

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

**FRIDAY 30 MAY 2014  
PROVOST'S BOARD ROOM JOHN MUIR HOSUE, HADDINGTON**

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**Board Members Present:**

Councillor J Goodfellow (Chair)  
Councillor S Akhtar  
Councillor S Currie  
Councillor D Grant

**Clerk of the Licensing Board:**

Mrs K MacNeill

**Attending:**

Mr R Fruzynski, Licensing Standards Officer  
Mrs M Ferguson – Service Manager – Legal and Procurement  
Ms C Molloy, Senior Solicitor  
Ms D Richardson Licensing Admin Officer  
Insp A Harborow, Police Scotland  
Sgt J Fleetwood, Police Scotland

**Committee Clerk:**

Ms J Totney, Democratic Services Manager

**Apologies:**

Councillor W Innes  
Councillor F McAllister  
Councillor T Trotter

**Declarations of Interest:**

None

**1. APPLICATION FOR CLOSURE ORDER  
Elphinstone Arms, Main Street, Elphinstone**

The Clerk advised that this additional meeting was being held to deal with one item of business.

Insp Harborow, Police Scotland, provided a very detailed verbal account of the background and reasons why Police Scotland had applied to the Licensing Board for this closure order, and answered questions from Board members.

The Licensing Standards Officer (LSO) provided a very detailed verbal account of his view of matters and answered questions from Board members.

Insp Harborow summarised that there are ongoing concerns for public safety, including the safety of the family who run Elphinstone Arms, following an incident of wilful fire-raising overnight between 20 and 21 May 2014. Correspondence from the Attending Fire Investigator states that the fire was started deliberately by unknown person/s. The fire had not taken hold but had it done so, there was the potential for the fire to spread to the flat above. The potential outcome could have been more severe and there could have been casualties. He stated that he is greatly concerned about inconsistencies surrounding this incident and the two previous incidents at the premises; Scott Dodds' continued involvement with the premises; and lack of co-operation with the Police. He urged the Board to grant the closure order and consider not allowing the premises to open in future unless the Dodds family are completely disconnected from the Elphinstone Arms.

In response to the Chair, the LSO advised that Mrs Margaret Dodds is the current licence holder as Mr M Fleming wrote to the Board on 27 May advising that he was no longer a Director of M F Publicans Ltd. Mr Fleming had informed the LSO that the company was now under the Directorship of Mrs Margaret Dodds, who is the current premises manager and mother of Scott Dodds. Mr Fleming added that he was no longer the licence holder; was no longer resident in the flat above the premises (he had been present in the flat at the time of the fire); and no longer had any association with the premises. The LSO stated that he had attended the premises the morning after the fire and gave an account of what he had seen. He advised that public safety is the paramount concern, even if that means closing this facility to the local community.

The Clerk informed the Board that a closure order, if granted, would need to be for a fixed period of time.

Insp Harborow requested a minimum closure period of six months, if granted.

The Board members, Clerk of the Board, Service Manager – Legal and Procurement, Senior Solicitor and Licensing Admin Officer adjourned to debate the matter in private.

On reconvening the meeting, Board members individually provided their view on the request from Police Scotland to grant the closure order.

Councillor Grant stated that, based on the evidence from Insp Harborow, he supported the application for the closure order and asked that other Board members also support the application.

Councillor Currie commented that his position has not changed from that which he expressed at the meeting of East Lothian Licensing Board on 24 April 2014. There is a serious public safety issue and he welcomed the information and evidence from the LSO. He supported the application for the closure order.

Councillor Akhtar advised that this is a serious matter and that public safety is paramount. Based on the information she had heard, she would be supporting the application for the closure order.

Councillor Goodfellow commented on the serious nature of the incident overnight between 20 and 21 May 2014 which could have resulted in the loss of life. In his view, closure of the premises is necessary in the interest of public safety.

**Decision**

East Lothian Licensing Board agreed to grant a closure order for Elphinstone Arms until 31 August 2014. The Board stated that they expect Police Scotland to request a review of the premises licence between now and 31 August 2014.