

EAST LOTHIAN

Meeting 28 January 2016 at 10:00am in Council Chambers, Town House, 56 High Street, Haddington, East Lothian

Licensing (Scotland) Act 2005

Occasional(s)	Premises	Applicant	Date Received	Comments
3	PAN CONVENIENCE STORE 5 HAWTHORN ROAD PRESTONPANS EAST LOTHIAN EH32 9QW	ABDUL KAREEM NADEEM	21 December 2015	Start date of event: 20/01/2016 End Date of Event: 02/02/2016 Off Sale Provision Of Alcohol Children and young persons will not be permitted entry to the function.



**POLICE
SCOTLAND**

Keeping people safe

Date: 7th January 2016

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

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Email: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk

Web: www.scotland.police.uk

Dear Madam

**LICENSING (SCOTLAND) ACT 2005 - OBJECTION
OCCASIONAL LICENCE APPLICATION – 442 & 443
APPLICANT: ABDUL KAREEM NADEEM, 10 WALLACE AVENUE, WALLYFORD
PREMISES: PAN CONVENIENCE STORE, 5 HAWTHORN ROAD,
PRESTONPANS**

I refer to the above occasional licence applications submitted by Abdul Kareem Nadeem to cater for "off sale provision of alcohol" within the Pan Convenience Store, 5 Hawthorn Road, Prestonpans between 6th January 2016 until 2nd February 2016.

Under the terms of Section 58 (1)(a) of the Licensing Scotland Act 2005 on behalf of the Chief Constable I object to the grant of this licence on the grounds specified in Section 59 (6)(c), inconsistent with one or more of the licensing objectives namely:

- Preventing crime and disorder
- Protecting children from harm

The following information is provided in support of this objection:

The premises currently has no liquor licence, this is due to the licence being recently surrendered by the licence holder Mr Mohammed Younis on the 16th December 2015. This was done as a result of some form of dispute between the current owner Mr Younis, his business partner and a third party that had apparently leased the premises.

There has been a couple of calls to the police from the premises in recent months in relation to males within the premises having some form of civil dispute, which would confirm Mr Younis's reasons for surrendering the premises licence.

The premises itself, in the last year (2015) has failed 2 Test Purchase operations, the first one on 14th March 2015 and more recently on the 11th December 2015.

During the most recent Test Purchase which took place on the 11th December 2015, it was established that the female member of staff who had made the sale of alcohol to the Test Purchaser spoke very little English and made no challenge whatsoever at point of sale.

Following this test purchase failure the Police Licensing Officer and the Licensing Standards Officer, Rudi Fruzynski made a visit to the premises on Tuesday 15th December 2015. During this visit it was established that there was a new Designated Premises Manager, Mr Ali Raza, this minor variation had not been notified to East Lothian Licensing Board. It was also noted that the alcohol display area did not reflect the layout plan held for the premises. On closer inspection of the alcohol display, it was pointed out that there were a couple of "irresponsible drinks promotions" being advertised, this was rectified immediately by Mr Raza.

Mr Raza was spoken to about the test purchase failure and he informed us that the female member of staff who had made the sale had been trained on the 14th September 2015 by himself and he produced a training record for her. Mr Raza admitted that it was very difficult to carry out the 2 hours mandatory training, as she has a very limited understanding of the English language. It was pointed out to him that the member of staff should not be selling alcohol if they are unable to 'challenge' customers for proof of ID etc. Mr Raza accepted this and stated that she would no longer be allowed to sell alcohol unless under supervision by himself.

On 17th December 2015, following receipt of the 'surrender letter' from the premises licence holder Mr Mohammed Younis, the police licensing officer contacted Mr Younis and spoke with his wife, she confirmed that her husband had surrendered the licence due to a dispute over who was leasing the premises.

That same day the police licensing officer and the licensing standards officer made a further visit to the premises and informed Mr Raza that the shop no longer had a liquor licence and that he could no longer sell alcohol, with immediate effect.

Police Scotland have serious concerns about the manner in which the premises are being operated and managed. The fact that they have failed both Test Purchase

operations carried out in 2015 and the discrepancies uncovered with regards to the failure to notify a change of management (DPM), layout and irresponsible drinks promotions on offer, as well as serious concerns about the standard of training in relation to staff within the premises.

On the grounds aforementioned above, the Chief Constable objects to the grant of these occasional licences and requests that the applications be refused.

Yours faithfully

Inspector Harborow

000443
ADU 23/12

EAST LoTHIAN LICENSING BOARD

APPLICATION FOR OCCASIONAL LICENCE

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.

1. LICENCE DETAILS (see note 1)	
Premises licence number (if applicable)	N/A
Personal licence number (if applicable)	EL1231 (GRANTED 4 NOVEMBER 2015)
Name of voluntary organisation (if applicable)	N/A

2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr			
Surname	Nadeem	East Lothian Council Licensing 21 DEC 2015 Received	
Forenames	Abdul [REDACTED] Kareem		
DATE OF BIRTH	Day	Month	Year
	[REDACTED]	[REDACTED]	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
(Mr Nadeem's home address: [REDACTED])			
PLEASE CORRESPOND WITH AGENTS : YOUNG & PARTNERS LLP, BUSINESS LAWYERS, 1 GEORGE SQUARE, CASTLE BRAE, DUNFERMLINE KY11 8QF			
Post town	Post code		
TELEPHONE NUMBERS			
Daytime	Agents 01383 721 621		
Evening	[REDACTED]		
Mobile	[REDACTED]		
FAX NUMBER 01383 722 080			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			
igc@businesslaw.co.uk / af@businesslaw.co.uk			

3. THE PREMISES

Description of premises

Convenience store selling groceries, newspapers, tobacco products and general merchandise

Description of activities to be carried on in the premises – (including number of persons expected to attend)

Off sale provision of alcohol

Full postal address of premises which this application refers to

Pans Convenience Store, 50 Hawthorn Road, Preston

4. DURATION OF LICENCE - (include dates and times required for event)

From: 20 January 2016

To: 2 February 2016 inclusive - SEE COVERING LETTER

5. Is alcohol to be sold on & off the premises NO* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate

Times for sale of alcohol for consumption on premises

N/A

Times for sale of alcohol for consumption off premises

10:00 – 22:00 DAILY

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises

The convenience store opens daily at 6am for the sale of groceries, newspapers, tobacco products and general merchandise.

Recorded background music may be played when the premises are open for normal trading.

6. CHILDREN (see note 2)	
This section must be completed where alcohol is for sale for consumption on the premises	
Are children or young persons permitted entry? YES/NO (if answered yes the remainder of this section must be completed)	
Ages of children or young persons permitted entry N/A	Times at which children or young persons permitted entry N/A
Parts of premises to which children or young persons permitted entry N/A	

7. CHECKLIST	
I have - Please tick for yes	
• Made or enclosed payment of the fee for the application	X

8. Signature and declaration by applicant (see note 3)	
DECLARATION	
The contents of this Application are true to the best of my knowledge and belief.	
SIGNATURE John Cassells, Y Lawyers, 1 George Square, Castle Brae, Dunfermline KY11 8QF - Agent	DATE 18 December 2015

NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only:-

- The holder of a premises licence;
- The holder of a personal licence; or
- A representative of any voluntary organisation

is eligible to apply for an occasional licence

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 1998

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

4. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)



Application for Occasional Licence

Pan Convenience Store, 5 Hawthorn Road, Prestonpans

Please note that the application in respect of the period 6 January to 19 January 2015, which is referred to in the attached covering letter, is not included in the papers as this time period has now passed.

Your ref: Debbie Elworthy
Our ref: JGC/AF/AF/NADE1/1

18 December 2015

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

East Lothian Council
Licensing
21 DEC 2015
Received

Dear Sirs

Licensing (Scotland) Act 2005
Abdul Nadeem
Pans Convenience Store, Prestonpans

We refer to the above and to the various telephone discussions we have had with your admin team.

Please find enclosed the following:

1. Application for occasional licence covering the period 6 January to 19 January 2016 inclusive.
2. Application for occasional licence covering the period 20 January to 2 February 2016 inclusive.
3. Our cheque in the sum of £20 in settlement of your fees.

We would ask that the first occasional licence be granted with effect from 6 January 2016 or the earliest possible date thereafter and that the second application run sequentially with the first.

Due to the upcoming festive holiday break, it would be our intention to contact you upon return to business on 5 January 2016 to discuss the progress of the applications.

An application for a full premises licence will be lodged in due course, the previous premises licence held in the name of Mohammed Younis having recently been surrendered. There has been a recent transfer of business [REDACTED] resulting in the surrender of the licence. Our client is the joint owner of the premises. It

1 George Square, Castle Brae, Dunfermline KY11 8QF LP1 Dunfermline 3

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Glasgow office: 126 West Regent Street, Glasgow G2 2BH LP 25 Glasgow 1 Tel: (0141) 428 3888 Fax: (0141) 248 6718

Members: Robin Millar, Stephen Lochrie, Ruth Waters, John Cassells and Alan Stalker.

Consultants: Neil Killick and Dawn Robertson. Associates: Julie Sullivan, Craig Smith and Fiona Grant.

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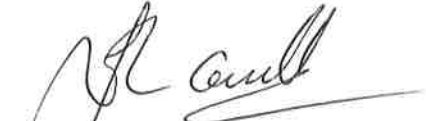
Registered Office: 1 George Square, Castle Brae, Dunfermline KY11 8QF

All correspondence signed by a named individual is signed for and on behalf of Young & Partners LLP

would be our client's intention to apply for the premises licence in his name with a new premises manager being appointed. We are currently advising him on the procedure and asking that he arrange for compliant layout plans etc to be produced. Applications for section 50 certificates will be lodged by us early next week.

Should you have any queries in the meantime, please do not hesitate to contact the writer or his licensing paralegal, Ali Fleming.

Yours faithfully

A handwritten signature in black ink, appearing to read 'John G Cassells', with a long horizontal flourish extending to the right.

John G Cassells
Partner

Email: jgc@businesslaw.co.uk
DD: 01383 745 791