EAST LOTHIAN

Meeting 22 November 2018 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Variation (Major)(s)

Date Received Comments	14 August 2018 Vary the Operating Plan to	increase the alcohol display area from 4.415m sq to 9.765m sq. Change name of shop to	Day Today (Prestonpans Village Store) formerly Day-Today.	Vary the layout plan to move the licensed area to front end of shop to back end of shop.	19 October 2018 Vary licence from Club to Open status, Vary core hours Sun to Trurs 11pm to 12 Midnight	and Friday, Saturday 12 Midzight to 1am. Adult entertainment (after dinner
Applicant	MOHAMMAD ASHIQ			+ 3	KILSPINDIE GOLF CLUB	S-2
Premises	1 DAY-TODAY (FORMERLY NISA	STORE) 32 REDBURN ROAD CUTHILL	PRESTONPANS EAST LOTHIAN		2 KILSPINDIE GOLF CLUB KILSPINDIE GOLF CLUB A198 (23) FROM GREEN CRAIGS TO	KIRK ROAD ABERLADY LONGNIDDRY

speakers), add conference facilities. Children require supervision and leave before

10pm unless a private

function.

sen with ano.

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: T	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					
J	The Layout Plan					
	Any other information contained or referred to in the licence (including any addition, deletion or other modification).					
	(Provide Details)					
	REMISES LICENCE DETAILS	s				
	Number of Premises	1 1				
EL0191						
2(b) Name an	d Address of Premises					
	estonpans Village Store), (for	merly Day-Today)	E.L.C. Customer Services 14 AUG 2018 RECEIVED			
Post Code EH32 9NG Phone No.						
2(c) Full Name and Address of Current Licence Holder						
Mohammad A	shiq					
Post Code	EH32 9NG	Phone No.				

	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						
	None						
	3 8 9						
	3(b) Variation to the information contained within the Operating Plan of the Premises Licence						
1	Provide a copy of the proposed operating plan and highlight below the proposed changes. (See Note 1						
	Increase the size of the alcohol display area from 4.415m ² to 9.765m ² (length x breadth/depth) (which equates to a change from 17.3m ² to 28.29m ² when calculated as width x height of frontage of display areas)						
	Change Name of shop to Day Today (Prestonpans Village Store), (formerly Day-Today)						
	THE SEE SEE						
L	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.						
	Move the licenced area from the front end off the shop to the back end of the shop Increase the size off the alcohol area.						

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

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)					
None					
74					
SECTION 4: 1 (See note 3 b	LICENCE TO BE AMENDED pelow)				
Does the app	propriate Premises Licence accompany this application?				
YES	□ NO				
If the answer	is NO, please provide an explanation.				
I am unable t	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	TEE PAYABLE				
The fee payal	ole in respect of the application for variation is £150				
	tion is submitted alongside an application for Transfer of Premises Licence then the for both applications will be £170 (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				

ľ

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 13 08 18		
Capacity: APPLICANT / AGENT (delete as appropriate))	
If agent, please provide name, address, phone number and (if applicable) email address	313.711.1111.1111.1111.1111.1111.1111.1	
Note 1:		

Please note that the proposed Operating Plan must contain any aspects of the current Operating Plan that are to be preserved should the variation be granted. (e.g. If the current Operating Plan allows a premises to have 'live performances' but this is not requested on the proposed Operating Plan then the Licensing Board would view such an omission as a request to have 'live performances' deleted from the Operating Plan of the Premises.)

Note 2:

Please refer to Paragraph 5 of the Premises Licence (Scotland) Regulations 2007 regarding the format of Layout Plans.

Note 3:

The appropriate premises licence (including summary licence, operating plan and layout plan) must be returned to the Licensing Authority in order that the licence documents can be updated to reflect the details of the variation. If you are in possession of the appropriate Premises Licence but unable to provide said licence with this application, you must ensure the licence is forward to the Licensing Authority within 14 days in order to complete the process of variation.

Please note also that once the variation is completed, any certified copies of the appropriate Premises Licence must also be updated to reflect the details of the variation.

Note 4:

This refers to an application to Transfer the Premises Licence made under either Section 33(1) or Section 34(1) of the Licensing (Scotland) Act 2005

Note 5:

Data Protection Act 1998

The information on this form will be used to update the Premises Licence of the appropriate premises. Accordingly, the information contained on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

East Lothian Licensing Board

Phone: 01620 827217 / 827867 / 820114

Licensing Office

Fax: 01620 827253

John Muir House

Haddington, East Lothian

Email: licensing@eastlothian.gov.uk

EH41 3HA

FOR OFFICE USE ONLY	
System Updated	Licence Issued
	t)

EAST LOTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Day Today (Prestonpans Village Store), (formerly Day-Today)	gt.
32 Redburn Road,	
Prestonpans,	
EH32 9NG	

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?	No
1(b) Will alcohol be sold for consumption solely OFF the premises?	YES
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	No

Question 2

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

Day		ON Consumption		
	Opening time	Terminal hour		
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				

Question 3

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

Day	OFF Consumption		
	Opening time	Terminal hour	
Monday	10:00	22:00	
Tuesday	10:00	22:00	
Wednesday	10:00	22:00	
Thursday	10:00	22:00	
Friday	10:00	22:00	
Saturday	10:00	22:00	
Sunday	10:00	22:00	

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operat		
*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

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

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

Where you have	answered YES in respect	of any entry	in column 4 above	, please provia	le furti	ner details	below
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N/A	

5(f) any other activities

tails or further

If you propose to provide any activities other than those listed in $5(a)$ – (e) please provide delinformation in the box below.
Convenience Store
Opening Times 6am – 10pm – Monday – Sunday
Home Deliveries

	re you have confirmed that you are providing live or recorded music, will the bel level exceed 85dB?	No
When	n fully occupied, are there likely to be more customers standing than seated?	No
*Del	ete as appropriate	
Ques	stion 6 (On-sales only)	
CHII	LDREN AND YOUNG PERSONS	
6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
	*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	
N/A	Ta Sa Sa	
5(c)	Provide statement regarding the AGES of children or young persons to be allowed entry	
J/A		

6(d)	Provide statement regarding the TIMES during which children and young persons will be allowed entry
N/A	
	· · · · · · · · · · · · · · · · · · ·
6(e)	Provide statement regarding the PARTS of the premises to which children and young persons will be allowed entry
N/A	
	tion 7 ICITY OF PREMISES is the proposed capacity of the premises to which this application relates?
The t	otal area of the alcohol shelving and fridges is 9.765m². (length x breadth) using ng methodology.
or	
The t	otal area of the alcohol shelving and fridges is 28.29m². (length x height)
	ion 8 IISES MANAGER (NOTE: not required where application is for grant of provisional premises licental details Name
Mohar	mmad Ashiq

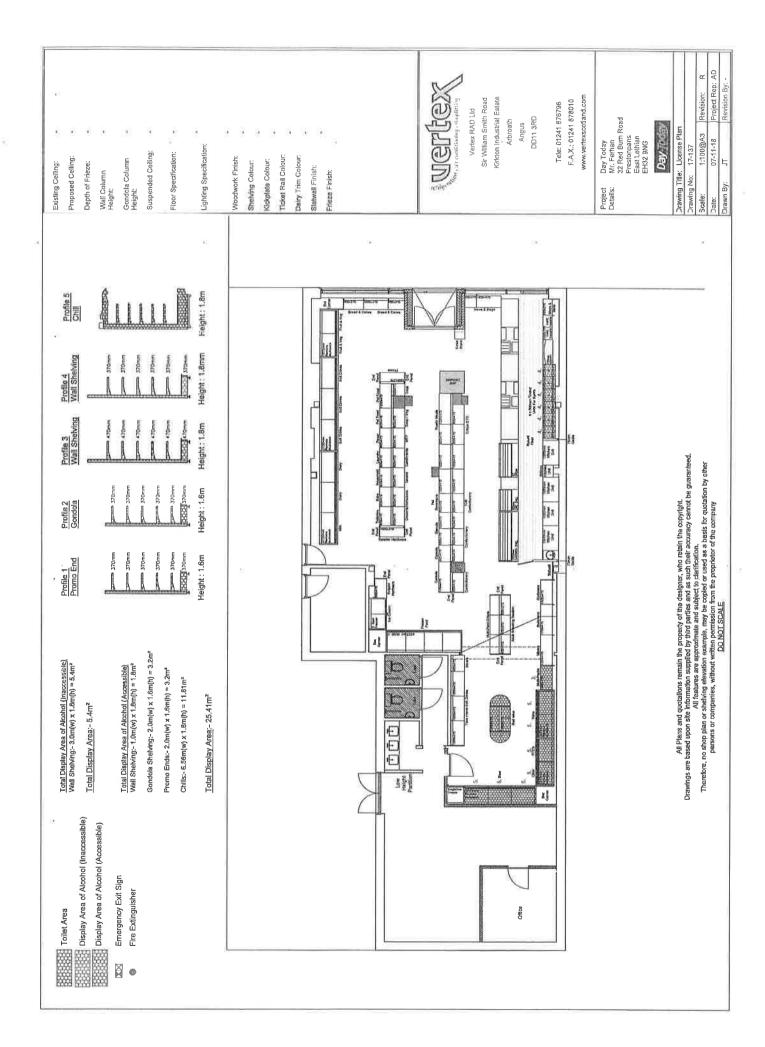
8(b)	Date of birth			
1				
?(c)	Contact address	e 36		39
		ě	ś	¥
8(d)	Email address and tel	ephone number		
l(e) Per	sonal licence			
	Date of issue	Name of Licensing Boar issuing	d Reference no.	of personal ce
	01/09/09	East Lothian Licensing Boa	ard EL01	91
FCI A	RATION BY APPLI	CANT OR AGENT ON BEI	HALF OF APPLICAN	T

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 benefit.
Signature (see note below)
Date 13/08/18
Capacity PARTNER APPLICANT/AGENT (delete as appropriate).
Telephone number and email address of signatory

* 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.



Day Today – 32 Redburn Road, Prestonpans EH32 9NG Applicant - Mohammad Ashiq Supporting Statement

This Statement has been prepared on behalf of Mohammad Ashiq in consultation with Ferhan Ashiq, in respect of an Application for a Major Variation, which was continued by the Board at their October Hearing, to the next Board Meeting on 22nd November.

Of course since the first Hearing, the Board's new Statement of Licensing Policy has come into force, and the Board's position on Overprovision in terms of their Statement has changed. This area is no longer covered by the general Overprovision Policy, but each case is looked at on its own merits.

Our client accepts that Prestonpans, and the provision of off sales in that area, is one of the parts of East Lothian that the Board will carefully consider.

This of course is not a new Licence but a Variation but it does increase the alcohol capacity and therefore Overprovision can be taken into account.

Our client has owned this business for 31 years. They live in the area. Our clients son, Ferhan, has worked in the business since he was at school! Following absences, to attend University, and thereafter to work abroad for a while, Ferhan has returned to the family business and brings with him energy, initiative and enthusiasm which has resulted in their business receiving various awards. Indeed after the Board Meeting on the 22nd, he will be travelling to London for an awards ceremony. They are respected operators, both within the community, and cooperate with the Police and Licensing Officers. They have been complimented on their CCTV system for instance which now has 20 cameras. Three of these are outside, and our clients have been asked to provide footage on various occasions to assist the Police with enquiries, not relating to the shop. Our clients are always happy to cooperate.

Prestonpans is an area where there have, over the years, been regular test purchases for instance carried out by the Police and our client advises us that they have passed all these tests. There is a similar story with Trading Standards.

They are good operators, they are aware of their responsibilities and have stringent due diligence to ensure that the risk of any such issues is minimised.

The shop has been refurbished, and an area to the rear of the shop has been opened up. In general the Layout of the shop and the products on sale have been reviewed. The reorganisation will result in a larger display of fresh fruit and vegetables for instance for which there is an increased demand. Products which are regularly bulk bought at supermarkets for instance, are being reduced.

The increased alcohol space will be given over to the provision of a wider range of products, particularly wines, specialist beers, and gins where there is a far wider range of alternatives now, and the public are aware of this and demand choice. Some of these products will be locally sourced, not just alcohol but other products as well.

As mentioned above, our clients due diligence is robust. Staff Training Records are available and up to date and show that all current employees have had the mandatory training. In order to strengthen their regulatory duties further, they have partnered with GNE Consultancy to have each member of staff obtain a Personal Licence. This is being funded via the ITA Scheme.

A certified copy of the Licensing documentation is kept on the premises, and all necessary Notices are on display.

Our clients do of course operate Challenge 25 strictly.

They do deliveries, which may include alcohol. They are aware of the concerns, and indeed the legal requirements here for documentation. Mr Ashiq himself does the deliveries and he is aware of the fact that Challenge 25 applies in such situations and if appropriate ID cannot be provided, then alcohol cannot be handed over to that person. It does not matter who ordered the delivery – alcohol cannot be handed over to anyone under 18. He is also aware of the restriction on hours.

In view of the above, our client is of the opinion that the grant of this additional space would not be detrimental to the community, would provide the community with a wider range of products, and would not contribute to an infringement of the Licensing Objectives. Going through these briefly, we would comment as follows: -

Preventing Crime and Disorder

Our clients have no wish to contribute to any issues concerning crime and disorder in the neighbourhood. Quite the opposite.

As explained, they have lived and worked in this area for many years and are very much a part of the Local Community.

The Premises are a member of Shopwatch who meet every three weeks. By being involved, Ferhan and his father are made aware of any particular concerns that the Police have in the area. Examples of this are adults that the Police are aware of that might supply children and young persons with alcohol. Our clients will work closely with the Police to prevent theft and issues such as this. They would not hesitate to pass details to the Police if appropriate.

We have already referred to the CCTV system, to which four cameras were added as a result of the refurbishment. These cameras would cover the alcohol display area. Indeed all parts of the shop are covered, including the store room and the outside area.

At the moment the alcohol display area is at the front of the shop, close to the door. This variation would result in the display, in addition to the area behind the counter, being moved to the rear of the shop. In other words people would have to walk past the counter to get there or exit the shop after. It is considered that this will assist with any possible theft. A matter that our clients have discussed with the Police in the past.

Securing Public Safety

As explained above, there are improvements being carried out to the Layout of the shop and this should assist customers, particularly those who are elderly, in wheelchairs etc. Customer safety is paramount to our clients.

Preventing Public Nuisance

Again we would refer to the due diligence put in place by our clients. Customers know that they must behave. Under agers and people who have already consumed too much alcohol know that they will not be served. Our clients are very aware of people drinking too much and possibly causing problems so do limit the amount that people can buy, and will refuse them if they come back to the shop again on that day.

Protecting and Improving Public Health

Our clients have a strict policy on refusal of alcohol to those who they consider have had too much to drink already, or for whatever other reason should be refused. Staff are specifically trained in this area.

Protecting Children and Young Persons from Harm

As explained above, our clients have a robust system in place for checking ages, in terms of Challenge 25, the ID that they will accept, the till system which does prompt staff to request such items, and their ability to refuse when required. As explained above, they liaise with the Police with regard to possible agency sales, and general issues in the neighbourhood.

Proof of Age Staff have been instructed to ask for proof of age if they suspect that a person under the age of 18 is attempting to purchase alcohol.

Convenience Store Independent

Davelloole)

Open 7 Days 6am - 10pm zapper (III)

Fresh Coffee Smoothies

Food to Go

lce-Cream

Dry Cleaning

Deli

Day-Today

Services

Services

Date 28/08/2018

Your Ref: EL0191

Our Ref: J/LIC/3705/HB



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

lain Livingstone QPM Chief Constable

Local Area Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Dear Madam,

LICENSING (SCOTLAND) ACT 2005 - REPRESENTATION APPLICATION FOR THE VARIATION OF A PREMISES LICENCE Day Today 32, Redburn Road, Prestonpans, East Lothian, EH32 9NG. Mohammad Ashiq

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of a change of name for the premises from Day Today to Day Today (Prestonpans Village Store) and an increase in the display area for alcohol from 17.3m2 to 28.29m2.

In terms of Section 22(1)(b)(iii) of the same Act, I make the following representation.

An increase in capacity is out with the current Board Policy, Overprovision Statement, which is a rebuttable presumption against the grant of any increase in capacity of an existing premises licence within the Boards area. The Board expects the applicant to provide robust and reliable evidence to support their application sufficient to demonstrate that the grant of their application would outweigh the presumption against grant in terms of the Board's Overprovision Statement.

The applicant is looking to increase the alcohol display area from 17.3m2 to 28.29m2, this is a sizable increase. The application, as it stands, does not provide any information which would outweigh the presumption against grant.

I also note that the applicant currently has 'home deliveries' from the shop and would take this opportunity to remind the applicant of his obligations under Section 119 of the Act in relation to keeping records of these deliveries.

If the variation, or an amended version is approved, I request that the Licensing Board considers that conditions be imposed in respect of:

- CCTV to be installed to the satisfaction of the police and to cover the entire alcohol display area and
- that the CCTV installed is to be maintained in working order.

This representation is submitted for your attention in considering this application.

Yours faithfully

/-

Iain Livingstone QPM Chief Constable

For enquiries please contact the Licensing Department on 01620 826147

EAST LOTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski

Licensing Standards Officer

To:

K. MacNeill

Clerk to the Licensing Board

Date:

06 September 2018

Subject: LICENSING SCOTLAND ACT 2005

PREMISES LICENCE VARIATION (MAJOR) APPLICATION

Day Today, 32 Redburn Road, Prestonpans, East Lothian EH32 9NG

I can confirm that I have liaised with Mr Ferhan Ashiq, the son of the licensee, regarding this application.

As per the amended layout plan submitted with this application, the applicant seeks approval to move and increase the alcohol display area from 17.3 m² to 28.29 m² during renovations to the shop, which are currently taking place.

In terms of overprovision, within a radius of 800 metres of the applicant's premises, there is another licensed grocer at No 40 Redburn Road, which has a display area of 39.6 m². A further off-sales premises is located at the foot of Redburn at 225 High Street, which has a display area of 11.19 m².

Mr Ashiq frequently liaises with the LSO and readily accepts guidance to resolve any licensing issues.

If the Board is minded to grant this application, it is requested that the following conditions be placed on the licence:

- 1. All thefts of alcohol are reported to the police.
- 2. The CCTV system installed must be maintained in proper working order at all times and be of a standard that is to the satisfaction of the police. The system should also cover the entire alcohol display area.

R. Fruzynski Licensing Standards Officer