

EAST LOTHIAN LICENSING BOARD

NOTICE OF MEETING of the EAST LOTHIAN LICENSING BOARD

**THE SALTIRE ROOMS, 1ST FLOOR, JOHN MUIR HOUSE, HADDINGTON on
THURSDAY 24th APRIL 2014 at 10am**

Agenda of Business

Apologies

Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, indentifying the relevant agenda item and the nature of their interest.

- 1. Minutes for Approval:** 27th March 2014

- 2. Grant of Premises Licence**

Elphinstone Arms – Main Street, Elphinstone

- 3. Provisional Premises Licence**

Aldi Stores – Haddington Road, Tranent

**KIRSTIE MACNEILL
Clerk of the Licensing Board
Date: 16th April 2014**

EAST LOTHIAN

Meeting 24 April 2014 at 10:00am in Saltire Room, 1st Floor, John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

New Grant(s)	Premises	Applicant	Date Received	Comments
1	ELPHINSTONE ARMS MAIN STREET ELPHINSTONE EH33 2LT	M F PUBLICATIONS LTD C/O CALEDONIAN HERITABLE LTD. 4 HOPE STREET EDINBURGH EH2 4DB	12 March 2014	

GRANT OF PREMISES LICENCE

Elphinstone Arms – Main Street, Elphinstone

Representations of support

Mr Brian Tannerhill

██████████ Pencaitland

East Lothian EH345HE

02 04 2014

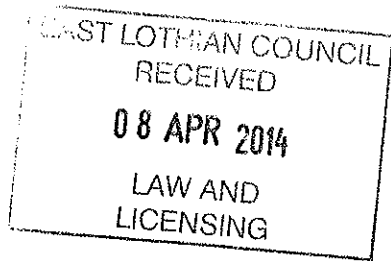
Dear Kirsty, I write to you in the hope you can forward this letter to the Licencing Board

I have been a regular patron of the Elphinstone Inn for over three years and in all that time I have never heard a cross word spoken in this establishment. It therefor came as a total surprise to find their licence has not been granted even for special occasions. This is the only Public House in the village and is well used by local Senior Citizens and young people alike. The Inn runs two pool teams on different nights for our younger clientele and a poker league on another night and is the centre of village life every weekend. I would like them to know the decision of the Licencing Board will cause much hardship in this small village and I would ask them to reconsider their decision. I would also like to add that on numerous occasions throughout the year the proprietors serve free meals to Senior Citizens like myself and regular attenders alike. I have even seen them take meals to patron's homes that were unwell. So you see our Local Inn is more than just a normal public house it is our Community Centre, meeting place and restaurant of refuge when in need. Every week without a licence causes severe hardship to us all and we request they reconsider this decision.

██

Yours Sincerely, Brian Tannerhill M.B.E.

EAST Lothian Council
RECEIVED
09 APR 2014
LAW AND
LICENSING



[REDACTED]
[REDACTED]
Elphinstone
East Lothian

Dear Sir,

PREMISES:- ELPHINSTONE ARMS, MAIN STREET ELPHINSTONE

I write to inform the board that as one of the closest neighbours to the above named public house, I have no objection to the renewal of the said licence.

My family has lived next to the public house for over 28 years and have never had cause for concern in all that time.

Mr & Mrs Dodds have been excellent neighbours to me, they are always willing to provide the villagers with a focal point for any type of family occasion e.g. funeral teas, birthdays, weddings and at Christmas put on a meal for the pensioners.

I would hope that the licence can be renewed so that the village can retain one of the few amenities it has to offer.

Sincerely hope the new licence will be granted
Yours
Maura Taylor

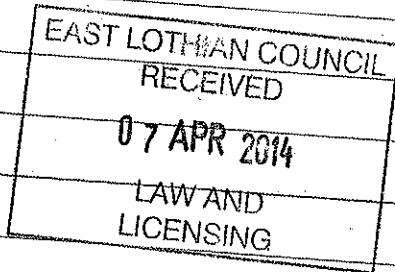
Gordon Pryde
[REDACTED]

Tranent.

To who it may concern,

I write as a regular customer of Elphinstone Arms. I have been sad to see it close because I always found it welcoming and looked forward to my visits and pool days. Hopefully I will be able to return to the pub shortly.

Regards
[REDACTED]



EAST LoTHIAN COUNCIL
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04 APR 2014

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LICENSING

[REDACTED]
ELPHINSTONE

Having been a patron of the Elphinstone Arms for over thirty years it is with dismay that I find the pub faces closure.

In the fifteen years that Margaret Dodds has been running the pub there has never been any trouble in the pub apart from minor arguments which Mrs Dodds has under control and stopped before they become major issues. In all my years of drinking and working behind the bar in the pub, have I ever seen drugs being sold or used on the premises.

During her time in the pub Mrs Dodds has provided Xmas dinners and entertainment free to local pensioners and the less fortunate people in the village.

The pub is the focal point for many people in the village where they can enjoy

the company of their friends.

There are currently two pool teams playing in the pub and a domino team joining the domino league at the start of the new season so the closure of the Elphinstone Arms would be a massive blow to a small community that already has very little in it.

Yours

Stuart Main

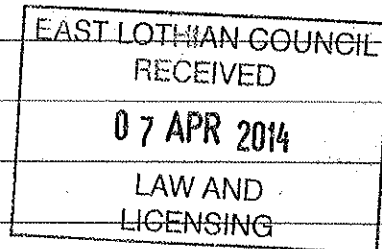
Leanne Kiulin

[REDACTED]
Tranent

Dear Sir,

I write with concern to the closure of Elphinstone Arms. I have enjoyed many nights out there without any bad behaviour. I have always found the bar staff to be superb and a friendly atmosphere throughout. I look forward to seeing the pub reopen

Regards.



[REDACTED]
Tronard.

To Whom it May Concern

I was surprised to notice the Elphinstone Arms has been closed and the circumstances surrounding it.

I have enjoyed many nights out there and have never seen anything untoward. I have recommended the pub to family and friends due to the friendly staff and customers.

I trust that consideration will be taken to re-open a great local establishment.

Yours sincerely

Belinda Col Fleming.

Scott and Fiona McEwen

[REDACTED]
Elphinstone
G133 2NY

6 April 2014

Dear Ms McNeill

We have lived at 4 Marchwood Court in Elphinstone for nearly 6 years. Our house is situated on Main Street, opposite the Elphinstone Arms. We have never experienced any problems with the pub during the time that we have lived here.

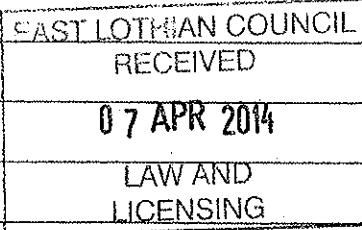
The Dodds family who own the pub have always been very considerate when it comes to this local business and are all very good neighbours.

We are writing this letter to let you know that we would be very happy to see the pub opening again soon.

With kind regards

[REDACTED]
[REDACTED]

D. H. FAIRDORN & J. BRIGGS



ELPHINSTONE

EH3 2JZ

TO

CLERK OF THE LICENCING BOARD

DEAR SIR / MADAM

WE WISH TO EXPRESS OUR EXTREME
DISSAPPOINTMENT AT THE CONTINUIDE CLOSURE OF THE
'ELPHINSTONE ARMS'. MY PARTNER AND I BRING PENSIONERS
AND MOVING INTO ELPHINSTONE AT THE BEGINING OF DECEMBER
2013. SINCE THEN WE HAVE MADE MANY FRIENDS ALL THROUGH
GOING TO THE SMALL COMMUNITY PUB, WHICH REALLY IS
THE HUB OF ELPHINSTONE

THERE IS NOT MUCH IN THIS VILLAGE
BUT. EVEN LESS NOW, AFFECTING DARTS / POOL / CARD / AND
DOMINOS PLAYED IN FACT PUNISHING THE COMMUNITY IN
MANY WAYS. WE HAVE SIGNED THE PETITION AND WISH
TO CONTACT OUR LOCAL COUNCILOR AND M.P. TO EMPHASISE OUR
CONCERNS AT THE LOSS OF THIS AMENITY.

WE WOULD ALSO LIKE TO STATE THAT
IN THE SHORT TIME WE HAVUR LIVED HERE AND USED THE
'PUB' WE HAVE NEVER WITNESSED ANY 'TROUBLER' EITHER
IN OR OUT OF THE PREMISES.

YOURS



JOHN & CHRISTINE SORLEY
DUNES PARK ELPHINSTONE.

TO WHOM IT MAY CONCERN

4TH APRIL 2014.

MY WIFE & I HAVE LIVED IN ELPHINSTONE FOR 3 YEARS AND HAVE NEVER BEEN IN ANOTHER PUBLIC HOUSE SINCE.

WHEN WE FIRST ENTERED THE ARMS WE WOULD SIT AT THE DOOR NOT KNOWING WHAT WELCOME WE WOULD GET BEING STRANGER

WE WOULD SIT WATCHING & LISTENING TO THE PEOPLE DRINKING AND FOUND OUT THEY KNEW OUR FAMILYS THEN WE WERE ACCEPTED INTO THERE COMPANY.

WE HAVE THE UTMOST RESPECT FOR MRS DODDS & FAMILY WHO KEEP A WELL RUN PUB.

1ST XMAS IN ELPHINSTONE MRS DODDS INVITED SOME PENSIONERS UP FOR XMAS DINNER, WE WERE INVITED TO UNKNOWN TO US THIS WAS ALL FREE, IF WE HAD NOT BEEN INVITED MY WIFE & I WOULD HAVE SPENT XMAS ALONE AGAIN.

WHEN I BECAME ILL LAST YEAR SHE (MRS DODDS) WOULD RUN ME & MY WIFE TO THE ERI FOR ABOUT 6 MONTHS AT NO COST.

I GOT VERY FRIENDLY WITH THE ELPHINSTON YOUNG TEAM WHO ARE A GREAT BUNCH OF LADS, SO I WENT TO THE BOOT SALES AND BOUGHT THEM ALL POOL QUES NOW THEY ARE ALMOST UNBEATABLE, IT ALSO KEEPS THEM OFF THE STREETS AND OUT OF TROUBLE.

WE MY WIFE & I FREQUENT THE PUB OFTEN AND HAVE NEVER EVER SEEN ANY TROUBLE, UNDER AGE DRINKING & LEAST OF ALL ANY DRUGS OR WE WOULD NOT DRINK THERE.

THE PUB IS THE CENTRE PIECE OF OUR COMMUNITY ONE OF THE LAST REAL WORKING MANS PUBS.

AS STATED IN THE PAPERS THE ONLY WINNERS HERE ARE THE HOODIES I WAS THERE THAT SUNDAY 15 BRAVE MEN SCAREING 10 PENSIONERS ARE YOU THE COMMITTEE GOING TO LET THEM WIN WE PLEAD WITH YOU TO GIVE US OUR PUB BACK

Kirsty McNeill
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Mr Daniel Strachan
[REDACTED]
Pencaitland
East Lothian
EH34 5BL

2nd April 2014

FAO ELC Licensing Committee

Dear Madam,

I am writing to you regarding the recent and continuing closure of the Elphinstone Arms public house in Elphinstone, East Lothian.

As a frequent visitor to the pub, I have found Margaret and Willie Dodds to be fantastic licensees and it is with great sadness that I learnt of the closure. The pub has become a very focal part of the community in Elphinstone and as someone from outside the village, I have been made very welcome by Margaret and Willie as well as many of the other customers. I would also like to note that I have never witnessed any bad behaviour or illegal activities taking place within or directly outside the premises.


I would urge the committee to look into the negative effect that the closure has on Margaret and Willie, the citizens of Elphinstone and the future of the pub itself. The longer that the pub remains closed, the less likely it becomes that it will ever re-open - and that would be very sad indeed for everyone concerned.

Yours sincerely,

[REDACTED]

Daniel Strachan

MR CHRIS JOHNSTON


PENCAITLAND,
TRANENT,
EAST LOTHIAN,
EH34 5RL.

DEAR MADAM,

I AM A FREQUENT VISITOR TO ELPHINSTONE AR
AND IT IS WITH GREAT SADNESS I LEARNT OF ITS RECENT
CLOSURE. IT IS ALSO A TERRIBLE SHAME TO THE
COMMUNITY AND THE VILLAGE AS IT WAS A PLACE FOR
LOCALS TO MEET FOR SOME COMPANY AND SHARE
THEIR WEEKS STORIES.

I THINK IT IS A DISGRACE AND SHOULD BE
RE-OPENED. I HAVE NEVER IN MY VISITS SEEN
ANYTHING TROUBLESOME OR EVEN REMOTELY CLOSE TO
UNDER AGE DRINKING.

YOURS SINCERELY,

CHRIS JOHNSTON.

[REDACTED]
Elphinstone
East Lothian
EH33 2LT

Dear Mrs McNeill,

As next door neighbours to the ELPHINSTONE ARMS, we have found Willie and Margaret Dodds to be excellent neighbours and have always been very helpful to us and others. They give free meals to the older villagers at Christmas. The Pub has been a focal point of this village for years.

They have been good in getting excellent Live Bands which we really enjoy. and as I said earlier they have been excellent neighbours and are always been on hand to help any way they could.

Yours sincerely,
Tom McEwe.


From: Lee Ormiston [REDACTED]
Sent: 02 April 2014 09:33
Subject: Elphinstone Arms Public House

Dear Licence Board

I am writing to you today regards the Elphinstone Arms Public House. This highly regarded part of village life in the small village of Elphinstone has been a great loss over the period of time that it has been closed. With Elphinstone being such a small community with very little amenities this corner stone of village life needs to be reopened. I myself moved into the village about ten years ago and without the help and support I received from the marvellous staff at the Elphinstone Arms I would not now have so many friends within the community. I was made to feel at home straight away which made meeting new people and making new friends for me and my family a lot easier than it would normally be when moving to a new home. This can be a very stressful time for a family and without the friendly staff at Elphinstone Arms I'm sure myself and my family would not have found it so easy to be accepted into the Elphinstone community. In my opinion and every person I have talked to in the village the loss of the Elphinstone Arms would be a disaster for present and future people of the village. I am sure you will understand in small villages such a loss touches on peoples lives more than in bigger towns and if the Elphinstone Arms does not reopen it will be a major loss to young and old in a small village that has very little at present. I hope you can take all these issues on board when making a decision as it's a whole village you be affecting not just one family. If you would like to talk with me and take on board other views I am more than happy to make time and arrange a meeting with any of your staff.

Regards
Mr Lee Ormiston
12 Duries Park, Elphinstone

John McKinnon 210


Dalkeith
EH22 4HQ

1st April 2014

To The Licensing Board - East Lothian Council

To Whom it May Concern

My wife and I would like to register our disappointment with you that you have declined to issue a temporary license to allow The Elphinstone Arms to trade at your last meeting.



Although we do not live in the village, we have been regulars for the past 10 years. You always receive a fantastic, warm welcome from both the staff and customers. It is a "home from home" pub where through sheer hard work and diligence, Mrs Dodds and her family and staff have created a welcoming, warm pub, where you can go and spend time with friends. The pub is very much at the heart of the local community. Many clubs and groups hold meetings here and teams participate in local leagues for Pool etc. These are very difficult times economically for all businesses especially the Licensed Trade. It is very difficult to have a busy pub where people are willing to go regularly and spend money. The loss of revenue both to the Dodds family and the local community will obviously suffer due to this closure. Locals will go elsewhere therefore spending money in other areas, depriving Elphinstone of that income. Local spending should be greatly encouraged - it has been proven to have a much more lasting effect on local communities.

It also seems unfair to deprive Mrs Dodds' the opportunity to work and earn money which again has a knock on effect within the community.

The pub is also a focal point for many of the elderly residents in the village and is a good way of keeping an eye on the more vulnerable people in the locale. Travelling to Tranent may not be an option for everyone.

Finally, there are hundreds of pubs shutting all across the UK every week. Surely it makes more sense to try and help a profitable and successful one stay open rather than forcing it to be closed.

Yours Faithfully

EAST LoTHIAN COUNCIL
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04 APR 2014
LAW AND
LICENSING

MISS Lynn Brown

[REDACTED]
Demiston
EAST LoTHIAN
EH35 5LL
[REDACTED]

To whom it may concern

Regards To Elphinstone pub

I grew up in the village and have been to many a wedding, Birthdays, Deaths etc. And had a great time in Pub met loads of people helped old, young folk out as when you in the pub you get to talk to people and they might need help with things, so you say I no such such they could help with your problem I will get them to come in to pub tomorrow you can talk to them and you can get the problem fixed, so it has helped Elphinstone folk get Jobs and money.

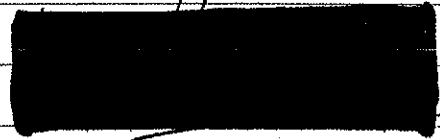
Myself I live the fact off going in catching up with the old ones and a game of Dominoes the old ones always win Dominoes though. The old ones love the blether as sometimes that's the only company they get in pub, they can't jump on Buses as Elphinstone Buses are few are far between now, but use won't be happy till use have killed our wee village off. Sometime the pub is the heart of the place take it away and you have killed a village. Myself will

be gutted. Just because I have moved house
I still go up to pub to see my family
and pals and Old yin's

Margaret behind Bar at one time
there was no electricity in the village
so she put some sandwiches etc on a slab
with fire so we could all go and
be warm, what would Elphinstone do
if pub shuts. It was a great day we all
had a wee sing song. Please not take
all our memories away from us.

I could go on and on about Elphinstone
pub but thank you have got the
gist of it. Please think carefully about
my letter as its from my heart

Thank you



PETITION

TO SAVE THE ELPHINSTONE ARMS. FROM CLOSURE

NAME.	ADDRESS
ALAN INVERARITY	3 ELPHINSTONE WALK TRARENT
PRYER/NISBET	3 KERR MCNAIL SERVICE RD TRARENT
GERALD WYNNE	86 HIGH ST TRARENT.
Mullie Jester	80 HIGH ST TRARENT
Alan Linn	Trarent.
Gary Redon	Prestonpans
P. Dunlop	LEITH
C. GLEN	TRARENT - (██████)
SCOTT ALLAN	17 COAL NEUK TRARENT.
CRAIG SCOTT	5, EAPONHALL RD, TRARENT.
DODDY HOGG	7 MOFFAT PANS ORMI
RED	MACMURRAY
CHRIS M	18/8 MCGREGOR PENID
Colin Carroll	14 Thorntree crescent
S Matthews	56 Prestar Crescent
D THOMAS	17B HIGH ST P-PANS
S BUTLER	8/0 DASHIER
M HOLLANDS	27. MCLEOD CRES - PRESTONPANS
BRIAN HOGG	50 Polwarth terrace P-PANS
STEVEN ROBERTSON	3 MCLEOD CRES P/PANS
ALLAN JACK	33 SETON VIEW PORT SETON
STEPHEN WHITSON	31 JOHN CREECHAM TRARENT

PETITION

TO SAVE THE ELPHINSTONE ARMS. FROM CLOSURE

NAME.	ADDRESS
Colette Ross	89 Dunes Park, Elphinstone
Craig Ross	" " " "
MARY MACFARLANE	1, WATERLOO PLACE ELPHINSTONE
GORDON MACFARLANE	1, WATERLOO PLACE, ELPHINSTONE.
Rob Moore	3 WATERLOO PLACE, ELPHINSTONE
G Main	4 WATERLOO PLACE ELPHINSTONE
• Beau King	5 " " "
• CRAWFORD KIRBY	7 WATERLOO PLACE, ELPHINSTONE
• SGRANT	8 WATERLOO PLACE ELPHINSTONE
• M. J. J. J.	10 WATERLOO PLACE ELPHINSTONE
• J. Mooney	12 Waterloo Place Elphinstone
• J. Mooney	12 Waterloo Place. "
• M. J. J.	42 DURIE'S PARK "
• J. Archibald	% 42 Dunes Park.
• J. J.	10 ^A MAIN STREET ELPHINSTONE
• K. REID	10 ^A MAIN STREET ELPHINSTONE
• D. Small	60 DUNES PARK ELPHINSTONE
• K. MACDONALD	160 Buxley Rd "
• B Reid	73 DURIE'S PK "
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PETITION

TO SAVE THE ELPHINSTONE ARMS. FROM CLOSURE

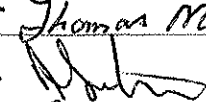
NAME.	ADDRESS
GEORGE ALLAN	27 TRANENT ROAD, ELPHINSTONE
Aminda Hughes	16 Cinderhall Place Elphinstone
DAWN KEAN	21 TRANENT ROAD ELPHINSTONE
EMMA MacGregor	3 Tranent Road
Robert Pramage	3 Tranent Road
Norma Knight	69 Duries Park.
MORAG MOORE	3 Waterloo Place. Elphinstone
ROBERT MOORE	3 Waterloo Place Elphinstone
Terry Costello	22a Duries PK Elphinstone
Auskey Fleming	5 Cinderhall place Elphinstone
Laura Jane Stanton	6 main street elphinstone
Ian Stanton	6 main street elphinstone
Carol Armstrong	22 Macfarlane Court Elphinstone
M. WILK	7 TRANENT RD ELPHINSTONE
G Hunter	7 TRANENT RD ELPHINSTONE
A. MERCER	47 DURIES PARK ELPHINSTONE
Tom McEwen	7 MAIN STREET ELPHINSTONE
Marlene McEwen	7 MAIN STREET ELPHINSTONE
Chris Ross	89 Duries Park, Elphinstone.
J. McNeill stays	1 MARCK COURT ELPHINSTONE opposite the Pub.
Mona Taylor	Oakview Main Street Elphinstone

aged
96 years

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NAME.	ADDRESS
C. HAY.	16 MACFARLANE COURT, ELPHINSTONE
E. LIVINGSTONE	16 MACFARLANE COURT, ELPHINSTONE
JUNE TURNER	20 BOXLEY ROAD ELPHINSTONE
R. CURRIE	63 DURIE'S PK ELPHINSTONE
G. CURRIE	20 BOXLEY RD ELPHINSTONE
W. WYLLIE	22 " " "
D. FLEMING	24 " " "
P. FLEMING	24 " " "
Thomas McLeod	28 BOXLEY ROAD ELPHINSTONE.
	6 TRAVENT RD
W. Francis	30 Boxley Rd "
Michelle Huber	30 Boxley Rd "
JAMES THOMSON	53 BOXLEY RD
JUNE THOMSON	" "
JAMIE THOMSON	" "
ELLA STEELE	45 BOXLEY ROAD
GEORGE STEELE	" "
house hill	33 Boxley Road
Viv Berry	33 Boxley Road
J Wunningham	21 Boxley Road.
H Murray-Smith	21 Boxley Road.
S FLEMING JR	5 CINDERHALL PLACE

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NAME.	ADDRESS
JAMES FLEMING	5 CINDERHALL WALK PH
J. Fleming	13 ELPHINSTONE
ADAM FLEMING	5 CINDERHALL PLACE ELPHINSTONE.
Audrey Fleming	15 Buxley Road Elphinstone
Alex Podlinski	15 Buxley Road Elphinstone
Joseph Hutton	1 Cinderhall place Elphinstone
helen Storie	11 MAIN ST ELPHINSTONE
HUGH RAMSAY	15 Buxley ROAD ELPHINSTONE
Rouline Clark	23 Tranent Road Elphinstone
Rachel Clark	9 Cinderhall Place Elphinstone.
STEVEN HOGG	6 Cinderhall place Elphinstone
Jackqueline HOGG	6 Cinderhall Place Elphinstone
hymne mackie	11 Cinderhall place Elphinstone
Linda Scott	1 Buxley rd Elphinstone
Billy Scott	9 George crescent Tranent.
Gillian Scott	9 George crescent Tranent.
Steven Mackie	1 Buxley Pinki Walk Tranent
leigh mackie	1 Pinki walk Tranent
Betty Blair	11 Buxley rd Elphinstone.
KIMESUANI	21 CINDERHALL PLACE ELPHINSTONE
Audrey Jones	21 Cinderhall Place, Elphinstone

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NAME.	ADDRESS
WILLIAM DODDS	MAIN ST ELPHINSTONE (BELLYFORD)
Jul Hazard	12 LAMMERMOOR terrace Tranent
Janette Hazard	14 george Cres Ormiston
Billy Hazard	14 george Cres Ormiston
MALCOLM FLEMING	FLAT B ELPHINSTONE
FIONA MCLEOD	11 Hungerage Square Tranent
ROSS Thomson	31 Buxley Road Elphinstone
Billy Thomson	14 Buxley Road Elphinstone
CHRIS JOHNSTON	6 LAMBERTON COURT, PENCAIRLAND.
SONA MCGARVIE	49 Buxley Road Elphinstone
VONNE DRUMMOND	2 MARCHWOOD CT u
GRAHAM DRUMMOND	u u u
Agnes Martin	15, Cinderhall place Elphinstone
Roderick Martin	15, " "
NASHA Martin	15, " "
Jade Martin	15, " "
Carol Malcolm	Warrholmesyders M'burgh
N. G.	Ness place Tranent
HONNA FLEMING	10C MAIN STREET ELPHINSTONE
HAYLEY WIGHTMAN	15 GEORGE GRIEVE WAY, TRANENT
SCOTT LIGHTMAN	u " " "
ELEANOR FLYNN	5 BIRSELY ROAD, TRANENT
HUGH FLYNN	u " "

EAST Lothian Council
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NAME.	ADDRESS
April Robertson	66 Hillview Road, Ormiston
Kerrl Robertson	66 Hillview Road, Ormiston
Caroleanne Robertson	66 Hillview Road Ormiston
David Watson	52 Limeylands Crescent Ormiston
Lynn Brown	7 Clark Buildings Ormiston
Angela Whiffen	3 CROSS LOAN ORMISTON
N McGovern	11 Lady Hamilton Pl
Ashleigh Aguan	11 Purest Court
J. Maclean	52 High St, ORMISTON
Dianne Clark	12 Meadowbank Rd, ORMISTON
STUART CLARK	" " " " "
A. Webb	6 Acredale Rd. Eyemouth
A. Webb	—————
Jo Barron	10 Hopetown Terrace, Ormiston.
Lylie Ormiston	7 Clark buildings.
Katy Fraser	23 meadowbank
Beth Whitson	3 Cross Loan Ormiston
Chris Fraser	23 MEADOWBANK ?
Fiona Hoggarth	109 Moffat Road Ormiston
G. Hoggarth	109 MOFFAT RD ORMISTON.
A Kelly	2 Langford Road Stockport
M. Kelly	2 Langford Rd Stockport

Visiter
 And Loved
 Place

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NAME.	ADDRESS
Jane Clark	17 MACFARLANE COURT ELPHINSTONE
Helen Wilson	19 Macfarlane Court Elphinstone
YVONNE WILSON	19 MACFARLANE COURT ELPHINSTONE
J Wilson	7 Ormiston West Crescent Tranent
J Wilson	7 West Ormiston Crescent Tranent
Alex Young	4 MACFARLANE COURT ELPHINSTONE
Lizzy Hutton	5 MACFARLANE COURT ELPHINSTONE
David Hutton	5 Macfarlane court elphinstone
Kevin Hutton	5 Macfarlane court elphinstone
CAMERON HUTTON	5 MACFARLANE COURT ELPHINSTONE
Allen Doran	Park Road Ormiston
Graham Bell	26 MACFARLANE COURT ELPHINSTONE
Diane Watt	26 Macfarlane Court Elphinstone
CAROL CLARK	25 MACFARLANE CT ELPHINSTONE
ALISTAIR CLARK	25 MACFARLANE CT ELPHINSTONE
STEWART BOWD	21 MACFARLANE CT ELPHINSTONE
LOREANNE BOWD	21 Macfarlane Ct. Elphinstone
JAMES FAIRBANKS	11 MACFARLANE CT. ELPHINSTONE
DAVID FAIRBAIRN	11 MACFARLANE COURT ELPHINSTONE

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PETITION

TO SAVE THE ELPHINSTONE ARMS. FROM CLOSURE

NAME.	ADDRESS
LANA TAYLOR	OAKVIEW MAIN STREET ELPHINSTONE
C T L	" " "
D BAIN	4 DEANTOWN AVE WHITECARBIE
H. CRISTISON	12 ROSES PARK, ELPHINSTONE
J. Riley	12 Main St Elphinstone
D. McArthur	12 Main St Elphinstone
R Coanona	2 Buxley Rd, Elphinstone
W Scott	1 BUXLEY ROAD ELPHINSTONE
Sturdon	7 Buxley Road Elphinstone
J. Innes	7 BUXLEY ROAD ELPHINSTONE
Ancy Wilson	8 Buxley Rd Elphinstone
Andrew Wilson	8 Buxley Rd Elphinstone
J Marshall	13 Buxley
H Marshall	13 Buxley
J. Pherson	14 Buxley ELPHINSTONE
K Macdonald	16 Buxley Rd "
M. E. Ellwood	16, Buxley Rd "
M MACDONALD	16, BUXLEY ROAD, ELPHINSTONE
F Burgess	18 BUXLEY ROAD
Alan Wallace	51 Deantown Avenue
CAMERON WILKIE	" " "
S WHITE	12A HIGH ST, TRANENT

GRANT OF PREMISES LICENCE

Elphinstone Arms – Main Street, Elphinstone

Late Representations of support

(rec'd 14th April – last date was Friday 11th April)

8/4/2014

EAST LANCASHIRE COUNCIL	Tranent Road
FILED	Elphinstone
14 APR 2014	Tranent
LAWYERS	
LICENSING	EH33 2HS

Dear MRS McNeill

I am writing to you in respect of the licence applications for The Elphinstone Arms

When I arrived back from holiday last Thursday I was appalled to find out that I was no

longer of 'good character'. The reason for this? Well I'm likely to drink in the arms and the police publicly announced that they^a have concerns relating to the character of persons likely to frequent the premises

If the police actually did their job they would have found out that the people who drink in the pub are mostly villagers and are fully employed / retired.

I'm aware that there was an anonymous

letter that states Margaret Dodds and her son run a pub where there is underage drinking and open drug taking

Both my husband and myself drink in the pub regularly and refute these claims. I can assure you in such a small village such goings on would soon be noticed. Not one of the people who drink there would stand for that behaviour. Obviously in the past there has been instances where people used drugs in the pub but that was almost 3 years ago.

When Mrs Dodds was made aware of this she did all she could to stop the drug taking i.e. putting up notices and putting DW 40 on the toilet cisterns (which is also being done by the Miners Welfare in Elphinstone). Lets be realistic you could check any pub/hotel in Britain and find traces of cocaine. So why are you being so hard on the Elphinstone Arms?

During the time I've stayed in Elphinstone I have not been aware of the police being called to the pub because of fighting. The only recent trouble was at the Muners Welfare when an underage drinker was punched in the face. That night the club was shut early and some of the people from the club came to the pub. Margaret asked some of them to leave because she did not want trouble in her pub.

I understand that the police have to be aware of public safety. However, if they are that concerned why did they let the pub open on the Monday and Tuesday? They have the power to close the pub for 24 hours. It was only when they found a problem with the licence (an honest mistake) that they chose to close the pub.

As far as I can see the police are being vindictive towards the pub and

pandering to mob rule into the bargain!

Their stance in this matter has done little to raise their standing in the community. If anything people have even less respect for them.

Perhaps it is time that Licensing Boards were given the authority to do some investigation when pubs are closed by the police. As it stands people's livelihoods hang on anonymous letters and police hellbent on keeping a pub closed even although they don't actually know 99% of the people who drink there.

I would appreciate if you would confirm that this letter, along with all the others, will be given to the Licensing Board prior to the next licence application by the pub.

Yours sincerely
Isobel Sharp

EAST LothIAN COUNCIL
 RECEIVED
 14 APR 2014
 LAW AND
 LICENSING

PETITION

TO SAVE THE ELPHINSTONE ARMS. FROM CLOSURE

NAME	ADDRESS
CLARA MCKENZIE	63 CARLISK CRESC. DRUMLEDGIE.
JOHN MCKENZIE	63 CARLISK CRESC EASTLEIGH!
Shelley McLaren	23 Cinderhall Place
David Fleming	23 Cinderhall Place
Robert Thomson	10. Cinderhall Place.
Susan Thomson	" " "
Scott Thomson	" " "
Dianne Powell	14 Cinderhall Place "
Allan Anderson	" " "
Robyn Willox	148 Northfield Tranent
James Fleming	33 Purvis Parks Elphinstone.
GRANT KENNEDY	54 MARRAT WALK TRANENT.
ALANA KERR	" " "
BIG CHRIS	32 HUNTLAW ROAD PENCAITLAND
VERONICA KERR	" " "
ALAN KERR	" " "
Billy Scott	9 Armistea crescent east Tranent
Gillian Scott	" " " " "
Stephanie Scott	" " " " "
Josephine m'kenzie	20 Cinderhall Place Elphinstone.
J. MacLEODIAN	GATEHOUSE COCK. ELPHINSTONE
.	
.	

EAST LoTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

per:
ref:

To: K. MacNeill
Clerk to the Licensing Board

per:
ref:

Date: 10 April 2014

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION – APRIL 2014

The Elphinstone Arms, Main Street, Elphinstone, East Lothian EH33 2LT

I refer to the above subject and can confirm that the Elphinstone Arms has been visited and inspected in relation to application for a Premises Licence. I am satisfied that the Operating and Layout Plans are in accordance with the Licensing (Scotland) Act 2005.

In respect of the actual application, I make the following observations:

- The Licensing Board should note that this application is out with the current policy on overprovision.
- In 2010 the Elphinstone Arms Premises Licence was transferred to Elphinstone Arms Ltd, 14 Abbotsford Terrace, Lanark and the Designated Premises Manager was nominated as Margaret Dodds, who was also a director in the company.
- During the course of the operation of the licence, the LSO regularly visited the premises when it was found that Margaret Dodds was approachable, very helpful and ran that pub without any identified issues.
- Over a weekend in February 2014 the police were called to an undisclosed incident at the premises and later checked the Companies Register and discovered that Elphinstone Arms Ltd had been dissolved on 09/03/2012.
- As a result of the premises having continued to trade following dissolution, contrary to the Licensing (Scotland) Act 2005, Section 1, namely the Premises Licence had ceased to exist as per Section 28 (1) (b) & 5 (e) of the Act whereby the partnership or company is dissolved, the police called at the Elphinstone Arms at 15:20 hours on 24/02/2014 and required that it be closed.
- I can confirm that The Elphinstone Arms has been closed for business since 24/02/2014.

- In March 2014, Mr Malcolm Fleming applied for a new Premises Licence for the Elphinstone Arms, as a sole trader under the company name of M F Publicans Limited. The premises are leased from the property owner, Mr Scott Dodds, for a period of three years. Caledonian Heritable Ltd is guarantors of the loan on the property. Mr Fleming is now resident in the flat above the premises.
- Mr Fleming, states he has 30 years experience in the licensing trade having assisted in the running of three different pubs in the East Lothian area, with his brother and sister-in-law.
- Mr Fleming states he was aware that the pub had closed due to problems with the Licence and that he felt he had the desire to become active again in the licensed trade. This had prompted him to take over and apply for the re-instatement of the pub's licence. He states that, other than paying the rent for the lease to Scott Dodds, the pub will be a personal enterprise for him and that Mr Dodds will not have any other interest in the business and have no financial concern in same. Mr Fleming states he is also aware of the drugs issues, which were linked to the pub and Mr Dodds. He also stated he abhors drug misuse and can therefore re-assure the Licensing Board that Mr Dodds would not be permitted access to or have any involvement in the premises at any time.
- Mr Fleming acknowledges that a link to the Dodds family will continue through the appointment of Mrs Margaret Dodds, as the Designated Premises Manager. However, Mr Fleming states that Mrs Dodds is a long standing friend whom he knows is an experienced landlord, who he knows has no connections with drugs or any other criminal activity and who he trusts implicitly to run the pub on a day to day basis. He states he will not only be the premises licence holder, but is fully committed to operating with a hands on approach to the business, especially in the evenings and at weekends.
- During the LSO's inspection visit to the Elphinstone Arms, Mr Fleming and Mrs Dodds were present to answer questions associated with the premises licence application. Both were friendly, open and fully co-operated with the LSO.

This report is submitted for the information of Licensing Board members.

R. Fruzynski
Licensing Standards Officer



**POLICE
SCOTLAND**

Keeping people safe

Date: 3rd April 2014

Your Ref:

Our Ref: J/LIC/3705/HB

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

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

Tel: +44 (0)131 663 2855
Fax: +44 (0)131 654 5507
Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

East Lothian Council
Licensing

Dear Madam

- 3 APR 2014

**LICENSING (SCOTLAND) ACT 2005 - OBJECTION Received
APPLICATION FOR PREMISES LICENCE**

**APPLICANT: M F PUBLICANS LTD, THE FLAT, ELPHINSTONE ARMS, MAIN
STREET, ELPHINSTONE**

PREMISES: ELPHINSTONE ARMS, MAIN STREET, ELPHINSTONE, TRANENT

I refer to the above application for the premises known as the Elphinstone Arms, Main Street, Elphinstone.

Under the terms of Section 22 (1) (a) of the Licensing Scotland Act 2005 on behalf of the Chief Constable I object to the grant of this licence on the grounds specified in Section 23 (5) (c), inconsistent with one or more of the licensing objectives namely:

- Preventing crime and disorder
- Securing public safety

And with reference to Section 23 (5) (d) (iii), there is concern relating to the character of the persons who are likely to frequent the premises. The landlord and management are failing to ensure the premises are operating to the expected standards.

The following information is provided in support of this objection:

East Lothian Licensing Board granted the transfer of the premises licence to 'Elphinstone Arms Limited' back in February 2010, Margaret and Scott Dodds were both listed as 'Directors' of the company according to Companies House records.

In the interim period, this had changed, because on checking Companies House records on 24th February 2014 it showed William Dodds listed as the sole Director, Margaret Dodds and Scott Dodds having resigned from the company. East Lothian Council have not been informed of this change in 'connected persons' and so it is unclear as to when this actually happened.

Calendonian Heritable Limited are the 'guarantors' for the property in relation to the bank loan taken out by Scott Dodds who is currently the owner of the property.

In previous years the premises has not come to the attention of the police other than when on the 18th November 2011, officers had cause to visit the premises during a police operation, which involved swabbing of toilets within licensed premises for traces of controlled drugs. Police officers attended and swabbed the male toilets for traces of cocaine, this test proved positive on several surfaces in the male toilets and advice was provided to staff at the time, regarding preventative measures that could be carried out (Margaret and Scott Dodds).

On 30th December 2011, a similar police operation was carried out within the premises and in the ladies toilet, the test again, proved positive for traces of cocaine.

On 6th January 2012, following information regarding Scott Dodds being concerned in the supply of cocaine, police searched the home address of Scott Dodds, which was the dwelling directly at the rear of the premises, as well as the licensed premises, under the terms of a drugs search warrant. At this time a personal amount of diazepam was recovered from Scott Dodd's home address, to which he admitted ownership.

More recently, over the weekend of the 22nd and 23rd February 2014 there were 2 incidents which occurred within the vicinity of and at the premises, details of which are as follows:

At 2242 hours on Saturday 22nd February 2014, a call was received from a member of the public stating that a male (Scott Dodds) was being assaulted outside the Elphinstone Arms, Main Street, Elphinstone, by two males.

On police arrival the two males had made off but the injured party (Scott Dodds) was traced to within the Elphinstone Arms. An ambulance was contacted but Scott Dodds declined medical attention and refused to give any details to the police as to what had happened stating "he would sort it himself". Scott Dodds was also under the influence of alcohol, having been drinking in the Elphinstone Arms, so arrangements were made to speak with him the following day when he was sober. Subsequently Scott Dodds has refused to give any statement to the police in relation to this incident.

Enquiries were made with the designated premises manager, Margaret Dodds who was working in the Elphinstone Arms that night, she confirmed that whilst her son

(Scott Dodds) was escorting two males away from the premises a short time later, whilst outside, Scott was attacked by two different males. It is unclear at this time, but it is assessed that the two males that had attacked Scott Dodds had been waiting outside the premises for Scott to make an appearance on the street before attacking him.

The following night at 1904 hours on Sunday 23rd February 2014, a call was received from a female member of the public (patron) reporting that there were approximately twenty males outside the premises with their faces covered, trying to get in. She believed they were in possession of weapons but no weapons had actually been seen. Police attended at 1914 hours but the males had left prior to their arrival.

Enquiries were made with Margaret Dodds, William Dodds and the patrons within the premises and it was established that 15 – 20 males, majority of whom were wearing balaclavas, had been seen coming along the road by a patron, who was standing outside the premises having a cigarette. He retracted back inside the premises and locked the doors. As the masked males approached the premises they started to bang on the door of the pub demanding to get in. They left a short time later, having failed to gain entry to the premises.

There were approximately 10 patrons within the premises at the time, who the attending police officers observed to be alarmed and visibly shaken by the incident. Margaret and William Dodds were also present but not Scott Dodds. Enquiries are still ongoing by CID officers in relation to this incident, and it has been established that both of the above incidents are related.

Following information received, it is assessed that these masked males were looking for Scott Dodds that night, and that if Scott had been within the premises, they would have gained entry. It was only when they realised Scott Dodds was not present, they left. The persons believed to be responsible for these incidents have a long history of violent offending and there is a real concern that they will continue with this feud, possibly returning to the premises, as Scott Dodds is known in the local community as having strong connections to the premises, placing the safety of members of the public in real danger. Scott Dodds continues to refuse to cooperate with the police in their enquiries.

On Monday 24th February 2014, licensing officers were made aware of the two incidents and on checking the premises licence it was discovered that 'Elphinstone Arms Limited' who were the licence holders, had in fact dissolved, according to Companies House records, on 9th March 2012.

Later that day, following confirmation from East Lothian Council Licensing Department that no 'transfer' had been lodged, licensing officers attended at the premises and informed the designated premises manager, Margaret Dodds and her husband, William Dodds that the licence 'ceased to have effect' due to the company 'Elphinstone Arms Limited' being dissolved and lack of transfer application.

Scott Dodds was also present within the premises, his face badly swollen and both eyes bruised.

At the time of the visit there were approximately 6-8 patrons within the premises drinking and so Margaret Dodds cleared the premises and closed the doors. It was explained to her and her husband, William Dodds, that the premises could no longer sell alcohol.

The Board may be aware that on Friday 28th February 2014, a letter was received by East Lothian Council and forwarded to Police Scotland, Divisional Licensing Officer. This had been sent by a "Elphinstone Resident". Within the letter the author states:

"that since the pub opened with Margaret Dodds and her son Scott, the place has been a nightmare, Margaret is serving my son who is 15 years old with drink and her son Scott is giving all the young boys cocaine" it goes on to say that they think it *"should be shut for good because all the young men are getting hooked on drugs and it is not good for the village"*.

At 0900 hours on Thursday 6th March 2014, an arrangement was made for Margaret, William and Scott Dodds to attend at Dalkeith Police Station, where they were interviewed in relation to an offence under Section 1 of the Licensing (Scotland) Act 2005, with regards to the unlicensed sale of alcohol. William and Scott Dodds refusing to answer any questions put to them by licensing officers, however, Margaret Dodds did confirm that Scott Dodds owns the building that the Elphinstone Arms occupies and that Scott and William help out in the premises "on odd occasions". When asked who Malcolm Fleming was, Margaret Dodds stated he was a "friend of Scotts" but again she also refused to answer the majority of questions put to her by licensing officers.

At the conclusion of the interviews all three were then cautioned and charged with a contravention of Section 1 of the Licensing (Scotland) Act 2005 and a report has been sent to the procurator fiscal.

This matter is considered sub judice and as such I am constrained as to what information I can provide.

Scott Dodds has also in the past been charged with possession of cocaine back in June 2005, when he was seen by police officers to throw a wrap of cocaine from his vehicle window and attempted to drive off from the Granada Services, Musselburgh in an effort to evade detection. He was reported to the procurator fiscal for this offence and several other Road Traffic offences but a plea of 'not guilty' was accepted for the drug possession.

Since the closure of these premises Margaret Dodds had applied to East Lothian Licensing Board to continue trading by way of occasional licences and as the Board members may be aware these occasionals were refused at the Licensing Board Hearing on 27th March 2014, on the grounds that they were inconsistent with one or more of the licensing objectives, namely 'preventing crime and disorder' and 'securing public safety'.

Since then this new application for a premises licence has been lodged, with the licence holder/applicant being a company called 'M F Publicans Ltd' the sole connected person listed as Malcolm Fleming, The Flat Elphinstone Arms, Main Street,

Elphinstone.

Licensing Officers made contact with the applicant and on Tuesday 1st April 2014 Mr Fleming attended at Dalkeith Police Station, at the request of the police, to facilitate a routine interview in relation to this new application. Mr Fleming confirmed his name and date of birth but refused to confirm his home address, stating "no comment" when asked if he lived at the Flat, Main Street, Elphinstone. He stated at this time that he has been advised by a solicitor to "say nothing" and to answer no questions.

It was explained to Mr Fleming that this was a routine interview which is carried out with all new applicants, giving the police an opportunity to engage with licence holders and establish what experience etc if any the applicants have in the licensed trade. Mr Fleming maintained his stance of answering no further questions and stated that he wanted to leave the police station, which he did, along with the proposed new Designated Premises Manager, Margaret Dodds, who had conveyed Mr Fleming to the meeting.

There is little known about Mr Fleming due to his refusal to answer any questions about himself and his failure to engage with licensing officers. What is known, is that Margaret Dodds stated during her interview under caution for the Section 1 offence on 6th April 2014, that Malcolm Fleming was a "friend" of Scott Dodds.

On Wednesday 2nd April 2014, licensing officers met with one of the directors of Caledonian Heritable, who confirmed that Mr Fleming leases the flat and the premises from Scott Dodds (landlord) for the sum of £1250.00 per month. M F Publicans Ltd was a new company set up to facilitate becoming the premises licence holder.

Companies House records show that M F Publicans Ltd was set up on 4th October 2013 with Mr Malcolm Fleming as the sole director.

Due to the very serious nature of the recent incidents and the connection between the premises and Scott Dodds, his criminality and the evidence of an ongoing dispute remains unchanged from the previous Licensing Board hearing.

The history of drug misuse associated with the premises and Scott Dodds, along with the lack of co operation by the Dodds family, the unwillingness to engage with police at this early stage, by the new licence holder, Mr Fleming and, prior to the premises closing, it was felt that the premises were operating contrary to the licensing objectives; *preventing crime and disorder and securing public safety*. Without significant changes in the management, there are concerns that this will continue.

The Chief Constable requests that this licence application be refused.

Yours faithfully



Chief Inspector Brown

EAST LOTHIAN

Meeting 24 April 2014 at 10:00am in Saltire Room, 1st Floor, John Muir House, Haddington, EH41 3HA

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
2	ALDI HADDINGTON ROAD TRANENT EH33 1DZ	ALDI STORES ALDI STORES LIMITED C/O LINDSAYS WS CALEDONIAN EXCHANGE 19A CANNING STREET EDINBURGH	6 March 2014	

EAST LoTHIAN COUNCIL

ENVIRONMENT ENVIRONMENTAL & CONSUMER SERVICES DIVISION

Internal Memorandum

From: R. Fruzynski
Licensing Standards Officer

per:
ref:

To: K. MacNeill
Clerk to the Licensing Board

per
ref:

Date: 09 April 2014

Subject: LICENSING SCOTLAND ACT 2005
PREMISES LICENCE APPLICATION – APRIL 2014

I refer to the above subject and can confirm that the undernoted premises licence application has been assessed and I am satisfied that the Operating and Layout Plans are in accordance with the Licensing (Scotland) Act 2005, but are out with the Licensing Board's policy on overprovision. That apart, I have no objections to the granting of the licence.

Premises Inspected:

Aldi Stores Limited, Haddington Road, Tranent, East Lothian EH33 1DZ

R. Fruzynski
Licensing Standards Officer



**POLICE
SCOTLAND**

Keeping people safe

Date: 18th March 2014

Your Ref:

Our Ref: J/LIC/3705/HB

The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith EH22 3AX

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

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Textphone: +44 (0)131 311 3944

Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**Licensing (Scotland) Act 2005
Application for the Grant of Provisional Premises Licence
Premises: Aldi, Haddington Road, Tranent**

I refer to the above application made by Aldi Stores Limited. I have to advise you that none of the connected persons have been convicted of any relevant offence. I am unable to confirm the existence of any foreign offence, committed outwith the United Kingdom, in respect of these connected persons.

It is pertinent to point out that this provisional application is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this licence would outweigh the presumption against grant in terms of the overprovision statement.

There are already several 'off' and 'on sale' premises within the town of Tranent and any additional ones would be surplus to requirements in terms of provision.

Yours faithfully

Divisional Licensing Officer