



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

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

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