason to meet to view inside. She concluded by advising of 36 licence premises with nine similar premises in 800 mts. She concluded by advising a recommendation on the delivery of alcohol.

Councillor Andrew Forrest spoke as an objector to the application and stated that granting the licence was an over provision. He also noted that no comments from police Scotland had surprised him as he was aware police were taking alcohol from people on the High Street. Councillor Forrest continued by saying that he did not have figures from Police Scotland or the NHS but that for every licence there were 1,400 people in Musselburgh and if restaurants, public houses and off licences were included this went to 644 people for each licence. He concluded by saying that he did not object to the shop opening only to the licence being granted and that as a nation we are trying to limit the damage alcohol causes.

Mr Mustafa replied to a question from Councillor Bruce by saying the store would always have a personal licence holder on the premises. He continued by saying that they would be micromanaging at first and that they have identified three potential employees. He continued by saying that his Fife store has no problems and that Mr Shahid's store had also had no issues. Staff will be trained to refuse and Mr Mustafa stated he had a lot of experience.

In response to a request for information from Councillor Dugdale Mr Mustafa advised of a segregated area for off licence and that the entry point had CCTV scans. He highlighted that staff can regulate who can pick up alcohol and that it was important to use technology to help staff. The beer cave is beside the till to restrict access with it being open only during the times of the licence.

Councillor Gilbert asked about the comments on over provision and Mr Macdonald responded by saying that statistic show people are drinking less, particularly younger people. He also noted that if there were issues, they need to work with the police and the LSO. He stated that statistics show that although there are more premises selling alcohol, there is less alcohol being consumed and sold and that includes off sales. Mr Macdonald highlighted that this was not an area that has been identified by the Board in the Statement of Licencing Policy as an over provision area. He concluded by saying that he hoped that shops could work together to see a reduction in issues.

The Clerk to the Licensing Board reminded Board that they did go ahead to consult on the Licence Board Policy which involved the NHS, Police Scotland and trade representations. The conclusion was there was insufficient evidence of over provision, but the right to review on a case-by-case basis was reserved within the policy. He added that as there was no representation from the NHS on this application it was not possible to say what the effect would be from an NHS standpoint.

In response to a question from Councillor Bruce PC Upton stated that overprovision is not a matter for the police and added that they would deal with disorder if it happened.

The Convener asked about the premises being on two levels and Mr Mustafa confirmed that the store would be kept on one floor. Mr Mustafa further advised of the beer cave which could be a barrier for customers accessing the restricted area. This area was described as being regulated with only a small amount of wine being on the shop floor.

Members all voiced their support for the application with Councillor McMillan commenting on preventing crime and disorder rather than correcting it. He noted the explanation of the beer cave and the requirement to stick to the area applied for with off sales. The objections raised and Councillor Forrest's comments were acknowledged by members with the Convener commenting that the objections were from businesses and not residents. Councillor Bruce stated that he was not sure there was any proof that another licence will increase antisocial behaviour. He thanked Councillor Forrest for his comments and repeated that he didn't think there was evidence that this application would have a negative impact on any of the licencing objectives. Councillor Dugdale Commented on the assistance CCTV and technology can give.

Councillor Bruce proposed the LSO recommendation be attached, seconded by Councillor Dugdale.

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.

Signed

Councillor G McGuire
Convener of East Lothian Licensing Board



APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

LICENSING (SCOTLAND) ACT 2005, SECTION 29

2a

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary – (Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

Adding background music within and outwith core hours

2. PREMISES LICENCE DETAILS

2(a) Licence Number of Premises EL0216

2(b) Name and Address of Premises Day Today, 84 High St

Haddington, East Lothian

Post Code EH41 3ET Tel. No. 01620 825410

Email [REDACTED]

2(c) Full Name and Address of Current Licence Holder

Shivakumar Kandaswamy, [REDACTED]

Post Code [REDACTED]

Tel. No. 01620 825410 Email address [REDACTED]

3. NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought –

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

None

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and detail below the proposed changes. (See Note 1)

The shop is being refurbished which results in the alcohol display being relocated along with the installation of a chilled beer room. The capacity gets corrected to 27.66m²

Add background music will be played within and outwith core hours.

3(c) Variation to the Layout Plan of the Premises Licence

A copy of the proposed Layout Plan must accompany this application. (See Note 2)
In addition please provide details below of the proposed change to the layout of the Premises.

The alcohol display area is being relocated.. New layout plan attached.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence (e.g. Alteration to the description of the premises contained within the Premises Licence)

None

4. LICENCE TO BE AMENDED (See note 3 below)

Does the appropriate Premises Licence accompany
this application?

YES NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because -

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)

Original premises licence to be posted in.

5. FEE PAYABLE

Information on fees can be found at

https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol_licences/2

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that

(a) the contents of this Application are true to the best of my knowledge and belief; and

(b) (i) the appropriate fee of £ _____ is enclosed

(ii) the proposed Operating Plan is enclosed

(iii) the proposed Layout Plan is enclosed

(iv) the Premises Licence is enclosed To be posted in

Signature _____ (See note 5 overleaf)

Date _____ 5th Nov 2025

Capacity APPLICANT / AGENT (delete as appropriate)

If agent, please provide details

Full name _____ Gordon Emslie, GNE Consultancy Ltd

Address _____ 47 Wallace Brae Drive, Reddingmuirhead, Falkirk

Post Code _____ FK2 0FB

Tel. No. _____ 07909 754134 Email address _____ gordon@gneconsultancy.co.uk

Note 1

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)



OPERATING PLAN

LICENSING (SCOTLAND) ACT 2005, SECTION 20(2)(B)(i)

**This application should only be completed by the Licence Holder
of the appropriate Premises Licence or their Agent.**

1. STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

Name and Address of Premises Day Today, 84 High St, Haddington

Post Code EH41 3ET

1(a) Will alcohol be sold for consumption
solely ON the premises? YES NO

1(b) Will alcohol be sold for consumption
solely OFF the premises? YES NO

1(c) Will alcohol be sold for consumption
both ON and OFF the premises? YES NO

2. STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

DAY	ON CONSUMPTION	
	Opening time	Terminal Hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

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

DAY	OFF CONSUMPTION	
	Opening time	Terminal Hour
Monday	10:00	22:00
Tuesday	10:00	22:00
Wednesday	10:00	22:00
Thursday	10:00	22:00
Friday	10:00	22:00
Saturday	10:00	22:00
Sunday	10:00	22:00

4. SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?

YES NO

*If YES – provide details

The premises may operate on reduced hours (8pm) on certain public holidays according to customer demand

5. PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

ACTIVITY	ACTIVITY PROVIDED? YES / NO	To be provided during core licenced hours. Please confirm YES / NO	Where activities are also to be provided outwith core licensed hours. Please confirm YES/NO

5a.	Accommodation	No	N/A
	Conference facilities	No	No
	Restaurant facilities	No	No
	Bar meals	No	No

Social functions including:

5b.	Weddings, funerals, birthdays, retirements etc.	No	No
	Club or other group meetings etc.	No	No

Entertainment, including:

5c.	Recorded music – see 5(g)	Yes	Yes
	Live performances – see 5(g)	No	No
	Dance facilities	No	No
	Theatre	No	No
	Films	No	No
	Gaming	No	No
	Indoor/outdoor sports	No	No
	Televised sport	No	No

5d.	Outdoor drinking facilities	No	No
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5e.	Adult Entertainment	No	No
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Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

Background music will be played within and outwith core hours

5(f) If you propose to provide any activities other than those listed in 5(a) – (e), please provide details or further information below.

In addition to alcohol, the store will sell a range of soft drinks, confectionery, crisps, cigarettes & tobacco which are within the normal range of items traditionally sold by an off licence.

Deliveries by Snappy Shopper - orders made and paid for online.

Hours of operation is 10am to 10pm for alcohol and 7am to 10pm for general goods.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?

YES NO

When fully occupied, are there likely to be more customers standing than seated?

YES NO

6. ON-SALES ONLY – CHILDREN AND YOUNG PERSONS

6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry?

YES NO

Not applicable

6(b) Where the answer to **6(a)** is YES provide statement of the TERMS under which they will be allowed entry

Not applicable

6(c) Provide statement regarding the AGES of children or young persons to be allowed entry

Not applicable

6(d) Provide statement regarding the TIMES during which children and young persons will be allowed entry

Not applicable

6(e) Provide statement regarding the PARTS of the premises to which children and young persons will be allowed entry

Not applicable

7. CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

Off sales - 27.66 m²

8. PREMISES MANAGER

(NOTE: not required where application is for grant of provisional premises licence)

Full Name **Shanthi Shivakumar**

Date of birth

Contact address

Post Code

Tel. No.

Email address

Personal licence

Date of issue 3rd August 2010

Name of Licensing Board issuing East Lothian Licensing Board

Reference no. of personal licence EL689

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 _____ 5th November 2025

Capacity APPLICANT / AGENT (delete as appropriate)

Tel. No. of signatory _____ 07909 754134

Email address _____ gordon@gneconsultancy.co.uk

*** Data Protection Act 2018**

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REV	DESCRIPTION	KM	KM	00.00.00
		DRAWN	CHKD	DATE
PROJECT NO: 23-06		ISSUE NUMBER: APPROVAL		WORK STAGE: APPROVAL
DRAWING REFERENCE: 00-001		REVISION:		
SCALE: 1:1250 / A4		DATE: SEP 25		DRAWN BY: KM
CHECKED BY: KM				

SHANTI SHIVAKUMAR
84 HIGH STREET
HADDINGTON
EH41 3ET

KEVIN MACKENZIE ARCHITECTURE & DESIGN LTD
67 MARKET STREET,
HADDINGTON,
EAST LOTHIAN
EH41 4JX

E: KEVIN@KMAAD.CO.UK T: 0773 053 2004

LOCATION PLAN



Kevin Mackenzie
Architecture & Design Ltd

07/11/2025

Your Ref: EL0216

Our Ref: 967702

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



POLICE
SCOTLAND
Keeping people safe

Gregg Banks
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith, EH22 3AX

Dear Sir/Madam,

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
DAY TODAY HADDINGTON
84 HIGH STREET, HADDINGTON, EAST LOTHIAN, EH41 3ET.
SHIVAKAMUR KANDASWAMY

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the relocation of the alcohol display, the correction of the capacity to 27.66m², this installation of a chilled beer room and the addition of background music.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully

A large black rectangular box used to redact a signature.

Gregg Banks

OFFICIAL

Divisional Commander

For enquiries, please contact the Licensing Department on 0300 424 0033

EAST LOTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 26th November 2025

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL0216, DAY TODAY, 84 HIGH STREET, HADDINGTON, EAST LOTHIAN, EH41 3ET

I can confirm that the application has been discussed with the premises licence holder Mr Kandaswamy. The site notice was correctly displayed. I understand that there is to be a full refit and structural alterations to the premises to facilitate the changes to the layout and that this will require a closure for the work to be done. Mr Kandaswamy indicated that this would likely be around April 2026.

The changes applied for are:

- Change the layout and altering capacity to 27.66m²
- Add recorded music within and outwith core hours

I have reviewed the layout plan submitted and would direct the board to consider premises licence conditions 13(1), in Schedule 3 of the Licensing (Scotland) Act 2005.

13(1) Subject to sub-paragraph (3), alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following—

(a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
(b) a single area of the premises which is inaccessible to the public.

Detailed on the layout plan there is a display area that is within a refrigerated room and directly outside this a small display area for non-refrigerated red wine. I would consider this a single area. An additional display area beyond the payment counter and round what appears to be a corner is then marked for display of alcohol. This appears to be in a separate part of the premises and does not form part of the larger area marked towards the front of the premises. I would recommend the Board reviews this area and considers if it is compliant with the above condition.

There is an area behind the counter that is inaccessible which is compliant with the Act.

I have received no complaints about the premises and receive regular communication from Mr Kandaswamy.

Licensing Standards Officer

Herkes, Gillian

From: Robertson, Scott
Sent: 11 November 2025 08:21
To: Licensing
Subject: Re: Day Today, 84 High St, Haddington - major variation

Good Morning,

Please note I have no comments or objections to this application.

Regards
Scott

Scott Robertson | 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: 06 November 2025 14:24
To: Lothian Scot Borders Licensing East Mid Lothian <lothianscotborderslicensingeastmid@scotland.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Torquil Cramer <torquil.cramer@firescotland.gov.uk> <torquil.cramer@firescotland.gov.uk>; 'kat.burke@nhs.scot' <kat.burke@nhs.scot>; all@haddingtoncc.org.uk <all@haddingtoncc.org.uk>
Subject: FW: Day Today, 84 High St, Haddington - major variation

Good Afternoon

Please find attached Major Variation for 84 High Street, Haddington for report/representation by 30th November, 2025.

Kind regards

Gillian

Gillian Herkes

Licensing Officer

Democratic & Licensing Services

John Muir House

Haddington

East Lothian Council

01620 820114

gherkes@eastlothian.gov.uk

Please note :- My working days are Tuesday to Friday



Law Society
of Scotland

Accredited paralegal
liquor licensing

Protect Our Privacy: STAY VIGILANT for phishing attacks. If an email looks suspicious, don't click on any links or open attachments. Try to verify the email through a different channel, for example by phone or a different verified email address. If in doubt, contact the IT Service Desk for help.

19 NOV 2025

LICENSING (SCOTLAND) ACT 2005, SECTION 29
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

Received

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

2b

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0185

2(b) Name and Address of Premises

Longniddry Inn
Main Street
Longniddry
East Lothian

Post Code	EH32 0NF	Phone No.
-----------	----------	-----------

2(c) Full Name and Address of Current Licence Holder

Star Pubs Trading Limited
45 Mortimer Street
London

Post Code	W1W 8HJ	Phone No.
-----------	---------	-----------

SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

Q5 (c) – Permit theatre during and outwith core hours

3(c) Variation to the Layout Plan of the Premises Licence

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)
In addition please provide details below of the proposed change to the layout of the Premises.

3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence
(e.g. *Alteration to the description of the premises contained within the Premises Licence*)

SECTION 4: LICENCE TO BE AMENDED
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES NO

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)

SECTION 5: FEE PAYABLE

The fee payable in respect of the application for variation is **£200**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£220** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £200 is enclosed.

Signature



..... (See note 5 below)

Date 19 November 2025

Capacity: AGENT (delete as appropriate)

**If agent, please provide name, address,
phone number and (if applicable) email address**

George Domleo, Flint Bishop Limited, Pinnacle Building, 2 Prospect Place, Pride Park, Derby,
DE24 8HG

01332 226192 – george.domleo@flintbishop.co.uk

Note 1:

Please note that the proposed Operating Plan **must** contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forwarded to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Longniddry Inn
Main Street
Longniddry
East Lothian
EH32 0NF

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
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	01:00
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	23:00

Question 3

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

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	22:00
<i>Tuesday</i>	11:00	22:00
<i>Wednesday</i>	11:00	22:00
<i>Thursday</i>	11:00	22:00
<i>Friday</i>	11:00	22:00
<i>Saturday</i>	11:00	22:00
<i>Sunday</i>	11:00	22:00

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES</i>
--	------------

**If YES – provide details*

FROM A WEEK BEFORE CHRISTMAS DAY THROUGH TO JANUARY 4TH, OUTLET WISHES TO CONTINUE TO OPERATE UNTIL 02.00AM DAILY FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES, IN LINE WITH DATES DETERMINED BY EAST LOTHIAN LICENSING BOARD

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 <i>5(a) Activity</i>	COL. 2 <i>Please confirm YES/NO</i>	COL. 3 <i>To be provided during core licensed hours – please confirm YES/NO</i>	COL. 4 <i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES
<i>5(b) Activity Social functions including:</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	YES	YES	YES
<i>Club or other group meetings etc.</i>	YES	YES	YE
<i>5(c) Activity Entertainment including:</i>	<i>Please confirm YES/NO</i>	<i>To be provided during core licensed hours – please confirm YES/NO</i>	<i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i>
<i>Recorded music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	YES	YES	YES
<i>Theatre</i>	YES	YES	YES
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	YES	YES	YES
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	YES	YES	YES
<i>5(d)</i>	<i>Please confirm</i>	<i>To be provided during core licensed</i>	<i>Where activities are also to be provided</i>

Activity	YES/NO	hours – please confirm YES/NO	outwith core licensed hours please confirm YES/NO
Outdoor drinking facilities	YES	YES	YES
5(e) Activity	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
Adult entertainment	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

ACTIVITIES OUTWITH CORE HOURS PERMITTED PRIOR TO CORE HOURS FROM 08.00AM ONWARDS, BUT NO ALCOHOL WILL BE SERVED OUTWITH CORE HOURS UNLESS BY VIRTUE OF AN EXTENDED HOURS CERTIFICATE. ALL ACTIVITIES OUTWITH CORE HOURS MAY ALSO BE PROVIDED DURING THE HOURS SOUGHT IN QUESTION 4 ABOVE. PREMISES MAY OPEN FROM 08.00AM FOR THE PROVISION OF TEAS, COFFEES, BREAKFASTS ETC.

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.

KARAOKE

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?

N/A

When fully occupied, are there likely to be more customers standing than seated?

N/A

*Delete as appropriate

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<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 ONLY BE ALLOWED ACCESS IF ACCCOMPANIED BY AN ADULT

6(c) *Provide statement regarding the AGES of children or young persons to be allowed entry*

0 TO 17

6(d) *Provide statement regarding the TIMES during which children and young persons will be allowed entry*

FROM OPENING UNTIL 22.00 HOURS, UNLESS ATTENDING A PRE-ARRANGED FUNCTION WHEN THEY WILL BE PERMITTED TO REMAIN ON THE PREMISES UNTIL THE TERMINAL HOUR.

6(e) *Provide statement regarding the PARTS of the premises to which children and young persons will be allowed entry*

ALL PUBLIC PARTS OF THE PREMISES

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

ON SALES - 548

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) *Name*

RENEE ALLYCE SARBACH

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address and telephone number*

[REDACTED]

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
14 November 2024	Scottish Borders Council	SB/LIQ/13371

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 19 November 2025.....

Capacity AGENT (delete as appropriate).

Telephone number and email address of signatory

01332 226192 – george.domleo@flintbishop.co.uk

*** 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.

01/12/2025

Your Ref: LONGNIDDRY INN

Our Ref: 971294

The Clerk of the Licensing
Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA



POLICE
SCOTLAND
Keeping people safe

Gregg Banks
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith, EH22 3AX

Dear Sir/Madam,

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
LONGNIDDRY INN
LONGNIDDRY INN, MAIN STREET, LONGNIDDRY, EAST LOTHIAN, EH32 0NF.
PREMISES LICENCE HOLDER: STAR PUBS TRADING LIMITED

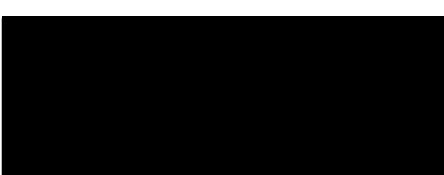
I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of live theatre during and outwith core hours.

In terms of Section 29(5) this request can be considered a variation.

I have no adverse comment to make regarding the variation proposed.

Yours faithfully



Gregg Banks
Divisional Commander

OFFICIAL

For enquiries, please contact the Licensing Department on 0300 424 0033

EAST LOTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli

Clerk to the Licensing Board

Date: 26th November 2025

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE MAJOR VARIATION

EL0185, LONGNIDDRY INN, MAIN STREET, LONGNIDDRY, EAST LOTHIAN EH320NF

I can confirm that the application has been discussed with the premises manager Renee Sarbach. The premises have also been visited and the site notice was correctly displayed.

The changes applied for are:

- To add theatre during and outwith core hours

From discussion with the premises manager a local drama group would like to use the function room in the premises for theatre productions to bring this type of entertainment to the local community.

The premises have been well run by the current management.

Licensing Standards Officer

Licensing

From: Robertson, Scott
Sent: 01 December 2025 13:23
To: Licensing
Subject: Re: Longniddry Inn, Main St, Longniddry, EH32 0NF

Hello,

Please note I have no comments or objections to this application.

Kind Regards
Scott

Scott Robertson | 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: Thursday, November 20, 2025 14:49
To: Lothian Scot Borders Licensing East Mid Lothian
<lothianscotborderslicensingeastmid@scotland.police.uk>; Licensing Standards Officer
<lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; 'kat.burke@nhs.scot' <kat.burke@nhs.scot>; 'longniddrycommunitycouncil@gmail.com' <longniddrycommunitycouncil@gmail.com>
Subject: FW: Longniddry Inn, Main St, Longniddry, EH32 0NF

Hi
Please find attached Major Variation for Longniddry Inn, Main Street, Longniddry, can I please have reports/comments by 14th December, 2025.

Gillian
Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 827664
gherkes@eastlothian.gov.uk

Please note :- My working days are Tuesday to Friday



Law Society
of Scotland

Accredited paralegal
liquor licensing

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Herkes, Gillian

From: Anshus, Oyunn
Sent: 09 December 2025 09:11
To: Licensing
Subject: 25/02461/LICVAR Longniddry Inn, Main St, Longniddry, EH32 0NF
Attachments: Major Variation & Revised Operating Plan - Submitted.pdf; Longniddry PL Septemer 2025.pdf; FileNote(1056422).PDF

Good morning,
I have no comment to make on this application.

Kind regards,

Oyunn Anshus
Senior Environmental Health Officer - Business Compliance
Protective Services, Communities and Partnerships, Children and Communities
East Lothian Council, John Muir House, Court Street, Haddington, East Lothian EH41 3HA
M 07855 187997 | **E** oanshus@eastlothian.gov.uk | **W** www.eastlothian.gov.uk

From: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Sent: 20 November 2025 15:00
To: Anshus, Oyunn <oanshus@eastlothian.gov.uk>
Subject: FW: Longniddry Inn, Main St, Longniddry, EH32 0NF

Hi Oyunn

Are you able to help with this?

Thanks
Kathleen

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 20 November 2025 14:49
To: Lothian Scot Borders Licensing East Mid Lothian <lothianscotborderslicensingeastmid@scotland.police.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; 'kat.burke@nhs.scot' <kat.burke@nhs.scot>; 'longniddrycommunitycouncil@gmail.com' <longniddrycommunitycouncil@gmail.com>
Subject: FW: Longniddry Inn, Main St, Longniddry, EH32 0NF

Hi

Please find attached Major Variation for Longniddry Inn, Main Street, Longniddry, can I please have reports/comments by 14th December, 2025.

Gillian

Gillian Herkes
Licensing Officer

COMMITTEE: Licensing Board

MEETING DATE: 29 January 2026

BY: Clerk to the Licensing Board

REPORT TITLE: Scheme of Delegation

REPORT STATUS: Public

3

1 PURPOSE OF REPORT

To provide a consolidated and clear scheme of delegation of powers made under the Licensing (Scotland) Act 2005 and the Gambling (Scotland) Act 2005.

2 RECOMMENDATIONS

Members are recommended to:

- 2.1 Adopt the Scheme of Delegation made under the Licensing (Scotland) Act 2005.
- 2.2 Adopt the Scheme of Delegation made under the Gambling Act 2005.

3 BACKGROUND

- 3.1 It is noted that there is a requirement to ensure that the actions of the Licensing Board are carried out in a clear and transparent manner.
- 3.2 In Scotland the Licensing Board is identified as the relevant authority for regulating the sale of alcohol under the Licensing (Scotland) Act 2005 and gambling under the Gambling Act 2005.
- 3.3 It is noted that there is no formal stated Scheme of Delegation pertaining to the Licensing Board with delegations being generally referenced within the Statements of Licensing Policy as referenced at paragraphs 8.1 and 8.2 of this paper.
- 3.4 It is further noted that there is currently no formal Scheme of Delegation pertaining to gambling.

3.5 This paper seeks to put in place clear and formal Schemes of Delegation to allow the Licensing Board to discharge its duties with any straightforward matter being considered by the Clerk to the Licensing Board or any member of the Clerk to the Licensing Board's staff having authority to do so, to save resources and to create as little inconvenience to applicants as possible. Thereby only those applications and matters which by statute are required to be considered by the Board will be submitted to them for determination and other applications will be determined by the Clerk (or Depute Clerk or persons appointed to assist them) in accordance with the Scheme of Delegations set out in Appendix 1 of this report.

4 POLICY IMPLICATIONS

4.1 None

5 RESOURCE AND OTHER IMPLICATIONS

5.1 Finance: None

5.2 Human Resources: None

5.3 Other (e.g. Legal/IT): None

5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

6.1 **Select the statement that is appropriate to your report by placing an 'X' in the relevant box.**

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

7 APPENDICES

7.1 Appendix 1 – Scheme of Delegation details the powers of the Licensing Board for East Lothian Council in terms of the Licensing (Scotland) Act 2005 and the Gambling Act 2005.

7.2 Appendix 2 – East Lothian Board Procedures for Applications, Objections, Reviews and Meetings and Scheme of Delegation (Licensing and Gambling).

8 BACKGROUND PAPERS

- 8.1 East Lothian Licensing Board Statement of Licensing Policy (1 November 2023 – 31 October 2028).
- 8.2 East Lothian Licensing Board Statement of Principles (January 2025 – January 2028).

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

Name	Carlo Grilli
Designation	Service Manager - Governance
Tel/Email	cgrilli@eastlothian.gov.uk
Date	23 December 2025



COMBINED SCHEME OF DELEGATION

Licensing (Scotland) Act 2005

Gambling Act 2005

PART 1

SCHEME OF DELEGATION

Licensing (Scotland) Act 2005

This Scheme of Delegation sets out how decisions will be made using the powers under the Licensing (Scotland) Act 2005 ('the Act') in East Lothian. This Scheme of Delegation was approved by the East Lothian Licensing Board and is effective from **XXXX**.

The Board recognises that any application should only be determined by the Board where necessary. Any straightforward matters should be considered by the Clerk or any member of the Clerk's staff having authority to do so, to save resources and to create as little inconvenience to applicants as possible.

The Board therefore agrees that only those applications and matters which by statute are required to be considered by the Board will be submitted to them for determination and other applications will be determined by the Clerk (or Depute Clerk, or persons appointed to assist) in accordance with the following Scheme of Delegation.

1. Matters reserved to the Licensing Board

	Nature of function	Relevant provisions in the Act	Function
1.1	Determination of Licensing Board Policy	S.6 and Schedule 1, Paragraph 10(2)(a)	Determining the Board's policy for the purposes of a Licensing Policy Statement or any Supplementary Licensing Policy Statement.
1.2	Determination of Overprovision of Licensed Premises	S.7 and Schedule 1, Paragraph 10(2)(b)	Determining, for the purposes of any such statement, whether there is overprovision of licensed premises, or licensed premises of any particular description, in any locality.
1.3	Annual Function Statement	S.9A	Approving and publishing an annual statement of the Board's functions.
1.4	Annual Financial Statement	S.9B	Approving and publishing an annual financial statement of the Board's income and expenditure.
1.5	Premises Licence Application	S.23 and Schedule 1, Paragraph 10(2)(c)	Determining a premises licence application.
1.6	Premises Licence Major Variation Application	S.30 and Schedule 1, Paragraph 10(2)(d)	Determining a premises licence variation application where the variation sought is not a minor variation.
1.7	Premises Licence Transfer Application (Conviction)	S.33, S.34 and Schedule 1, Paragraph 10(2)(e)	Determining an application for the transfer of a premises licence where the applicant has been convicted of a relevant or foreign offence.
1.8	Provisional Premises Licence Confirmation	S.46 and Schedule 1, Paragraph 10(2)(i)	Refusing an application for confirmation of a provisional premises licence.
1.9	Temporary Premises Licence	S.47	Determining a Temporary Premises Licence Application.
1.10	Personal Licence (Conviction)	S.74 and Schedule 1, Paragraph 10(2)(f)	Determining a Personal Licence Application or a Personal Licence Renewal Application where the applicant has been convicted of a relevant or foreign offence.
1.11	Conducting a Hearing	S.39, S.84 and Schedule 1, Paragraph 10(2)(g)	Conducting a hearing under the Act, including taking any of the following steps: 1.9.1 At a review hearing in respect of a premises licence where necessary in terms of the licensing objectives flowing from the sale of alcohol:

			<p>(i) Issuing a written warning to the premises licence holder; or</p> <p>(ii) Making a variation of the premises licence; or</p> <p>(iii) Making a variation of the premises licence; or</p> <p>(iv) Making an order revoking, suspending or endorsing a personal licence.</p> <p>1.9.2 Such hearings will be conducted by means of written submissions in the first instance, where it is appropriate to do so.</p>
1.12	Closure Order	S.97 and Schedule 1, Paragraph 10(2)(h)	Making a Closure Order.

2. Matters delegated to the Clerk, Depute Clerk(s) or any other persons appointed to assist them in consultation with the Convenor in the first instance

	Nature of Function	Relevant Provisions in the Act	Function
2.1	Applications for extensions under S.21 to the Board's Policy	S.65	If a premises ceases to be used for the sale of alcohol for 18 months, the licence will be deemed to have ceased to have effect. This delegation ensures that where premises have sought an extension, this can be dealt with by the Clerk following consultation with the Convenor.
2.2	Notice of Convictions	S.44(7A) and S.83(7A)	Determining whether to hold a licence review hearing or to take no further action upon receipt of a notice from the Chief Constable which does not contain a recommendation to vary, suspend, revoke or endorse the licence in question.
2.3	Occasional Licence or Extended Hours (Fast Track)	S.57(4), S.69(4) and Schedule 1, Paragraph 10(1)	Determining whether an application for an occasional licence or occasional extension requires to be dealt with quickly.
2.4	Occasional Licence (Objection / Contrary to Policy)	S.59 and Schedule 1, Paragraph 10(1)	Determining whether or not the Licensing Board will hold a hearing to determine an application for an occasional licence where an objection, representation or a notice recommending refusal from the Chief Constable or Licensing Standards Officer (LSO) or where the application is contrary to the terms of the Board's Policy.
2.5	Occasional Licence (Objection)	S.59 and Schedule 1, Paragraph 10(1)	Where a decision has been taken by the Convenor and Clerk not to hold a hearing in terms of S.59(4) of the Act, the determination of the application following an opportunity for the applicant to comment on the representation in terms of S.59(5).

2.6	Occasional Licence or Extended Hours (Lodged late or Contrary to Policy)	S.59, S.70 and Schedule 1, Paragraph 10(1)	Determining whether to accept an application for an occasional licence or occasional extension that has been lodged late in terms of the Board's Policy.
2.7	Extended Hours Application (Objection / Contrary to Policy)	S.70 and Schedule 1, Paragraph 10(1)	Determining whether or not the Board will hold a hearing to determine an application for extended hours where an objection, representation or a notice recommending refusal from the Chief Constable or LSO or where the application is contrary to the terms of the Board's Policy.
2.8	Extended Hours Application (Objection)	S.70 and Schedule 1, Paragraph 10(1)	Where a decision has been taken by the Convenor and Clerk not to hold a hearing in terms of S.70(2) of the Act, the determination of the application following an opportunity for the applicant to comment on the representation in terms of S.70(3).
2.9	Personal Licence (Licence previously Surrendered – Hearing)	S.74(7)	Where an applicant has surrendered a personal licence within the period of 3 years prior to an application for a further personal licence being made by that person, to decide whether the reasons for surrender of the previous personal licence warrant consideration of the application by the Board.
2.10	Pool table, Dart boards & Gaming Machine Submissions	Schedule 1, Paragraph 10(1)	Considering written submissions (including photographs) regarding children's access to areas containing pool tables, dart boards or gaming machines in respect of an application for Premises licence or Major variation. If the Convenor is not satisfied with the submissions, the application will be determined by the Board.
2.11	Relevant Offences Submissions	Schedule 1, Paragraph 10(1)	Considering written submissions regarding relevant offences in connection with a Premises licence application or transfer of Premises licence application. If the Convenor is satisfied with the submissions then the Clerk may determine whether or not to cite the application to attend the Board Hearing.
2.12	Power to Relieve Procedural Errors	S.135 and Schedule 1, Paragraph 10(1)	To relieve any applicant or other party to proceedings before the Board of any failure to comply with any procedural provision if the failure is due to a mistake, oversight or other excusable cause, and it is considered appropriate in all of the circumstances to relieve the failure.
2.13	Rejection of Frivolous or Vexatious Objections	S.22(4), S.36(6) and S.58(3)	Determining whether to reject a notice of objection or representation or request for a Premises licence review received by the Board where they consider it to be frivolous or vexatious.

3. Matters delegated to the Clerk, Depute Clerk(s) or any other persons appointed to assist them

	Nature of Function	Relevant Provisions in the Act	Function
3.1	Premises licence Minor Variation application	S.29 and Schedule 1, Paragraph 10(1)	Determining any premises licence variation application where the variation sought is a minor variation.
3.2	New Premises Manager Variation	S.29(6)(c) and Schedule 1, Paragraph 10(1)	Determining any premises licence variation application for a variation to substitute a new premises manager.
3.3	Premises Licence Application or Variation Application Hearing Citation	Schedule 1, Paragraph 10(1)	Determine whether to cite an applicant to a hearing for a premises licence application or a variation application where the variation is not a minor variation.
3.4	Premises Licence Transfer Application (No Conviction)	S.46 and Schedule 1, Paragraph 10(1)	Determining an application for the transfer of a premises licence where the applicant has not been convicted of a relevant or foreign offence.
3.5	Provisional Premises Licence Confirmation	S.46 and Schedule 1, Paragraph 10(1)	Determining any application for confirmation of a provisional premises licence – where no variation (other than a minor variation) has been made to the operating or layout plans for the premises to which the licence relates, since the provisional licence was issued or since a variation of the provisional premises licence was granted.
3.6	Premises Licence Review Proposal	S.37 and Schedule 1, Paragraph 10(1)	Determine whether to make a premises licence review proposal.
3.7	Obtaining further information for the purposes of a Review Hearing	S.38(5) and (6) and Schedule 1, Paragraph 10(1)	To exercise the powers under S.38(5) and (6) for the purposes of a review hearing to obtain further information, request any person to attend to provide information and/or request production of any document at a review hearing.
3.8	Premises Licence (Licence Production)	S.49(3) and Schedule 1, Paragraph 10(1)	To require a premises licence holder to produce the premises licence.

3.9	Occasional Licence (No Objection)	S.59 and Schedule 1, Paragraph 10(1)	Determining an application for an occasional licence – where no objections or representations have been received, nor a notice recommending refusal from the Chief Constable or any report from the LSO recommending refusal including late applications which the Convenor has approved in terms of 2.5 (above).
3.10	Occasional Licence or Extended Hours (Funeral Teas)	Schedule 1, Paragraph 10(1)	Determining an application for an occasional licence or occasional extension that has been lodged in respect of a funeral tea.
3.11	Occasional Licence Conditions	S.60 and Schedule 1, Paragraph 10(1)	To impose conditions under S.60 in respect of an occasional licence as necessary or expedient for the purpose of any licensing objective.
3.12	Extended Hours Application (No Objection)	S.79 and Schedule 1, Paragraph 10(1)	Determining an application for extended hours where no objections or representations have been received nor a notice recommending refusal from the Chief Constable or any report from the LSO recommending refusal including applications which the Convenor has approved in terms of 2.5 (above).
3.13	Personal Licence (No Convictions)	S.74 and Schedule 1, Paragraph 10(1)	Determining a personal licence application or a personal licence renewal application where the applicant has not been convicted of a relevant or foreign offence.
3.14	Personal Licence (Licence Previously Surrendered)	S.77(6) and S.87(3)	To grant a personal licence where the applicant has previously surrendered their personal licence under S.77(6) or their licence has been revoked under S.87(3).
3.15	Revocation of Personal Licence	S.87(3) and Schedule 1, Paragraph 10(1)	The revocation of a personal licence where the licence holder has not complied with the requirements of S.87(1) of the Act.

4. Other matters

Any matters which are not the subject of a specific delegation in terms of this Scheme of Delegation and are not prescribed by the Licensing (Scotland) Act 2005 shall be determined by the Clerks (or any person appointed to assist the Clerk) as appropriate unless the nature of such matter is considered to be appropriate to be determined by the Licensing Board at a meeting arranged by the Clerk in consultation with the Convenor of the Licensing Board.

5. Exercise of delegated powers

The Clerk, the Depute Clerk and any other member of staff appointed to assist them may elect not to use their delegated powers in a particular case, in which case the matter will be referred to the Licensing Board.

6. Legislation

These delegations are subject to any necessary alterations arising from amendments to Legislation, Regulations, Codes of Practice or Government Circulars. In the event of a conflict between the terms of this Scheme of Delegation and the relevant legislation, the Scheme of Delegation shall be deemed amended to accord with the provisions of the said relevant legislation.

PART 2

SCHEME OF DELEGATION

Gambling Act 2005

This Scheme of Delegation relates to the powers of the Licensing Board for East Lothian under the Gambling Act 2005. The Scheme of Delegation was approved by the East Lothian Licensing Board and is effective from **XXXX**.

The Board recognises that any application should only be determined by the Board where necessary. Any straightforward matters should be considered by the Clerk or any member of the Clerk's staff having authority to do so, to save resources and to create as little inconvenience to applicants as possible.

The Board therefore agrees that only those applications and matters which by statute are required to be considered by the Board will be submitted to them for determination and other applications will be determined by the Clerk (or Depute Clerk, or persons appointed to assist) in accordance with the following Scheme of Delegation.

1. Matters reserved to the Licensing Board

	Nature of function	Relevant provisions in the Act	Function
1.1	Premises Licence Application	S.161	Determination of an application of a premises licence of which representations have been made under S.161 (and not withdrawn).
1.2	Premises Licence Variation Application	S.188 and S.189	Determination of an application for the variation of a Premises Licence in respect of which representations have been made under S.161 as applied by S.187 (and not withdrawn).
1.3	Transfer Application with representation from Gambling Commission	S.188 and S.189	Determination of an application for transfer under S.188 and S.189 following representations by the Gambling Commission.
1.4	Provisional Statement Application	S.204 and S.161	Determination of an application for a provisional statement under S.204 in respect of which representations have been made under S.161 as applied by S.204 (and not withdrawn).
1.5	Review of Premises Licence	S.201	A review of a Premises Licence under S. 201.
1.6	Issuing a Counter Notice to Temporary Use Notice	S.224	Determination of whether to issue a counter notice to a temporary use notice under S.224.
1.7	Application for or cancellation of a Club Machine Permit (with objections made)	S.271 and S.273	Determination of an application for, or the cancellation of a Club Gaming Permit or Club Machine Permit under S.271 and S.273 in respect of which objections have been made and not withdrawn.
1.8	Determination on whether to cancel Club Gaming or Club Machine Permit	Schedule 12, paragraph 21	Determination of whether to cancel Club Gaming Permit or Club Machine Permit.

1.9	Gaming Machine Permit for 3 or more gaming machines for licensed premises application	S.283	Determination of an application for a gaming machine permit for 3 or more gaming machines for licensed premises under S.283 in respect of which objections have been made and not withdrawn.
1.10	Determination on whether to cancel Gaming Machine Permit in respect of Licensed Premises	Schedule 13, paragraph 16	Determination of whether to cancel a Gaming Machine Permit in respect of Licensed Premises.
1.11	Applications for registrations for the grant and renewal of registration for the promotion of lotteries by small, non-profit society	Schedule 11, Part 5	Determination of applications for registrations for registrations for the grant and renewal of registration for the promotion of lotteries by small, non-profit societies in respect of which objections have been made and not withdrawn.
1.12	Making a resolution not to issue Casino Licenses	S.166	Making a resolution not to issue Casino Licenses under S.166
1.13	Formulating Licensing Policy	S.349	Formulating Licensing Policy under S.349

2. Matters delegated to the Clerk, Depute Clerk(s) or any other persons appointed to assist them

	Nature of Function	Relevant Provisions in the Act	Function
2.1	Premises Licence Application (with representations made)	S.161	To determine an application for a premises licence where no relevant representations have been made, or where relevant representation has been made and then withdrawn.
2.2	Premises Licence Variation Application (with representations made)	S.181 and S.189	To determine an application for a variation of a premises licence where no relevant representations have been made, or where relevant representation has been made and then withdrawn.
2.3	Application for Transfer of Premises Licence	S.188	To determine an application for a premises licence where no representations have been made by the Gambling Commission.
2.4	Provisional Statement Application	S.204	To determine an application for provisional statement under S.204 where no relevant representations have been made, or where relevant representations have been made and then withdrawn.
2.5	Club Gaming Permit or Club Machine Permit	S.271 and S.273	To determine an application for a club Gaming Permit or Club Machine Permit where no relevant representation s have been made, or where relevant representation have been made and then withdrawn.
2.6	Gaming Machine Permit for 3 or more machines in a licensed premises	S.283	To determine a gaming machine permit for 3 or more machines in respect of licensed premises where no relevant representation have been made, or where relevant representations have been made and then withdrawn.
2.7	Family Entertainment Centre Gaming Machine Permit	Schedule 10, paragraph 8	To determine an application for a Family Entertainment Centre Gaming Machine Permit where no relevant representations have been made, or where relevant representation have been made and then withdrawn.
2.8	Prize Gaming Permit Application	Schedule 14, paragraph 9	To determine an application for a Prize Gaming Permit where no relevant representations have been made, or where relevant representations have been made and then withdrawn.

2.9	Registration for the grant and renewal of registrations for the promotion of lotteries by small, non-profit societies	Schedule 11, Part 5	To issue registrations for the grant and renewal of registrations for the promotion of lotteries by small, non-profit societies where no relevant representations have been made, or where relevant representation have been made and then withdrawn.
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3. Other matters

Any matters which are not the subject of a specific delegation in terms of this Scheme of Delegation and are not prescribed by the Gambling Act 2005 shall be determined by the Clerk (or any person appointed to assist the Clerk) as appropriate unless the nature of such matter is considered to be appropriate to be determined by the Licensing Board at a meeting arranged by the Clerk in consultation with the Convenor of the Licensing Board.

4. Exercise of delegated powers

The Clerk, the Depute Clerk and any other member of staff appointed to assist them may elect not to use their delegated powers in a particular case, in which case the matter will be referred to the Licensing Board.

5. Legislation

These delegations are subject to any necessary alterations arising from amendments to Legislation, Regulations, Codes of Practice or Government Circulars. In the event of a conflict between the terms of this Scheme of Delegation and the relevant legislation, the Scheme of Delegation shall be deemed amended to accord with the provisions of the said relevant legislation.



EAST LOTHIAN LICENSING BOARD
PROCEDURES FOR APPLICATIONS,
OBJECTIONS, REVIEWS AND MEETINGS
AND
SCHEME OF DELEGATION
(LICENSING AND GAMBLING)

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3.1 Licensing Scheme of Delegation

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1.0 PROCEDURES FOR APPLICATIONS, OBJECTIONS AND REVIEW

1.1 The Board gives notice of applications for premises licences and non-minor (commonly referred to as major) variations to –

- each person defined by the 2005 Act to be a neighbour;
- any Community Council within whose area the premises are situated;
- The Licensing Standards Officer
- East Lothian Council's Building Standards Manager, Development Control Manager;
- Environmental Health & Trading Standards Manager;
- Police Scotland;
- Scottish Fire and Rescue Service;
- the local Health Board.

1.2 The Board is required to advertise these applications on its website for 21 days and in addition, applicants are obliged to display site notices at the premises for 21 days from the date that the applications are advertised.

Any person may submit an objection or representation to the Board regarding an application for:

- a premises licence
- a variation to a premises licence
- an occasional licence – (occasional licence applications are notified to Police Scotland and the LSO only and are advertised on the Board's website for 7 days)
- an Extended Hours application – (extended hours applications are notified to Police Scotland and LSO only, there is no requirement to advertise these applications).

1.3 The extent to which the Board may take an objection and/or representation into account is governed by the Licensing (Scotland) 2005 Act ('the Act') and is, in general, subject to:

- receipt of the objection and/or representation within a prescribed timescale;
- whether the content of the objection and/or representation addresses one of more of the licensing objectives; and
- with regard to its nature, whether the Board considers the objection or representation to be frivolous or vexatious.

Persons wishing to make an objection or representation on any particular application should view the Guidance Notes and Form on the Council's alcohol licensing webpage. They have the opportunity to attend the Board meeting set to determine the application, in order to speak to their objection or representation. Notice of the Board meeting will be sent to all those who have made an objection or a representation. If they cannot attend, they will be given the opportunity to nominate someone to attend on their behalf.

1.4 Any person may apply to the board for review of a premises licence.

The grounds on which any such application, can be made, are that one or more of the conditions attached to a licence has been breached, that there is a ground related to one or more of the licensing objectives and/or that the licence holder is considered not fit and proper. Detail must be provided in the application for a review.

Whether the Board can receive and consider any application for review is, in general, subject to:

- whether, with regard to its content, the application discloses any matter relevant to any ground for review; and
- whether, with regard to its nature, the Board considers the application to be frivolous or vexatious.

The Board encourages any member of the public wishing to make a premises licence review application to use the form which has been prepared to assist applicants that can be found on the Council's alcohol licensing webpage.

- 1.5 The Board recognises that it has the power to recover expenses from an applicant for a premises licence review if it considers the application to be frivolous, or vexatious. However, it wishes to make clear that it will not consider using that power unless there is information before it to suggest that the application was deliberately frivolous or vexatious and not submitted on the basis of a genuine misunderstanding of the licensing system.
- 1.6 The Board may also decide to hold a review on its own initiative.
- 1.7 The Board wishes to emphasise the seriousness of review proceedings for both premises and personal licence holders because of the potential consequences they can have, should the Board find grounds for review established and decide to exercise any of the powers available to it.
- 1.8 If applications for review are accepted, the Board will hold a hearing. It is therefore important that the licence holder is fully prepared to present their case and they might be advised to obtain legal representation.

2.0 PROCEDURES FOR MEETINGS

2.1 Communication

All correspondence relating to licensing matters should be sent to the Council's Licensing Department.

The preferred method of communication is email. The email address is licensing@eastlothian.gov.uk

Alternatively, the postal address is:

The Clerk of the Licensing Board
East Lothian Council
John Muir House
Haddington
East Lothian EH41 3HA.

2.2 Frequency, Location and Timing of Meetings

Licensing Board meetings are open to the public.

Meetings are normally scheduled to take place at 10 am on the last Thursday of each month. A hybrid system will be used where persons may attend using an online platform or in person at the Council Chambers, Town House, 57 High Street, Haddington, East Lothian EH41 3EN.

These premises have disabled people's access and facilities.

The schedule of meeting dates is available on the Council's website at:

https://www.eastlothian.gov.uk/meetings/committee/53/east_lothian_licensing_board

2.3 People-centred Meetings

The business of the Board is important to ensuring adherence with the licensing objectives. The Board has quasi-judicial status. This means that it has powers and procedures resembling those of a court of law or Judge/Sheriff, and is obliged to objectively determine facts and draw conclusions from these facts to provide the basis of an official decision/action. However, the Board strives to create an informal, relaxed and supportive atmosphere that is not intimidating, so that people are at ease when participating at meetings. The Board will always endeavor to observe the rules of natural justice.

Meetings will be conducted in public; however, the Board may adjourn to consider matters in private. All decisions will be taken in public.

2.4 Meeting Attendees

The following people are always present at Board meetings:

The Licensing Board

- Board Members, including the Board Convener.
- If the Convener is unable to attend, the Board will nominate and agree one of the Board members who are present to take on the role of Convener for that meeting.
- A minimum number of Board members must be present for the meeting to go head. This minimum number is called a quorum. The quorum, as provided for in legislation, is one-half of the number of members, and no fewer than three.

Others

- The Clerk or Depute Clerk of the Board
- A Licensing Standards Officer
- A minute taker from East Lothian Council
- A licensing officer from East Lothian Council
- Applicants and licence holders
- Police Scotland's Divisional Licensing Officer and/or a Police Scotland local area Inspector
- The local press (meeting attendees should note that anything they say in the meeting might be reported by the local press)

The following people might be present at Board meetings, depending on the requirements of the items on the agenda.

- Officers from East Lothian Council – e.g. planning officer
- Agents/representatives for applicants and licence holders. (It is not mandatory to be represented, but many applicants and licence holders choose to be represented, usually by a licensing solicitor or practitioner)
- Objectors – many applications do not have objections. Sometimes objectors choose not to attend in person
- Supporters (people who have provided information in favour of granting or retaining a licence) - many applications do not have supporting statements, or the supporters choose not to attend in person
- People who have requested a review of a licence
- NHS Scotland – a representative will usually attend if they have made a representation.
- Members of the public are welcome to attend
- Members of the Licensing Forum

2.5 Meeting Room Layout and Facilities

On entering the Town House, the Council Chamber is immediately to the left of the entrance. The room is set out with tables and chairs in a square, boardroom style. The Convenor and the Clerk of the Board sit on the far side from the door. Applicants, their representatives and any objectors sit facing the Board members when their item of business is called for consideration. Board members, Police Scotland, the NHS, the Licensing Standards Officer, Licensing Officers and Committee Officer sit on the other sides of the square and provide input as directed by the Convener.

When waiting for their item to be called, applicants, representatives and objectors sit on the seats around the perimeter of the room. Members of the public will also be able to occupy these seats and observe proceedings.

2.6 Meeting Business

Meetings are convened to enable the Board to make decisions on various types of applications, and to review premises and personal licences. Applications, including variations to existing licences, and provisional licences, together with licence reviews, make up the majority of the business that the Board has to consider. However, the Board also deals with all the business detailed below. The Board's business is not restricted to these items and the Board will also make statements about extended opening hours and approve policies.

The Scheme of Delegation tables below list the relevant sections of the Acts and details whether the Board must or may hold a hearing.

2.7 Notice of requirement to attend Board Meetings/Hearings

The Board will give notice to any person who is required to attend the Board meeting.

The notice to attend will:

- Provide details of the date, time and venue of the meeting
- Explain that a meeting agenda will be sent out about one week before the meeting to the applicant or their agent, and to any objectors/supporters
- Advise that the agenda has details of the website address where people can access the reports and papers for the Board meeting
- Advise that the Board may consider the matter in the absence of any party, should that party fail to attend the meeting
- Include a copy of the procedures for attending Board meetings

The Board aims to issue the notice 14 days in advance of a meeting. The Council's Licensing Officer will send any objections to the applicant as and when these are received.

2.8 Submitting Documents, Evidence and Representations to the Board

Not later than 10 days before the meeting, applicants, licence holders, objectors and other parties should, as far as possible, notify all relevant parties and the Clerk of the evidence and documents that they intend to rely on at the meeting. Where evidence is lodged after this date, the Board may call and then adjourn the hearing to an alternative date to allow all relevant parties time to review the evidence submitted.

A representation is the term used to refer to objections; letters of support; and reports, comments and recommendations that have been received from consultees such as Police Scotland and NHS Scotland.

2.9 Attendance at the Meeting

Applicants/licence holders should attend the meeting and should confirm their attendance to the Clerk no later than 7 days before the meeting. They should also provide details of any agent or representative that is attending.

Regulation 14 of the Licensing Procedure (Scotland) Regulations 2007 provides that an applicant/licence holder may be represented by another person at a Board meeting. However, the Board may decide not to hear from the representative where they cannot provide written authorisation to act.

Objectors, people making representations and anyone who has requested a review of a licence, are invited to attend the meeting to present their case.

Councillors who are participating using digital facilities must ensure their camera is on for the duration of quasi-judicial items of business (as specified in Section 7.3 of the Councillors' Code of Conduct) in order that they can be seen for the duration of the item.

2.10 Failure to attend a Meeting

Where an applicant/licence holder fails to attend or be represented at a meeting, the Board will then decide whether to proceed with the hearing in their absence or continue the hearing to another date. Each matter will be considered on its own merits. However, in general:

1. If an applicant/licence holder has indicated an intention to appear but fails to do so, the hearing may proceed in their absence.
2. If an applicant/licence holder has given no indication about attending the meeting and there is no apparent reason for them not being present, then the hearing will proceed and the Board will make such decision as it thinks fit in the absence of that party.
3. If an applicant/licence holder leaves a hearing in circumstances such that it can reasonably be inferred that they do not wish to take any further part, then the hearing will proceed and the Board will make such decision as it thinks fit in the absence of that party.

A hearing will normally only be continued on one occasion.

When a hearing proceeds in the absence of an applicant/licence holder or their agent, the Board will consider all documents and evidence that has been presented, including objections and any representations.

2.12 Power to Postpone

At any time during the meeting, the Board may decide to postpone a hearing to a future specified date. Each case for postponement will be considered on its own merits.

2.13 Agenda and reports for Meetings

The agenda and reports for the Board meeting are issued to Board Members, relevant Council officials and Police Scotland. The agenda is issued to applicants, agents, objectors, NHS Scotland, community councils and other interested parties. These are issued by the committee team around 7 days before the meeting. The agenda details the Council website address where the reports can be accessed.

The first item of business on the agenda is the minutes of the previous meeting, for approval by the Board.

2.14 During the Meeting – Applications

A discussion and debate will be led by the Convenor of the Board, supported by the Clerk to the Licensing Board, and will generally take the following format:

1. The applicant, or their representative, will be asked to present their case verbally. They can use documents and written submissions (which must be provided to all parties prior to the date of the meeting) as supporting material.
2. Any party that has made objections or representations will be invited to present their case.
3. The Convenor will ask Police Scotland representatives and the LSO if they have anything to contribute. Police Scotland and the LSO normally produce a written report that is included in the reports and papers that are issued ahead of the meeting.
4. The applicant will then have an opportunity to respond to any points raised. Cross-examination is not generally part of the process. Hearsay evidence is admissible.
5. Board members may ask questions of any party.
6. Parties will be asked to sum up (in reverse order).

7. The Board may request legal advice from the Legal Adviser, and procedural advice from the Committee's Clerk.
8. The Board may adjourn to debate the matter in private. However, all decisions are made in public. The Convenor will deliver the Board's decision and may ask Board members to individually state their comments and decision.

2.15 During the Meeting – Licence Reviews

In relation to complaints or requests for the review of premises or personal licences, a discussion and debate will be led by the Convener of the Board. This will take the following format:

1. The complainer or person requesting the review will be invited to attend any hearing. If they decide to attend, they will be asked to present their case.
2. The licence holder, or their representative, will be asked to present their case verbally. They can use documents and written submissions (which must be provided to all parties prior to the date of the meeting) as supporting material.
3. The Licensing Standards Officer will produce a written report that is included in the papers for the Boards consideration. Police Scotland or other consultees will be asked if they have anything to contribute (assuming they have not requested the review).

Any party that has been consulted and has provided information on the licence review – e.g. a Council planning officer or safer communities officer, may be asked to attend the review hearing to answer Board members' questions.

All reports to the Board will usually only be made public after the review hearing.

2.16 Behaviour at Meetings

It is expected that everyone present shows mutual respect and acknowledges that they should only contribute to the meeting when invited by the Convener to do so.

If the Board consider a person to be behaving in a disruptive manner they can choose to exclude them or they can permit them to remain but only on such conditions as the Board specify.

Where a person is required to leave the meeting, the Board will permit them to submit in writing, before the end of the meeting, any information, which they would have been entitled to give verbally. The Board will take this information into account in reaching a decision.

2.17 Procedure Where a Hearing is No Longer to Take Place

Where a hearing has been scheduled and it is subsequently decided that the application can be determined without a hearing (with or without the consent of the parties) the Board will, as soon as is reasonably practicable

- Notify all parties that the hearing has been dispensed with; and
- Determine the application or review.

Where the Board does not hold a hearing, where there is an option to hold a hearing, the Board will make sure that all relevant parties have the opportunity to state their case, in particular, the

applicant will have a chance to respond to any observations made by the Police or the Licensing Standards Officer.

2.18 Irregularities

The Board may disregard any irregularity resulting from a failure to comply with The Statement of Licensing Policy, or with a procedure where an irregularity comes to its attention before it makes a decision on an application or review.

If the Board considers that any person may have been disadvantaged by any irregularity, it will take steps to remedy the consequences before reaching its decision.

2.19 Making, Declaring and Communicating Board Decisions

The Board might adjourn in private to discuss an application or review; however, their decision will always be declared in public.

When making a decision, the Board might grant a licence subject to certain conditions. These conditions will generally have been mentioned during the discussion.

It is expected that applicants, licence holders, representatives and other interested parties will remain in the Council Chamber to hear the Board's decision.

The Licensing Officer will communicate with all relevant parties after the meeting to advise them of the outcomes and to issue licences that have been granted.

2.20 Record of Proceedings

A permanent detailed minute is taken for every Board meeting and is approved at the next meeting of the Board. Once approved, the minute is published on the Council's website.

All minutes are also retained in the Council archives.

There are video and audio recording of Board meetings, available on the East Lothian Council website for six months.