

Licensing

From: Licensing Standards Officer
Sent: 08 January 2024 08:57
To: Licensing
Cc: Grilli, Carlo
Subject: RE: Personal License Review - Mr Kokulabavan Jeyerasa, [REDACTED]

Follow Up Flag: Follow up
Flag Status: Flagged

8B

Good morning,

In reference to the personal licence review for Mr Kokulabavan Jeyerasa I have no further information to submit to the Board. I refer the Board to my previous review application and additional reports submitted for the premises licence review hearing conducted on 21st December 2023.

Kind regards,

Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum](#) | [East Lothian Council](#)

From: Grilli, Carlo <cgrilli@eastlothian.gov.uk>
Sent: 04 January 2024 15:39
To: Licensing <licensing@eastlothian.gov.uk>; Licensing Standards Officer <lso@eastlothian.gov.uk>
Cc: Bruce, Lachlan <lbruce@eastlothian.gov.uk>; Cassini, Cher <ccassini@eastlothian.gov.uk>; Dugdale, Fiona <fdugdale@eastlothian.gov.uk>; Gilbert, Neil <ngilbert@eastlothian.gov.uk>; McGuire, George <gmcguire@eastlothian.gov.uk>; McMillan, John <jmcmillan@eastlothian.gov.uk>
Subject: Personal License Review - Mr Kokulabavan Jeyerasa, [REDACTED]

Following the decision by the board relating to the Review of Premises License for premises known as Nisa, Gifford I should be grateful if you would request on behalf of the licensing board report from the Licensing standards officer and Police Scotland providing up date on position following the outcome of review of Premises license on 22 Dec which requested a review of Personal Licence to come before the Board at our meeting in January.

Kind Regards

Carlo

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 7th December 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

**PREMISES LICENCE NO EL0131, KOKULABAVAN JEYERASA
NISA, DUNS ROAD, GIFFORD, EAST LoTHIAN, EH41 4QW**

FURTHER INFORMATION

On 1st December 2023, I returned missed call from Kokulabavan Jeyarasa. Mr Jeyerasa wished to tell me that he had trained "Ranjan" and told me to come and check his training record. He said if I wasn't happy he would sack him. I told him I did not agree or condone his management style and would not be responsible for him terminating employment for any of his employees. I explained it is his responsibility that staff are trained appropriately.

I asked if he had received my latest email asking for a delivery note and further detailing my concerns (see additional Document 7). He said that he had. I asked if he could provide a delivery note and he said he could not but that he would provide CCTV. I reminded him that on the visit with PC Wilson it was established that the CCTV was not recording to which he had no answer. He admitted that Dinesh who I had spoken to was poorly trained and he would go over things again with him.

I informed him again that a review application had been submitted to the board and the members would decide if it would be accepted and if a hearing would be held. He got angry and asked me could I "not just leave it". I told him that it was my job to report breaches to the board. He then became more agitated and told me that if he lost his licence it would be all my fault and he would lose all his money. I explained that it is the Licensing Board members that decide what action to take in relation to the premises licence not me. He asked me again if I could not do it and I said it was already done. I told him I would arrange to come to the premises next week to view the training record for Ranjan, a specific time and day was not arranged.

On 6th December 2023, PC Wilson and I attended at the premises where we found Sivapathham Suthkaran, premises manager, at the counter in the shop. I made introductions and explained we were in to check any new training records. We were directed into the back storeroom to speak with Ranjan. He gave me the training record in the name Selvarasa Jeevakaran that was now complete and had been signed by Kokulabavan Jeyerasa on 30th

November. I asked him various questions about his training which he was able to answer. The stock room was much tidier, and I could see that improvements had been made.

Alcohol had been replaced in one section of the display area with dog food. This was discussed with Mr Jeyerasa on the phone later who explained that it would be put back to being alcohol when he next visited. He was advised to have a copy of the layout plan on the premises as it was missing and check CCTV was recording.

Licensing Standards Officer

Licensing Standards Officer

From: Licensing Standards Officer
Sent: 30 November 2023 16:43
To: 'kokulabavan jeyarasa'
Subject: RE: IMPORTANT - Premises Licence - Compliance - Nisa - Gifford

Dear Mr Jeyarasa,

Thank you for your response.

When I enquired with Rajan (Selvarasa Jeevakaran) as to why there was such a mess he informed me that the rubbish and disarray had been from the previous day and that he had not cleared it up or put away yet. There was no mention of a delivery that day by either staff members to explain the circumstances. If there was a delivery I expect staff would be able to tell me that the delivery had just come in. Instead they tried to hide the stock room and not permit me entry and gave no reason as to why the alcohol was on the floor. Yes it is normal to go to premises where deliveries have occurred and the staff are able to tell me this and have members of staff working to put it away.

Are you able to provide a copy of the delivery schedule/receipt dated for the 27th November 2023 that was signed by staff receiving it to provide some reassurance?

Your comments in relation to Dinesh seem to contradict each other. Initially you say he is "the new kid on the block" and "not familiar with the lie of the land" and then you comment that he is experienced. If he is aware that you are the boss then I would have expected him to call you or Mr Sivapatham. You indicate that he is not settled which again raises issues as to why he was left in sole charge.

Yes he has a training record that I saw was completed by yourself on 23rd November 2023, but he was barely able to answer any of my questions, he only managed to answer questions on age verification and the times alcohol is permitted to be sold for off sales. Giving simple answers such as 18 and 10am-10pm. When asked what ID he would accept he managed to say passport but could not give details about challenge 25. He could not give any of the licensing objectives, the recommended units of alcohol per week for an adult or the percentage ABV that requires a licence to be sold. He could not tell me how long his training session was or what it consisted of. He said he filled in the forms and they were signed. Given that the training occurred 4 days prior I would have expected the information to have been fresh in his mind. He does speak English and I am sure he is an educated individual, but he struggled to understand my questions and needed a lot of rewording and prompting to get the scant answers he provided.

I still have ongoing concerns in relation to the premises and the information has been reported to the Licensing Board in a review application for their consideration. Unfortunately I was unable to take your call this afternoon, however if there is anything further please reply to this email.

Regards,


Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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From: kokulabavan jeyarasa [REDACTED]
Sent: 28 November 2023 16:20
To: Licensing Standards Officer <lso@eastlothian.gov.uk>
Cc: To: 'Lothian Scot Borders Licensing East Mid Lothian' (LothianScotBordersLicensingEastMid@Scotland.police.uk) <LothianScotBordersLicensingEastMid@scotland.police.uk>
Subject: Re: IMPORTANT - Premises Licence - Compliance - Nisa - Gifford

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.

With reference to your letter and the issuing of the Compliance Notice under Section 14 of the Licensing (Scotland) Act 2005 - on your visit of 27 November 2023 the shop had received a very large delivery and the alcohol was left until the end to be put away. Staff are aware of where alcohol needs to be sold from and I must apologise that they have not had time to put it away correctly resulting when you have arrived it has been lying on the floor.

In relation to Dinesh, he had only arrived at the shop the day prior to your visit and was not familiar with "the lie of the land" and once settled would have familiarised himself with where the licence was also training records. The term of calling Rajan "the boss" is because as he is "the new kid on the block" his terminology is different to ours and anyone who has been in place prior to his arrival they are seen as a boss to him. He is well aware that I am the boss.

You mention high turnover of staff this is not the case. In any retail establishment other members of staff are required to be trained and available in the event of covering sickness and days off.

On your visit you state that Dinesh was working on his own with little or no experience. This is not the case as he had been working in another shop shadowing experienced staff and was given training. He is a well educated individual and picked up what he had to do very quickly. Gifford shop do have training records - one is there for Dinesh who received the compulsory 2 hours training.

With regard to your comment on state of stock room - unfortunately due to the fact that there had been a delivery as you can imagine on any delivery day in any retail shop it will not be 100 percent tidy until all stock has been picked - checked - then put away and all rubbish dispersed. I wouldn't think Gifford is any different to any other shop!

However on the back end of your visit staff have been made aware of how the stock room has to be maintained albeit on delivery day it will take until end of shift until all is in order.

At present I reside in Dumfries and visit Gifford twice a week. In my absence Mr Sivapatham visits. We are both licence holders and do dual supervision of Gifford.

I trust that I have covered all your area of concerns and should you require anything further please do not hesitate to contact me.

Regards
Sent from my iPhone

On 27 Nov 2023, at 3:17 pm, Licensing Standards Officer <Iso@eastlothian.gov.uk> wrote:

Dear Mr Kokulabavan Jeyarasa,

Premises Licence EL0131, Nisa, Duns Road, Gifford, EH41 4QW

Toady 10:50 hours, 27th November 2023 I visited the premises Nisa, Duns Road, Gifford.

Whilst at the premises, I identified a breach of one of the mandatory conditions on the premises licence. As such I am issuing you as premises licence holder the enclosed compliance notice under Section 14 of the Licensing (Scotland) Act 2005.

I note that there was another new member of staff, Kurukulasuriya Dinesh Ranindra Peries, who said he had only been working at the premises for 2 days. He was unable to produce the premises licence or any training records. He called "Rajan", Sevarasa Jeevakaran claiming he was the boss and asked him to come to the shop. On my last visit you told me that Sevarasa Jeevakaran was firstly a day off and then changed this saying he was not ready to work in the premises. If this was the case then why is it that other staff members are referring to him as the boss and calling him for help if you did not feel he was ready or trained enough to work in the shop? Why has there been such a high turnover of staff? In addition Mr Peries was unable to name who the premises manager is and appears that he has never met Suthakaran Sivapatham.

The visit today has concerned me again as to the management of the shop. This is the second time I have found a member of staff with little or no experience has been left alone in the premises. I checked Mr Peries training record but he seemed very unclear as to who had given him the training and that he had just signed the forms. Staff must be trained for the mandatory 2 hours on all the points required by the Licensing Scotland Act 2005. Mr Peries detailed that he had only been in the country for 1 month and only had a little experience working in a shop belonging to you in Dumfries.

I see that there was a partially completed training record for Sevarasa Jeevakaran which he also claims you did not complete with him as he was not ready, so again I ask why are you leaving this staff member in charge? The shop was in a very disorganised state and the back store room was full of rubbish and stock lying everywhere. Entrances and exits to the stockroom were blocked with trolleys and boxes and in my opinion there were a lot of safety hazards. It leads me to question where is the newly appointed premises manager Suthakaran Sivapatham, and why things are not being managed correctly?

As detailed on the notice, this is the second time that I have found alcohol available to customers on the floor out with the display areas on the layout plan.

Please can you confirm receipt of this email and the attached compliance notice.

Yours sincerely,

██████

██████████
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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<Section 14 Notice - Nisa - Alcohol display - 27112023.docx>

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 28th November 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

PREMISES LICENCE NO EL0131, KOKULABAVAN JEYERASA
NISA, DUNS ROAD, GIFFORD, EAST LoTHIAN, EH41 4QW

I make application in terms of Section 36(4) on the grounds specified in Section 36(3)(a) of the Licensing (Scotland) Act 2005 to the East Lothian Licensing Board to review the Premises Licence in respect of the above premises.

I have prepared this report outlining information relevant to the review for the consideration of Licensing Board Members.

Licensing Standards Officer

Premises Licence Review Application

Premises Licence No. EL0131

**Premises Licence Holder – Kokulabavan Jeyarasa
Nisa, Duns Road, Gifford, East Lothian, EH41 4QW**

On 8th November 2023 at 11:40 hours, I conducted visit to Nisa, Duns Road, Gifford to deliver a final reminder for the payment of the premises annual fee which was still outstanding after several attempts of communication. The shop was in the control of a staff member called Kunapalan Sujeerpan who was working alone. I asked him if I could speak to the premises manager. He could not formulate a reply. I asked him to produce the premises licence, training records and details to contact the premises manager. He could only speak a few words of English and it was clear that he was not able to understand me. He had no knowledge of any training or requirements under the Licensing (Scotland) Act 2005.

He called a male on his mobile who he referred to a Rajan and the number was stored as Rajan. He referred to him as "boss". I spoke with a male on the phone and identified myself. He told me he was the premises manager and licence holder Kokulabavan Jeyarasa and that he would come to the shop. I asked for him to bring ID, so that I could check it was him.

Whilst waiting I observed and noted that there were two boxes of beer/lager on the floor available to customers that were outside the display area on the layout plan.

When the male I spoke to on the phone arrived, I could see he did not match the picture of the premises licence holder that I had viewed on his personal licence. When questioned he said he was his cousin and that he was the boss and introduced himself as Rajan. I explained the reason for my visit in relation to the premises licence fee and asked to see the premises licence and training records. He claimed that the fee had been paid. He was able to produce the premises licence, operating plan but no layout plan. The summary only had one page on the wall, and he was informed this was not adequate. He informed me that Kokulabavan Jeyarasa (premises licence holder and premises manager) was on holiday and that he would not be back until 15th November. He provided the same email and mobile number as I already had and had been trying to communicate on previously in relation to the annual fee. Through conversation with him, the story as to where the premises licence holder was changed several times varying from, he had been away in Sri Lanka for some time, to he was on holiday at home and then he was back early and then he was in Dumfries, by the end he said that he was out of the country and would be back on 15th November.

I viewed 3 training records in the names:

Veeravanku Thilipeepan
Maram Sai Datta
Vimelenthirarasa Laxranani

None of the training records were signed or dated.

Even though he had said his name was Rajan, he then identified himself as Veeravanku Thilipeepan when I asked where his training record was. He pointed at the document and said that was him. I

asked for ID but he was unable to produce any despite being asked to bring it with him. This was the 3rd name he gave me.

I explained that staff cannot sell alcohol without completing the mandatory training. This is a breach of the licence and a criminal offence. I informed him that I had found an untrained member of staff in full control of the shop on his own with alcohol on display and available for sale. He seemed to have no idea that this was not allowed and that sales from untrained staff were an offence. I informed him that that member of staff could not be left on the premises unless they were with a trained member of staff and that no sales of alcohol were to be made by anyone without a training record. I also asked him to remove all the alcohol from the floor that was outside the display area. I explained that it was a breach of condition and that it should not happen again.

I informed him that I could not confirm his identity and if there was a valid training record for him other any other staff. I told him that as he was not premises licence holder or premises manager and as I could not identify who he was I would need to discuss the matters raised with the licence holder. I left the shop.

At 14:51 on 8th November, on return to the office, I served a Section 14 notice by email and post to licence holder address and premises address in relation to a breach of mandatory condition 6 - staff training (Document 1). I asked the licence holder to confirm receipt of this, however no response was received. I tried to call the licence holder on the number I was given at the premises however it would not connect.

I contacted PC Wilson to make him aware of the above circumstances. I made him aware that I had concerns in relation to the running of the premises, the lack of training of the staff and the immigration status of the individuals in the shop. I was unsure if they had the right to work as they could not produce identification and had very little English. They seemed evasive and concerned a council officer had come to the shop. The staff also could not confirm where they lived. I explained to him that the staff did not have valid training records and that I believed that the mandatory 2 hour training had not taken place.

On Tuesday 14th November 2023 at 12:20 I visited the premises with PC Wilson. On entering we found the male who had previously identified himself as Kunapalan Sujeerpan on the shop floor alone. I introduced myself again as did PC Wilson. He did not speak but pointed us through the rear storeroom towards the office. We were met by the male who I had also previously spoken with who had identified himself as Kokulabavan Jeyarasa, Veeravanku Thilipeepan and Rajan. We again introduced ourselves. I asked for the training records, and he went to the till to get the summary of premises licence. I explained again I wished to see the training records and he then went and got a red folder folder. Within the folder there were the training records that I had previously seen and an additional record for Jeevakaranar Selvarajah. None of the training records were signed and dated by Kokulabavan Jeyarasa who was named on the documents as the personal licence holder who had completed the training. All were in different handwriting. At this time Rajan pointed to the training record for Jeevakaranar Selvarajah and claimed that record was his.

PC Wilson then asked for his details which he gave (typed in by him into PC Wilson's device). He gave his name as Selvara Jeevakara, with an address in Edinburgh.

The address he provided does not exist. He did not provide a postcode for this to be further clarified. He was asked again if he had any form of ID to verify who he was, even a bank card or online banking

app in his name or an account on his mobile and he said no. He showed a facebook account that was in a different name again.

PC Wilson asked the second male who had previously identified himself as Kunapalan Sujeerpan for his details which he gave (typed into PC Wilson's device by him as could not speak them). He gave his name as Kunapalan Sujeerpan with an address in Glasgow.

[REDACTED]

Neither of the names given matched any of the training records. It was established that there were no valid training records in the premises for any member of staff present and there was no trace of the other staff named in the records. I seized the training records under Section 15(d) of the Licensing (Scotland) Act 2005 (Document 2). I wrote a receipt for the seizure which was left at the premises along with my business card (Document 3).

PC Wilson then spoke with who he believed to be the premises manager and licence holder on the phone. He confirmed his address and date of birth and referred to himself as Koby. He detailed that he had been in Sri Lanka for the last two weeks and had returned on the 13th November. He said that he lived in Dumfries and that he was the boss at the shop. PC Wilson questioned him as to how he was involved at the premises as premises manager if he lived in Dumfries. He said that he comes to the shop and works there on a regular basis.

PC Wilson explained to him on the phone that none of the staff had a valid training record and that all sales of alcohol should stop until this was remedied. This included removing all alcohol from display to prevent any offences. He made it very clear that any sale of alcohol by untrained staff would be a Section 1 offence under the Licensing (Scotland) Act 2005. He was asked to explain this to the staff at the premises as they were not understanding us and were refusing to remove and cover the alcohol.

Staff then very slowly and reluctantly started to remove the alcohol from the shop floor. PC Wilson and I left the premises and then returned 40 minutes later where half the alcohol had still not been removed. PC Wilson asked them to display a notice that alcohol could not be sold with the police badge on it.

On return to the office, I received a call from the premises licence holder Kokulabavan Jeyarasa at 15:14. He told me that he would get all staff trained and that would mean they could sell alcohol again. He confirmed that he had received my previous email with the section 14 notice attached but had not actioned anything. He confirmed that one staff member spoke no English and that his cousin Rajan ran the shop. When I asked him where he lived, he again confirmed that he stayed in Dumfries. I asked how he fulfilled his role as premises manager if he lived so far away and he told me that he travels to the shop 5 days a week. I asked if he would have CCTV footage to confirm his presence in the shop and he said yes, I will get it for you. I informed him that PC Wilson and I would need to

review the new training records, and verify staff identifies and that they were suitably knowledgeable before we would be satisfied that no offence was taking place.

He then demanded a visit at 8am the next day and was told that would not be possible. I questioned him as to how he would be able to train staff in such a short timescale to which he was unable to answer. I told him I would need to speak to PC Wilson to arrange a time and that I would be in contact by email in relation to the circumstances that had occurred, the requirements in relation to staff training and documents that we needed to see and a proposed appointment time. He said that was fine and he would wait on the email. I then made it very clear that a condition of the premises licence had been breached and the action detailed in the section 14 compliance had not been taken to my satisfaction. I explained it had been 5 days since the notice was issued which detailed the immediate action he must take, so I would be making an application to the licensing board for the review of the premises licence. He said that he understood.

He was thereafter sent an email (Document 4) detailing the circumstances and an appointment time on Thursday 16th at 10am. I asked for confirmation to be returned by email that he had received the information. I had no reply.

On Thursday 16th November 2023, PC Wilson and I attended for the prearranged appointment. We were met by and 3 other males that we had not seen before. There was no alcohol on the open shelves and all other displays were covered. The sign PC Wilson had requested was displayed had not been out up.

We proceeded to the back office to speak with Kokulabavan Jeyarasa. I confirmed with him that he understood English and what I was saying to him. I also confirmed with him that he understood the reason for our visit and that PC Wilson and I were concerned about his management of the premises and if he was taking his responsibilities as licence holder and premises manager seriously. He confirmed that he had received the section 14 notice that was issued on 8th November and that he understood the contents of it. He gave no reason why he had failed to act.

I asked about his involvement in the premises, and he said that he hadn't travelled to the premises for some time and that he had been in Sri Lanka. He was unable to provide any evidence of him working in the premises on a routine basis and could not provide CCTV of him on the premises as promised on the phone. He seemed very unfamiliar with the premises as to where things were as thought he did not work there at all.

Mr Jeyarasa then provided scanned copies of identification documents for the following staff:

- Laxmanana Vilelenthirarasa
- Thileepan Veeravaku
- Sivapathham Suthkaran
- Sivaprakash Boominathan

Present within the shop were Thileepan Veeravaku, Sivapathham Suthkaran, and Sivaprakash Boominathan. Laxmanana Vilelenthirarasa was not present.

It was established that Sivapathham Suthkaran held a personal licence issued by Fife Licensing Board and Thileepan Veeravaku also claimed to be a personal licence holder however, did not have a copy

of his personal licence. It is off note that on a previous visit the staff member known as Rajan who was unidentified and used several other names had claimed to be Thileepan Veeravaku and this was quite clearly a lie having seen the identification.

There were training packs of questions and an age verification policy for both Sivapathham Suthkaran and Sivaprakash Boominathan. However, no signed training records. Both claimed to have been trained within the last 48 hours.

PC Wilson and I spoke with both Sivapathham Suthkaran and Sivaprakash Boominathan individually to establish their knowledge on the Licensing (Scotland) Act 2005 to check that training had been given and they understood it. We were content that they could both answer the questions posed to them on topics they were required to be trained on.

Blank training records were provided to Mr Jeyarasa for him and the two staff members for completion, which they then did.

I advised that Thileepan Veeravaku must either have his personal licence with him on the premises or if he did not have a valid personal licence to have completed the 2 hours mandatory training and a training record to be kept on the premises before I was content that he was able to sell alcohol without breaching the condition of the premises licence.

There was no training record for Laxmanana Vilelenthirarasa and guidance was given that he would also need to be trained before selling alcohol. It was made very clear that at no time should an untrained member of staff either sell alcohol or be left on the premises by themselves where alcohol was on display or available to be sold.

PC Wilson and I asked questions of the staff members as to where they had come from. Answers given were from Leven, Kircaldy and Dumfries. When asked how they would be travelling to and from work with such large distances it was established that the plan was for them to stay at a house in Gifford owned by Laxmanana Vilelenthirarasa.

The staff staying at the house could not give the address and they had to ask Thileepan Veeravaku to give it. They seemed very unfamiliar with the area.

No documents or training records were provided for Kunapalan Sujeepan or Selvara Jeevakara (Rajan) who were the staff members in the shop on the first and second visit. We were informed that Kunapalan Sujeepan no longer worked at the premises and then this was later changed to a response detailing he needed more training before he would be back. We were told it was Selvara Jeevakara's (Rajan) day off and that he also needed more training before he would be working on the premises again.

Mr Jeyarasa informed me that he had appointed an agent (later established as Gordon Emslie) and that he was making an application to change the premises manager to Sivapathham Suthkaran. I spoke with Sivapathham Suthkaran. And he confirmed that he would be working on the premises on a regular basis as premises manager.

Mr Jeyrasa was informed that PC Wilson and I were satisfied that Sivapathham Suthkaran and Sivaprakash Boominathan were trained and as such could sell alcohol, however it was made clear at

this point in time we were only satisfied with the training/personal licence for these two staff and no others.

On leaving the premises and driving towards Haddington, PC Wilson and I saw Kunapalan Sujeevan just outside Gifford walking back into the town towards the premises.

On Monday 27th October 2023, at about 10:50 hours I visited the premises again along with a Licensing Administrative Officer. On entering the shop, I saw a male that I had not seen before. I introduced us both and asked who he was. He gave the name Dinesh Piries, later established as full name Kurukulasuriya Dinesh Ranindra Peries and he was able to show a residence permit. I noted that the card had only been issued on 18th September 2023. I asked how long he had been working at the shop and he said he had only been there 2 days. I asked for his training record and he panicked, told me he did not know about anything and that he would call the boss. I asked who he was calling, and he said "Rajan". He said he would call him and he would come down.

I commented that it was a long way to come from Dumfries to Gifford on a daily basis for a job and Mr Piries told me that he was staying in Gifford with Rajan and gave the same address in Gifford as the other staff did at the previous meeting. I said there must be a lot of people staying there, however he answered it was just him and Rajan.

Whilst waiting, I observed a total of approx. 15 boxes/packages of wine, cider, and beer on the floor outside the alcohol display shelves (see photos 1-3)

We waited approx. 10-15 minutes and Rajan arrived at the shop. He said he would go and get the training records for me and that he hadn't been selling alcohol. He did not want me to come into the back storeroom and office and was acting in a very strange manner. I followed him into the back store which I could see was in a very bad state of disorders with stock lying everywhere on trolleys and the floor, with only a small passage through it. The initial entrance was blocked by a trolley as was the fire door and there were piles of rubbish and cardboard that I had to step over and onto to get to the back office (photos 4-7). The office was very messy with documents and stock all over the desks. Rajan then gave me a scanned copy of a residence permit with his photo it identified him as:

Sevarasa Jeevakaran

This was the 5th name he had given. I noticed that the date of issue on the residence permit was 10th November 2023 therefore issued after my first meeting with him on 8th November 2023 where he claimed to be the boss.

I asked why his training record was incomplete and he said that it had not been done as Kokulabavan Jeyarasa did not think he was ready.

I was given a training record for Dinesh Piries. I then asked Mr Piries some basic questions on his training which he was only just able to answer. He was able to speak English but not fluently. He was unclear as to who had done his training and that he had just signed the forms.

Rajan then became very arrogant asking if we were happy now and we could leave. I informed him I would speak to the licence holder. I again told the staff to remove the alcohol from the floor. We left the premises.

At 15:15 on 27th November 2023, on return to the office, I served a Section 14 notice by email and post to licence holder address and premises address in relation to a breach of mandatory condition 13 - alcohol outwith display area (Document 5). I asked the licence holder to confirm receipt of this and gave details of the visit and my further concerns in relation to the disorder in the shop, leaving a staff member who had been there for only two days on his own, Rajan's continued involvement and the appearance that he is the boss given he is not trained and the absence of the newly appointed premises manager Sivapathham Suthkaran (Document 6).

I contacted the Scottish Fire and Rescue Service in relation to concerns about fire safety providing photos of the storeroom.

I have had no response from the licence holder from the last correspondence sent.

Summary of events

8th November 2023

- Visit to deliver final reminder for annual fees
- Untrained member of staff, Kunapalan Sujeerpan, who could not speak English found alone in the premises, claimed he had worked there 2 days
- He called his "boss" Rajan who I spoke with on the phone and he said he was Kokulabavan Jeyarasa, premises licence holder
- Rajan then says he is not Kokulabavan Jeyarasa and that he is his cousin. During the visit he gives his name as Rajan, Kokulabavan Jeyarasa and then Veeravanku Thilipeepan when going through the 3 training records on the premises. Training records were not signed or dated.
- Alcohol on display on the floor, verbal warning given to remove
- Staff were told that if they did not have a valid training record they could not sell alcohol and the shop was not to be left in the sole control of an untrained staff member
- Unable to make contact with premises licence holder Kokulabavan Jeyarasa as reported to be in Sri Lanka
- Section 14 notice served in relation to staff training by email and post to take place with immediate effect
- Police made aware of circumstances

14th November 2023

- Return visit with PC Wilson
- Within the shop were Kunapalan Sujeerpan and Rajan
- Training records viewed and addition of new training record in the name Jeevakaranar Selvarajah. None of the records were signed and dated
- Details taken from both men in the shop, Rajab provided a 4th name and an address that does not exist
- Kunapalan Sujeerpan struggled to provide details without prompts from Rajan
- Staff questioned about their ability to travel to the shop from large distances
- Neither could produce ID

- No training records matched the names given and were seized
- PC Wilson spoke with Kokulabavan Jeyerasa on the phone and requested alcohol be removed from the shelves and all sales cease
- Licence holder failed to take action detailed in Section 14 notice issued on 8th November

16th November 2023

- Prearrange visit conducted with PS Wilson
- Licence holder on premises with 3 other males
- Informed there had been a change of staff and Rajan and Kunapalan Sujeerpan would not be working at the premises until trained
- Training records checks and satisfactory for 2 staff
- Informed there was to be an application to appoint Sivapathham Suthkaran as premises manager (completed later)

27th October 2023

- Unannounced visit conduct with Licensing Officer
- New member of staff found in the shop alone
- Unable to assist and identify premises manager Sivapathham Suthkaran and so called Rajan
- Rajan attended and produced a training record for the new staff member
- Rajan produced a scanned copy of his residence permit
- Noted that the permit was issued after the first visit when he was at the premises
- Storeroom viewed in a very bad state of disorder
- Alcohol found again outside the display area and photographed
- Section 14 notice issued to licence holder by email and post
- Licence holder also emailed in relation to concerns

Conclusion

I have serious concerns in relation to the premises licence holder's ability and management of this premises. There has been a breach of a licence condition in relation to staff training and action was not taken to my satisfaction in relation to the Section 14 notice issued. A verbal warning about the alcohol being outside the display area was also not taken and acted on which has resulted in the issue of a further section 14 notice for breach of another condition.

The management appears to have been passed to Rajan, who the staff call boss and call on when they do not know what to do. Staff have very little experience working only a couple of days in the premises before being left in sole charge. It is of great concern that if Rajan is not suitably trained and not premises manager, then why has the premises licence holder left him in control. It is equally concerning that the member of staff spoken to on the last visit had no knowledge and could not identify the current premises manager Sivapathham Suthkaran. This leads me to question where is the new premises manager and does he have any involvement?

The premises has been left on several occasions in the sole control of inexperienced staff members one of which was not trained and claimed to have worked there for 2 days and the other having only worked at the premises 2 days. Multiple staff have been unable to identify themselves and residence permits have been produced with issue dates after they have been working in the shop. I am concerned that there is a wider picture in terms of potential offences.

My concerns following my visit on 27th October in relation to safety were passed to the Fire Service for investigation.

This review application is presented to you following a breach of a condition on the premises licence and the failure to take the remedial action detailed on a notice issued, it is however also open to the Board to consider the other grounds of review below in their decision making process:

36 (3) The grounds for review referred to in subsection (1) are—

(za) that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence,

(a) that one or more of the conditions to which the premises licence is subject has been breached, or

(b) any other ground relevant to one or more of the licensing objectives.

There appears to have been and continues to be a mismanagement of the premises. The premises licence holder has himself and allowed others whilst working in the licensed premises to act in a manner inconsistent with the licensing objectives especially preventing crime and disorder, protecting public safety and protecting children and young persons from harm. Untrained members of staff are not authorised to sell alcohol and as such not trained in safe sale, sale refusal, and age verification procedures. The premises licence holder has run this premises with no regard for the law or the responsibilities required by him under the Licensing (Scotland) Act 2005.

Under Section 84 Licensing (Scotland) Act 2005 in the course of a review hearing, where there is a finding that a personal licence holder who is or was working on the licensed premises, acted in a manner inconsistent with the licensing objectives, the Board must hold a hearing in relation to their personal licence.

I submit this review application information for the Board's consideration.

Licensing Standards Officer

EAST LoTHIAN COUNCIL

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 13th December 2023

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

**PREMISES LICENCE NO EL0131, KOKULABAVAN JEYERASA
NISA, DUNS ROAD, GIFFORD, EAST LoTHIAN, EH41 4QW**

FURTHER INFORMATION

On 13th December 2023, I was contacted by a Licensing Manager from Dumfries and Galloway Licensing Board. The officer detailed that there were two premises licences held by Kokulabavan Jeyarasa in the Dumfries and Galloway Licensing Board area and that he was a connected person for other premises in Fife. She detailed that information had come to their attention from police that Mr Jeyarasa had not been running the premises he had licences for well.

The Licensing Officer detailed that Kokulabavan Jeyarasa is currently named as the premises manager at Nisa, Calside Road, Dumfries and has been since he was appointed in 14th November 2019. Mr Jeyarasa is also the licence holder at this premises. A call was made to Mr Jeyarasa by the Licensing Manager on 13th December 2023. During this call Mr Jeyarasa confirmed that he remained premises manager at the premises in Dumfries and that there had been no change to this. The Licensing Manager thereafter sent this information to me by email (Document 7).

The Licensing (Scotland) Act 2005 allows for a person who holds a personal licence to be appointed on only one premises licence as premises manager at any one time.

Section 19 Premises manager

(1) In this Act, "premises manager", in relation to any licensed premises in respect of which a premises licence has effect, means the individual for the time being specified as such in the premises licence.

In August 2021, an application to transfer the premises licence under Section 33 of the Act, to Kokulabavan Jeyarsa was received and subsequently granted on 12th October 2021. It is unknown when Mr Jeyarasa took control of the shop, however was responsible for the sale of alcohol and the premises licence from this date onwards.

I have spoken with Ms Carol Mackay, who was named as premises manager prior to the transfer under the control of Co-op. She has confirmed for me that when the business changed to Nisa, her employment was dealt with as a TUPE transfer to Kokulabavan Jeyarasa.

Ms Mackay ended her employment within 6 weeks of the change with her last day being 21st November 2021. No notification was made to East Lothian Licensing Board that the premises manager had left by Mr Jeyarasa.

On 14th February 2022, an application was made by Kokulabavan Jeyarasa to appoint himself as premises manager. At this time no objections were received, the application was processed and he was specified on the licence. East Lothian Licensing Board does not have the ability to check if a person is named on another premises licence.

It has been confirmed with Dumfries and Galloway Licensing Board, that Kokulabavan Jeyarasa in his capacity as premises licence holder, did not make the notification required under section 54 of the Act, that he had left the premises in Dumfries and he confirmed with the Licensing Board that he has remained in this position from 2019. This means that from 14th February 2022 he was specified as premises manager on two premises licences.

Section 19 (2) of the Act deals with this scenario as follows:

(2) An individual may not, at any one time, be the premises manager of more than one licensed premises; and, accordingly, if an individual who is the premises manager of licensed premises is subsequently specified in the premises licence of other licensed premises as the premises manager of those other premises, the subsequent specification is of no effect.

Therefore, Mr Jeyarasa made an incompetent application to East Lothian Licensing Board, and his appointment as premises manager on the premises licence at Nisa in Gifford had no effect and was not a valid appointment.

As a result, the premises has traded and made sales of alcohol from 22nd November 2021, when Ms Mackay left, until 17th November 2023 when the current premises manager Sivapatham Suthakaran was appointed, without a premises manager, a period of 2 years. This was a breach of the premises licence condition - *4(1) Alcohol is not to be sold on the premises at any time when— (a)there is no premises manager in respect of the premises.*

Selling alcohol in breach of a condition of the licence is an offence under Section 1 of the Licensing (Scotland) Act 2005. A person guilty of this offence is liable on summary conviction to a fine not exceeding £20,000, imprisonment for a term not exceeding 6 months or both.

This information has been reported to police for investigation and their determined action.

It is the premises licence holder's responsibility to inform the appropriate licensing board of the circumstances surrounding the premises licences and any changes. Mr Jeyarsa has completely failed in his responsibility to do this and made an incompetent application. He has displayed utter contempt for the Licensing (Scotland) Act 2005, and the regulated industry

that he works within. The premises has been completely mismanaged and run with no regard to the law. By doing this he has failed to uphold any of the licensing objectives.

I have now submitted several reports following my initial review application in relation to this premises as further issues have been investigated and come to light.

It appears that the premises has been and continues to be run by Selvarasa Jeevakaran (Rajan) and that Mr Jeyerasa has had little or no involvement in the premises and simply handed over responsibility. Selvarasa Jeevakaran (Rajan) is clearly not a fit individual to have been put in this position, even by Mr Jeyerasa's own admission, stating that he was not ready and needed more training. Other members of staff have repeatedly called him boss and phoned him for assistance. This is not because of any cultural understanding, where a staff member who was there before them is referred to as boss, it is simply because he has been, and continues to be in charge. I believe the reason Selvarasa Jeevakaran (Rajan) was deliberately evasive and provided false details on several occasions, is because at the time he did not possess a valid residents permit. The permit, he eventually showed a scanned copy of, was issued 10th November 2023, after the first visit was made to the premises.

When I met with Mr Jeyerasa on the premises on 16th November 2023, he was extremely unfamiliar with the premises, and it appeared he had not been there in sometime.

I believe, that the premises manager Sivapatham Suthkaran was appointed in a hurry to appease myself and the police. I have doubts that he will have any continued involvement in the premises, even he himself, has said that he lives in Kircaldy and travel is difficult. When PC Wilson and I observed him in the premises at our last visit on 6th December 2023 (2 ½ weeks following his appointment) he did not know where anything was, could not answer questions about the CCTV, and the repositioning of the dog food in the alcohol area. He continued to refer to Selvarasa Jeevakaran (Rajan) to answer for him. I believe he was in the shop on our visit but only because Mr Jeyerasa was aware we would be visiting that week. Selvarasa Jeevakaran (Rajan) has repeatedly told me that he is changing the shop to Premier, however this information had never been given to me by Mr Jeyerasa until I asked him directly on the phone, where it appeared he was seemed unaware of the change but then told me that it was happening. I contacted Nisa Head Office who confirmed that the premises was still under Nisa and that they had no notification that this was changing.

The new staff members that were trained for our visit on 16th November 2023, have not been found back in the premises by myself or to my knowledge by police. Since the first visit on 8th November 2023, only one staff member, Selvarasa Jeevakaran (Rajan), has remained from prior to November 2023 and all other staff have been replaced. This is a significant turn over in staff in a very short period, and the only reason given for this change in staff is that it was required for shifts and sickness.

Full timeline of events

- 14th November 2019 - Kokulabavan is appointed premise manager at Nisa, Calside Road, Dumfries
- 12th October 2021 – Transfer was made by Co-op and subsequently granted to transfer the premises licence at Nisa, Duns Road, Gifford to Kokulabavan Jeyarasa
- 12th October 2021 Ms Carol Mackay remained as premises manager named on the licence
- 21st November 2021 - Ms Carol Mackay ceased employment at Nisa, Duns Road, Gifford. No notification was given to the Licensing Board of this event under section 54 of the Act.
- 14th February 2022 – Kokulabavan Jeyarasa submits an application by way of minor variation to appoint himself as premises manager at Nisa, Duns Road, Gifford (gap of approx. 3 months)
- 8th November 2023 – visit to premises by LSO to deliver final warning letter for payment of annual fee, due by 1st October 2023. Untrained staff members found as well as alcohol out with the display area.
- 8th November 2023 – Section 14 compliance notice issued by LSO for breach of condition 6 – staff training, requiring immediate action.
- 14th November 2023 – return visit to premises by LSO and Police. Untrained staff found in the premises.
- 16th November 2023 – prearranged visit to premises by LSO and Police to view training records. All new staff within premises.
- 17th November 2023 – new premises manager Sivapatham Suthkaran added to premises licence.
- 27th November 2023 – return visit to premises by LSO, another new staff member found and training record requested, concerns over training identified. Alcohol found on the shop floor and stockroom in state of disorder.
- 27th November 2023 – section 14 notice issued for breach of condition 13 – alcohol outwith display area and concerns in relation to fire safety sent to Scottish Fire and Rescue Service.
- Kokulabavan emailed with concerns re staff training and condition of premises replied a few days later as per submitted emails.
- 1st December 2023 – phone call with Kokulabavan asking I return to the premises to check further training records and conversation about the poor state of the premises new staff members training. Informed review application had been submitted. Arrangement made that a visit would be conducted next week to view training records.
- 6th December 2023 – visit by LSO and Police and new training records viewed.
- 13th December 2023 – information received from Dumfries and Galloway Licensing Team Manager that Kokulabavan was a premises manager in a premises in Dumfries. Information reported to police.

Breaches of Licence Conditions and Offences

- Breach of condition 4 – premises manager
- Breach of condition 6 – staff training
- Breach of condition 13 – alcohol outwith display area

Selling alcohol when a breach of a condition has occurred is an offence under Section 1 of the Licensing (Scotland) Act 2005

Prohibition of unlicensed sale of alcohol

(1) Alcohol is not to be sold on any premises except under and in accordance with—
(a) a premises licence, or
(b) an occasional licence,

Conclusion

In light of the above further information, I ask the board to consider if the premises licence holder, Kokulabavan Jeyarasa, having regard to the licensing objective is a “fit and proper” person to hold a premises licence.

A licensing board can find, that one of the grounds for review has been established, even if that was not the ground referred to in the original review proposal.

The full circumstances that I have described, detail that this has not been a breach of a single condition, but multiple breaches of conditions and significant management failings by the premises licence holder Mr Jeyarasa, to the detriment of the licensing objectives.

Licensing Standards Officer

PREMISES LICENCE REVIEW – DOCUMENT AND PHOTO PACK

**PREMISES LICENCE NO EL0131, KOKULABAVAN JEYERASA
NISA, DUNS ROAD, GIFFORD, EAST LOTHIAN, EH41 4QW**

Contents

Document 1 – Section 14 Licensing (Scotland) Act Notice, issued 8th November 2023

Document 2 – Training Records Seized 14th November 2023

Document 3 – Receipt for seizure of training records 14th November 2023

**Document 4 – Email correspondence to Kokulabavan Jeyerasa following visit on 14th November 2023
including previous correspondence on 8th November 2023**

Document 5 – Section 14 Licensing (Scotland) Act Notice, issued 27th November 2023

Document 6 – Email correspondence to Kokulabavan Jeyerada following visit on 27th November 2023

Document 7 – Information from Dumfries and Galloway Licensing Boards, 13th December 2023

Photos

Shop floor 1-3

Storeroom 4-7

LICENSING (SCOTLAND) ACT 2005 COMPLIANCE NOTICE UNDER SECTION 14

Notice is hereby given in terms of Section 14 (2)(a)(i) of the above Act and is issued by [REDACTED] a Licensing Standards Officer for East Lothian.

This notice requires action to be taken by the Licence Holder to remedy the breaches of the licensing conditions to which the Premises Licence is subject outlined below. Failure to do so to the satisfaction of the Licensing Standards Officer within the time allowed for compliance (if any) will result in an application to East Lothian Licensing Board for a review of the Premises Licence.

Premises Licence Holder & Licence No:	Kokulabavan Jeyarasa, EL0131
Premises Name and Address:	Nisa, Duns Road, Gifford, East Lothian
Date & Time Notice Issued:	8 th November at 14:00
Premises Manager Details:	Kokulabavan Jeyarasa
Manner of service:	By Post and E-mail

Details of Breach of Condition and Remedy

*Licensing Standards Officer should detail the condition(s) breached and describe the remedial action required to be taken in order to comply with this notice.**

Condition(s)

6 (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person—

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

(2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.

(2B) A record kept on the premises under sub paragraph (2A) must be produced to a Licensing Standards Officer on request.

Breach

On 8th November at 1140 hours the Licensing Standards Officer visited the premises and found an employee, Kunapalan Sujeevan as the only member of staff working in the shop. Alcohol was on display and available to purchase. Mr Surjeevan was unaware of any training requirement and

* if you are uncertain about what action you need to take in relation to this notice you should seek legal advice from a qualified solicitor.

confirmed that he has been selling alcohol. He had no understanding of the Licensing (Scotland) Act 2005.


Remedy

Alcohol can only be sold by staff (other than personal licence holder) who have completed the mandatory two hours training conducted by a personal licence holder or an accredited trainer and where a valid training record is held on the premises which is available for the Licensing standards Officer or Police to inspect.

At no time should an untrained member of staff make a sale of alcohol or be left in the shop alone where alcohol is on display and available for sale.

REQUIREMENT TO COMPLY

With Immediate Effect:	YES
(or) Comply By:	Date: Immediately

Licensing Standards Officer (Print Name & Signature)	Where served personally or left at premises Notice Received by (Print Name & Signature)
	Name..... Signature.....

Important Note

If this notice is not complied with within the specified timescale your Premises Licence will be subject of a review application in terms of Section 36 of The Licensing (Scotland) Act, 2005. This will result in a hearing before the Licensing Board to consider what if any steps are necessary to secure compliance with the Licensing (Scotland) Act, 2005.

The range of options open to the Licensing Board include :

- (a) Issuing a written warning
- (b) Making a variation of the licence
- (c) Suspension of the licence for such a period as the Board may determine
- (d) Revoking the licence

LICENSING (SCOTLAND) ACT 2005 TRAINING OF STAFF - TRAINING RECORD

Name of member of staff - []

The Act
Schedule 3

6, - (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied With such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person-

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

DECLARATION TRAINEE

I confirm that I have received the training required by the Licensing (Training of Staff) (Scotland) Regulations 2007.

[Signed: *KOKULABUWIN JEYARAJA*
Jeyakarani Selvarajah]

TRAINER [REDACTED]

I [*Kokulabwin Jeyarajase*] confirm that I have provided the above named member of staff with the training required under the Licensing (Training of Staff)(Scotland) Regulations 2007 on [Date(s)-]

[Signed:]

[Where signatory is the holder of a Personal Licence issued under the Licensing (Scotland) Act 2005, please insert the number and the name of Licensing Board which issued the licence here:

Personal Licence No- *F I 4706*

Licensing Board- *fife Licensing Board*

There signatory is a person other than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007.

The name of any company by which the person is employed to provide training should also be given.]

[REDACTED] *20/1/22*

LICENSING (SCOTLAND) ACT 2005

TRAINING OF STAFF - TRAINING RECORD

Name of member of staff - [

]

The Act

Schedule 3

6. - (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person-

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

DECLARATION TRAINEE

I confirm that I have received the training required by the Licensing (Training of Staff) (Scotland) Regulations 2007.

[Signed: VEERAVAKU THILIPPEPAN

]

TRAINER

I [Kokulabavan Jayaraj] confirm that I have provided the above named member of staff with the training required under the Licensing (Training of Staff)(Scotland) Regulations 2007 on [Date(s)-

]

[Signed:

]

[Where signatory is the holder of a Personal Licence issued under the Licensing (Scotland) Act 2005, please insert the number and the name of Licensing Board which issued the licence here:

Personal Licence No. FI 4706

Licensing Board- fife Licensing Board

[There signatory is a person other than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007.

[The name of any company by which the person is employed to provide training should also be given.]



20/1/22

**LICENSING (SCOTLAND) ACT 2005
TRAINING OF STAFF - TRAINING RECORD**

Name of member of staff - []

The Act

Schedule 3

6, - (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person-

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

**DECLARATION
TRAINEE**

I confirm that I have received the training required by the Licensing (Training of Staff) (Scotland) Regulations 2007.

[Signed: MARAM SAIDATTA]

TRAINER

Koikulubun Jayaras

I [~~MARAM SAIDATTA~~] confirm that I have provided the above named member of staff with the training required under the Licensing (Training of Staff)(Scotland) Regulations 2007 on [Date(s)-]

[Signed:]

[Where signatory is the holder of a Personal Licence issued under the Licensing (Scotland) Act 2005, please insert the number and the name of Licensing Board which issued the licence here:

Personal Licence No. FI4707

Licensing Board- LIFE LICENSING BOARD

There signatory is a person other than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007.

The name of any company by which the person is employed to provide training should also be given.]

20/1/22

**LICENSING (SCOTLAND) ACT 2005
TRAINING OF STAFF - TRAINING RECORD**

Name of member of staff - [

The Act

Schedule 3

6, - (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person-

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

DECLARATION

TRAINEE

I confirm that I have received the training required by the Licensing (Training of Staff) (Scotland) Regulations 2007.

[Signed: Vimelenthirarasa. Laxmanan]

TRAINER

[Redacted]
(Kokulabavan Jeyarasa)

I confirm that I have provided the above named member of staff with the training required under the Licensing (Training of Staff) (Scotland) Regulations 2007 on [Date(s)-
1.

[Signed:]

1 Where signatory is the holder of a Personal Licence issued under the Licensing (Scotland) Act 2005, please insert the number and the name of Licensing Board which issued the licence here:

Personal Licence No: FI 4766

Licensing Board fife Licensing Board

There signatory is a person other than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007.

The name of any company by which the person is employed to provide training should also be given.

DOCUMENT 3

Document 3 - Receipt for seizure of training records 14th November 2023

To Premises Licence Holder
Kelutakaran Jeyarasa
Premises licence number FLO131
N/A
Dunn Road
Gifford
Visit on 14th November at 12:20
At this time 7 training records were seized
by licensing standards officer Karen Hartley
under s15 licensing (Scotland) Act 2005.
Please take this as receipt of this seizure.
This was conducted in the presence of
PC Lee Wilson
[REDACTED] [REDACTED]

Licensing Standards Officer

From: Licensing Standards Officer
Sent: 14 November 2023 16:33
To: [REDACTED]
Cc: To: 'Lothian Scot Borders Licensing East Mid Lothian'
(LothianScotBordersLicensingEastMid@Scotland.police.uk)
Subject: RE: IMPORTANT - Premises Licence - Compliance - Nisa - Gifford
Attachments: Section 14 Notice - Nisa - Staff Training - 08112023.docx

Dear Mr Kokulabavan Jeyarasa,

Premises Licence EL0131, Nisa, Duns Road, Gifford, EH41 4QW

In follow up to my previous email on 8th November, I visited the premises EL0131, Nisa, Duns Road, Gifford today Tuesday 14th November at 12:20pm along with Police Officer Lee Wilson.

Within the shop there were two members of staff working. One member of staff, Kunapalan Sujeevan was on the shop floor. On my visit on 8th November it was established that he did not have a training record. Also with the shop was a male who identified himself as Selvara Jeevakara to my police colleague. He also uses the name Rajan. On my previous visit this male identified himself as Veeravaku Thilipeepan. Neither were able to provide any form of identification to verify who they are.

I found training records for the following on the premises:

Jeevakaranar Selvarajah
Veeravaku Thilipeepan
Maram Sai Datta
Viemelenthirarasa Laxranani

The two men working on the premises gave different names to those on the training records. None of the training records are signed or dated and so are incomplete and invalid. There are no valid training record for any member of staff on the premises.

Mr Kunapalan Sujeevan cannot speak English and did not understand anything myself or colleague said to him. Mr Selvara Jeevakara appears to be running the shop but had no knowledge about what the training should entail. He does speak English, however, I feel that he has not understood much of what myself and PC Wilson have said to him. He has also identified himself as Selvara Jeevakara, Rajan, and Veeravaku Thilipeepan and has not been able to provide any proof of his identity.

I have seized the training records found on the premises under Section 15 Licensing (Scotland) Act 2005 as I believed that mandatory conditions 6 on the premises licence has been breach and the section 14 compliance notice issued on 8th November has also not been complied with. A receipt detailing this was left at the premises.

I have serious concerns in relation the running of the shop and about you as premises licence holder and premises manager.

As a result PC Wilson requested the removal of all alcohol from display. No sale of alcohol should be made until:

- staff are trained by a personal licence holder or accredited trainer
- this training should be to the requirements of the Licensing (Scotland) Act 2005
- myself and police are satisfied that this training has been completed and the staff are suitably knowledgeable
- training records are on the premises to be reviewed by myself and Police

- each staff member can provide photographic identification to verify who they are

PC Wilson explained on the phone in my presence that any sales of alcohol made before the above is completed and verified will be a offence under Section 1 Licensing (Scotland) Act 2005.

As I believe there has been a breach of a mandatory condition and thereafter non-compliance with the Section 14 notice given, I will be making a review application for the premises licence in terms of Section 36 of the Licensing (Scotland) Act 2005 to the Licensing Board.

I have spoken with PC Lee Wilson and we are available to attend the premises at 10:00am on Thursday 16th November. Please confirm receipt of this email and that the proposed meeting time is suitable.

Yours sincerely,

[REDACTED]

Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

From: Licensing Standards Officer

Sent: 08 November 2023 14:51

To: [REDACTED]

Cc: To: 'Lothian Scot Borders Licensing East Mid Lothian' (LothianScotBordersLicensingEastMid@Scotland.police.uk) <LothianScotBordersLicensingEastMid@Scotland.police.uk>

Subject: IMPORTANT - Premises Licence - Compliance - Nisa - Gifford

Dear Mr Kokulabavan Jeyarasa,

Premises Licence EL0131, Nisa, Duns Road, Gifford, EH41 4QW

At 11:40 hours, 8th November I visited the premises Nisa, Duns Road, Gifford. The purpose of my visit was to deliver a final reminder to pay the outstanding premises licence annual fee that was overdue and should have been paid by 1st October 2023.

Whilst at the premises, I identified a breach of one of the mandatory conditions on the premises licence. As such I am issuing you as premises licence holder the enclosed compliance notice under Section 14 of the Licensing (Scotland) Act 2005.

I have other concerns about the premises and how you are fulfilling your role as premises manager.

Please can you confirm receipt of this email and the attached compliance notice. Please contact me as soon as possible to discuss.

Yours sincerely,

██████

██████████
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum](#) | East Lothian Council



**LICENSING (SCOTLAND) ACT 2005
COMPLIANCE NOTICE UNDER SECTION 14**

Notice is hereby given in terms of Section 14 (2)(a)(i) of the above Act and is issued by [REDACTED] a Licensing Standards Officer for East Lothian.

This notice requires action to be taken by the Licence Holder to remedy the breaches of the licensing conditions to which the Premises Licence is subject outlined below. Failure to do so to the satisfaction of the Licensing Standards Officer within the time allowed for compliance (if any) will result in an application to East Lothian Licensing Board for a review of the Premises Licence.

Premises Licence Holder & Licence No:	Kokulabavan Jeyarasa, EL0131, [REDACTED], [REDACTED]
Premises Name and Address:	Nisa, Duns Road, Gifford, East Lothia, EH41 4QW
Date & Time Notice Issued:	Emailed 27/11/2023 approx 1515 hours
Premises Manager Details:	Suthakaran Sivapatham
Manner of service:	Email to premises licence holder and posted to premises

Details of Breach of Condition and Remedy

*Licensing Standards Officer should detail the condition(s) breached and describe the remedial action required to be taken in order to comply with this notice.**

Condition(s)

13(1) Subject to sub-paragraph (3), alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following–

- (a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
- (b) a single area of the premises which is inaccessible to the public.

Breach

On 8th November at 1140 hours the Licensing Standards Officer visited the premises and found an employee, Kunapalan Sujeevan as the only member of staff working in the shop. Alcohol was on display and available to purchase. Two boxes of beer/larger were found on the floor outside the display area and capacity of the layout plan. Guidance was given to staff for alcohol to only be displayed and within the shelving areas that are marked on the layout plan.

On 27th November 2023 at 10:50 the Licensing Standards Officer visited the premises and found employee Kurukulasuriya Dinesh Ranindra Peries as the only member of staff working in the shop. Alcohol was on display and available to purchase. Two boxes of beer/larger were found on the floor outside the display area and capacity of the layout plan. 15 boxes of wine, packages of beer and cider were found on the floor in front of the alcohol display area that is marked on the layout plan.

* if you are uncertain about what action you need to take in relation to this notice you should seek legal advice from a qualified solicitor.

Remedy

Alcohol can only be displayed within the areas marked on the layout plan and within the capacity limit detailed on the operating plan.

At no time should alcohol be displayed or left outside these areas and on the floor.

REQUIREMENT TO COMPLY

With Immediate Effect:

YES

(or) Comply By:

Date: Immediately

**Licensing Standards Officer
(Print Name & Signature)**

**Where served personally or left at premises
Notice Received by
(Print Name & Signature)**

[Redacted]
.....
[Redacted]

Name.....
Signature.....

Important Note

If this notice is not complied with within the specified timescale your Premises Licence will be subject of a review application in terms of Section 36 of The Licensing (Scotland) Act, 2005. This will result in a hearing before the Licensing Board to consider what if any steps are necessary to secure compliance with the Licensing (Scotland) Act, 2005.

The range of options open to the Licensing Board include :

- (a) Issuing a written warning
- (b) Making a variation of the licence
- (c) Suspension of the licence for such a period as the Board may determine
- (d) Revoking the licence

Licensing Standards Officer

From: Licensing Standards Officer
Sent: 27 November 2023 15:18
To: [REDACTED]
Cc: To: 'Lothian Scot Borders Licensing East Mid Lothian'
(LothianScotBordersLicensingEastMid@Scotland.police.uk)
Subject: IMPORTANT - Premises Licence - Compliance - Nisa - Gifford
Attachments: Section 14 Notice - Nisa - Alcohol display - 27112023.docx

Dear Mr Kokulabavan Jeyarasa,

Premises Licence EL0131, Nisa, Duns Road, Gifford, EH41 4QW

Toady 10:50 hours, 27th November 2023 I visited the premises Nisa, Duns Road, Gifford.

Whilst at the premises, I identified a breach of one of the mandatory conditions on the premises licence. As such I am issuing you as premises licence holder the enclosed compliance notice under Section 14 of the Licensing (Scotland) Act 2005.

I note that there was another new member of staff, Kurukulasuriya Dinesh Ranindra Peries, who said he had only been working at the premises for 2 days. He was unable to produce the premises licence or any training records. He called "Rajan", Sevarasa Jeevakaran claiming he was the boss and asked him to come to the shop. On my last visit you told me that Sevarasa Jeevakaran was firstly a day off and then changed this saying he was not ready to work in the premises. If this was the case then why is it that other staff members are referring to him as the boss and calling him for help if you did not feel he was ready or trained enough to work in the shop? Why has there been such a high turnover of staff? In addition Mr Peries was unable to name who the premises manager is and appears that he has never met Suthakaran Sivapatham.

The visit today has concerned me again as to the management of the shop. This is the second time I have found a member of staff with little or no experience has been left alone in the premises. I checked Mr Peries training record but he seemed very unclear as to who had given him the training and that he had just signed the forms. Staff must be trained for the mandatory 2 hours on all the points required by the Licensing Scotland Act 2005. Mr Peries detailed that he had only been in the country for 1 month and only had a little experience working in a shop belonging to you in Dumfries.

I see that there was a partially completed training record for Sevarasa Jeevakaran which he also claims you did not complete with him as he was not ready, so again I ask why are you leaving this staff member in charge? The shop was in a very disorganised state and the back store room was full of rubbish and stock lying everywhere. Entrances and exits to the stockroom were blocked with trolleys and boxes and in my opinion there were a lot of safety hazards. It leads me to question where is the newly appointed premises manager Suthakaran Sivapatham, and why things are not being managed correctly?

As detailed on the notice, this is the second time that I have found alcohol available to customers on the floor out with the display areas on the layout plan.

Please can you confirm receipt of this email and the attached compliance notice.

Yours sincerely,

[REDACTED]

[REDACTED]

Licensing Standards Officer

East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum](#) | East Lothian Council

Certified Carbon Literate



Licensing Standards Officer

From: [REDACTED]
Sent: 13 December 2023 16:52
To: Licensing Standards Officer
Cc: [REDACTED]
Subject: Kokulabavan Jeyarasa

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OFFICIAL

Good afternoon [REDACTED]

Further to our earlier conversation, I can confirm that Kokulabavan Jeyarasa is the current Premises Licence Holder and Designated Premises Manager for the premises Nisa, Calside Road, Dumfries.

Mr Jeyarasa became the DPM on 14/11/2019 and has remained the DPM since that date. We have not received any Section 54 notification to confirm that he has ceased to hold that role. During a conversation with Mr Jeyarasa this morning (13 December 2023) he confirmed that he still remains the DPM at those premises.

If you require any further information, please do not hesitate to contact me.

Kind regards
[REDACTED]

[REDACTED]

[REDACTED]

My working pattern is Monday to Thursday all day and Friday morning.

Licensing, Dumfries and Galloway Council
Kirkbank House, English Street, Dumfries DG1 2HS

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OFFICIAL

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Licensing

From: Wilson, Lee-2 <Lee.Wilson2@scotland.police.uk>
Sent: 12 December 2023 10:39
To: Licensing
Subject: RE: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford [OFFICIAL]
Attachments: Premises Licence Review.docx

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,

I have been asked to provide comments to the Board in relation to the above premises licence review submitted by the East Lothian LSO. My contact and observations are outlined in the attached word document.

If you require anything further please get in touch.

Kind Regards,

Lee Wilson
PC 12294 / J973
East Lothian Liquor & Civic Licensing Officer
Police Scotland | Tranent Police Station, High Street, EH33 1LW
(Currently at Dalkeith Police Station – 07866219088)

Email : lee.wilson2@scotland.police.uk
Website / Làrach-lìn: www.scotland.police.uk
Twitter: @policescotland
Facebook: www.facebook.com/policescotland



From: Licensing [mailto:licensing@eastlothian.gov.uk]
Sent: 01 December 2023 12:45
To: Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

Dear Consultees,

Premises EL0131, Nisa, Duns road, Gifford, East Lothian, EH41 4QW – Premises licence holder Kokulabavan Jeyerasa

Following the acceptance of the attached premises licence review application, in terms of section 38(5) of the Licensing (Scotland) Act 2005 the East Lothian Licensing Board would like to obtain further information about the above named premises, premises licence holder Kokulabavan Jeyerasa, and any other person in connection to the premises, including staff that you may have had contact with.

As a special meeting of the Licensing Board has been called for Thursday 21st December at 10am.

Please submit all reports/comments by **Monday 11th December 2023.**

Kind regards,

Alison

On behalf of Carlo Grilli, Clerk to the Licensing Board.

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

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Premises Licence Review - Nisa, Duns Road, Gifford, East Lothian, EH41 4QW

On the afternoon of the 8th of November 2023 I was contacted by the LSO to inform me that she had visited Nisa, Duns Road, Gifford, to deliver a final reminder to pay fees due to the council and while doing so she had observed some issues that were concerning to her. These included, concerns in relation to the running of the premises, the lack of training of the staff and the immigration status of the individuals in the shop. We agreed to attend the store together at a later date.

On the 14th of November 2023 the LSO and I attended at Nisa and were greeted by two males who later provided their details to me to be Selvarara Jeevakara (aka Rajan) and Kunapalan Sujeepan.

Rajan presented the stores training folder to us when requested however it was clear that all of the records were incomplete, as none were signed or dated by the trainer, and some were in different handwriting.

[REDACTED]

[REDACTED]

[REDACTED]

Rajan put me in telephone contact with Kokulabavan Jeyarasa, (aka Koby) the premises licence holder. He explained to me he had been on holiday in Sri Lanka the last two weeks and that normally he goes back and forth to the store from his home address in Dumfries (I later carried out enquiries and found he has 3 other convenience stores, 2 of which are in Dumfries and found it more likely he attended those stores and not this one). I explained to him my concerns as described above and informed him that as neither I nor the LSO were satisfied a trained member of staff was in the store alcohol sales should cease immediately and that alcohol should be removed or covered up where possible as a sale would be a

OFFICIAL

Section 1 offence under the Licensing (Scotland) Act 2005. He agreed to this and the staff, very slowly and reluctantly, carried this out.

On the 16th of November 2023 the LSO and I attended at the store in a prearranged meeting with Koby. All alcohol was still off the shelves or covered up as instructed. Koby provided some up to date documents as well as paperwork pertaining to age verification training. There appeared to be confusion between age verification training documents and specific alcohol licencing training documents but the LSO was able to provide him with the correct paperwork which he completed.

The LSO and I spoke with three males new to the shop, Thileepan Veeravaku, Sivapathham Suthkaran and Sivaprakash Boominathan. Sivapatham and Sivaprakash were spoken to individually to establish their knowledge on the Licensing (Scotland) Act to check that training had been given and they understood it. We were content that they could both answer the questions posed to them. Both males stated they lived a considerable distance away but were planning to move here to an address in Gifford to help Koby run the shop.

Neither Rajan nor Kunapalan Sujeevan whom I met on my first visit to the store were present and neither had training records or documentation. Koby informed us that both males required further training before they would be allowed back in to the shop to work. Koby informed the LSO and I that Sivapathham Suthkaran was going to be appointed the designated premises manager and he would take control of the store.

After this meeting the LSO and I were satisfied that the current store staff were trained to the required standard and were happy for the premises to recommence the sale of alcohol.

On the 27th of November 2023 I was contacted by the LSO who made me aware she had visited the store again and found another new member of staff within and several boxes of alcohol lying on the shop floor. She informed me Rajan attended to assist with her enquiries and at that time produced a scanned copy of his residence permit with the name 'Selvarasa Jeevakaran' which was a slightly different spelling to the one he had provided me upon our first meeting and was issued on the 10th of November 2023, after their first meeting at the shop. She also commented that the stock room was in a state of disarray and as a result felt the need to contact the fire service to carry out a visit to the store.

On the 6th of December 2023 the LSO and I attended at Nisa to carry out a further spot check. At this time the front of the store was in good order and the storeroom, while quite full, appeared reasonably organised. Rajan was within the store, produced his training record and was able to satisfactorily answer some basic licencing questions put to him by the LSO.

I have observed several issues and question some inconsistencies which raise concerns regarding the running of the premises:

- Who is currently in charge of the store?

Mr Jeyarasa is the licence holder and was still the DPM upon our first visit. I am of the opinion however he is unlikely to visit the store on a regular basis given how far away he lives and that has left control of the running to another member of staff, most likely Mr. Jeevakaran.

- Why was staff training not complete?

Document maintenance was poor, and there was very little in the way of training records on site. The records that were held were not signed nor were they dated. Staff in place upon my initial visit appeared inexperienced and were clearly not trained to any level in regard to licencing legislation.

[REDACTED]

- Risks in relation to safety of staff and customers due to poor housekeeping standards in both the front and back of house.

While some of the issues highlighted above appear to have now been remedied I do have some concerns over the future running of the premises, question whether new staff were temporarily put in place to pacify myself and the LSO, and their ability to effectively uphold the licensing objectives, especially surrounding protecting public safety and protecting children and young persons from harm.

Licensing

From: Robertson, Scott
Sent: 08 December 2023 08:13
To: Licensing
Subject: RE: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

Hello,

I can confirm that there is currently an ongoing enforcement case with regard to the premises. This is in relation to signage that has been displayed at the shop for which no planning permission or advertisement consent has been granted for.

All other relevant planning permission has been sought and granted for the premises.

Kind Regards
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 01 December 2023 12:45
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

Dear Consultees,

Premises EL0131, Nisa, Duns road, Gifford, East Lothian, EH41 4QW – Premises licence holder Kokulabavan Jeyerasa

Following the acceptance of the attached premises licence review application, in terms of section 38(5) of the Licensing (Scotland) Act 2005 the East Lothian Licensing Board would like to obtain further information about the above named premises, premises licence holder Kokulabavan Jeyerasa, and any other person in connection to the premises, including staff that you may have had contact with.

As a special meeting of the Licensing Board has been called for Thursday 21st December at 10am.

Please submit all reports/comments by **Monday 11th December 2023**.

Kind regards,

Alison

On behalf of Carlo Grilli, Clerk to the Licensing Board.

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

Following the acceptance of the attached premises licence review application, in terms of section 38(5) of the Licensing (Scotland) Act 2005 the East Lothian Licensing Board would like to obtain further information about the above named premises, premises licence holder Kokulabavan Jeyerasa, and any other person in connection to the premises, including staff that you may have had contact with.

As a special meeting of the Licensing Board has been called for Thursday 21st December at 10am.

Please submit all reports/comments by **Monday 11th December 2023**.

Kind regards,

Alison

On behalf of Carlo Grilli, Clerk to the Licensing Board.

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

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Licensing

From: Cramer, Torquil <torquil.cramer@firescotland.gov.uk>
Sent: 12 December 2023 12:36
To: Licensing
Subject: RE: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

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Good Afternoon,

SFRS have visited the store on the 28th November and have no concerns regarding their fire safety measures within the premises. The fire alarm system and emergency lighting are sufficient for the premises and risk but I am still awaiting to hear from the owner regarding the testing and maintenance of the systems.

After discussion with [REDACTED] regarding suspicions of staff sleeping within the premises, I saw no evidence within the premises but at the rear of the property within the courtyard, there is a shed with an electrical supply that the staff could not/were not willing to open. I indicated to [REDACTED] that this should be highlighted and investigated further.

Regards

Torquil

Torquil Cramer GFireE | Watch Commander | Fire Safety Enforcement Officer
Prevention & Protection | MELB | Haddington Community Fire Station
47- 49 Court Street | Haddington | EH41 3AE
Mobile: 07989 220751
Email: torquil.cramer@firescotland.gov.uk



Safety. Teamwork. Respect. Innovation.

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Friday, December 1, 2023 12:45 PM
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Cramer, Torquil <torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

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Dear Consultees,

Premises EL0131, Nisa, Duns road, Gifford, East Lothian, EH41 4QW – Premises licence holder Kokulabavan Jeyerasa

Licensing

From: Douglas, Andrew
Sent: 07 December 2023 12:18
To: Licensing
Subject: FW: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford
Attachments: Premises Licence Review - Document and Photo Pack - Premises Licence No. EL0131.pdf; LSO Review Premises Licence - Nisa - 28112023.docx

Good Afternoon,

We do not have anything to input to this with regards to this Licensing review.

I would advise you that the new Food Business Owner (FBO) has not registered with Environmental Health. Therefore, we have now sent this business a Food Premises Registration form in order that they can complete it and return it to this office.

The premises is scheduled to be inspected in the near future.

Kind Regards

Andrew Douglas

Environmental Health Manager – Business Compliance
East Lothian Council John Muir House Court Street Haddington East Lothian EH41 3HA
Tel: 01620 827455 Fax: 01620 827918 Email adouglas@eastlothian.gov.uk



REHIS
Chartered Environmental Health Officers
2023

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 01 December 2023 13:41
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 01 December 2023 12:45
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk)
<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk)
<torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

Dear Consultees,

Premises EL0131, Nisa, Duns road, Gifford, East Lothian, EH41 4QW – Premises licence holder Kokulabavan Jeyerasa

Following the acceptance of the attached premises licence review application, in terms of section 38(5) of the Licensing (Scotland) Act 2005 the East Lothian Licensing Board would like to obtain further information about the above named premises, premises licence holder Kokulabavan Jeyerasa, and any other person in connection to the premises, including staff that you may have had contact with.

As a special meeting of the Licensing Board has been called for Thursday 21st December at 10am.

Please submit all reports/comments by **Monday 11th December 2023**.

Kind regards,

Alison

On behalf of Carlo Grilli, Clerk to the Licensing Board.

Alison Rafferty | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

***My working days are Monday, Tuesday, Thursday and Friday**

NHS Coronavirus Information

**Keep using
Covid sense**



www.nhs.uk/coronavirus



Licensing

From: Trading Standards
Sent: 06 December 2023 15:42
To: Licensing; Lothian and Borders Police
(lothianscotborderslicensingeastmid@scotland.pnn.police.uk); Fire
(torquil.cramer@firescotland.gov.uk); Environment Reception; Environmental
Health/Trading Standards
Subject: RE: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

Good afternoon

Trading Standards have no comments to make on the licence review at this time.

Thanks
Alex

From: Licensing <licensing@eastlothian.gov.uk>
Sent: 01 December 2023 12:45
To: Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk)
<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Fire (torquil.cramer@firescotland.gov.uk)
<torquil.cramer@firescotland.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental
Health/Trading Standards <ehs@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: IMPORTANT - Licensed Premises Review Hearing - EL0131- Nisa - Gifford

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***My working days are Monday, Tuesday, Thursday and Friday**

NHS Coronavirus Information

Our Reference: CG/gh/EN/L/EL003

Date: 6th December 2023

Private & Confidential

Kokulabavan Jeyarasa
Nisa
Duns Road
Gifford
EH41 4QW

Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3)(a) & (b)
NOTIFICATION OF PREMISE REVIEW HEARING
KOKULABAVAN JEYARASA, NISA, DUNS ROAD, GIFFORD, EH41 4QW**

The Licensing Board has received a request from the Licensing Standard Officer for a review of the **Premises Licence** noted above. The Licensing Board, has resolved to hold a review hearing, in terms of Section 36(3)(a) of the Licensing (Scotland) Act 2005, on the grounds one or more of the conditions to which the premises licence is subject to has been breached. The condition detailed in Mandatory Condition 6 – Training of Staff.

The Review Hearing will be heard at the next meeting of the Licensing Board to be held virtually, by Remote Connect at 10.00am on **Thursday 21st December, 2023**

You are entitled to attend the Hearing 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 this office in advance of the Hearing.

The Licensing Board has asked Police Scotland, Fire Scotland, Environmental Health, Trading Standards, Planning to prepare a report into this matter for their consideration at the Hearing.

A copy of the report along with the board details and agenda will be sent to you in due course.

Yours sincerely

Carlo Grilli
Clerk to the Licensing Board

Direct Dial : 01620 827664
E-mail : licensing@eastlothian.gov.uk

Our Reference: CG/gh/EN/L/EL003

Date: 6th December 2023

Private & Confidential

Kokulabavan Jeyarasa


Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3)(a) & (b)
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KOKULABAVAN JEYARASA, NISA, DUNS ROAD, GIFFORD, EH41 4QW**

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Yours sincerely

Carlo Grilli
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