

Date:

26th 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

Web: www.scotland.police.uk

Dear Madam

LICENSING (SCOTLAND) ACT 2005

APPLICATION FOR VARIATION – SECTION 29

APPLICANT: PATRICK CAIRNEY,

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: Cle

Clerk to the Licensing

Board

Per:

Neil Millar

Per:

Licensing Board

Cc:

Date: 28th 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: Attachments:

FW: major variation - Linton Hotel & Steakhouse 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

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; Fruzynski, Rudi; Environmental Health/Trading

Standards; Environment Reception; euan.wilson@firescotland.gov.uk; Grant, Shona; Clark, Colin - EHO

Subject: major variation - Linton Hotel & Steakhouse

Н

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:

'alistair@macdonaldlicensing.com'

Subject: Attachments:

FW: major variation - Linton Hotel & Steakhouse 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 | Visit our website at www.eastlothian.gov.uk

From: Winter, Maree

Sent: 13 August 2015 08:36

To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi; Environmental Health/Trading

Standards; Environment Reception; 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 Customer Services

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.

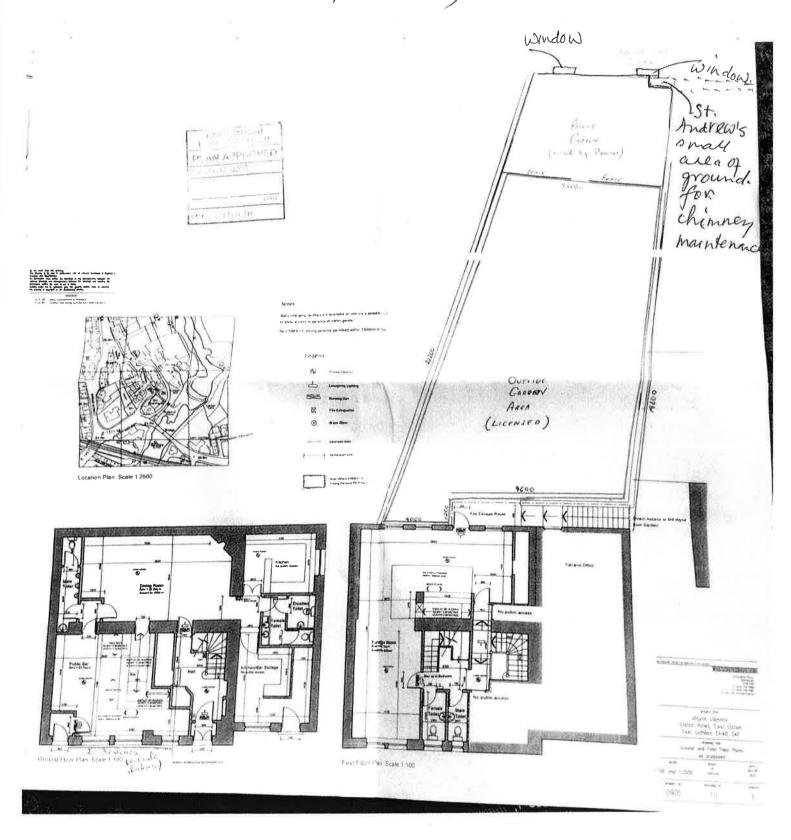
We wish Mr and Mrs Cairney well in their new venture which is already proving to be a welcome asset to East Linton. We are sure that not having to put up with complaints from disgruntled neighbours will go a long way to making the Linton go from strength to strength.

Yours Sincerely.

Alastair and Anna Seagroatt



Original ground plan after fence Irected. (2011 Approved) 3



21a Rutland Square
Edinburgh EH1 2BB
LP182 Edinburgh 2
Tel: 0131 229 6181
Fax: 0131 221 1282
alistair@macdonaldlicensing.com
www.macdonaldlicensing.com

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

East Lothian Council Licensing

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/prepacked 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

Alistant 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
Section 29(ation for Variation other than a Minor Variation of Premises Licence is made under 5) of the Licensing (Scotland) Act 2005 in order to vary-levant boxes)
	Any of the Conditions to which the Premises Licence is subject
\boxtimes	Any of the information contained within the Operating Plan
\bowtie	The Layout Plan
\boxtimes	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	e Number of Premises
EL289	
2(b) Name (and Address of Premises
The Linton I 3 Bridgend East Linton East Lothiar EH40 3AF	Hotel & Steakhouse
Post Code	EH40 3AF Phone No. 01620 860202
2(c) Full No	ame and Address of Current Licence Holder
Michelle Kel	SO
(Transfer pe	nding: Patrick Cairney
HE WEST AND DE LA LA COMPANION DE LA COMPANION	The Control of the Co

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 Cond	dition(s) to b	e varied and	the variation l	peing sought	- 14	

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

NI - 4 - 1%

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 midnight

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"

(See note 3 be	elow)
Does the appr	opriate 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: F	EE PAYABLE
The fee payab	ple in respect of the application for variation is £150
If the applicat combined fee	ion is submitted alongside an application for Transfer of Premises Licence then the for both applications will be £150 (see note 4 below)
If submitted v to be consider	with an application for transfer, please specify the order in which the applications are red-
	Application for Transfer of Premises Licence followed by Application for Variation
	Application for Variation followed by Application for Transfer of Premises Licence
	:e
<u>Declaratio</u>	N BY APPLICANT OR AGENT ON BEHALF OF APPLICANT
If signing on	behalf of the applicant please state in what capacity.
	(a) the contents of this Application are true to the best of my knowledge and belief; propriate fee of £150 is enclosed.
Signature	(See note 5 below)
Date	PLICANT AGENT (delete as appropriate)
Capacity: AP	PLICANT AGENT (delete as appropriate)
	se provide name, address, phone number and (if applicable) email address
********	Macdonald Licensing 21a Rutland Square

SECTION 4: LICENCE TO BE AMENDED

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

NO
NO
YES
THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.

Question 2

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

Day	ON Consumption			
	Opening time	Terminal hour		
Monday	11:00am	11:00pm		
Tuesday	11:00am	11:00pm		
Wednesday	11:00am	11:00pm		
Thursday	11:00am	01:00am		
Friday	11:00am	01:00am		
Saturday	11:00am	01:00am		
Sunday	11:00am	Mid-night **		

Question 3

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

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

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	YES
Does the applicant interia to operate according to seasonar acmain	

*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

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

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

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

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

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

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.

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.			
		x	

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

oung persons be allowed entry	
Delete as appropriate	
ă	

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 re	sident 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 PDEL (GDE ALANAGER GLOTTE and a land of provisional pr
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



8(d) Email address and telephone number

8(e) Personal licence

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence
5 th 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	e to the best of my knowledge and belief.
	- 5

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.