

sent for report - 2018

EAST LoTHIAN LICENSING BOARD

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

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

SECTION 1: TYPE OF VARIATION

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

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

(Provide Details)

.....

SECTION 2: PREMISES LICENCE DETAILS

2(a) Licence Number of Premises

EL0191

2(b) Name and Address of Premises

Day Today (Prestonpans Village Store), (formerly Day-Today) 32 Redburn Road, Prestonpans,		E.L.C. Customer Services 14 AUG 2018 RECEIVED	
Post Code	EH32 9NG	Phone No.	018758 810760

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

Mohammad Ashiq [REDACTED]			
Post Code	EH32 9NG	Phone No.	01875 810760

SECTION 3: NATURE OF VARIATION

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

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

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

None

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

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

Increase the size of the alcohol display area from 4.415m² to 9.765m² (length x breadth/depth) (which equates to a change from 17.3m² to 28.29m² when calculated as width x height of frontage of display areas)

Change Name of shop to **Day Today (Prestonpans Village Store)**, (formerly Day-Today)

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.

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

SECTION 4: LICENCE TO BE AMENDED

(See note 3 below)

Does the appropriate Premises Licence accompany this application?

YES

NO

If the answer is NO, please provide an explanation.

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

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

SECTION 5: FEE PAYABLE

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

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

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

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

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

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

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

Signature



..... (See note 5 below)

Date

13/08/18

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

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

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

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
Licensing Office
John Muir House
Haddington, East Lothian
EH41 3HA

Phone: 01620 827217 / 827867 / 820114
Fax: 01620 827253
Email: licensing@eastlothian.gov.uk

FOR OFFICE USE ONLY

<i>Received & Receipt No.</i>	<i>System Updated</i>	<i>Licence Issued</i>

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)
32 Redburn Road,
Prestonpans,
EH32 9NG

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>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

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*

N/A

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) <i>Activity</i>	<i>Please confirm</i> 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>Accommodation</i>	No	No	No
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	No	No	No
<i>Bar meals</i>	No	No	No
5(b) Activity <i>Social functions including:</i>	<i>Please confirm</i> 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 Weddings, funerals, birthdays, retirements etc.</i>	No	No	No
<i>Club or other group meetings etc.</i>	No	No	No
5(c) Activity <i>Entertainment including:</i>	<i>Please confirm</i> 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 5(g)</i>	No	No	No
<i>Live performances – 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)	<i>Please confirm</i>	To be provided during core licensed	Where activities are also to be provided

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

N/A

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.

Convenience Store
 Opening Times 6am – 10pm – Monday – Sunday
 Home Deliveries

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

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
<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

N/A

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

N/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

Question 7

CAPACITY OF PREMISES

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

The total area of the alcohol shelving and fridges is 9.765m². (length x breadth) using existing methodology.

or

The total area of the alcohol shelving and fridges is 28.29m². (length x height)

Question 8

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

Personal details

8(a) Name

Mohammad Ashiq

8(b) Date of birth

[Redacted]

8(c) Contact address

[Redacted]

8(d) Email address and telephone number

[Redacted]

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
01/09/09	East Lothian Licensing Board	EL0191

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 [Redacted] (see note below)




Date 13/05/18

Capacity PARTNER APPLICANT/AGENT (delete as appropriate).

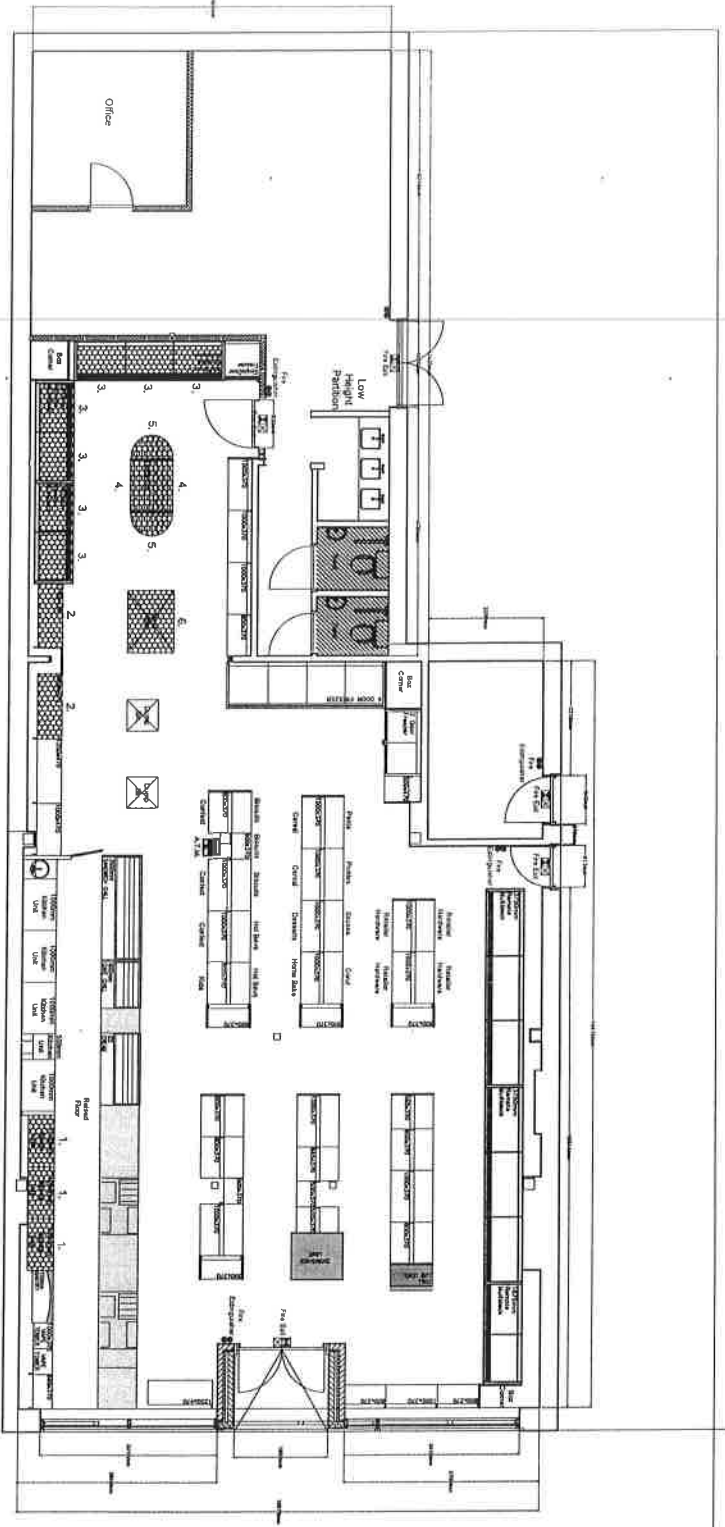
Telephone number and email address of signatory [Redacted]

*** 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.

-  Toilet Area
-  Display Area of Alcohol (Inaccessible)
-  Display Area of Alcohol (Accessible)
-  Emergency Exit Sign
-  Fire Extinguisher

- Total Display Area of Alcohol (Inaccessible)
Wall Shelving:- 3.0m(w) x 1.8m(h) = 5.4m²
 - Total Display Area of Alcohol (Accessible)
Wall Shelving:- 2.5m(w) x 1.8m(h) = 4.5m²
 - Gondola Shelving:- 2.0m(w) x 1.6m(h) = 3.2m²
 - Promo Ends:- 2.0m(w) x 1.6m(h) = 3.2m²
 - Chills:- 6.5m(w) x 1.8m(h) = 11.8m²
 - Beer Plinth:- 1.2m(w) x 0.15m(h) = 0.18m²
 - Total Display Area:- 28.09m²**
-
- Profile 1**
Wall Shelving
370mm
370mm
370mm
370mm
370mm
370mm
Height : 1.8mm
 - Profile 2**
Wall Shelving
470mm
470mm
470mm
470mm
470mm
470mm
Height : 1.8m
 - Profile 3**
Chill
Height : 1.8m
 - Profile 4**
Gondola
370mm
370mm
370mm
370mm
370mm
370mm
Height : 1.6m
 - Profile 5**
Promo End
370mm
370mm
370mm
370mm
370mm
370mm
Height : 1.6m
 - Profile 6**
Beer Plinth
1.2m (w) x 0.15m(h)



All Plans and quotations remain the property of the designer, who retain the copyright.
 Drawings are based upon site information supplied by third parties and as such their accuracy cannot be guaranteed.
 Therefore, no shop plan or shelving elevation example, may be copied or used as a basis for quotation by other persons or companies, without written permission from the proprietor of the company
DO NOT SCALE

- Existing Ceiling:
- Proposed Ceiling:
- Depth of Frieze:
- Wall Column Height:
- Gondola Column Height:
- Suspended Ceiling:
- Floor Specification:
- Lighting Specification:
- Woodwork Finish:
- Shelving Colour:
- Kidplate Colour:
- Trader Rail Colour:
- Dairy Trim Colour:
- Slatwall Finish:
- Frieze Finish:



Vertex RAD Ltd
 Sir William Smith Road
 Kirkton Industrial Estate
 Arbroath
 Angus
 DD11 3RD
 Tel: 01241 876796
 F.A.X.: 01241 878010
 www.vertescotland.com

Project Details:	
Project	Day Today
Details	Mt. Fernan 32 Rad Burn Road Prestonians East Lothian EH32 9NG
Day	
Drawing Title: License Plan	
Drawing No:	17-137
Scale:	1:100@A3
Date:	13-06-18
Drawn By:	JT
Revision:	F
Project Rep:	AD
Revision By:	-

Display area behind till

L = 2.4m
D = 0.45m

Squared Display Area
= 1.08m²

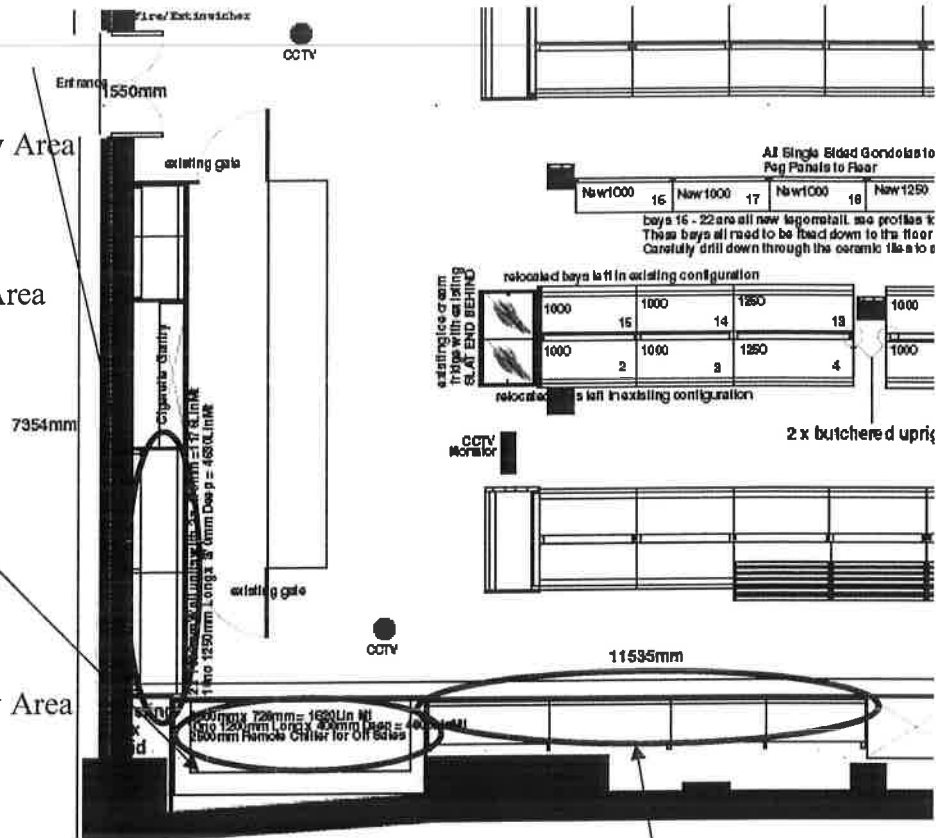
H = 2.0m
Cubic Display Area
= 2.16m³

Chiller area

L = 2.5m
D = 0.45m

Squared Display Area
= 1.125m²

H = 1.64 m
Cubic Display Area
= 1.845m³



Display Area Next to Chiller

L = 4.5m
D = 0.45m

Squared Display Area
= 2.025m²

H = 2.0m
Cubic Display Area
= 4.05m³

Date 28/08/2018

Your Ref: EL0191

Our Ref: J/LIC/3705/HB



**POLICE
SCOTLAND**

Keeping people safe

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

Iain 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