



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

**THURSDAY 26 SEPTEMBER 2024  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
& HYBRID MEETING FACILITY**

---

**Board Members Present:**

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

**Clerk of the Licensing Board:**

Mr C Grilli

**Attending:**

Ms G Herkes, Licensing Officer  
Ms A Rafferty, Licensing Officer  
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration  
Ms K Harling, Licensing Standards Officer  
PC L Wilson, Police Scotland

**Committee Clerk:**

Ms L Gillie

**Apologies:**

None

**Declarations of Interest:**

Councillor McMillan declared an interest in agenda item 3a, White Kirk Hill.

**1. MINUTES FOR APPROVAL - East Lothian Licensing Board, 29 August 2024**

The minutes were approved as an accurate record of the meeting.

**2. PROVISIONAL LICENCE – Premier, High Street, Dunbar**

The application sought a provisional licence to Premier Store, 135 High Street, Dunbar.

The applicant, Shivakumar Kandaswamy and agent, Gordon Elmslie were present to speak to the application. Mr Elmslie explained that they are refurbishing a former hardware store to create a neighbourhood community store which would provide a large range of food and drink, including alcohol. Alcohol will be displayed in two areas with a specialist wine area and a secure chilled beer room which will have an electronic manually operated door which can be locked at key times such as school times. He continued by describing security measures including cameras which would age profile customers. The cameras, using AI, would also follow customers in the store to ensure that products picked up were presented for purchase. They plan to open late October / early November and Mr Elmslie advised that there have been no issues or concerns with the applicant's current stores in Haddington.

Karen Harling, Licensing Standards Officer, advised that the applicants two premises in Haddington were well run. One recommendation was made this being that the terms of the licensing statement be included in deliveries.

PC Wilson advised that there were no police objections to the application, and that he was encouraged to hear about the use of CCTV and the lockable beer room.

Responding to a question from Councillor McMillan, Mr Elmslie advised that Mr Kandaswamy would drive the investment in Dunbar using the same service model as in Haddington. He stated that the applicant felt he would have to drive it himself in order to make it viable.

The Convener asked about alcohol deliveries and if they were content with the recommendation made by the LSO. Mr Elmslie confirmed that they were happy and that they would use the Snappy Shopper system.

The Convener also asked about converting to a full licence and Mr Elmslie explained remedial works needed to be completed before they could get a completion certificate and then a Section 50. He advised that they plan to apply for occasional licenses to commence within 6 weeks and queried whether the 6 weeks application period was flexible as they would be happy to apply within 4 weeks. Carlo Grilli, Clerk to the Licensing Board, advised they could discuss this offline.

Councillor McGuire stated that he agreed with comments made and that he would be happy to support the application.

Councillor McMillan commented that while it was always a concern about the number of premises in a locality the couple were so well known he was sure that the development of this store would be a success.

Councillor Dugdale commented that she has been reassured by the presentation and the consideration given to security.

The Convener commented on the use of technology and stated that he had seen it used in other countries.

The Convener proposed the LSO's recommended condition on alcohol deliveries, and this was seconded by Councillor McMillan

The Convener then moved to a roll call vote and Members unanimously voted to grant the provisional licence, subject to the LSO's recommended condition.

### **Decision**

The Board granted the provisional licence, subject to the following:

- 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.

*Sederunt: Councillor McMillan left the meeting*

### **3a. MAJOR VARIATION – Whitekirk Hill, Whitekirk, North Berwick**

The application sought a major variation for Whitekirk Hill, Whitekirk, North Berwick.

Erin Gardener spoke to the application and explained that the application had been made to increase capacity as the business grows, to add on an indoor market license and to change timings so that they are in line with the rest of their opening times.

The LSO requested that the time for serving alcohol be included as from 10am to be in line with Boards policy.

PC Wilson stated that there were no objections to the application but highlighted the 10am serving time.

Councillor Dugdale requested more information on the application and Arlene Wynn, General Manager, explained that it was to bring it in line with the off sale of alcohol at 10am. She stated that they felt it would be a nice option for guests but that if the major variation was not granted it was not a major issue for the business.

The Convener commented that the LSO and police had no issues with the application and moved to a roll call vote. Members unanimously voted to approve the application.

### **Decision**

The Board approved the major variation.

*Sederunt: Councillor McMillan rejoined the meeting*

### **3b. MAJOR VARIATION – Lodge St John Fisherrow No. 112, Balcarres Road, Musselburgh**

The application sought a major variation for Lodge St John, Fisherrow No. 112, Balcarres Road, Musselburgh.

Andrew Raeburn was present to speak to the application. He advised that a presentation by the LSO in June had made it clear that there was a need to move from

a club premises licence to an open premises licence. He continued by saying that a move to an open premises licence would make it easier for guests and remove some of the burdens on the bar staff.

The LSO confirmed that the presentation had taken place in May and had highlighted the obligation on having a club premises licence and the use of occasional licences for functions. She continued by saying that a lot of clubs will be changing to open premises licences due to the need to stay afloat and open up the premises for outside use. She finished by stating that there were no complaints known about the club.

PC Wilson advised that there were no police objections to the application. He highlighted that an open premises licence could feasibly mean members of the public buying alcohol at any time of the day and noted that there was a nursery next door. He commented that he was aware that this was not the intention of the club and that there would be no change to how it is run.

Mr Raeburn responded by stating that any events held would be in the evenings or at weekends when the nursery is closed. He also advised that the bar is not opened for children's parties or for nursery events. He continued by advising that members of the public using the club was not the basis of operation and that people attending would be invited and known to the club.

In response to a question from Councillor Cassini and the use of the outdoor area Mr Raeburn explained that they had withdrawn this part of the application. He advised that this may be of interest to them in the future but that they would need to develop the garden area to make it suitable.

Councillor McGuire thanked Mr Raeburn for his presentation and stated that his questions had been answered and that he was happy to support the application.

The Convener made comment on the LSO running sessions for clubs and thanked her for this. He stated that he was happy to support the application.

Councillor McMillan emphasised the work carried out by the LSO, the licensing team and the police and commented on their engagement with clubs. He also noted how the police and the LSO work together.

Councillor Dugdale stated she would like to echo the comments of Councillor McMillan and confirmed she was happy to support the application as all her questions had been answered.

The Convener moved to a roll call vote, and Members unanimously voted to approve the application.

## **Decision**

The Board agreed to grant the major variation.

### **4a. OCCASIONAL LICENCES – Laura Dakers and Colin Carter Campbell, Gilmerton House, Athelstaneford**

The application sought an occasional licence for Gilmerton House, Athelstaneford

The applicant Laura Dakers, her colleague Louise Proctor and the Estate Factor, Colin Carter Campbell were present to speak to the application.

Mr Carter Campbell began by providing some background to the application. He advised that the main house is let as an exclusive use venue for weddings and corporate events and a decision was made to upgrade the house and increase the business. He continued by advising that they are renovating the house along with the old laundry room which is a separate building. There have been delays due to the toilet configuration which has caused issues and an amendment to the building warrant was required, which they now have. They are currently waiting on planning and listed buildings to amend the plans for the toilet area. Mr Carter Campbell explained that they are not anticipating any problems with the changes and that they are hoping the work will be complete by summer of 2025. He also noted that obtaining a completion certificate and the completion of snagging will take them hopefully to the end of summer 2025. The aim is to put in an application for a full licence after this is complete.

The LSO stated that the upgrade has led to an increase in events and the number of occasional licence applications, with applications received for May and June 2025. She also noted that the applications could be heard at Board next year.

PC Wilson confirmed that there were no objections to the application.

In response to a question from the Convener about applying for a provisional licence Mr Carter Campbell stated that it was difficult to say how long the works would take to complete. He also commented that they had tried to apply for a full licence around one year ago but that this was not possible without a completion certificate. Mr Carter Campbell advised that they have concentrated on getting the toilet area right and that as soon as they get the completion certificate they would apply for a full licence.

The Convener explained that for a provisional licence a certificate would not be required and that this would transfer over to a full licence. The LSO stated she would be willing to discuss this offline with the applicant. Mr Carter Campbell asked for clarity about when he could apply for the licence and the LSO explained provisional premises licences and repeated that she was happy to discuss this offline.

In response to a question from Councillor McMillan about the number of events and the use of occasional licences Mr Carter Campbell advised that this varies and that people can book at the last minute. He continued by saying that they want to let as fully as they can but that there are lean periods with the quietest months being January and February.

Councillor McGuire commented that he was content with the explanation provided to the LSO comments and that he would urge them to apply for a provisional licence as an alcohol licence is vital to the premises.

The Convener agreed with comments made and moved to a roll call vote. Members unanimously voted to approve the application.

## **Decision**

The Board agreed unanimously to grant the occasional licence.

### **4b. OCCASIONAL LICENCES – Ian Gray, Greywalls Hotel, Duncur Road, Gullane**

The application sought an occasional licence for Greywalls Hotel, Duncur Road, Gullane.

Jacqui Birrell, on behalf of Brodies, Dominic Hoar, on behalf of Greywalls LLP, and the Premises Manager Ian Gray were present to speak to the application.

Ms Birrell began by saying that the occasional licence was required to allow the hotel to continue to serve alcohol. She advised that the previous licence had ran out in 2020 and that there had been no change to any of the provisions. The hotel is family owned and the death of the licence holder was in February 2020. A transfer application for the licence was not submitted but Ms Birrell stated that there was never any intention to operate without a licence. She continued by saying that ICMI had failed in their role of ensuring that the hotel was compliant and are now putting in a formal review process. Ms Birrell highlighted that when the LSO visited the hotel on 18 September 2024 Ian Gray, The Premises Manager, complied immediately and the sale of alcohol ceased. They have applied for an occasional licence and are drawing up a premises licence application. Ms Birrell continued by saying that the hotel was well run, had around 40 staff and that refusal of the licence could mean a loss of jobs and of a venue for events. She also highlighted the Brodies will be acting on behalf of the hotel going forward.

Mr Hoar added that he was one of two partners of Greywalls LLP. He apologised for the oversight and said that he was appalled by it. He provided an explanation of the circumstances, broken down into 3 periods. A, When Giles died the licence was held by him and Mr Hoar said he assumed it was held by the premises and was not aware it had not been transferred. He also advised that during this time he was reassured during meetings with ICMI that the licence was in place. B, Mr Hoar explained that the executor did not apply to have the licence transferred but that this was an oversight. He commented that the executor was a grieving daughter, and that the hotel was ordered to shut during the pandemic so he could understand the oversight. ICMI had assumed the licence had been transferred and the focus had been on how the business could survive. C, Mr Hoar stated that during quarterly meetings with ICMI a standing item on the agenda was licences and consents. He was assured that everything was in place as ICMI continued to assume that the premises licence had been transferred. The confusion Mr Hoar stated had arisen from the licence being in the name of Giles while he was known as Christopher. Mr Hoar again apologised and explained future plans which include a list being drawn up of what needs to be done to comply with the Act and putting this on display. Staff will also be required to report any change of circumstances to the General Manager. A monthly check will be carried out to ensure everything is in order and quarterly meetings will take place with Brodies.

The LSO stated that most of her report had been covered in the presentation. She continued by saying that she had met Mr Gray during a visit to the hotel and that she had found him to be very professional and competent. She continued by advising that he had acted immediately and that she had confidence in him regarding the sale of alcohol.

PC Wilson confirmed that there were no objections with the application for occasional licences. He noted that he would speak to the applicants out of this meeting about the issues with the licences.

Councillor McMillan thanked Mr Hoar for his presentation and asked about the comment that at the moment Ian is manager, personal licence holder. He asked what would happen if personalities changed and whether a quarterly meeting was adequate. Mr Hoar responded by saying that he and Ms Birrell had discussed this, and that the general idea is that staff through staff training are aware of the changes that they would need to bring to the attention of the General Manager, or if not possible to ICMI or onto Mr Hoar. He stated that the critical thing was that the people involved in the sale of alcohol would be aware of what needs brought to the attention of the General Manager. They would confirm that this is happening on a quarterly basis. Mr Hoar also stated that he will be extremely vigilant about this and that anyone who is not complying will

be dealt with heavily. Councillor McMillan noted that this is what they would expect in terms of reputation and compliance.

The Convener said that any questions he had had been answered and stated he appreciated the apology and Mr Hoar acknowledging the oversight. He continued by commenting that as the conditions matched the previous licence, he felt there was no reason to not continue. He also highlighted the comments from the LSO on the professionalism and competency of Mr Gray. He said that he would be happy to support the application.

Councillor McGuire commented that he had initially been shocked but echoed that he appreciated the apology and acceptance of responsibility. He said that he had now heard facts and how the situation unfolded and was happy to support the application.

Councillor Dugdale echoed the comments of colleagues and said she was reassured by the actions being taken and was happy to support the application.

Councillor McMillan highlighted how this shows the way in which the Council enable and care about the licence trade. He thanked officers for being clear in terms of the law but also being as helpful as they could and said it was a real example of how East Lothian Council wants to work with the trade. Councillor McMillan asked that a comment made outside the meeting from another applicant be put on record about how this small licensing Board works with the licence trade.

The Convener moved to a roll call vote and Members unanimously supported the application.

**Decision**

The Board granted the occasional licence.

The Convener requested that it be put on record that this could be PC Wilson’s last licensing Board and he thanked him for all his contributions.

Signed .....

Councillor L Bruce  
Convener of East Lothian Licensing Board