

Our Reference: KMacN/de/EN/L/Review

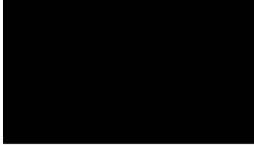
Date: 29th October 2020

PRIVATE & CONFIDENTIAL



2

Mohammad Ashraf Nadeem



Kirstie MacNeill
CLERK OF THE LICENSING BOARD

John Muir House
Haddington
East Lothian
EH41 3HA
licensing@eastlothian.gov.uk

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3) (b)
NOTIFICATION OF REVIEW HEARING
DAY TO DAY – 26-28 BRIDGE STREET, TRANENT**

East Lothian Licensing Board has received a request for a review of the Premises Licence of the above premises and I enclose a copy of that request for your information. The Licensing Board decided to accept this request for a review of the Premises Licence, in terms of Section 36 of the Licensing (Scotland) Act 2005. You can attend and/or be represented and as a result of a review, the Licensing Board may issue a written warning, may impose an additional condition on the Premises Licence or may suspend or revoke the Premises Licence.

The Review Hearing will be held by Tele-conference, on 26th November 2020 at 10am. You are entitled to attend the tele-conference and the Board members may, but are not obliged to, invite you to give your views in respect of this matter. If you wish someone else to represent you at the hearing, you will be required to provide a written mandate confirming that they are instructed to do so. You can provide that mandate to me in advance of the Hearing by emailing a copy to licensing@eastlothian.gov.uk

The Licensing Board has asked Mr Rudi Fruzynski, Licensing Standards Officer, to prepare a report into this matter for their consideration at the Hearing. Mr Fruzynski may contact you and any information you can give him will be taken into account when he prepares his report.

If you have any queries regarding this matter, please don't hesitate to contact me.

An agenda and details of the tele-conference will follow in due course.

Yours faithfully



Kirstie MacNeill
Clerk to the Licensing Board

Licensing Office : 01620 827867 (Maree Winter)
E-mail : licensing@eastlothian.gov.uk

Cc. Police Scotland - Haddington
MCDONALD LICENSING

eastlothian.gov.uk

29/10/2020

Your Ref: EL055

Our Ref: 28353

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



**POLICE
SCOTLAND**

Keeping people safe
John McKenzie

Divisional Commander

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

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 36
PREMISES LICENCE REVIEW APPLICATION
LICENCE NO: EL055
PREMISES: DAY TODAY TRANENT
26-28 BRIDGE STREET, TRANENT, EAST LOTHIAN, EH33 1AG.
PREMISES LICENCE HOLDER: MOHAMMED ASHRAF NADEEM**

In terms of section 36(1) of the Licensing (Scotland) Act 2005 I hereby make application to the East Lothian Licensing Board for a review of the premises licence in respect of the premises known as **DAY TODAY TRANENT 26-28 BRIDGE STREET, TRANENT, EAST LOTHIAN, EH33 1AG.**

This application for review is made in terms of Section 36(3) (b) on grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely:

- Securing Public Safety
- Protecting and Improving Public Health
- Protecting Children and Young Persons from Harm

In support of this application, and in terms of section 36(5A) the following information is provided for your consideration:-

The premises license is held by Mohammed Ashraf Nadeem. This license was issued on 12th of September 2018. There are no adverse reports recorded in regards to Mr Nadeem. Constable Bairden (East Lothian licensing officer) has contacted Mr Nadeem and made him aware of the circumstances of the incident and that the matter was being referred to the Licensing board for consideration.

OFFICIAL

Mr Nadeem stated his son Asif Nadeem is the owner of the business and rents this to Mr Kumar. Mr Asif Nadeem is not a license holder.

The designated premises manager is May Duncan, [REDACTED] [REDACTED] May Duncans' personal liquor license was issued on the 19th of December 2018.

Manish Kumar, [REDACTED], is the tenant of the premises and rents the business from Mr Asif Nadeem. Mr Kumar is not a personal license holder. On discussions with Mr Kumar he disclosed to Constable Bairden he is in the process of taking over the lease of the business, but that this has been delayed due to Coronavirus restrictions and personal matters. This was confirmed by Mr Mohammed Nadeem.

On Friday 2nd October 2020 a telephone call was received by Police Scotland from a member of the public to report that her stepson (Aged 14) had been found in possession of alcohol which he had purchased from the premises of Day today, Tranent.

The youth involved informed his parents that he had attended at the Day Today store and purchased three bottles of alcohol. He described Mr Kumar to his parents as the person who had sold him the alcohol. The alcohol purchased was two bottles of 75cl Mad dog 20/20 (13% vol) and a bottle of Cactus Jack Apple Schnapps (15% vol). In his statement given to Police the youth said that at no point was he challenged in regard to his age and that he himself was surprised to be served as he is aware he does not look eighteen years of age.

The father of the youth involved attended the Day Today store and challenged Mr Kumar in regard to his actions. Mr Kumar stated to him that the youth was 18 years of age and that he had said he would return to the store at a later time with proof of age documentation.

Police were then contacted.

Officers attended and noted statements from the youth involved and his father.

Officers then attended the Day Today store and were shown the CCTV footage in relation to the incident by Mr Kumar himself. This showed a very short exchange where the youth could be seen being handed the items from Mr Kumar and then paying for them. At no time from did the youth appear to present any form of identification to Mr Kumar. The CCTV did not have audio. The CCTV footage was not seized however was viewed by two police Officers.

Mr Kumar was thereafter cautioned and charged with an offence relating to section 102(1) of the Licensing Scotland Act 2005, selling alcohol to a child or young person and informed he would be reported for summons. He replied "IT WAS A MISTAKE" in reference to the charge.

OFFICIAL

On Thursday 22nd October 2020. Police Constable Bairden, licensing officer attended at the premises. Present were Mr Kumar and Mrs Duncan (DPM). Constable Bairden checked the training records and these were found to be in order for Mr Kumar. This training had been completed on 15th of November 2019 by Mrs Duncan.

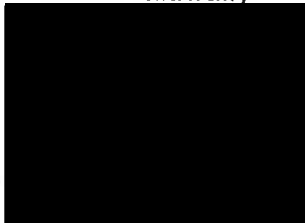
Mrs Duncan also produced the sales refusal book. This highlighted the details of persons who had been challenged and refused the sale of alcohol by staff.

Constable Bairden reiterated the licensing objectives previously noted above to both parties and made it clear that this type of incident was not acceptable and that a request for review of the premises license would be submitted.

It is clear from the circumstances of this incident that Mr Kumar has not followed his training as given by Mrs Duncan. Mrs Duncan herself came across to Constable Bairden as someone who is professional in her approach to her position and who was concerned that Mr Kumar had failed to put into practice what he had been taught in his training.

I request that the Licensing Board considers the aforementioned grounds for review and takes such steps as it considers necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39(2) or 39(2A) of the Act.

Yours faithfully



John McKenzie

Chief Superintendent

For enquiries please contact the Licensing Department on 0131 561 6119.

Winter, Maree

From: Fruzynski, Rudi
Sent: 02 November 2020 14:43
To: Winter, Maree
Subject: RE: Premises Licence Review Hearing application Day Today Tranent [OFFICIAL]

All that I have to add to the police report is that I concur that May Duncan, DPM, is a very competent and professional premises manager.

R. Fruzynski
Licensing Standards

From: Winter, Maree
Sent: 29 October 2020 10:25
To: Fruzynski, Rudi <rfruzynski@eastlothian.gov.uk>
Subject: FW: Premises Licence Review Hearing application Day Today Tranent [OFFICIAL]

Hi Rudi,

Please find attached Review from Police Scotland for Day Today, Tranent. Are you able to give me a report please, will try and get up for the November Board, as we will be out of time for the next board.

Maree.

From: Bairden, Graeme <Graeme.Bairden@scotland.pnn.police.uk>
Sent: 29 October 2020 08:22
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Premises Licence Review Hearing application Day Today Tranent [OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL

Good morning

Please find attached license review hearing application for Day Today store, Tranent.

Regards.

Graeme.

