

**EAST LoTHIAN**

**Meeting 24 September 2015 at 10:00am in Council Chambers, Town House, Haddington**

**Licensing (Scotland) Act 2005**

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
1	ALDI STORES LIMITED OLIVE BANK RETAIL PARK NEWHALES ROAD MUSSELBURGH	ALDI STORES LIMITED C/O LINDSAYS CALEDONIAN EXCHANGE 19A CANNING STREET EDINBURGH EH3 8HE	22 July 2015	Seasonal increase in capacity (24th November to 9th January every year) of 9m2. Amending wording from currently trade 9am to 8 pm to 'within and outwith core hours in accordance to demand'.
2	NORTH BERWICK DINER AND FRY 11 QUALITY STREET NORTH BERWICK EAST LoTHIAN EH39 4HJ	ARJSTIDE CUCCHI	20 July 2015	We would wish to add to the Operating to include the following: Funeral teas, birthdays etc. and club or other group meetings. Live performances (solo or duet playing music for occasional events such as Fringe by the Sea or the like). May commence prior to core hours but not before 10am. Televised sport - to show such

**EAST LOTHIAN**

**Meeting 24 September 2015 at 10:00am in Council Chambers, Town House, Haddington**

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
3 THE LINTON HOTEL & STEAKHOUSE LINTON HOTEL 3 BRIDGE END EAST LINTON EAST LOTHIAN EH40 3AF	MICHELE MARGARET KELSO C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	12 August 2015	



**POLICE  
SCOTLAND**

Keeping people safe

**2(i)**

Date: 28<sup>th</sup> August 2015

Your Ref:

Our Ref: J/LIC/3705/HB

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

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

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: ALDI STORES LIMITED  
PREMISES: ALDI, OLIVE BANK RETAIL PARK, NEWHAILES ROAD,  
MUSSELBURGH**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to increase the display area for alcohol from 22.5 square metres to 31.5 square metres during the festive season between 24<sup>th</sup> November and 9<sup>th</sup> January each year.

Any increase in licensed area 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 variation would outweigh the presumption against grant in terms of the overprovision statement.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

PC Heather Bowsher  
Divisional Licensing Officer



# **EAST LoTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

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**Date: 01 September 2015**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PROVISIONAL PREMISES LICENCE APPLICATION – AUGUST 2015**

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, Olive Bank Retail Park, Newhailes Road, Musselburgh,  
East Lothian EH21 6RE**

R. Fruzynski  
Licensing Standards Officer

**EAST LOTHIAN COUNCIL**

**Internal Memorandum**

**From:** Development Control Manager      **To:** Clerk to the Licensing Board  
**Per:** Neil Millar      **Per:** Licensing Board  
**Cc:**

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**Date:** 28<sup>th</sup> August 2015

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** Aldi Stores Limited, Olive Bank Retail Park, Newhailes Road, Musselburgh

**Application type:** Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

**EAST LoTHIAN COUNCIL**  
**ENVIRONMENT**  
**ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

**Internal Memorandum**

**From:** Environmental Health Partnership Manager  
**per:** Marion Muir  
**ref:** MM/AC

**To:** Litigation & Licensing  
**per:** M Winter  
**ref:**

---

Date: 13<sup>th</sup> August 2015

**Subject:** Licensing (Scotland) Act 2005  
Section 29 Application for Variation other than a Minor Variation  
Aldi Stores Ltd, Musselburgh

I refer to the application dated 21 July 2015 received on the 12 August 2015 attaching a copy of the Application for Variation other than a Minor Variation together with the copy of the Operating Plan and for the above named premises.

I have no objections to the application for "Variation other than a Minor Variation".

Marion Muir  
Food & Safety Officer

EAST LoTHIAN LICENSING BOARD

POL  
ENV  
PLAN  
B.C.  
NHS.  
RUD.  
CLC

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-  
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- X Any of the information contained within the Operating Plan
- X The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0172

2(b) Name and Address of Premises

Aldi Stores Limited  
Olive Bank Retail Park  
Newhailes Road  
Musselburgh

Post Code EH21 6RE

Phone No.

2(c) Full Name and Address of Current Licence Holder

Aldi Stores Limited  
Holly Lane  
Atherstone  
Warwickshire

Post Code CV9 2SQ

Phone No.

### SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

#### 3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

N/A

#### 3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

Increase capacity between 24<sup>th</sup> November and 9<sup>th</sup> January each year to include Seasonal Display.

Total : 31.5m<sup>2</sup>

Permanent Display : 22.5m<sup>2</sup>

Seasonal : 9m<sup>2</sup> (only used between 24<sup>th</sup> November and 9<sup>th</sup> January each year)

At Q5 – vary wording by adding “within and outwith core hours in accordance with demand” at the end of the first sentence after the word services and, deleting the remaining wording “The premises currently trade on weekdays from 9.00 a.m. to 8.00 p.m. but these hours will vary in accordance with customer demand, and in particular are likely to be extended during the Christmas and New Year period”.

#### 3(c) Variation to the Layout Plan of the Premises Licence

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

Remerchandising to include layout changes including tandem tills. Also to include Seasonal Display, increase capacity – the new total capacity at seasonal times will be 31.5m<sup>2</sup> between 24<sup>th</sup> November to 9<sup>th</sup> January each year as shown on plan no 0114#36-AL(76)003.

#### 3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence

(e.g. Alteration to the description of the premises contained within the Premises Licence)

N/A

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

X YES                       NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
  - The licence has already been returned to the Board in respect of an earlier application for variation or transfer
  - Other (provide details)
- .....

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

*If signing on behalf of the applicant please state in what capacity.*

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £      is enclosed.

Signature



..... (See note 5 below)

Date 21 July 2015

Capacity: ~~APPLICANT~~ / AGENT (delete as appropriate)

**If agent, please provide name, address, phone number and (if applicable) email address**

Niall Hassard  
Lindsays  
Caledonian Exchange  
19a Cairnrig Street  
Edinburgh EH3 8HE

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

### Question 1

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</i>
<i>*Delete as appropriate</i>	

### Question 2

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	N/A	N/A
<i>Tuesday</i>	N/A	N/A
<i>Wednesday</i>	N/A	N/A
<i>Thursday</i>	N/A	N/A
<i>Friday</i>	N/A	N/A
<i>Saturday</i>	N/A	N/A
<i>Sunday</i>	N/A	N/A

**Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	10.00 am	10.00 pm
<i>Tuesday</i>	10.00 am	10.00 pm
<i>Wednesday</i>	10.00 am	10.00 pm
<i>Thursday</i>	10.00 am	10.00 pm
<i>Friday</i>	10.00 am	10.00 pm
<i>Saturday</i>	10.00 am	10.00 pm
<i>Sunday</i>	10.00 am	10.00 pm

**Question 4**

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
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*\*If YES – provide details*



**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <i>5(a)</i> <i>Activity</i>	<b>COL. 2</b> <i>Please confirm</i> <i>YES/NO</i>	<b>COL. 3</b> <i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<b>COL. 4</b> <i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	NO	NO	NO
<i>Bar meals</i>	NO	NO	NO
<i>5(b) Activity</i> <i>Social functions</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	NO	NO	NO
<i>Club or other group</i> <i>meetings etc.</i>	NO	NO	NO
<i>5(c)</i> <i>Activity</i> <i>Entertainment</i> <i>including:</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Recorded music – see</i> <i>5(g)</i>	NO	NO	NO
<i>Live performances –</i> <i>see 5(g)</i>	NO	NO	NO
<i>Dance facilities</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO

<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	NO	NO	NO
<b>5(d) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Outdoor drinking facilities</i>	NO	NO	NO
<b>5(e) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Adult entertainment</i>	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

**5(f) any other activities**

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Sale of other goods consistent with the business of a supermarket and provision of ancillary services within and outwith core hours in accordance with demand.

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	N/A
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	N/A
<i>*Delete as appropriate</i>	

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

<i>6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	N/A
<i>*Delete as appropriate</i>	

*6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

--

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

**Question 7**

*CAPACITY OF PREMISES*

*What is the proposed capacity of the premises to which this application relates?*

Total : 31.5m2  
Permanent Display : 22.5m2  
Seasonal : 9m2 (only used between 24<sup>th</sup> November and 9<sup>th</sup> January each year)

**Question 8**

*PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)*

*Personal details*

8(a) *Name*

Vikki Turner

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) Email address

--

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
31 August 2009	West Lothian Licensing Board	WL467

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature  (low)

Date 21 July 2015

Capacity ~~APPLICANT~~/AGENT (delete as appropriate).

Telephone number and email address of signatory

Niall Hassard  
Lindsays  
Caledonian Exchange  
19A Canning Street  
Edinburgh EH3 8HE  
Tel No 0131 656 5675  
E-mail: 

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.



**POLICE  
SCOTLAND**

Keeping people safe

**2(ii)**

Date: 6<sup>TH</sup> August 2015

Your Ref:

Our Ref: J/LIC/4462/JL

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

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

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: ARISTIDE CUCCHI, [REDACTED]**

**PREMISES: NORTH BERWICK DINER AND FRY, 11 QUALITY STREET, NORTH  
BERWICK**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to variate the operating plan to include social functions, entertainment including live performances (which may commence prior to core hours but not before 10am) and television sport.

There are no police objections to the grant of this variation.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

Divisional Licensing Officer



# **EAST LOTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

---

**Date: 31 July 2015**

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION) – JULY 2015**

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation.

I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of this application.

Premises Inspected:

**North Berwick Diner and Fry, 11 Quality Street, North Berwick, East Lothian EH39 4HJ**

R. Fruzynski  
Licensing Standards Officer

**EAST LOTHIAN COUNCIL**

**Internal Memorandum**

**From:** Development Control Manager      **To:** Clerk to the Licensing Board  
**Per:** Neil Millar      **Per:** Licensing Board  
**Cc:**

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**Date:** 4<sup>th</sup> August 2015

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** North Berwick Diner and Fry, 11 Quality Street, North Berwick  
**Application type:** Variation other than a minor variation of premises licence

I have no objections to the variations applied for, as is detailed in the application forms for them, with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

Herkes, Gillian

---

**From:** Environmental Health/Trading Standards  
**Sent:** 03 August 2015 12:13  
**To:** Licensing  
**Subject:** FW: Major Variation - North Berwick Diner and Fry

Janet Dunlop  
Support Services & Systems Development Officer Environmental Health & Trading Standards  
ext 7365

-----Original Message-----

**From:** Slight, Lynn  
**Sent:** 31 July 2015 15:12  
**To:** Environmental Health/Trading Standards  
**Subject:** RE: Major Variation - North Berwick Diner and Fry

Satisfactory subject to satisfactory conditions

-----Original Message-----

**From:** Cowe, Ann On Behalf Of Environmental Health/Trading Standards  
**Sent:** 30 July 2015 14:55  
**To:** Slight, Lynn  
**Subject:** FW: Major Variation - North Berwick Diner and Fry

-----Original Message-----

**From:** Elworthy, Debbie  
**Sent:** 30 July 2015 14:47  
**To:** [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk); Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception  
**Subject:** Major Variation - North Berwick Diner and Fry

Hello

Please find attached application for report.

Thanks

Debbie

Debbie Elworthy (Richardson)  
Licensing Administration Officer  
Licensing, Administration and Democratic Services John Muir House Haddington T. 01620 827217  
E. [delworthy@eastlothian.gov.uk](mailto:delworthy@eastlothian.gov.uk) or [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

-----Original Message-----

**From:** "Elworthy, Debbie" [<mailto:delworthy@eastlothian.gov.uk>]  
**Sent:** 30 July 2015 14:06  
**To:** Elworthy, Debbie  
**Subject:** Attached Image

EAST LoTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-  
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0143

2(b) Name and Address of Premises

North Berwick Diner and Fry  
11 Quality Street  
North Berwick  
East Lothian

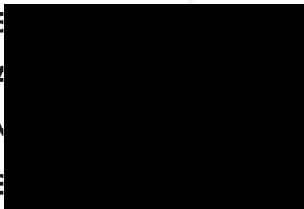
East Lothian Council  
Licensing  
20 JUL 2015  
Received

Post Code	EH39 4HJ	Phone No.	01620893246
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2(c) Full Name and Address of Current Licence Holder

Aristide Cucchi

E  
A  
N  
E



Post Code		Phone No.	
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### SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

#### 3(a) Variation to the Conditions to which the Premises Licence is subject

Provide details of the Condition(s) to be varied and the variation being sought

No change.

#### 3(b) Variation to the information contained within the Operating Plan of the Premises Licence

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

We would wish to update our Operating Plan with the inclusion of the following:

- Social Functions - Include funeral teas, birthdays etc and also club or other group meetings – see Section 5(b).
- Entertainment – Include Live performances – see Section 5(g). (please note that this would be only be a solo artist or duet playing music during the occasional event such as Fringe By The Sea or the like.
- In addition to the above entertainment, we would wish to include televised sport. We currently provide the facilities of normal terrestrial channels but would like to show such events as cricket, golf, tennis and the like, broadcast on normal television channels, for the entertainment of our customers - see Section 5(g).

#### 3(c) Variation to the Layout Plan of the Premises Licence

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

No change.

#### 3(d) Variation to any other information contained or referred to in the licence

Provide details below of any other variation sought to the Premises Licence

(e.g. Alteration to the description of the premises contained within the Premises Licence)

Live performances may commence before core hours, but not before 10am for the purposes of events associated with fringe by the Sea or the like.

**SECTION 4: LICENCE TO BE AMENDED**

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES  NO

If the answer is NO, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
  - The licence has already been returned to the Board in respect of an earlier application for variation or transfer
  - Other (provide details)
- .....

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£170** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

*If signing on behalf of the applicant please state in what capacity.*

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of ~~£150~~ is enclosed.

Signature



..... (See note 5 below)

Date

8/7/15

Capacity: APPLICANT / ~~AGENT~~ (delete as appropriate)

**If agent, please provide name, address, phone number and (if applicable) email address**

.....  
.....  
.....

**OPERATING PLAN Licensing (Scotland) Act 2005, section 20(2)(b)(i)**

**Question 1**

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises	<b>YES</b>
1(b) Will alcohol be sold for consumption solely OFF the premises	
1(c) Will alcohol be sold for consumption both ON and OFF the premises	
*Delete as appropriate	

**Question 2**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:00
Sunday	11:00	23:00

**Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

NOTES:

**Question 4**

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	<b>NO</b>
---	-----------

*\*If YES – provide details*

NONE
------



**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>5(a) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided <u>outwith</u> core licensed hours please confirm YES/NO</b>
<i>Accommodation</i>	NO	N/A	N/A
<i>Conference facilities</i>	NO	NO	NO
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	NO	NO	NO
<b>5(b) Activity Social functions including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided <u>outwith</u> core licensed hours please confirm YES/NO</b>
<i>Receptions including (Weddings funerals,, birthdays, retirements etc)</i>	YES	YES	YES
<i>Club or other group meetings etc</i>	YES	YES	YES
<b>5(c) Activity Entertainment including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided <u>outwith</u> core licensed hours please confirm YES/NO</b>
<i>Music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES

<i>Dance facilities – see 5(g)</i>	NO	NO	NO
<i>Theatre</i>	NO	NO	NO
<i>Films</i>	NO	NO	NO
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	NO	NO	NO
<i>Televised sport</i>	YES	YES	YES
<b>5(d) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Outdoor drinking facilities</i>	NO	NO	NO
<b>5(e) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Adult entertainment – see 5(g)</i>	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

THE PREMISES MAY OPEN AT 11AM ON A SUNDAY MORNING FOR FOOD, SOFT DRINKS, COFFEES ETC, BUT NO ALCOHOL WILL BE SERVED BEFORE THE COMMENCEMENT OF THE CORE HOURS.

THE PREMISES MAY OPEN FOR CLUB OR OTHER GROUPS MEETINGS, FUNERAL TEAS, CHILDREN'S PARTIES OR THE LIKE EARLIER THAN THE COMMENCEMENT OF CORE HOURS, BUT NOT BEFORE 10AM. NO ALCOHOL WILL BE SERVED OUTWITH CORE HOURS EXCEPT UNDER THE AUTHORITY OF AN EXTENDED HOURS APPLICATION.

LIVE PERFORMANCES MAY TAKE PLACE BEFORE THE COMMENCEMENT OF CORE HOURS FOR THE OCCASIONAL SPECIAL EVENT SUCH AS THAT OF FRINGE BY THE SEA AND THE LIKE, BUT NOT BEFORE 10AM. NO ALCOHOL WILL

BE SERVED OUTWITH CORE HOURS EXCEPT UNDER THE AUTHORITY OF AN EXTENDED HOURS APPLICATION.

NO ADDITIONAL ACTIVITIES WILL TAKE PLACE AFTER CORE HOURS (WITH OR WITHOUT THE PROVISION OF ALCOHOL) UNLESS UNDER THE AUTHORITY OF AN EXTENDED HOURS APPLICATION.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

TAKEAWAY FISH AND CHIP SHOP, PLUS OTHER HOT FOODS, CONFECTIONARY, ICE-CREAM ETC.

CIGARETTES, TAKEAWAY COFFEES, TEAS AND SOUPS.

PARTICIPATION IN FRINGE BY THE SEA, EXHIBITIONS, AND OTHER SPECIAL EVENTS OF LOCAL OR NATIONAL PROMINENCE.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing either live or recorded music, dancing or adult entertainment, any combination of these or all please provide the following details

Will the music level exceed 85dB?	N/A
When fully occupied, are there likely to be more customers standing than seated?	
*Delete as appropriate	

**Question 6 (On-sales only)**

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

CHILDREN AND YOUNG PERSONS WILL HAVE ACCESS TO THE PROPERTY WITHOUT RESTRICTION, AS IT IS CONSIDERED THAT THE ATMOSPHERE IS CONDUCTIVE TO THAT, CHILDREN ON THEIR OWN ARE MONITORED.

THERE MAY BE STAFF UNDER 18.

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

NO RESTRICTION (0-17 YEARS). THE PREMISE ALREADY HAS BABY CHANGING FACILITIES.

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

NO RESTRICTION

6(e) *Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry*

CUSTOMERS WILL BE RESTRICTED TO PUBLIC PARTS OF THE PREMISES.  
STAFF HAVE NO RESTRICTION.

**Question 7**

CAPACITY OF PREMISES

**What is the proposed capacity of the premises to which this application relates?**

ON SALES - 72

**Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

*Personal details*

8(a) Name

FRANCO CUCCHI

8(b) Date of birth

[REDACTED]

8(c) Contact address

[REDACTED]

8(d) Email address

[REDACTED]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 SEPTEMBER 2009	CITY OF EDINBURGH LICENSING BOARD	08/20927





**POLICE  
SCOTLAND**

Keeping people safe

**2(iii)**

Date: 26<sup>th</sup> August 2015

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](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)  
Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR VARIATION – SECTION 29  
APPLICANT: PATRICK CAIRNEY, [REDACTED]  
PREMISES: THE LINTON HOTEL & STEAKHOUSE, 3 BRIDGEND, EAST  
LINTON**

I refer to the above application and in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application, with reference to the proposed variation.

The applicant is requesting to increase the 'on sale' hours for a Thursday, Friday and Saturday night from midnight to 0100 hours and on a Sunday from 2300 hours to midnight. They are also looking to include an 'off sale' facility from 1100 – 2200 hours each day.

Whilst I have no objection to this request, any increase in licensed hours and addition of the 'off sale' facility, 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 variation would outweigh the presumption against grant in

terms of the overprovision statement.

Should the Board be minded to grant the 'off sale' I would request that they consider a condition of the licence to be that the alcohol is sold at the same price as it would if they were consuming it on the premises.

I note that children and young persons will be allowed in most areas of the hotel with the exception of the bar area, and I would support this as long as they are accompanied by an parent or guardian.

This representation is submitted for your attention in consideration of this application.

Yours faithfully

Divisional Licensing Officer



# **EAST LoTHIAN COUNCIL**

## **LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES**

**From: R. Fruzynski**  
**Licensing Standards Officer**

**To: K. MacNeill**  
**Clerk to the Licensing Board**

---

Date: 31 August 2015

**Subject: LICENSING SCOTLAND ACT 2005**  
**PREMISES LICENCE APPLICATION (MAJOR VARIATION) – AUGUST 2015**

I refer to the above subject and can confirm that the undernoted premises have been visited and inspected in relation to application for a Premises Licence variation.

I have no objection to the granting of this application.

Premises Inspected:

**The Linton Hotel, 3 Bridgend, East Linton, East Lothian EH40 3AF**

R. Fruzynski  
Licensing Standards Officer

**EAST LoTHIAN COUNCIL**

**Internal Memorandum**

**From:** Development Control Manager      **To:** Clerk to the Licensing Board  
**Per:** Neil Millar      **Per:** Licensing Board  
**Cc:**

---

**Date:** 28<sup>th</sup> August 2015

**LICENSING (SCOTLAND) ACT 2005**

**Re: Consultation response**

**Address:** The Linton Hotel & Steakhouse, 3 Bridgend, East Linton

**Application type:** Variation other than a minor variation of premises licence

I have no objection to the variations applied for as detailed in the application forms with regards to the above premise. Planning permission is not required for the sale of alcohol on the premises.

I also note that retrospective planning permission (Ref: 09/00900/P) was granted in August 2010 for a change of use of garden for use as beer garden, and formation of decking area and hardstanding area at this premise.

Herkes, Gillian

---

**From:** Environmental Health/Trading Standards  
**Sent:** 14 August 2015 13:35  
**To:** Licensing  
**Subject:** FW: major variation - Linton Hotel & Steakhouse  
**Attachments:** linton hotel & steakhouse major variation.pdf

*Janet Dunlop*  
Support Services & Systems Development Officer  
Environmental Health & Trading Standards

ext 7365

---

**From:** Hood, Eleanor  
**Sent:** 14 August 2015 12:46  
**To:** Environmental Health/Trading Standards  
**Subject:** FW: major variation - Linton Hotel & Steakhouse

There are no objections to this application

Regards

*Eleanor Hood*

Senior Environmental Health Officer  
Food and Safety  
Room 25  
John Muir House  
Haddington  
East Lothian  
EH42 3HA

Tel: 01620 827 296  
Email: [ehood@eastlothian.gov.uk](mailto:ehood@eastlothian.gov.uk)

---

**From:** Cowe, Ann **On Behalf Of** Environmental Health/Trading Standards  
**Sent:** 13 August 2015 08:50  
**To:** Hood, Eleanor  
**Subject:** FW: major variation - Linton Hotel & Steakhouse

---

**From:** Winter, Maree  
**Sent:** 13 August 2015 08:36  
**To:** [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk); Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; [ewan.wilson@firescotland.gov.uk](mailto:ewan.wilson@firescotland.gov.uk); Grant, Shona; Clark, Colin - EHO  
**Subject:** major variation - Linton Hotel & Steakhouse

Hi

Please find attached application for a major variation for the Linton Hotel & Steakhouse.

## Winter, Maree

---

**From:** Winter, Maree  
**Sent:** 18 August 2015 15:06  
**To:** 'alastair@macdonaldlicensing.com'  
**Subject:** FW: major variation - Linton Hotel & Steakhouse  
**Attachments:** linton hotel & steakhouse major variation.pdf

Hi Alistair,

Please find below representation from our Principal Environmental Protection Officer (noise control), for the above application.

Regards  
Maree.

---

**From:** Grant, Shona  
**Sent:** 17 August 2015 12:09  
**To:** Winter, Maree  
**Subject:** FW: major variation - Linton Hotel & Steakhouse

Maree

I have no objections to this application however I note that they are looking to include recorded music, live performances and televised sport as activities. Noise associated with these activities must be suitably controlled to ensure that they do not cause disturbance to those living nearby.

Regards

Shona

Shona Grant | Principal Environmental Protection Officer | East Lothian Council | John Muir House | Haddington | EH41 3HA |  
Tel. 01620 827336 | Email. [sgrant@eastlothian.gov.uk](mailto:sgrant@eastlothian.gov.uk) | Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

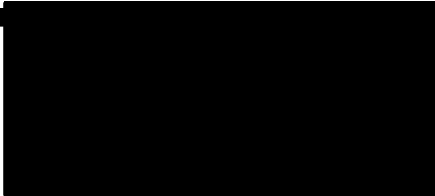
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**From:** Winter, Maree  
**Sent:** 13 August 2015 08:36  
**To:** [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk); Fruzynski, Rudi; Environmental Health/Trading Standards; Environment Reception; [euan.wilson@firescotland.gov.uk](mailto:euan.wilson@firescotland.gov.uk); Grant, Shona; Clark, Colin - EHO  
**Subject:** major variation - Linton Hotel & Steakhouse

Hi

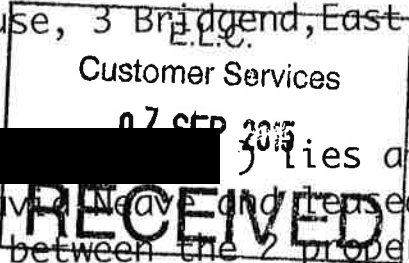
Please find attached application for a major variation for the Linton Hotel & Steakhouse.

Regards  
Maree  
Licensing, Administration & Democratic Services  
X7867



4/9/2015

Re Application for Variation (Major)  
by The Linton Hotel and Steakhouse, 3 Bridgend, East  
Linton, East Lothian, EH40 3AF



Our house (formerly [redacted]) lies at the top end of the garden owned by Mr. David Neave and leased by Mrs. M. Kelso. There is no demarcation between the 2 properties.

Our 2 windows, which are low to the ground, lie directly looking into the Linton garden. Some years ago, Mrs. Kelso erected a fence a short way from our windows which ensured that no drinkers or children could come and sit on our window sill, make phone calls or throw gravel at the windows, which had happened previously. Unsupervised children could access round the end of the hedge, where there is a fair drop into the neighbours' gardens.

This was an excellent solution and there were no complaints to the police or Licensing Board about noise or disruptive behaviour, either from ourselves or the neighbours over the hedge from then on and it worked well for several years.

Mrs. Kelso was always careful (after the fence was erected) to adhere to the Planning Dept. conditions imposed when the garden ground became a beer garden i.e. use of the garden by staff and customers only between the hours of 11am and 8pm.....no music (live /recorded etc) in the garden.

However, the condition that a self closing door to access the garden should be in place has still not been implemented. In previous years there had been a solid fire door with a push bar. We realise though that this aspect is a Planning issue.

However, we noticed recently that the fence had been removed and a major variation to the Linton Licence conditions had been submitted to extend the licence for the whole garden right up to our wall to be made accessible to customers.

This will mean that once again, drinkers will be able to come up to our windows which is a matter which concerns us because of our previous problems.

We also noticed from the ground plans submitted, that a small area of land at the top of the garden which is retained for maintenance to our chimney etc. has been omitted. The correct ground plan has been given to Mr. Cairney and he has assured us that it will be re-submitted to the Board. A copy of the correct plan is appended.

Our major concern is that owners/leaseholders can change but the licences stay in place and subsequent people may not be as communicative or vigilant as Mr. Cairney has been in the short few weeks he has been at the Linton.

There are no objections from us re the later licensing hours/off sales and on-sales, activities outwith core hours (we are assuming that this means weddings, birthday parties etc which won't be every weekend for example). He has assured us that any music will be restricted to the downstairs bar area, the upstairs room leading into the garden being a restaurant.

In essence, our main concern is the fact that the whole garden will have unrestricted access to customers and we may again have problems with 'tipsy' customers and unsupervised children.

We wish Mr and Mrs Cairney well in their new venture which is already proving to be a welcome asset to East Linton. We are sure that not having to put up with complaints from disgruntled neighbours will go a long way to making the Linton go from strength to strength.

Yours Sincerely.

Alastair and Anna Seagroatt







East Lothian Licensing Board  
Licensing Office  
Room 1  
John Muir House  
Haddington  
EH41 3HA

East Lothian Council  
Licensing

11 SEP 2015

Received

Our Ref: C120/2  
Cairney, Patrick

Dear Licensing Team

**Patrick Cairney**

**Premises: The Linton Hotel & Steakhouse 3 Bridgend, East Linton EH40 3AF (EL289)**

**Major Variation Application**

We refer to the above Application, and to your request for a Statement on the Licensing Objectives.

There is no increase in capacity contained in this Application, but we have submitted this on the basis of the addition of Off Sales.

Our client recently took over The Linton Hotel, which is one of two Licensed Premises in the town. Mr Cairney previously worked as a butcher in the town. Because of that, for obvious reasons, his speciality is steaks and he wishes to provide a good, but affordable, range of meals for locals and visitors.

Previously the lounge area was used as a restaurant, with upstairs more of a function suite, Mr Cairney has moved the restaurant upstairs, although food is provided at the ground floor level as well.

He has requested an increase in On Sales hours, but these are within your Policy. He has however applied for Off Sales, which were not previously enjoyed, although I suspect that the premises had a full Hotel Licence under the 1976 Act and this would have been included.

It is possible that some takeaway food might be sold. That might include breakfasts/pre-packed lunches for hotel residents.

It is possible that patrons, who are having a drink in the hotel bar, or indeed the restaurant, and who are perhaps going on somewhere else, might purchase alcohol as a takeaway, but obviously that this would be at a price considerably in excess of the supermarkets for instance and therefore it is not considered that this would be a major part of their business. It would just be facility for the local customer base.





Addressing each of the Licensing Objectives in turn, I would comment as follows: -

Preventing Crime & Disorder

- This is a well-known facility within a small East Lothian town, and our client, having worked in the town is convinced that there is a demand for everything that he has asked for. He is not aware of any reason why the grant of what has been requested would cause crime and disorder. With regard to the addition of Off Sales, this would be sold from the bar area. This is not a convenience store from where, for instance, Children and Young Persons might attempt to purchase. In general since our clients took over there have been no issues in connection with the running of the premises, and indeed he has had a very positive response from the local customer base

Prevent Public Nuisance

- There is an increase in hours here, but taking into account the location of the premises and the fact that many of the people live within walking distance and are therefore aware of their responsibilities to other town residents, it should not be a problem. If there were any kind of issues, he could put up Notices and speak to people as they were departing. He is more than happy to be pro-active in this respect

Securing Public Safety

- Again the premises are well managed and the additions requested to the Licence should not be prejudicial to any customer, nor indeed staff's safety

Promoting and Improving Public Health

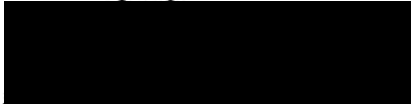
- The request for additional On Sale Hours is within Board Policy, and comes from local people, the majority live close by, in the town. It means they can perhaps come out a little bit later to meet their friends, about it is not envisaged that it would increase alcohol consumption considerably. It is more creating a facility

Protecting Children From Harm

- During the later hours, non-resident Children would not be permitted entry in any case. With regard to other issues, we have already commented on the unlikelihood of Children attempting to purchase Off Sales for instance. Otherwise our clients are aware of their responsibilities in respect of under 18's

I look forward to hearing from you.

Kind regards

  
Alistair Macdonald  
Director

Our ref: KMacN/mjw/EN/L/L1

Your ref:

Date: 8 September 2015

Alistair and Anna Seagroatt



Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION VARIATION OF PREMISE LICENCE  
PREMISES: THE LINTON HOTEL & STEAKHOUSE, LINTON HOTEL, 3 BRIDGE  
END, EAST LINTON, EAST LINTON, EAST LOTHIAN, EH40 3AF**

I refer to your objection/representation received on 07/09/2015, in respect of the above application. In accordance with Section 22 of the Licensing (Scotland) Act 2005, I have passed a copy of your objection/representation to the applicant concerned.

This application will be considered by the Licensing Board at its meeting taking place on Thursday 24 September 2015. The meeting is to be held in Council Chambers, Town House, Haddington at 10 am. Should you wish to speak to your objection/representation you may be in attendance at this time.

If you are unable to attend in person you may appoint another person to speak on your behalf, you must however provide this person with written authorisation which sanctions them to do so and this must be produced at the meeting.

An agenda for the Board Meeting will follow in due course.

Yours faithfully

Kirstie MacNeill  
Clerk to the Licensing Board

Direct Line: 01620 827217/827867 (Debbie Richardson/Maree Winter)

Direct Fax: 01620 827253

EAST LOTHIAN LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005, SECTION 29  
APPLICATION FOR VARIATION OTHER THAN MINOR VARIATION

This application should only be completed by the Licence Holder of the appropriate Premises Licence or their Agent.

SECTION 1: TYPE OF VARIATION

This application for Variation other than a Minor Variation of Premises Licence is made under Section 29(5) of the Licensing (Scotland) Act 2005 in order to vary-  
(Tick all relevant boxes)

- Any of the Conditions to which the Premises Licence is subject
- Any of the information contained within the Operating Plan
- The Layout Plan
- Any other information contained or referred to in the licence (including any addition, deletion or other modification).

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

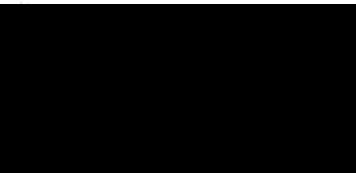



2(a) Licence Number of Premises

EL289

2(b) Name and Address of Premises

The Linton Hotel & Steakhouse 3 Bridgend East Linton East Lothian EH40 3AF			
Post Code	EH40 3AF	Phone No.	01620 860202

2(c) Full Name and Address of Current Licence Holder

Michelle Kelso  
  
(Transfer pending: Patrick Cairney )  
Post  Phone 

### SECTION 3: NATURE OF VARIATION

Complete the relevant section(s) regarding the variations sought:-

#### 3(a) Variation to the Conditions to which the Premises Licence is subject

NO

Provide details of the Condition(s) to be varied and the variation being sought

#### 3(b) Variation to the information contained within the Operating Plan of the Premises Licence

YES

Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1)

To add Recorded music, Live performances and Televised sport as Activities

To add Off Sales from 11:00am to 10:00pm each day.

To provide that certain Activities will take place outwith Core Hours, taking into account the fact that the premises are a hotel.

To clarify access by Children and Young Persons, and in particular Children and Young Persons who are resident in the hotel. Children and Young Persons require to be accompanied by an Adult and will access have access to the lounge, restaurant and function suite areas, and outside areas.

To amend On Sale Hours on Thursday, Friday and Saturday to 1:00am , and on a Sunday night to mid-night

To replace current provisions on Seasonal Variations and provide that the premises would like to take advantage of General Extensions issued by the Board, and may apply for Extended Hours on certain occasions.

#### 3(c) Variation to the Layout Plan of the Premises Licence

YES

7 Copies of the proposed Layout Plan **must** accompany this application. (See Note 2)

In addition please provide details below of the proposed change to the layout of the Premises.

To substitute a new Layout Plan to clarify the extent of the outside area, areas where children and young persons have access and rename the use of certain rooms

#### 3(d) Variation to any other information contained or referred to in the licence

YES

Provide details below of any other variation sought to the Premises Licence

*(e.g. Alteration to the description of the premises contained within the Premises Licence)*

To change the name to "The Linton Hotel & Steakhouse"

**SECTION 4: LICENCE TO BE AMENDED**  
(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES  NO

If the answer is **NO**, please provide an explanation.

I am unable to produce the Premises Licence because...

- The licence has not yet been issued by the Board
- The licence has already been returned to the Board in respect of an earlier application for variation or transfer
- Other (provide details)
- .....

**SECTION 5: FEE PAYABLE**

The fee payable in respect of the application for variation is **£150**

If the application is submitted alongside an application for Transfer of Premises Licence then the combined fee for both applications will be **£150** (see note 4 below)

If submitted with an application for transfer, please specify the order in which the applications are to be considered-

- Application for Transfer of Premises Licence followed by Application for Variation
- Application for Variation followed by Application for Transfer of Premises Licence

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

*If signing on behalf of the applicant please state in what capacity.*

I confirm that (a) the contents of this Application are true to the best of my knowledge and belief; and (b) the appropriate fee of £150 is enclosed.

Signature



..... (See note 5 below)

Date

11/8/15

Capacity: ~~APPLICANT~~ / AGENT (delete as appropriate)

**If agent, please provide name, address, phone number and (if applicable) email address**

.....

Macdonald Licensing  
21a Rutland Square  
Edinburgh, EH1 2BB

## EAST LoTHIAN LICENSING BOARD

### OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

*Name, address and postcode of premises to be licensed.*

The Linton Hotel & Steakhouse  
 Linton Hotel  
 3 Bridgend  
 East Linton  
 East Lothian  
 EH40 3AF

#### **Question 1**

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<b>NO</b>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<b>NO</b>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<b>YES</b>
<i>*Delete as appropriate</i>	

#### **Question 2**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	11:00am	11:00pm
<i>Tuesday</i>	11:00am	11:00pm
<i>Wednesday</i>	11:00am	11:00pm
<i>Thursday</i>	11:00am	01:00am
<i>Friday</i>	11:00am	01:00am
<i>Saturday</i>	11:00am	01:00am
<i>Sunday</i>	11:00am	Mid-night

**Question 3**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES*

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00am	10:00pm
<i>Tuesday</i>	11:00am	10:00pm
<i>Wednesday</i>	11:00am	10:00pm
<i>Thursday</i>	11:00am	10:00pm
<i>Friday</i>	11:00am	10:00pm
<i>Saturday</i>	11:00am	10:00pm
<i>Sunday</i>	11:00am	10:00pm

**Question 4**

*SEASONAL VARIATIONS*

<i>Does the applicant intend to operate according to seasonal demand</i>	<b>YES</b>
--	------------

*\*If YES – provide details*

Would like to take advantage of General extensions granted by the Board, and may apply for Extended Hours on certain occasions.



**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <b>5(a)</b> <b>Activity</b>	<b>COL. 2</b> <b>Please confirm</b> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Accommodation</i>	YES	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES

<b>5(b) Activity</b> <b>Social functions</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	YES	YES	YES
<i>Club or other group</i> <i>meetings etc.</i>	YES	YES	YES

<b>5(c)</b> <b>Activity</b> <b>Entertainment</b> <b>including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>
<i>Recorded music – see</i> <b>5(g)</b>	YES	YES	YES
<i>Live performances –</i> <b>see 5(g)</b>	YES	YES	YES
<i>Dance facilities</i>	YES	YES	YES
<i>Theatre</i>	YES	YES	YES
<i>Films</i>	YES	YES	YES
<i>Gaming</i>	YES	YES	YES
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	YES	YES	YES



<i>5(d)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Outdoor drinking</i> <i>facilities</i>	<b>YES</b>	<b>YES</b>	<b>YES</b>

<i>5(e)</i> <i>Activity</i>	<i>Please confirm</i> <i>YES/NO</i>	<i>To be provided</i> <i>during core licensed</i> <i>hours – please</i> <i>confirm</i> <i>YES/NO</i>	<i>Where activities are</i> <i>also to be provided</i> <i>outwith core licensed</i> <i>hours please confirm</i> <i>YES/NO</i>
<i>Adult entertainment</i>	<b>NO</b>	<b>NO</b>	<b>NO</b>

*Where you have answered YES in respect of any entry in column 4 above, please provide further details below.*

To provide certain activities answered “yes” in column 4, may take place outwith Core Hours.

The premises are a hotel and many activities maybe available to Guests up to 24 hours, as would be expected in a hotel.

In additional, the premises may provide breakfast and snacks to non-residents prior to the commencement of Core Hours.

Certain activities may take place during period of General or specific Extensions of permitted hours.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Community meeting facilities i.e. gala committee, pageants, drama group, charity councils etc.

The premises are a hotel, and therefore function 24 hours a day and provide facilities appropriate to such an operation.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	N/A
When fully occupied, are there likely to be more customers standing than seated?	N/A
*Delete as appropriate	

**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	<b>YES</b>
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

Children and Young Persons who are resident will be permitted in all public areas.  
Non-resident Children and Young Persons are permitted in the restaurant, lounge and function areas via hotel main entrance and not via public bar, as shown on the Layout Plan

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

0-17 years old if accompanied by adult

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

No restrictions for Children and Young Persons who are residents, if accompanied by an Adult. Otherwise Children/Young Persons may remain on the premises until the restaurant closes or the function finishes.

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

Access via separate hotel door to ground floor lounge/restaurant and first floor restaurant/function room with direct access to rear walled garden. Separate toilet facilities on first floor.

Baby changing facility on ground floor adjacent to restaurant

**Question 7**

**CAPACITY OF PREMISES**

What is the proposed capacity of the premises to which this application relates?

ON SALES - 90

**Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

Personal details

8(a) Name

Patrick James Cairney

8(b) Date of birth

[REDACTED]

8(c) Contact address

[Redacted contact address box]

8(d) Email address and telephone number

[Redacted email and telephone number box]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
5 <sup>th</sup> August 2015	East Lothian Licensing Board	EL1210

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature  \* (see note below)

Date ..... 17/8/15

Capacity ..... APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory ..... **Macdonald Licensing  
21a Rutland Square  
Edinburgh  
EH1 2BB**

alistair@macdonaldlicensing.com 0131 229 6181

\* Data Protection Act 1998

The information on this form may be held on an electronic public register which may be available to members of the public on request.



**EAST LOTHIAN**

**Meeting 24 September 2015 at 10:00am in Council Chambers, Town House, Haddington**

**Licensing (Scotland) Act 2005**

**Premises Licence Review(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
4 CAFFE BORSA 49 HIGH STREET MUSSELBURGH EH21 7AB	KEVIN POTTER	31 August 2015	
5 ELPHINSTONE ARMS MAIN STREET ELPHINSTONE EH33 2LT	POLICE SCOTLAND	13 February 2015	





**Elworthy, Debbie**

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**From:** Kevan Potter [REDACTED]  
**Sent:** 31 August 2015 08:36  
**To:** Licensing  
**Subject:** Removal of name as DPM on Licence of Caffè Borsa

Good Morning

Further to my conversation this morning regarding Caffè Borsa, I, Kevan Potter currently residing at [REDACTED] wish my name to be removed from the licence as the DPM at Caffè Borsa, 49 High Street, Musselburgh, EH21 7AB, I would like these changes to take effect immediately.

**3 (i)**

I would also like to request a review of the Licence at Caffè Borsa as the Owner, Gordon Richardson has been selling alcohol to be consumed outside the premises on tables placed on the street that he does not have permission for, one of the terms of the licence is that he does not allow alcohol to be consumed outside the premises. Mr Richardson has twice told me that the licencing laws do not really apply to Caffè Borsa as it is so small and out the way.

Kind Regards

Kevan Potter

Our Reference: KMacN/mjw/EN/L/

Date: 2<sup>nd</sup> September 2015

BDL Property Management Ltd  
24 Craigpark  
Glasgow  
G31 2LZ

Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3)(a)  
NOTIFICATION OF REVIEW HEARING  
CAFFE BORSA – 49 HIGH STREET, MUSSELBURGH**

The Licensing Board has received a request for a review of the Premises Licence noted above and I enclose a copy of that request for your information. The Clerk to the Licensing Board, under delegated powers, has resolved to hold a review hearing, in terms of Section 36(3)(a) of the Licensing (Scotland) Act 2005, namely that one or more of the conditions to which the premises licence is subject has been breached. The Review Hearing will be heard at the next meeting of the Licensing Board to be held in Council Chamber, Town House, Haddington at 10.00am on **Thursday 24<sup>th</sup> September 2015.**

You are entitled to attend the hearing and the Board members may, but are not obliged to, invite you to give your views in respect of this matter. If you wish someone else to represent you at the hearing, you will be required to provide a written mandate confirming that they are instructed to do so. You can provide that mandate to me in advance of the Hearing or the person concerned can bring it along to the Hearing.

The Licensing Board has asked Mr Rudi Fruzynski, Licensing Standards Officer, to prepare a report into this matter for their consideration at the Hearing. Mr Fruzynski may contact you and any information you can give him will be taken into account when he prepares his report.

An agenda will be sent to you in due course.

Yours sincerely

Kirstie MacNeill  
Clerk to the Licensing Board

c.c. Gordon Richardson – Caffè Borsa, 49 High Street, Musselburgh EH21 7AB

Direct Dial : 01620 827867/827217  
Direct Fax : 01620 827253

E-mail : [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)

Our Reference: KM/DE/EN/L

Date: 2<sup>nd</sup> September 2015

Kevin Potter



Dear Sir

**LICENSING (SCOTLAND) ACT 2005  
NOTIFICATION OF REVIEW HEARING  
CAFFE BORSA – 49 HIGH STREET, MUSSELBURGH, EH21 7AB**

I refer to your email of 31<sup>st</sup> August 2015 in respect of the above premises and can advise that, the Clerk to East Lothian Licensing Board has decided, under delegated powers, to accept your request for a review of the Premises Licence for the above premises. A copy of your request has been sent to the Premises Licence holder.

A Review Hearing will be held in the Council Chambers in Haddington at 10.00am on Thursday 24<sup>th</sup> September 2015. You may attend the hearing and the Board members may, but are not obliged to, invite you to give further information in respect of this matter. If you wish someone else to represent you at the hearing, you will be required to provide a written mandate confirming that they are instructed to do so. You can provide that mandate to me in advance of the Hearing or the person concerned can bring it along to the Hearing.

The Licensing Board has asked Mr Rudi Fruzynski, Licensing Standards Officer, to prepare a report into this matter for their consideration at the Hearing. Mr Fruzynski may contact you and any information you can give him will be taken into account when he prepares his report.

An agenda will follow in due course.

Yours sincerely

Kirstie MacNeill  
Clerk to the Licensing Board

**Licensing Office : 01620 827217 / 827867**  
**E-mail : [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)**



03 September 2015

Kirstie MacNeill  
Clerk of the Licensing Board  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

Dear Ms MacNeill,

**Ref: KMacN/mjw/EN/L**

I am today in receipt of your letter dated 02 September 2015 and confirm I will be in attendance at the meeting of the Licensing Board on 24<sup>th</sup> September 2015.

Please do not hesitate to contact me if you require any further information in the meantime.

Many thanks.

Best regards

Gordon Richardson

CAFFE BORSA

49 High Street  
Musselburgh  
East Lothian  
EH21 7AB

E: [info@caffeborsa.co.uk](mailto:info@caffeborsa.co.uk) | W: [www.caffeborsa.co.uk](http://www.caffeborsa.co.uk)

EAST LoTHIAN COUNCIL

26 FEB 2015

RECEIVED



**POLICE  
SCOTLAND**

Keeping people safe

Date: 12<sup>th</sup> February 2015

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](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)  
Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36  
PREMISES LICENCE REVIEW APPLICATION  
ELPHINSTONE ARMS, MAIN STREET, ELPHINSTONE**

The Chief Constable, in terms of Section 36(1) of the Licensing (Scotland) Act 2005, hereby makes application to the Licensing Board in terms of Section 36(3)(b) of the Act, for a review of the premises licence in respect of the premises known as Elphinstone Arms, Main Street, Elphinstone.

The Chief Constable makes application on the grounds that in terms of Section 36(3)(b) of the Act, on grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely;

- ***Preventing Crime and Disorder***
- ***Securing Public Safety***
- ***Preventing Public Nuisance***
- ***Protecting and Improving Public Health***

The premises operates as a licensed public house and is licensed to sell alcohol

Monday to Wednesday – 1100 – 2300

Thursday to Saturday – 1100 – 0100

Sunday – 1100 - midnight

[scotland.police.uk](http://scotland.police.uk)  @PoliceScotland  PoliceScotland

The premises are currently closed following an application for review made on behalf of the Chief Constable, which was heard at a Licensing Board Hearing on Thursday 28<sup>th</sup> August 2014. The Licensing Board were satisfied that the grounds for review was established and suspended the premises licence for 6 months.

The following information is provided in support of this review request:

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 – SC368929.

In the interim period, this had changed, because on checking Companies House records on 24<sup>th</sup> 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 but Companies House records indicate that it may have been around 28<sup>th</sup> February 2011.

Caledonian 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 18<sup>th</sup> 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 30<sup>th</sup> 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 6<sup>th</sup> January 2012, acting on information from reliable sources, a search warrant was granted to search 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 the warrant. At this time a personal amount of diazepam was recovered from Scott Dodd's home address, to which he admitted ownership.

Over the weekend of the 22<sup>nd</sup> and 23<sup>rd</sup> 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 22<sup>nd</sup> 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 23<sup>rd</sup> 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 24<sup>th</sup> February 2014, licensing officers were made aware of the two incidents and on checking the premises licence it was discovered that 'Elphinstone Arms Limited' SC368929, who were the licence holders, had in fact dissolved, according to Companies House records, on 9<sup>th</sup> 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.

Enquiry reveals that whilst Elphinstone Arms Ltd SC368929 was dissolved on 9<sup>th</sup> March 2012, a second company named 'The Elphinstone Inn Ltd' number SC413538 was incorporated on 21<sup>st</sup> November 2011 with William Dodds as Director.

The Board may be aware that on Friday 28<sup>th</sup> 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 6<sup>th</sup> 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 was sent to the procurator fiscal.

On 8<sup>th</sup> April 2014, the Procurator Fiscal deemed that there was sufficient enough evidence to proceed with this but in the interests of justice gave a Fiscal's Warning to all three accused persons.

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 27<sup>th</sup> 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'.

On 11<sup>th</sup> April 2014, The Elphinstone Inn Ltd SC413538 was dissolved and struck off at Companies House. It should be noted that at no time since 2010 have these premises submitted any accounts. In fairness to other operators within the licensed trade who have had to endure difficult trading conditions, details of this matter have been passed to HMRC and Inland Revenue for further enquiry.

Since then a new application for a premises licence was 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 1<sup>st</sup> April 2014 Mr Fleming attended at Dalkeith Police Station, at the request of the police, to facilitate a routine interview in relation to the new premises licence 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 designated premises manager, Margaret Dodds, who had conveyed Mr Fleming to the meeting.

On Wednesday 2<sup>nd</sup> April 2014, licensing officers met with one of the directors of Caledonian Heritable, who confirmed that Mr Fleming leased 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 showed that M F Publicans Ltd was set up on 4<sup>th</sup> October 2013 with Mr Malcolm Fleming as the sole director at that time.

On Thursday 24<sup>th</sup> April 2014, at a further Licensing Board Hearing, following an objection from the police, the Board granted Elphinstone Arms a new premises licence with Malcolm Fleming (MF Publicans Ltd) as the licence holder and Margaret Dodds as designated premises manager. At that hearing Malcolm Fleming, Margaret Dodds and her solicitor, gave assurances that Scott Dodds would not be allowed within the premises, that CCTV would be utilised and reassurances of full cooperation by the management, when dealing with the police.

On Wednesday 21st May 2014, a call was received from Margaret Dodds stating that someone had tried to set fire to the premises overnight. On police and fire attendance that morning it was noted that significant fire and smoke damage had been caused to the front door and the internal hall/vestibule of the premises. An internal fire door, which was closed, had prevented further damage to the remainder of the premises and the adjoining residential flat. Examination by the Fire Investigation Unit suggests that some form of accelerant had been poured into the letterbox and down the front door of the premises.

Following the recent Licensing Board Hearings the management assured the Board that CCTV had been fitted and would be utilised. On examination of the CCTV following the fire-raising overnight on 20<sup>th</sup> / 21<sup>st</sup> May 2014, it was established that the CCTV had not been recording.

On Friday 23<sup>rd</sup> May 2014, Police Scotland's Criminal Investigations Department visited the premises and spoke with Scott Dodds, who was repainting the front door of the premises. The premises manager Margaret Dodds was also spoken to and in conversation stated to the CID officers that Scott Dodds worked in the premises on a Monday, Tuesday and Thursday, "helping out". Neither Scott or Margaret Dodds knew who was responsible for this recent fire-raising but suggested that there was an ongoing feud with a local Tranent family which stemmed back several years.

On Tuesday 27<sup>th</sup> May 2014, the divisional licensing officer received a phone from the premises licence holder Malcolm Fleming, who stated that he had moved out the premises, including the adjoining flat, following the recent fire-raising. He stated he did not want anything more to do with the premises and that he wished to 'surrender' the premises licence. A check of the Companies House records related to M F publicans Ltd reveals that the previous day, Monday 26<sup>th</sup> May, Malcolm Fleming had terminated his Directorship and Margaret Dodds had been appointed as the sole Director.

Malcolm Fleming confirmed that he was resident and asleep within the adjoining flat when the fire-raising occurred and that he had a genuine fear for his safety, as a result of the ongoing issues connected to the premises. He also stated that he had been taken into hospital on Wednesday night following "severe chest pains".

On Wednesday 28<sup>th</sup> May 2014, an email was received from East Lothian Council Licensing Department with a copy of a letter from Malcolm Fleming attached, confirming that he had signed the directorship of MF Publicans Ltd over to Margaret Dodds and that he had nothing more to do with the company, lease or the premises, Elphinstone Arms. He also stated that he had moved out of the flat and was now residing with his sister in Tranent.

On Friday 30<sup>th</sup> May 2014, following the fire raising, an application for a 'Closure Order' was made to East Lothian Licensing Board, by the police. This was granted at the hearing, by the Board for a period of 3 months, pending a review hearing and at 1730 hours that same day the 'Closure Order' was served on Margaret Dodds at the premises.

On Friday 30<sup>th</sup> May 2014, later that night, Malcolm Fleming called the police to report that he had been threatened by Scott Dodds and that he had received several abusive phone calls, from both, Margaret and Scott Dodds, in relation to the premises being closed down. A statement was obtained from Malcolm Fleming, during which he states that Scott Dodds had threatened to “fucking kill him” during a telephone conversation and that Margaret Dodds is blaming him for the closure of the premises. Fleming also stated that Scott Dodds had turned up at his brother in law’s pub in Tranent, looking for him and also his place of work, in Midlothian. Fleming stated that he believed Scott Dodds would have the ability to carry out these threats and appeared genuinely concerned for his personal safety.

On Saturday 7<sup>th</sup> June 2014, in the early hours of the morning, a 999 call was received from Scott Dodds reporting that the premises were on fire. It is believed that a neighbour discovered the fire and in turn alerted the Dodds family who were within their home address. On police and fire attendance the premises were reported to be “well alight”. There was extensive damage caused to exterior as well as the interior of the building. An insurance claim has been submitted for an estimated £80,000 worth of damage. CCTV was seized from the premises following this second fire and an ongoing police investigation is being carried out in an effort to trace those responsible for starting the fire.

On Monday 16<sup>th</sup> June 2014, Scott Dodds was detained and interviewed in relation to the threats allegation towards Malcolm Fleming. Scott Dodds gave a ‘no comment’ interview with police and was later released from custody due to insufficient evidence to prefer any charges.

On Thursday 28<sup>th</sup> August 2014, following a request by Police Scotland, a review hearing was held in respect of the premises licence. The grounds for review were substantiated and the Licensing Board suspended the licence for 6 months. The chair suggesting that this would allow time for the premises to come under ‘new management’.

Police investigations into the second fire-raising, have been ongoing and have resulted in a DNA match from a sock, which was recovered near the premises. The DNA recovered belongs to a significant individual with connections to serious and organised criminality.

As the Board will be aware, Police Scotland’s objections about the ongoing running of these premises, the current management, the lack of cooperation with police and the significant concerns we have for the safety of all concerned and the residents of Elphinstone was raised at three previous Licensing Board Hearings. With these previous incidents in mind, the fire-raising, the connection made following the DNA recovery and the admission from both Margaret and Scott Dodds that they are currently involved in a long running dispute, it is felt that the likelihood of disorder on, or in the vicinity of the premises will continue, should this premises be allowed to re open.

Due to the very serious nature of the fire-raising incidents and the connection between the premises and Scott Dodds, and the evidence of an ongoing dispute remains unchanged from the previous Licensing Board hearings.

It is the view of the Chief Constable that these premises seek to re-open in a similar manner to their previous operation, with no amendments to their governance, having consistently failed to submit accounts and with a clear and present danger to the community due to the families conduct and animosity between the Dodds and others. It is our submission that there is an overwhelming body of information which clearly evidences that these premises have operated in a manner which is inconsistent with the following objectives as articulated within Section 4 of the Licensing (Scotland) Act 2005, namely;

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting and Improving Public Health

Only a wholesale regime change in the management and operation of these premises as suggested by the chair at the review hearing in August 2014 will ensure the community of Elphinstone have a facility that will enhance the village and provide a safe environment where alcohol can be sold responsibly without fear of disorder, violence or other significant concern.

The Chief Constable recommends that in order to further the licensing objectives specified above, the Licensing Board consider all options when considering this submission including the revocation of the premises licence.

Yours faithfully

A black rectangular redaction box covering the signature of the Chief Inspector.

Chief Inspector Andrew Clark

# EAST LoTHIAN COUNCIL

## LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

**From: Rudi Fruzynski**  
**Licensing Standards Officer**

**To: Kirstie MacNeill**  
**Clerk to the Licensing Board**

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Date: 03 March 2015

**Subject: LICENSING (SCOTLAND) ACT 2005**  
**PREMISES LICENCE REVIEW – ELPHINSTONE ARMS, MAIN STREET,**  
**ELPHINSTONE, EAST LoTHIAN EH33 2LT**

On Tuesday 26<sup>th</sup> February 2015, I received intimation in terms of Section 38(3) (b) of the licensing (Scotland) Act 2009 that the Licensing Board had decided, on receipt of an application from Police Scotland, to review the Premises Licence in respect of the above premises.

In terms of Section 38(4) of the Act I have prepared a report for the consideration and information of Licensing Board Members. My comments are as follows:-

- Following the review of the Premises Licence in August 2014, I can confirm that the Elphinstone Arms have remained closed for business.
- On Monday 2<sup>nd</sup> March 2015, I met with Mrs Margaret Dodds who confirmed that Scott Dodds is the owner of the Elphinstone Arms; Caledonian Heritable Ltd is the guarantor of the loan on the premises and that Mrs Dodds is the sole director of the company running the pub.
- The premises remain in a damaged condition since the arson attack on 7<sup>th</sup> June 2014.
- It is likely that the insurance claim in respect of the fire damage will be settled within the next 3 – 4 weeks.
- Plans for the future of the premises continuing to trade as a pub are uncertain at this stage, but will very much depend on the outcome of the forthcoming review.
- Police Scotland investigations into the arson attacks on the premises continue.
- As stated in previous reports, during the course of the operation of the Elphinstone Arms Premises Licence, the LSO regularly visited the premises when it was found that Margaret Dodds was approachable, very helpful and ran the pub without any identified issues.

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

R. Fruzynski  
Licensing Standards Officer

**Elworthy, Debbie**

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**Subject:** FW: Elphinstone Arms, Elphinstone

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**From:** Fairgrieve, Frank  
**Sent:** 16 March 2015 17:30  
**To:** Elworthy, Debbie  
**Cc:** MacNeill, Kirstie; Banks, Andrew  
**Subject:** Elphinstone Arms, Elphinstone

Kirstie / Debbie

As discussed.

I visited the premises today, 16<sup>th</sup> March 2015 and found the building to be in the same condition as it was immediately after the previous fire incident. The building has suffered fire damage and further investigation has found that no remediation works have commenced.

The building has been assessed by ourselves and currently we would not consider it to be in such a condition that would require us to issue any statutory notices under the Building Scotland Act 2003.

I would however confirm that in our opinion the building is currently not in a suitable condition to operate as a licensed premise as it still requires remediation works to deal with the fire damage issues.

I trust this clarifies matters.

Regards

Frank

F Fairgrieve MRICS MIFireE | Principal Building Standards Surveyor | East Lothian Council | John Muir House | Haddington  
EH41 3HA | T. 01620 827357 | E. [ffairgrieve@eastlothian.gov.uk](mailto:ffairgrieve@eastlothian.gov.uk)

**Elworthy, Debbie**

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**Subject:** FW: Elphinstone Arms, Elphinstone

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**From:** Devine, Brian [<mailto:Brian.Devine@firescotland.gov.uk>]

**Sent:** 17 March 2015 12:40

**To:** Elworthy, Debbie

**Subject:** RE: Elphinstone Arms, Elphinstone

Hi Debbie

As requested following our telephone conversation, I write to confirm that I cannot provide comment or report on the present condition of this building. I would provide advice/comment on any issues where Building Control find non-compliance with building regulations. Following restoration, I would be able to attend to carry out an audit of the fire safety measures within the property. One comment I would make, however, would be that if the property has a basement, adequate fire separation should be provided. But, Building Control should stipulate this in any case.

Regards

Brian

**Our Reference: KMacN/dr/EN/L/Review**

**Date: 28<sup>th</sup> May 2015**

MacDonald Licensing Limited  
21a Rutland Square  
Edinburgh  
EH1 2BB

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3)(b)  
NOTIFICATION OF REVIEW HEARING CONTINUATION  
ELPHINSTONE ARMS – MAIN STREET, ELPHINSTONE**

East Lothian Licensing Board at its meeting held on 28<sup>th</sup> May 2015 agreed to continue the review hearing for the above Premises Licence to the 24<sup>th</sup> September 2015. The premises licence holder consented to the Licensing Board adding a condition to the current premises licence stating that the premises will not re-open without prior consent having been obtained from the Board.

The Review will now be held in the Council Chambers, Town House, Haddington at 10am on 24<sup>th</sup> September 2015 and the applicant is asked to clarify the future management arrangements for the premises to the Licensing Board at that time.

Please note that it is the custom and practice of East Lothian Council and East Lothian Licensing Board to conduct as much of their business as possible by way of email rather than use Royal Mail.

If you have any queries regarding this matter, please don't hesitate to contact me.

An agenda will follow in due course.

Yours faithfully

Kirstie MacNeill  
Clerk of the Licensing Board

**Licensing Office : 01620 827217 / 827867**

**E-mail : [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)**

Cc. Margaret Dodds – 



**EAST LOTHIAN**

**Meeting 24 September 2015 at 10:00am in Council Chambers, Town House, Haddington**

**Licensing (Scotland) Act 2005**

**Personal Licence(s)**

**Applicant**

**Date Received**

**Comments**

6 GRANT DOUGLAS DOWIE  
C/O MACDONALD LICENSING  
LIMITED  
21A RUTLAND SQUARE  
EDINBURGH  
EH1 2BB

4 November 2014 Report from Chief Constable -  
to be tabled.





**POLICE  
SCOTLAND**

Keeping people safe

**4 (i)**

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

Tel: +44 (0)131 663 2855

Fax: +44 (0)131 654 5507

Textphone: +44 (0)131 311 3944

Date: 10th November 2014

Your Ref:

Our Ref: J/LIC/3705/HB

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

Email: [LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk](mailto:LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk)

Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 – OBJECTION  
APPLICATION FOR THE GRANT OF A PERSONAL LICENCE  
APPLICANT: GRANT DOWIE, [REDACTED]**

I refer to the above application and in terms of section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to confirm that the applicant has not been convicted of any relevant offence but has a pending case for a relevant offence, details of which are contained within the appendix to this letter.

As a result of the nature of the pending case, the Chief Constable recommends that the application for a personal licence be refused on the grounds of the following licensing objectives.

Preventing crime and disorder  
Securing public safety and  
Preventing public nuisance

I am unable to confirm the existence of any foreign offence in respect of the applicant.

Yours faithfully

**Inspector Harborow**

[scotland.police.uk](http://scotland.police.uk)



@PoliceScotland



PoliceScotland

East Lothian Council  
Licensing

13 NOV 2014

Received



EL1120  
PC 411/4

**East Lothian Licensing Board**

**Application for a personal licence**

**FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy of the completed form for your records.

<b>1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1</b>	
<b>TITLE</b> (delete as appropriate): Mr <del>Mrs</del> <del>Miss</del> <del>Ms</del> <del>Other</del> (please state)	
Surname	Dowie
Forenames	Grant Douglas
Date and Place of Birth	██████████ Edinburgh
NI Number	██████████
<b>ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>	
██████████	
Post town Musselburgh	Post code ██████████
<b>TELEPHONE NUMBERS</b>	
Daytime	
Evening	
Mobile	██████████
<b>FAX NUMBER</b>	
<b>E-mail address (if you would prefer us to correspond with you by e-mail)</b> ██████████	
<b>Address for correspondence associated with this application (if different to the address above)</b>	
Macdonald Licensing, 21a Rutland Square	
Post town Edinburgh	Post code EH1 2BB

2. Your licensing qualification		
<b>Read note 2</b>		<b>Please tick</b>
I hold an accredited qualification	Yes ✓	No
If you have ticked yes please provide a copy of your qualification with your application.		

3. FIRST APPLICATIONS ONLY		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		
<b>Note: You may only hold one personal licence at a time</b>		<b>Please tick</b>
Do you currently hold a personal licence?	Yes	No ✓
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?	Yes	No ✓
Has any personal licence held by you been forfeited in the last 5 years?	Yes	No ✓
<b>Licensing Board</b>		
<b>Licence number</b>		
<b>Date of issue</b>		
<b>Date of expiry</b>		
<b>Any further details</b>		


4. RENEWAL ONLY	
This section should be completed only if you are applying for a renewal of your existing licence	
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below	
<b>Details of current personal licence</b>	
<b>Licensing Board</b>	
<b>Licence number</b>	
<b>Date of issue</b>	
<b>Date of expiry</b>	
<b>Any further details</b>	
If you cannot provide your personal licence, provide a statement explaining why	

Other personal licence		
Note: You may only hold one personal licence at a time		Please tick
I confirm that I do not hold any other personal licences other than the one submitted for renewal	Yes	No
	✓	

5. CHECKLIST	
I have	Please tick yes
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.	✓
• Enclosed a copy of any licensing qualification I hold	✓
• Enclosed my current personal licence (renewal only)	
• Made or enclosed payment of the fee for the application	✓

6. Previous Convictions
You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4

Offence	Court	Date	Penalty
NONE			

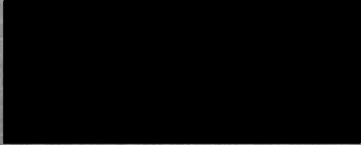
7. Declaration			
The contents of this application are true to the best of my knowledge and belief			
SIGNATURE – read note 5		DATE	022/09/14.

Our Reference: KM/de/EN/L/PL

Your Reference:

Date: 1<sup>st</sup> September 2015

Mr. Grant Dowie



Dear Sir

**Licensing (Scotland) Act 2005  
Application for Personal Licence**

I write in connection with the Licensing Board meeting held on 27<sup>th</sup> August 2015 and the request from your agent to continue the application again until the September Board Meeting. The Board agreed to continue your application.

The meeting date has now been set and your application will be heard in Council Chambers, Town House, Haddington at 10am on Thursday 24<sup>th</sup> September 2015.

An agenda will follow in due course.

Yours faithfully

Kirstie MacNeill  
Clerk to the Licensing Board

c.c MacDonal Licensing – 21a Rutland Square, Edinburgh, EH1 2BB

Direct Dial: 01620 827867 / 827217  
Direct Fax: 01620 827253