



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

**THURSDAY 30 OCTOBER 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

Board Members Present:

Councillor L Bruce (Convener)
Councillor G McGuire
Councillor J McMillan

Clerk of the Licensing Board:

Mr C Grilli, Service Manager - Governance

Attending:

Ms E Barclay, Committees Assistant
Ms K Harling, Licensing Standards Officer
PC M Upton, Police Scotland
Ms A Rafferty, Licensing Officer

Committee Clerk:

Ms L Gillie

Apologies:

Councillor C Cassini
Councillor F Dugdale
Councillor N Gilbert

Declarations of Interest:

None

The clerk advised that the meeting was being held as a hybrid meeting; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the East Lothian Licensing Board was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for five years from the date of the meeting.

The committee clerk recorded the attendance of Board members by roll call.

**1. MINUTES FOR APPROVAL
East Lothian Licensing Board, 25 September 2025**

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

2 STATEMENT OF FESTIVE EXTENSION HOURS 2025

The Convener stated that the Board had determined it appropriate to grant a general extension of licenced hours for on sales until 2am covering 24 December to 01 January. Applications should be submitted no later than 2 December.

Carlo Grilli, Clerk to the Licensing Board asked premises to indicate to the licensing team after the festive period if they have used the extension to hours.

**3a. NON-PAYMENT OF ANNUAL FEES
Town House Fish and Chicken Bar, 17 Market Street, Haddington EH41
3JL**

Mr Grilli advised that no one was present to represent the business.

The Licensing Standards Officer (LSO) stated that there had been late payments since 2020 and that reminders had been sent. She advised that in January 2025 a section 14 had been issued after the licence of the premises manager was revoked.

Councillor McMillan and McGuire commented that the premises was well used and respected and that they were disappointed that no one was present. Councillor McGuire added that it was very disrespectful but that the property was for sale and a delay to November might clarify the situation. Agreement was reached to send one final letter requesting payment by 14 November or the item will be brought back to Board in November. This was proposed by Councillor McMillan and seconded by Councillor McGuire with the Convener adding his support.

Mr Grilli clarified that the next Licensing Board would be held on Thursday 27 November 2025.

**3b. NON-PAYMENT OF ANNUAL FEES
The Seaglass Inn, Links Road, Port Seton, Prestonpans EH32 0DU**

Mr Grilli advised that that no one was present to represent the business.

The LSO stated there had been no previous late payments. She added that reminder letters had been sent and that the Licensing Team had tried to make contact by phone and by using the online contact form.

The Convener commented that this was very disrespectful and questioned if they were in breach of the Licensing Act for the sale of alcohol. The LSO responded by saying that technically this was a breach of the premises licence.

The Convener proposed the same action as the previous item, one final letter requesting payment by 14 November or the item will be brought back to Board in November, and this was seconded by Councillor McMillan with Councillor McGuire adding his support.

3c. NON-PAYMENT OF ANNUAL FEES
Fair Price Food Store, 120 High Street, Prestonpans EH32 9AD

Mr Grilli advised that no one was present to represent the business.

The LSO advised of late payments since 2020 and no response to reminders.

The Convener expressed his disappointment and proposed the same action as the previous two items, one final letter requesting payment by 14 November or the item will be brought back to Board in November, this was seconded by Councillor McMillan with Councillor McGuire adding his support.

4. MAJOR VARIATION
The Craig House, Carberry Road, Inveresk EH21 8PT

Christopher Grunert, solicitor representing Whitbread attended with Catherine McKenzie, the Restaurant's Transition Manager for Whitbread attending remotely. Mr Grunert began by advising that Whitebread are concentrating on their hotel business, and several restaurants have been marketed for potential disposal. Whitbread are taking steps to ensure that if a licence or the restaurant was disposed of a licence which is limited to the area being disposed of could be transferred to the new operator. Mr Grunert added that he understood there were no imminent plans for changes at the site and the application was to remove the hotel accommodation and therefore sales of alcohol to the bedrooms would be limited to off sales.

PC Upton advised that Police Scotland had no objections to the application.

The LSO advised that the site notice had been correctly displayed and that there had been no complaints.

Councillors McMillan and McGuire commented they were in support of the application with Councillor McGuire adding that it was a good example of forward planning.

Decision

The application was unanimously approved.

5. PROVISIONAL LICENCE
Sweet and Smoky, 17 West Port, Dunbar EH42 1BT

Alistair Macdonald attended with Paul Khatri-Chhetri, representative of the applicant and Lisa Pereira, tenant of the premises and operator. Mr Macdonald began by advising that this was an application for a new premises and that planning permission had been granted. He added that the Planning Department had suggested a hot food takeaway after Ms Pereira explained a takeaway could be ordered for collection. The hours requested on the application are 12 noon to 9 pm as in the planning application. The restaurant would be Portuguese themed with appropriate alcohol, and they hoped to open during the next month. Mr Macdonald advised they accepted the condition on deliveries in the LSO's report and added that any deliveries would be done by the operators themselves. Mr Macdonald highlighted the objections received and stated that the matters raised were addressed during the planning application. He continued by noting the comments about the Ridge and stated that his clients are intending to open a place where people would sit in to eat. Mr Macdonald continued by stating that they did not understand what was meant by manipulating the system and advised

changes to the planning application were made after a change of architect. He ended by saying that any deliveries to the premises would be of food.

PC Upton advised that Police Scotland had no objections to the application.

The LSO advised that the site notice had been correctly displayed, and the premises was being refurbished. She stated that there are 21 licensed premises in 800 meters but noted this is a different type of premises. The condition on the delivery of alcohol was highlighted.

The Convener noted that an objection had been received from Councillor Jardine and that she had intended to speak at Board but was unwell. He confirmed that Board Members had read her submission.

Councillor McGuire asked about the capacity of the premises and Ms Pereira advised that the capacity was 20 and they were allowed five members of staff.

In response to questions from Councillor McMillan Ms Pereira confirmed last orders as 8.30pm with everyone out of the premises by 9pm. She added that family celebrations would have a 20 person capacity and that there would be no extra noise. Ms Pereira stated that she was not afraid of working extra hours and that her partner would be there if she had to leave the premises. On parking Ms Pereira said that they would offer a discount for delivery rather than collection. Mr Macdonald added that they wanted customers to attend the restaurant rather than collect food and leave so they are not emphasising the takeaway element. Ms Pereira continued by saying that they had spoken to businesses in the area, and they will be given a discount while work is ongoing, adding that some neighbours are customers of their food trailer. She commented on an objection from a neighbour about bin storage, litter, parking and alleged manipulation of the system and stated that an offer to discuss issues had been refused. Mr Macdonald added that the neighbour's concerns were speculative.

The Board members acknowledged the objections received and commented on the applicant reaching out to objectors. They added that any issues could be dealt with through the proper channels. The Convener added that he did not consider 9pm a late closing time and proposed the LSO recommended condition on deliveries be added. Councillor McMillan seconded the proposal.

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.

6a. OCCASIONAL EXTENSION Musselburgh Rugby Club, 3a Stoneyhill Farm Road, Musselburgh EH21 6RN

Neil Durham, Club Steward, attended and advised that the club were aiming to host a Super Bowl event on 8 February 2026 with the bar being open until 3am. Mr Durham added that that everyone would be off the premises by 4am. Tickets for the event would be sold in advance and would include a meal and a buffet at half time.

PC Upton advised that Police Scotland had no objections.

The LSO advised that this was the first time the rugby club had held a Super Bowl event and noted the recommended conditions. She stated she had been in contact with Mr Durham who had indicated acceptance of the conditions.

The Convener asked about people leaving the premises and Mr Durham advised that there were signs in place and that he would be on the door to ensure people left quietly.

Councillor McMillan noted a local establishment being allowed an extension previously and asked about feedback on noise nuisance. It was confirmed that when the other establishment operated Super Bowl events the same conditions were attached, and it was believed there were no complaints. It was also highlighted that arrangements for taxis, private hires to take people home to minimise disruption had been in place.

When asked about taxis Mr Durham stated he would be managing the bookings for the event, and he could remind people to book taxis in advance.

Councillor McGuire commented he was aware that at a previous event the attendees had not drunk much alcohol due to driving or working the next day. Mr Durham responded by saying that it would be similar attendees at the event and added the main part of the event was to watch the Super Bowl not to drink alcohol.

The Convener stated he was happy to support and proposed the recommended conditions made by the LSO be added. Councillor McMillan seconded the proposal and stated it was important to consider the neighbours.

Decision

The Board unanimously agreed to grant the Occasional Extension subject to the following conditions:

- A personal licence holder is in attendance throughout the event.
- The event is by invitation / ticket only and is limited to tickets purchased in advance.
- The attendance must include the consumption of a meal.
- The last orders are called by 3.00am and comprise of no more than one drink per customer.
- Staff ensure that customers are all advised to be considerate of others and leave quietly.

6b. OCCASIONAL EXTENSION Lido, 168-170 High Street, Musselburgh EH21 7DZ

This item did not need to be considered by Board due to information received that the application was withdrawn.

7. REVIEW OF PREMISES LICENCE Auld Hoose, 19 Forth Street, North Berwick EH39 4HX

Lynn Simpson, TLT Solicitors attended and began by stating that it was their position that there was no formal review application before the Board. She highlighted they had been cited for review of the premises licence but that the board papers were not clear who requested the review nor the legal basis for it. Ms Simpson added that the letter

from the Board suggested that the review has been requested by a member of the public while the letter from the police referred to a review having been requested by East Lothian Council. She advised that they had been sent complaints submitted by neighbours but that none of the complaints specifically requested a review of the premises licence. Ms Simpson added that in terms of the legislation an application for review must clearly state the alleged grounds for review and the licencing objectives that those grounds relate to. She noted that the forms completed suggest they are used to submit an objection or a representation to a new licence or a major variation application but do not relate to a request for a review. She continued by saying that they had not been advised of which licencing objective the review related to and that it was not clear what the alleged grounds for review were. Ms Simpson ended by advising the Board of her motion that the review hearing was not competent under the terms of the Licensing Scotland Act 2005 and should be dismissed on the basis that it was contrary to the legal rules on natural justice and fair notice.

The Convener called for an adjournment to the meeting.

The Convener advised that he believed they had met the requirements and acted correctly in accordance with the law but added that they may not have communicated correctly. He continued by saying that the Board had unanimously agreed to take forward the review on the basis of the petition received along with the complaints. He confirmed that the review of premises licence would be dismissed at present but that they reserved the right to bring it back after documentation had been reviewed.

The Convener stated that he felt it was clear that no one wanted the premises to be shut down and suggested that as all parties, including the police and the LSO, were present that they discuss the situation. Ms Simpson added that she was going to suggest this course of action.

Councillor McMillan commented that he felt it was important that it was recognised that the Board unanimously decided as a result of the petition and objector comments to call for a review.

In response to comments from Wilma Shaw on the terminal hour of the licence Mr Grilli advised that if there are still issues and objectors wished to resubmit objections this would be taken forward as dismissing the review did not preclude it being taken forward in the future. Councillor McMillan added that it would be made as easy as possible for objectors to re submit objections by a simple line to state I repeat or re submit my previous objections. Mr Grilli confirmed this to be possible.

Mr Grilli commented that a review needed to be completed of what was put forward in this case. He added that as a Board they did believe that they conducted this correctly but accepted that documents may not have gone across for proper due consideration.

Before the close of the meeting Mr Grilli informed the Board that The Seaglass Inn, item 3b on the agenda, had paid their outstanding fees.

Signed

Councillor L Bruce
Convener of East Lothian Licensing Board