

EAST LOTHIAN

Meeting 24 March 2016 at 10:00am in Council Chambers, Town House, Haddington, East Lothian

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
4	10- 12 COURT STREET 10-12 COURT STREET HADDINGTON EAST LOTHIAN EH41 3JA	MEUCCI LTD C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	27 January 2016	
5	PANS CONVENIENCE STORE 5 HAWTHORN ROAD PRESTONPANS EH32 9QW	ABDUL KAREEM NADEEM C/O YOUNG & PARTNERS 1 GEORGE SQUARE CASTLE BRAE DUNFERMLINE KY11 8QF	18 February 2016	

EL 335

EAST LOTHIAN LICENSING BOARD

APPLICATION FOR PROVISIONAL PREMISES LICENCE

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION *Licensing (Scotland) Act 2005, section 20(1)*

Question 1

Name, address and postcode of premises to be licensed.

Pans Convenience Store 5 Hawthorn Road Prestonpans EH32 9QW
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Question 2

Particulars of applicant

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode.*

Abdul Kareem Nadeem - DOB: [REDACTED] [REDACTED]

2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

N/A

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

N/A

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

N/A

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons. **

N/A

*** Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

Question 3

Previous applications

3 *Has the applicant been refused a premises licence under section 23 of the Licensing(Scotland) Act 2005 in respect of the same premises?* **NO**

If YES - provide full details

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Question 4

Previous convictions

4. <i>Has the applicant or any connected person ever been convicted of a relevant or foreign offence (a)</i>	NO
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**If YES - provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

<i>Name & Position (if applicable)</i>	<i>Date of conviction of sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

(a) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

5. *Description of premises (where application is submitted by a members' club, please also complete question 6)*

Convenience store selling groceries, newspapers, tobacco products and general merchandise.
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Question 6

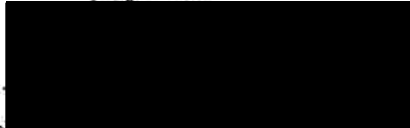
- 6 *To be completed by members' clubs only*

<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	<i>N/A</i>
<i>* Delete as appropriate</i>	

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 Application are true to the best of my knowledge and belief.

Signature  (see note below)

Date 15 February 2016

Capacity Agent (delete as appropriate)

Name: John Cassells

Address: Young & Partners LLP, 1 George Square, Castle Brae, Dunfermline, KY11 8QF

Telephone: 01383 721 621

Email: jgc@businesslaw.co.uk

EAST LoTHIAN LICENSING BOARD

OPERATING PLAN

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

Name, address and postcode of premises to be licensed.

Pans Convenience Store 5 Hawthorn Road Prestonpans EH32 9QW
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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	22:00
<i>Tuesday</i>	10:00	22:00
<i>Wednesday</i>	10:00	22:00
<i>Thursday</i>	10:00	22:00
<i>Friday</i>	10:00	22:00
<i>Saturday</i>	10:00	22:00
<i>Sunday</i>	10:00	22:00

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

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 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
<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
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
<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
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
<i>Recorded music – see</i> <i>5(g)</i>	YES	YES	YES
<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

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
<i>Outdoor drinking facilities</i>	NO	NO	NO
5(e) 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
<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.

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

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.

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

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>	<i>YES/NO*</i>
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	<i>YES/NO*</i>
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<i>*Delete as appropriate</i>	
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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>	<i>YES/NO*</i>
	<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?

The premises has two areas for the display of alcohol.

- 1. Sales floor area accessible to the general public. An area not exceeding 16.8 square metres in total, the display being shown shaded beige on the layout plan.*
- 2. Gantry area inaccessible to the general public. A restricted display area positioned behind the tills measuring 1m x 0.5m and shaded pink on the layout plan.*

The maximum height of the display units will be 2.2m.

Question 8

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

Personal details

8(a) *Name*

TO BE APPOINTED WITH CONFIRMATION

8(b) *Date of birth*

8(c) Contact address

8(d) Email address and telephone number


8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

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)

John Cassells, Young & Partners LLP, Business Lawyers, 1 George Square, Castle Brae, Dunfermline KY11 8QF

Date 15 February 2016

Capacity - AGENT

Telephone number and email address of signatory 01383 721 621 / jgc@businesslaw.co.uk

*** 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.

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

17 February 2016

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

By email only to: delworthy@eastlothian.gov.uk

Dear Sir

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

Further to our letters of 15 and 16 February 2016 lodging applications for provisional premises licence and occasional licences respectively, we enclose an amended Licensing Objectives Compliance together with further copies of the documentation referred to therein. The version sent to you under cover of that letter had not been fully updated. Please replace this with the enclosed and place copies with all of our applications.

We would also like to stress that the previous designated Premises Manager, Mr Ali Raza, will **not** be considered for appointment as Premises Manager in these premises or any other licensed premises which our client owns or operates.

We would ask that this letter and the enclosures be circulated to the police, Licensing Standards Officer and any other interested parties.

Yours faithfully


John Cassells

Partner

Email: jgc@businesslaw.co.uk

DD: 01383 745791

cc, Inspector Harborow, Police Scotland
Rudi Fruzynski

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

Phone: (01383) 721621 Fax: (01383) 722080

Email: enquiries@businesslaw.co.uk website: www.businesslaw.co.uk

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.


Consultant: Neil Killick. 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

Licensing Objectives Compliance

Applicant	Abdul Kareem Nadeem 
Name and Address of Premises	Pans Convenience Store 5 Hawthorn Road Prestonpans EH32 9QW

In connection with the application for a Provisional Premises Licence and applications for Occasional Licences in terms of the Licensing (Scotland) Act 2005 in respect of the above premises, the Applicant will take the following steps to comply with the Licensing Objectives.

1 Prevention of Crime and Disorder

1. The Applicant provides in-house training, including induction and reminder training for all staff on the sale of alcohol and age restricted products.
2. Applicant has daily reminder system in place to help ensure compliance – reminder documentation attached.
3. The Premises operates a Challenge 25 proof of age policy which requires approved ID for those believed to be under 25 years of age – policy attached.
4. Staff at till all speak English and can communicate effectively with customers including communication of requests for permitted age ID and reasons for refusal.
5. Premises display full Challenge 25 information throughout the store – for example see attached.
6. The premises has CCTV cameras in operation enabling continuous monitoring of the store by staff at the till. The images can be made available to police if required.
7. Personal Licence holder to be present in store at least for part of every day and at busy times.

2 Securing Public Safety

1. The Applicant provides in-house training, including induction and refresher training for all staff on the sale of alcohol and age restricted products.
2. Applicant has daily reminder system in place to help ensure compliance – reminder documentation attached.
3. The Premises operates a Challenge 25 proof of age policy which requires approved ID for those believed to be under 25 years of age – policy attached.
4. Staff at till all speak English and can communicate effectively with customers including communication of requests for permitted age ID and

reasons for refusal.

5. Premises display full Challenge 25 information throughout the store - for example see attached.
6. The premises has CCTV cameras in operation enabling continuous monitoring of the store by staff at the till. The images can be made available to police if required.
7. Personal Licence holder to be present in store at least for part of every day and at busy times. The premises are the subject of a health and safety risk assessment which is reviewed regularly.
8. The premises are the subject of a health and safety risk assessment which is reviewed regularly.
9. The premises are the subject of a fire risk assessment which is reviewed regularly.

3 Preventing Public Nuisance

1. Liaison with community police.
2. The premises operates a policy that anybody exhibiting behaviour considered to be anti social are ejected and barred from the premises.
3. The Applicant provides in-house training, including induction and reminder training for all staff on the sale of alcohol and age restricted products.
4. Applicant has daily reminder system in place to help ensure compliance - reminder documentation attached.
5. The Premises operates a Challenge 25 proof of age policy which requires approved ID for those believed to be under 25 years of age - policy attached.
6. Staff at till all speak English and can communicate effectively with customers including communication of requests for permitted age ID and reasons for refusal.
7. Premises display full Challenge 25 information throughout the store - for example see attached.
8. The premises has CCTV cameras in operation enabling continuous monitoring of the store by staff at the till. The images can be made available to police if required.
9. Personal Licence holder to be present in store at least for part of every day and at busy times.

4 Protection of Public Health

1. Staff are trained not to sell alcohol to those under the influence.
2. The premises does not advertise or promote alcohol in a manner to encourage excessive drinking.
3. The Applicant provides in-house training, including induction and reminder training for all staff on the sale of alcohol and age restricted products.
4. Applicant has daily reminder system in place to help ensure compliance - reminder documentation attached.
5. The Premises operates a Challenge 25 proof of age policy which requires approved ID for those believed to be under 25 years of age - policy attached.

6. Staff at till all speak English and can communicate effectively with customers including communication of requests for permitted age ID and reasons for refusal.
7. Premises display full Challenge 25 information throughout the store - for example see attached.
8. The premises has CCTV cameras in operation enabling continuous monitoring of the store by staff at the till. The images can be made available to police if required.
9. Personal Licence holder to be present in store at least for part of every day and at busy times.

5 Protecting Children from Harm

1. Unaccompanied children in store are closely monitored. No more than 4 / 5 permitted in store at any one time.
2. There is a strict control on the sale of age restricted products, including EPOS till prompts to staff.
3. The Applicant provides in-house training, including induction and reminder training for all staff on the sale of alcohol and age restricted products.
4. Applicant has daily reminder system in place to help ensure compliance - reminder documentation attached.
5. The Premises operates a Challenge 25 proof of age policy which requires approved ID for those believed to be under 25 years of age - policy attached.
6. Staff at till all speak English and can communicate effectively with customers including communication of requests for permitted age ID and reasons for refusal.
7. Premises display full Challenge 25 information throughout the store - for example see attached.
8. The premises has CCTV cameras in operation enabling continuous monitoring of the store by staff at the till. The images can be made available to police if required.
9. Personal Licence holder to be present in store at least for part of every day and at busy times.

07718882837

Janet Hood Consulting
not a firm of solicitors

janethood@me.com

ONE PAGE PER DAY

Daily reminders Pan Convenience Store
Reminders to be made by Premises Manager
Other Personal Licence Holder
Other responsible person

Record of Daily Staff Reminders - must be kept on file or in book - one page per day			
DATE	eg 3 June 2016		
Staff reminded name	eg Janet Hood	eg Mary Smith	eg Joe Bloggs
Challenge 25	X		
No service of alcohol to under 18s	X		
No entry by or service to drunk persons	X		
Check outside for agency purchases	X		
Start time for sale of Alcohol 10 a.m.	X		
Closing time for sale of alcohol 10 p.m.	X		
Look at till reminders	X		
Ensure signage clear and easy to read pointed out to staff	X		
Staff signature	eg Janet Hood		
Manager advising name	eg Abdul Nadeem		
Manager Signature	eg AKNadeem		

UNDER 25?

Please be
prepared to show
proof of age when
buying alcohol



drinkaware.co.uk



CHALLENGE 25 POLICY FOR

PANS CONVENIENCE STORE

In these premises it is the policy that in terms of

The Alcohol etc. (Scotland) Act 2010 section 6

No person employed within these premises to sell or serve alcohol shall sell or serve alcohol to any individual whom they believe to be under the age of 25 or to any person attempting to purchase alcohol for a person whom they believe to be under the age of 25 - UNLESS

The employee has requested, seen, and accepted photographic proof of age of the person they believe to be under 25 in the form of

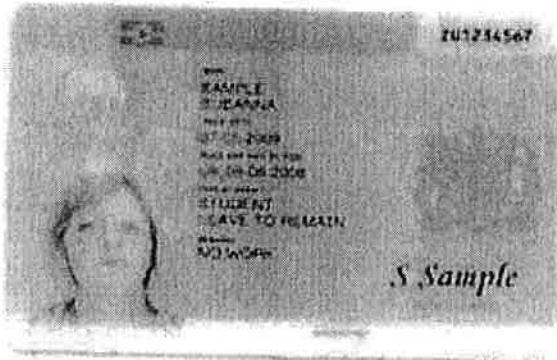
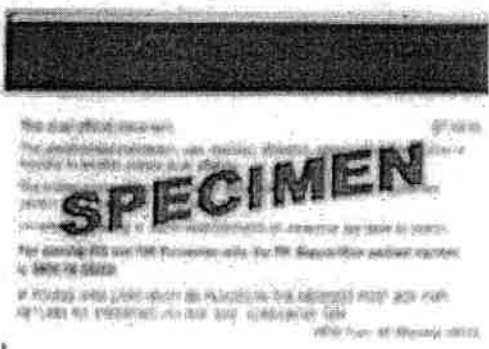
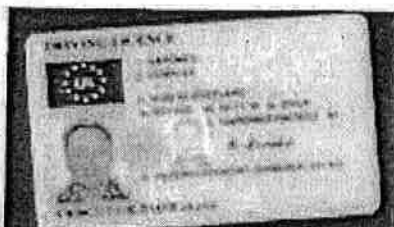
1. Current Passport
2. Current Photo driving license
3. Current Young Scot, Citizen or other acceptable "PASS" logo Card.
4. EU ID CARD
5. MOD ID CARD
6. BIOMETRIC RESIDENCY PERMIT

UNDER NO CIRCUMSTANCES SHALL ALCOHOL BE SOLD TO PERSONS WHO ARE UNDER THE AGE OF EIGHTEEN.

ALL EMPLOYEES UNDERSTAND THAT FAILURE TO ADHERE TO THIS POLICY WILL PUT AT RISK THE PREMISES LICENCE; THE JOBS OF THEIR COLLEAGUES & THE BUSINESS OF THEIR EMPLOYER. THEY FURTHER UNDERSTAND THAT ANY SUCH FAILURE MAY BE DEEMED GROSS MISCONDUCT UNDER THE TERMS OF THEIR CONTRACT OF EMPLOYMENT AND MAY LEAD TO INSTANT DISMISSAL AND CRIMINAL PROSECUTION.

EMPLOYERS SIGNATURE _____ DATE _____

EMPLOYEES SIGNATURE _____ DATE _____



Janet Hood LLB Dip LP Accredited Licensing Law Specialist
Janet Hood Consulting - janethood@me.com 0771 888 2337

LICENSING (SCOTLAND) ACT 2005

PANS CONVENIENCE STORE

It is an offence for a person under the age of 18 to buy or attempt to buy alcohol on these premises.

It is also an offence for any other person to buy or attempt to buy alcohol on these premises for a person under the age of 18.

Where there is doubt as to whether a person attempting to buy alcohol on these premises is aged 18 or over, alcohol will not be sold to the person except on production of evidence showing the person to be 18 or over.

This notice is displayed in accordance with the provisions of section 110 of the Licensing (Scotland) Act 2005

Notice prepared by Janet Hood,

- Accredited Licensing Specialist

E: janethood@lms.org M: 0771 888 2837

CUSTOMER INFORMATION

PANS CONVENIENCE STORE

The Alcohol etc. (Scotland) Act 2010 section 6

PLEASE NOTE THAT THE MANAGEMENT OF THESE PREMISES HAVE MADE THE FOLLOWING
POLICY WITH WHICH THE STAFF MUST COMPLY

ANY PERSON ATTEMPTING TO PURCHASE ALCOHOL

WHO APPEARS TO BE UNDER THE AGE OF 25

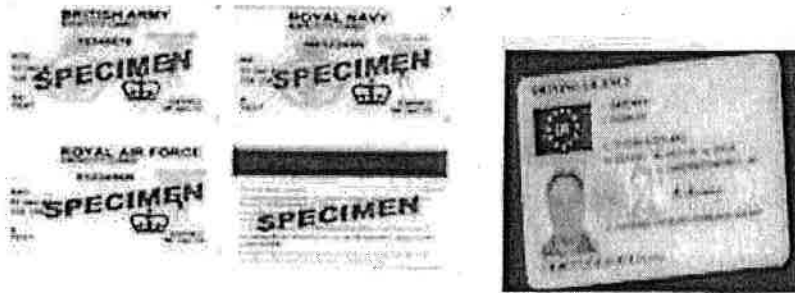
OR ANY PERSON ATTEMPTING TO PURCHASE ALCOHOL FOR ANOTHER PERSON

WHO APPEARS TO BE UNDER THE AGE OF 25

WILL NOT BE SERVED UNLESS THE PERSON APPEARING TO BE UNDER THE AGE OF 25 CAN
PRODUCE CURRENT PHOTOGRAPH AGE VERIFICATION DOCUMENTS

THE ONLY AGE VERIFICATION DOCUMENTS ACCEPTED ON THESE PREMISES ARE

1. Current Passport Current 2. Photo driving licence 3. Current Young Scot, Citizen or other acceptable "PASS" logo Card. 4. EU ID CARD 5 MOD ID CARD 6. BIOMETRIC RESIDENCY PERMIT



Winter, Maree

From: Prestonpans Community Council [prestonpanscommunitycouncil@googlemail.com]
Sent: 13 March 2016 22:01
To: Winter, Maree
Subject: RE: Provisional premise licence - EL 335 - Pans convenience store, prestonpans

Hello Maree,

Prestonpans Community Council would like to make representation on this application for a provisional licence. We have an adequate number of retail outlets that sell responsibly in Prestonpans. We are gravely concerned about the breaches that have happened on this premise, and understand that the removal of its licence is not taken lightly. We have seen no evidence that the premises has done nothing more than speak to employees. We would like to see the following licence conditions to be applied:

- 1) The personal licence holder is on the premises at all times during the trading day.
- 2) More than one licence holder at the premises, as this would strengthen their commitment to be compliant, and help strengthen their relationship with the community as being a responsible retailer.

We hope our response will be considered.

Prestonpans Community Council

Zoe Inglis
Secretary

From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 18 February 2016 15:19
To: LothianScotBordersLicensingEastMid@Scotland.pnn.police.uk; Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>; Garland, Garry <Garry.Garland@firescotland.gov.uk>; Grant, Shona <sgrant@eastlothian.gov.uk>; Sherval, Jim [Jim.Sherval@nhslothian.scot.nhs.uk] <Sherval@domain.invalid>; Jim [Jim.Sherval@nhslothian.scot.nhs.uk] <"Jim [Jim.Sherval@nhslothian.scot.nhs.uk]"@domain.invalid>; prestonpanscommunitycouncil@googlemail.com
Subject: Provisional premise licence - EL 335 - Pans convenience store, prestonpans
Importance: High

Dear all,

Please find attached application for a provisional premise licence for the Pans Convenience Store, 5 Hawthorn Road, Prestonpans.

Could I please have any representations/objections by 14th March 2016.

Regards
Maree
Licensing Administration Assistant
Licensing, Administration & Democratic Services
East Lothian Council
01620 827867

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**POLICE
SCOTLAND**

Keeping people safe

Date: 1st March 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

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 - OBJECTION
APPLICATION FOR PROVISIONAL PREMISES LICENCE – SECTION 20
APPLICANT: ABDUL KAREEM NADEEM, [REDACTED]
PREMISES: PANS CONVENIENCE STORE, 5 HAWTHORN ROAD,
PRESTONPANS**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I object to the grant of this licence on the grounds specified in Section 23(5)(c), inconsistent with one or more of the licensing objectives namely:

- Preventing crime and disorder
- Preventing public nuisance
- Preventing and improving public health

The following information is provided in support of this objection:

It is pertinent to note that the application 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 licence would outweigh the presumption against

grant in terms of the Overprovision Statement.

There are already 17 premises with 'off sales' facilities within Prestonpans, 10 of which are purely for "off sales". Furthermore, two of the premises which offer "off sales" facilities are also on Hawthorn Road.

There have been 31 reported incidents to police over the last year, in Hawthorn Road alone, these incidents include numerous thefts, youth disorder and violence.

The Board members may or may not be aware that the premises were licensed until recently (Dec 2015) when the licence holder subsequently surrendered the premises licence. The premises had failed two test purchases, one in March and another in December 2015. Had the premises licence not been surrendered Police Scotland would have requested a review of the premises licence.

Whilst it is appreciated that the applicant was not the holder of the premises licence at the time of the test purchase failures, it is a premises that is reviewed, not necessarily the licence holder. The fact that this premises failed two test purchases last year, highlights the issues in relation to alcohol being sold to persons under 18 years of age in this locality.

In November 2013 when the East Lothian Licensing Board Statement of Licensing Policy was published, Prestonpans was one of the areas highlighted in the health and police stats as being over provided for when it came to alcohol outlets.

The Board will be aware that alcohol related crime, violence and anti social behaviour is a significant problem for all communities and the police. The increasing financial, health and social costs associated with the misuse of alcohol is also of growing concern.

Police Scotland feels that there are more than enough outlets for persons to access alcohol in and around Prestonpans and that granting this provisional premises licence would be surplus to requirements and as such there should be a rebuttable presumption against the grant of this licence, unless the applicant can provide robust and reliable evidence to support this application sufficient to demonstrate that the grant of this licence would outweigh the presumption against grant in terms of the Overprovision Statement.

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

Yours faithfully

Insp Harborow

EAST LoTHIAN COUNCIL

LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski
Licensing Standards Officer

To: K. MacNeill
Clerk to the Licensing Board

Date: 29th February 2016

Subject: LICENSING SCOTLAND ACT 2005
PROVISIONAL PREMISES LICENCE APPLICATION

PANS CONVENIENCE STORE, HAWTHORN ROAD, PRESTONPANS, EAST
LoTHIAN EH32 9QW

I refer to the above subject and can confirm that the Provisional Licence application in respect of the Pans Convenience Store has been assessed, in line with the requirements of the Licensing (Scotland) Act 2005, and is in order.

The applicant is Mr Abdul Nadeem who is a business partner in the above premises and is the holder of Personal Licence number EL1231, issued by East Lothian Council on 4th November 2015.

The Pan Convenience Store recently held a Premises Licence for some years until it was surrendered on 16th December 2015 following a dispute between business partners. It is claimed that the differences between the old partnership and the new have been set aside and are now resolved.

The premises were visited on 26th February 2016 when it was noted that the mandatory site notice informing the public of the details of this application was correctly displayed.

R. Fruzynski
Licensing Standards Officer