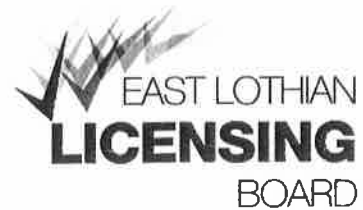


Our Reference: KMacN/mjw/EN/L/PL
Your Reference:

Date: 1st June 2021

Private & Confidential



Alistair Macdonald
Macdonald Licensing
21 Rutland Square
Edinburgh

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
East Lothian Board Meeting – June 2021
Continuation of Application for Personal Licence – Manish Kumar**

2b

I refer to your client's application for a Personal Licence, which was heard at the January Board.

The board at that meeting agreed to continue the application to the June Board. The meeting will be held by remote connect to which you and your client are invited to attend.

Details of the remote meeting will be sent to you in due course.

Yours faithfully

Kirstie MacNeill
Clerk to the Licensing Board

c.c. Manish Kumar, [REDACTED]

Direct No.: 01620 827867(Maree Winter)
Email: licensing@eastlothian.gov.uk

Winter, Maree

From: Bairden, Graeme <Graeme.Bairden@scotland.pnn.police.uk>
Sent: 01 June 2021 11:37
To: Winter, Maree
Subject: RE: Continued from January Board - Personal Licence application - Manish Kumar [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

Hi Maree.

I have checked our systems and Mr Kumar was issued a Procurator Fiscals warning in relation to the charge on 10/03/2021.

Regards

Graeme.

Graeme Bairden
Constable 4269 J
Licensing officer
Police Scotland - J Division- East Lothian
Telephone - 07866 195214
Email - graeme.bairden@scotland.pnn.police.uk



From: Winter, Maree [mailto:mwinter@eastlothian.gov.uk]
Sent: 01 June 2021 09:32
To: Lothian Scot Borders Licensing East Mid Lothian
Subject: Continued from January Board - Personal Licence application - Manish Kumar
Importance: High

Hi Graeme,

I note that the above was continued from the January Board to the June Board Meeting. Do you happen to know if the case is still pending (selling alcohol to a child/young person)?.

17/12/2020

Your Ref: EL1707

Our Ref: 394300GB

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



**POLICE
SCOTLAND**

Keeping people safe

John McKenzie
Chief Superintendent
Divisional Commander
The Lothians and Scottish Borders Division
Dalkeith Police Station
Newbattle Road
Dalkeith
EH22 3AX

FOR THE ATTENTION OF EAST LOTHIAN LICENSING BOARD

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PERSONAL LICENCE
MANISH KUMAR, [REDACTED]**

I refer to the above application and in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to advise you that, based upon the information provided to Police Scotland, the applicant, Mr Kumar, has been charged with the following relevant offence(s).

Date	Court	Crime/Offence	Disposal
02/10/2020	EDINBURGH SHERIFF	SECTION 102(1) LICENSING SCOTLAND ACT 2005. Selling alcohol to child or young person.	PENDING

I am unable to confirm the existence of any foreign offence in respect of Mr Kumar.

Mr Kumar is the tenant of the premises at the Day Today grocery store, Tranent.

OFFICIAL

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.

Constable Bairden, Police Scotland licensing officer submitted a premises review referral to the board in regards to the incident. The outcome of this being that the premises was issued a written warning.

It is clear from the circumstances of this incident that Mr Kumar did not follow his training as given by the designated premises manager and as such he failed to meet the requirements of the licensing objectives of

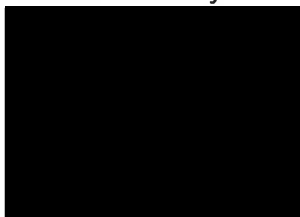
- Securing Public Safety
- Protecting and Improving Public Health
- Protecting Children and Young Persons from Harm.

The actions of Mr Kumar in relation to this incident are cause for concern in regards to his application for a premises license.

OFFICIAL

I request that the Licensing Board considers the aforementioned grounds for this application and takes such steps as it considers necessary or appropriate for the purposes of fulfilling the Licensing Objectives.

Yours faithfully



John McKenzie
Chief Superintendent

For enquiries please contact the Licensing Department on 0131 662 5775.

EL1707
PC/R 1/12

East Lothian Licensing Board

Application for a personal licence

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

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. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	KUMAR
Forenames	MANISH
Date and Place of Birth	[REDACTED]
NI Number	[REDACTED]
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
TELEPHONE NUMBERS	
Daytime	East Lothian Council Licensing - 1 DEC 2020
Evening	
Mobile	
FAX NUMBER	[REDACTED]
E-mail address (if you would prefer us to correspond with you by e-mail)	
Address for correspondence associated with this application (if different to the address above)	
Macdonald Licensing, 21a Rutland Square	
Post town Edinburgh	Post code EH1 2BB

2. Your licensing qualification		
Read note 2	Please tick	
I hold an accredited qualification	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If you have ticked yes please provide a copy of your qualification with your application.		
3. FIRST APPLICATIONS ONLY		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		

Note: You may only hold one personal licence at a time		Please tick	
Do you currently hold a personal licence?		Yes	No ✓
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?		Yes	No ✓
Has any personal licence held by you been forfeited in the last 5 years?		Yes	No ✓
Licensing Board			
Licence number			
Date of issue			
Date of expiry			
Any further details			
4. RENEWAL ONLY			
This section should be completed only if you are applying for a renewal of your existing licence			
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below			
Details of current personal licence			
Licensing Board			
Licence number			
Date of issue			
Date of expiry			
Any further details			
If you cannot provide your personal licence, provide a statement explaining why			
Other personal licence			
Note: You may only hold one personal licence at a time		Please tick	
I confirm that I do not hold any other personal licences other than the one submitted for renewal		Yes	No
5. CHECKLIST			
I have		Please tick yes	
• Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.		✓	
• Enclosed a copy of any licensing qualification I hold		✓	
• Enclosed my current personal licence (renewal only)			
• Made or enclosed payment of the fee for the application		✓	

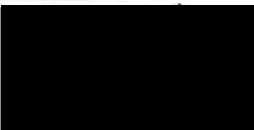
6. Previous Convictions

You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4.

Offence	Court	Date	Penalty
NONE			

7. Declaration

The contents of this application are true to the best of my knowledge and belief

SIGNATURE - read note 5		DATE 15 Oct 2020	
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**Scottish Certificate for Personal
Licence Holders at SCQF Level**

6
R352 04



is awarded to
MANISH KUMAR

and was successful in the following 1 module

SCQF 6 Licensing for Personal Licence Holders (1 credit)

Pass



Accreditation



scottish credit and
qualifications framework

Credit Rating Body - SQA Accreditation

Awarded 20 October 2020
4TA9-H3T2-RCM9-C7HV-T44T

201020/7104-11/072650/BFC5756/M/100185
0001053301
5502812548



Kirstie Donnelly MBE
Director-General and Chief Executive Officer
The City and Guilds of London Institute

David Phillips
Managing Director
City & Guilds



Awarded by



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