



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

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

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**Board Members Present:**

Councillor L Bruce  
Councillor F Dugdale  
Councillor N Gilbert  
Councillor G McGuire

**Clerk of the Licensing Board:**

Mr C Grilli

**Attending:**

Ms K Harling, Licensing Standards Officer  
Ms S Fitzpatrick, Team Leader – Licensing & Landlord Registration  
Ms G Herkes, Licensing Officer  
Ms C Aitken, Licensing Officer  
Ms E Barclay, Committees Assistant  
PC S Gibson, Police Scotland

**Committee Clerk:**

Ms B Crichton, Committees Officer

**Apologies:**

Councillor J McMillan  
Councillor C Cassini

**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 six months 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, 30 January 2024**

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

**2. OCCASIONAL LICENCES**  
**a. Winton Brewery Tap Room, Unit 11, Station Yard, Haddington**

The occasional licence applications had come before the Board in order to hear a progress update on work towards a premises licence.

David Mackinnon, representing The Haddy Tap, spoke to the applications. He advised that the premises had been operating under a provisional licence and occasional licences. He reported that Building Standards was the only outstanding Section 50 certificate; an application had been submitted, but 22 actions had been requested before a building warrant would be granted. Mr Mackinnon gave a brief account of work undertaken to complete these actions, including rewiring, and installation of CCTV cameras, emergency lighting, and a fully accessible toilet. He also reported having concluded personal licence holder training in January; he would apply for a personal licence shortly and intended to become the premises manager (DPM).

The LSO explained that the occasional licences had been referred to the Board under Section 24.2 of the Board's Statement of Licensing Policy. She advised that the applicant, Steven Holligan, was a personal licence holder. She reported that the business had been very helpful and diligent in providing progress updates, and she had no concerns over operation of the premises.

PC Gibson advised that Police Scotland had no comment to make on the applications.

Councillor McGuire was aware that people who visited the premises spoke highly of it, and thought it was a great addition to Haddington.

The Convener moved to a roll call vote on the applications, and Board members unanimously indicated their support.

**Decision**

The East Lothian Licensing Board granted the occasional licence applications.

**c. 18 Newbigging, Musselburgh**

The occasional licence applications had come before the Board on the basis of Section 23.2 of the Board's Statement of Licensing Policy, which stated that where an occasional licence application was to allow a premises to trade on a regular basis prior to a premises licence application having been determined, the application would be referred to the Board for consideration in the first instance.

Alistair Macdonald, the applicant's agent, spoke to the applications. He introduced his client, Samir Khan, who was also Musselburgh's postmaster, and ran the Post Office near to the convenience store at 18 Newbigging. Mr Macdonald advised that a provisional licence application had been lodged and a Section 50 certification was awaited from Building Standards before the premises licence could be confirmed. The application had been delayed in the hope of obtaining Section 50 from Building Standards, but the provisional licence application had now been lodged and was expected to be heard at the March Board meeting. Mr Macdonald expected that the

Building Standards certificate could be granted promptly since there had been no major structural changes made to the building. He also asked that further occasional licences be granted under delegated powers until such time as the premises licence could be confirmed.

The LSO had visited the store and met with Mr Khan; she commented that the refit looked great, and reported that Mr Khan was knowledgeable about the business and the area. She advised that she had spoken with Mr Khan about CCTV on the visit. She advised that the provisional licence application would come before the March Board meeting, and she had no concerns over the application.

PC Gibson advised that Police Scotland had no concerns with the applications.

Councillor Dugdale felt reassured by Mr Macdonald's presentation and by the LSO's report, and the Convener said he appreciated the issues with Building Standards. Both Board members were happy to support the applications.

The Convener moved to a roll call vote on the applications, and Board members unanimously indicated their support.

### **Decision**

The East Lothian Licensing Board granted the occasional licence applications.

#### **b. Buck & Birch, Unit 9, Merryfield Business Centre, Macmerry**

The occasional licence applications had come before the Board in order to hear a progress update on work towards a premises licence.

Tom Chisholm, applicant, spoke to the applications. He compared Buck & Birch's situation to the previously discussed regarding The Haddy Tap, since Buck & Birch had also had a provisional licence in place for a couple of years, subject to the grant of Section 50 certification from Building Standards. Mr Chisholm advised that Buck & Birch's landlord, Had Fab, were in discussions with Building Standards, and that other buildings in the Business Centre were also affected. He reported that Had Fab had apologised for how long the process was taking, and had a serious personal issue which had drawn focus. He advised that nothing had changed in the premises' operation, and said the occasional licences were important to the business. Mr Chisholm reported that he and Rupert Waites were personal licence holders, and another team member had also completed personal licence holder training.

The LSO explained that the occasional licence applications had been brought before the Board under Section 24.2 of the Board's Statement of Licensing Policy. She reported that the business had operated under occasional licences on a continuous basis since May 2020, and for two years since obtaining a provisional licence. She had not received an update on progress towards confirming the premises licence, but had worked with the business to advise that other team members undertake personal licence holder training, and to facilitate their operations with regards to markets and so on. She reported that there had been no complaints about the premises, and they had taken her guidance on board.

PC Gibson advised that Police Scotland had no objection to the applications.

The Convener reiterated previous remarks made about applicants experiencing issues when dealing with Building Standards. He was content to support the applications and

acknowledged the LSO's report that there had been no issues with the operation of the premises.

The Convener moved to a roll call vote on the applications, and Board members unanimously indicated their support.

### **Decision**

The East Lothian Licensing Board granted the occasional licence applications.

#### **d. Carlo's Fish Bar and Restaurant, 40e Links Road, Port Seton**

The occasional licence applications had come before the Board on the basis of Section 23.2 of the Board's Statement of Licensing Policy, which stated that where an occasional licence application was to allow a premises to trade on a regular basis prior to a premises licence application having been determined, the application would be referred to the Board for consideration in the first instance.

Mr Macdonald spoke to the applications. He advised that the premises, formerly The Ship Inn, had been refurbished to include a restaurant facility and had opened two weeks previously. He also advised that the owner had been involved in the takeaway business for some time, and his daughter was a personal licence holder.

The LSO advised that she had been unable to visit the premises, but wanted to organise a meeting with regards to the provisional licence application.

PC Gibson advised that Police Scotland had no issues with the application.

Councillor Dugdale sought to clarify the duration of the applications, and the LSO advised that additional occasional licence applications had now been submitted; occasional licences would need to continue until the premises licence had been confirmed.

Responding to a question from the Convener, Mr Macdonald advised that on sales and off sales had been requested to serve the restaurant and takeaway, and alcohol sales would be ancillary to takeaway food. He explained that staff were aware of Challenge 25, that the owner's daughter would train the staff, and that another member of the team would also become a personal licence holder. He advised that staff were also aware of the clientele in the area.

The Convener said he appreciated the difficulties experienced in obtaining certification from Building Standards. He and his family were aware of the premises, and wished the operators luck in their new venture.

The Convener moved to a roll call vote on the applications, and Board members unanimously indicated their support.

### **Decision**

The East Lothian Licensing Board granted the occasional licence applications.

**e. The Mart Farm Shop, East Lothian Sale Ground, Station Road, East Linton**

The occasional licence applications had come before the Board in order to hear a progress update on work towards a premises licence.

Neil Sinclair-Parry spoke to the applications. He explained that occasional licences were required because of difficulties in obtaining Section 50 certificates, following initial confusion over whom was responsible for obtaining a building warrant. Mr Sinclair-Parry referred to difficulties with his architect, but advised that a building warrant application had now been lodged. He expected that the Section 50 certificates would be granted within the timeframe of the next batch of occasional licences being applied for, at which point, the licence could be confirmed.

The LSO reported there had been a lack of progress updates. She advised that the section in her report regarding layout had now been resolved by the submission of a minor variation application. She was hopeful that the business could move away from its reliance on occasional licences since the expiry of the provisional licence was getting closer. She reported also having provided guidance to secure a further personal licence holder, since the business had experienced issues with absence.

PC Gibson advised that Police Scotland had no issues with the application.

The Convener and Councillor Dugdale indicated their support for the application. The Convener commented that many applicants had experienced issues in obtaining a Section 50 certificate from Building Standards, and was aware that colleagues were working to resolve these problems.

The Convener moved to a roll call vote on the application, and Board members unanimously indicated their support.

**Decision**

The East Lothian Licensing Board granted the occasional licence applications.

**3. MAJOR VARIATION  
Aldi, 48-52 Dunbar Road, North Berwick**

A major variation application had been received to increase off sale capacity from 32.76801sqm to 37.78301m<sup>2</sup>. There had been no objections from any statutory consultees.

Lynn Simpson, the applicant's agent, spoke to the application. She advised that Aldi was undergoing a rolling store refurbishment programme, and the North Berwick store would be upgraded in August or September 2025 to include more environmentally friendly chiller units; the increase in capacity was because of different dimensions of the new display units and one additional bay being added to the display area. She advised that no other changes were proposed, and there had been no objections to the application.

The LSO had visited the premises and found the site notice to be correctly displayed. She had no comments or objections to the application.

PC Gibson advised that Police Scotland had no issues with the application.

Councillor McGuire and the Convener expressed support for the application and for Aldi's modernisation of the store.

The Convener moved to a roll call vote on the application, and Board members unanimously indicated their support.

## **Decision**

The East Lothian Licensing Board granted the major variation.

## **2. OCCASIONAL LICENCES**

### **f. Humbie Hub, Humbie**

The occasional licence applications had come before the Board in order to hear a progress update on work towards a premises licence.

Morag Taylor, applicant, spoke to the applications. She provided background information on the application for a provisional licence, and she conceded that the business had run on occasional licences for longer than it should have, and had been slow in submitting paperwork. She advised that the application for a Section 50 certificate from Building Standards had been submitted. She expressed her hope that she had not hindered the process of confirming the premises licence, and questioned where the business stood with regards to being allowed to use further occasional licences in the meantime.

The LSO advised that the provisional licence would expire in 2027, and that the Humbie Hub had been operating on occasional licences since December 2020. She highlighted numerous occasions where occasional licence applications had been submitted very late, and in significantly less time than the required 42 days. She advised that each batch of occasional licence applications had been submitted late since 2023, with very tight timescales for the first one-to-three applications; this continued to put unnecessary pressure on the Licensing Team, and raised questions about the business' processes. She guided Ms Taylor to engage an agent, so she was clear on all processes. The LSO reported that the business had been unlicensed since 6 February, and on her visit, she had found alcohol to be covered behind the till and staff aware it could not be sold. She reported that she had asked Ms Taylor why the applications were always late, and Ms Taylor had advised that another staff member was responsible for creating the occasional licence applications. The LSO also reported that Ms Taylor had been unsure whether Section 50 applications had been submitted. The LSO reiterated concerns that the business was not secure in its processes, and the concomitant pressure this caused the Licensing Team.

PC Gibson advised that, since there had been no occasional licence in place, the premises had been placed on the policing plan, and unannounced visits would be made during opening hours.

Councillor McGuire thanked the LSO for the comprehensive report and due diligence. He was aware of the importance of the Humbie Hub to the community, and pointed out that it was the only place for miles where alcohol could be purchased. He asked whether Ms Taylor would take the LSO's advice that an agent be engaged, and Ms Taylor agreed that she would.

The Convener also expressed his support for an agent being engaged. Responding to a question from the Convener, Ms Taylor apologised that the applications had been submitted late, and said she would ensure this did not happen again.

The Convener pointed out the importance of receiving applications on time to allow for the necessary checks to take place, and acknowledged Ms Taylor's commitment that this would not happen again. He also pointed out that the Humble Hub had experienced the consequence of having been unable to sell alcohol recently. He was concerned that if processes around the timely submission of occasional licence applications were not in place, then it also raised questions as to whether staff were adequately carrying out other responsibilities, such as Challenge 25 and reporting any thefts of alcohol. He was willing to give the business another chance, but said that the hearing should be taken as a warning that alcohol sales were a privilege and not a right. He hoped information on progress of the Section 50 certificates would be forthcoming, but he was willing to support the occasional licence applications and give the business a chance to improve its processes. He urged Ms Taylor to engage an agent.

Councillor McGuire echoed the Convener's comments; he also had concerns over a business that did not complete simple matters such as paperwork on time, and felt an agent should be engaged to ensure that processes were completed timeously and avoid potentially serious repercussions.

Councillor Dugdale was also concerned to hear that applications were not being submitted in line with policy; she hoped that Ms Taylor would take action, and there would be more timely applications and due regard given to process and to the Licensing Team.

The Convener moved to a roll call vote on the application, and Board members unanimously indicated their support.

## **Decision**

The East Lothian Licensing Board granted the occasional licences.

### **4. PROVISIONAL LICENCE Yarrow Cookery School, The Piggery, Longniddry Steading, Longniddry**

A provisional licence application had been received. There had been no objections from statutory consultees. The LSO had submitted a report with suggested conditions, noted below.

Mr Macdonald, the applicant's agent, spoke to the application, and was accompanied by his client, Richard Yarrow. Mr Macdonald explained that the cookery school, which would be operating commercially from mid-April, would be one of the first businesses to open at Longniddry Steading, and would run courses for adults and children. The licence would allow the sale of alcohol for guests to drink while they cooked the meal they had made at their class. He accepted two of the LSO's conditions on behalf of Mr Yarrow, but asked that outdoor drinking be allowed until 10pm; he asked Board members to take the cookery school's location into account, being not immediately adjacent to residential property. He also pointed out that participants would have been cooking, and not drinking, prior to using the outdoor area.

Mr Yarrow added that asking guests to return inside at 8pm would take away from the experience of dining outside, and explained that, as classes would only run until 9.30pm, the use of the area would be likely to finish before 10pm in any case. He also gave an account of the various cuisines offered in classes.

The LSO had visited the premises and discussed operations with Mr Yarrow, and recounted that the interior was almost finished. She highlighted the three recommended conditions contained within her report. She advised that the area was surrounded by a wall, and she had discussed erecting a sign to show where alcohol could not be taken beyond. She had felt that houses were in quite close proximity to the area, hence her recommended conditions that there be no amplified entertainment, and the use of the outdoor area would cease at 8pm.

PC Gibson advised that Police Scotland had no comment to make on the application.

Mr Yarrow and Mr Macdonald responded to questions from Board members. Mr Yarrow advised that public classes would begin at 6.30pm and end at 9.30pm. The premises could host 14-16 people for public classes, and up to 25 people at a private event. Mr Macdonald estimated the closest housing to be 50-100m away from the outdoor area, and he considered the area to be easy to monitor. Mr Yarrow would encourage customers to eat inside, and he expected the outdoor area would be used only occasionally in good weather. The outdoor area was expected to be used only in the last 45 minutes of a class. He pointed out that the premises was on the trainline, but non-alcoholic options would also be available for drivers.

Councillor Bruce thought the cookery school would be a great addition to Longniddry. He felt that the use of the outdoor area as described would be perfectly reasonable until 10pm, but was happy with the other conditions recommended by the LSO. He formally proposed these conditions, but with a terminal hour of 10pm.

Councillor Gilbert supported the Convener's remarks and formally seconded the conditions. He felt the use of the outdoor space until 10pm was acceptable when groups would be quite small.

Councillors McGuire and Dugdale would also support the application with a 10pm terminal hour for use of the outdoor area. Councillor Dugdale pointed out that any issues with the outdoor area's use could be discussed with officers.

The Convener moved to a roll call vote on the application and proposed conditions, and Board members unanimously supported the application.

## **Decision**

The East Lothian Licensing Board granted the provisional licence, subject to the following conditions:

- The outside area must be clearly delineated to ensure patrons stay within the licensed area whilst consuming alcohol.
- No public entertainment, amplified music, amplified vocals, or live music to be played in the outdoor area, to ensure the use does not cause nuisance to neighbouring residential properties.
- The use of the outdoor area to cease by 10.00pm.

Signed .....

Councillor L Bruce  
Convener of East Lothian Licensing Board