

Alcohol, Entertainment & Late Night Refreshment Licensing Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Tuesday, 20 January 2026 at 10.00 am
Council Chamber - South Kesteven House,
St. Peter's Hill, Grantham. NG31 6PZ

Committee Members: Councillor Paul Fellows (Chairman)
Councillor Robert Leadenham (Vice-Chairman)
Councillor Harrish Bisnauthsing, Councillor Pam Bosworth, Councillor Helen Crawford, Councillor Patsy Ellis, Councillor Jane Kingman, Councillor Philip Knowles, Councillor Rhea Rayside, Councillor Susan Sandall and Councillor Elvis Stooke

Agenda

1. **Apologies for absence**
2. **Disclosures of interests**
Members are asked to disclose any interests in matters for consideration at the meeting.
3. **Minutes of the meeting held on 15 December 2025** (Pages 3 – 11)
4. **Licensing Act 2003:Application to transfer a Premise Licence – Manor Way Superstore, 73 Manor Way, Deeping St James, Lincolnshire, PE6 8PX and Application to Vary the Designated Premise Supervisor** (Pages 13 – 76)

Committee to determine an application to transfer a premises licence and vary the designated premise supervisor at Manor Way Superstore, 73 Manor Way, Deeping St James, PE6 8PX.

5. **Any other business which the Chairman, by reason of special circumstances, decides is urgent.**

Minutes

Alcohol, Entertainment & Late Night Refreshment Licensing Committee

Monday, 15 December 2025



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Robert Leadenhams (Vice-Chairman)

Councillor Helen Crawford

Councillor Jane Kingman

Councillor Susan Sandall

Councillor Elvis Stooke

Councillor Paul Fellows, Observer

Officers

Elizabeth Reeve, Licensing Officer

Heather Green, Licensing Manager

Kim Robertson, Legal Advisor, LSL

Lucy Bonshor, Democratic Officer

43. Apologies for absence

Apologies for absence were received from Councillor Harrish Bisnauthsing, Councillor Pam Bosworth, Councillor Patsy Ellis, Councillor Philip Knowles and Councillor Rhea Rayside.

44. Disclosures of interests

None.

45. Minutes of the meeting held on 11 November 2025

The minutes of the meeting held on 11 November 2025 were proposed, seconded and agreed.

46. Exclusion of Press and Public

The Legal Advisor asked those parties present whether there was a need for the press and public to be excluded from the meeting. All parties confirmed that the meeting could remain public.

47. Licensing Act 2003: Review of Premise Licence - Nisa Local (Shiv Sakthi UK Ltd), 12 High Street, Billingborough, Lincolnshire NG34 0QA

Decision

To revoke the Premise Licence for the premises known as Nisa Local (Shiv Sakthi UK Ltd, 12 High Street, Billingborough.

The Vice-Chairman introduced those present and confirmed who would be speaking in respect of the Review before the Committee. Sergeant Amy Adams would be presenting for Lincolnshire Police. Speaking in respect of the premises would be Anil Bhawsar from the Licensing Hub, Vikram Keshwala, Premises Licence Holder and Vishal Ashokbhai Shah, Designated Premises Supervisor were also present.

The Licensing Officer presented the report which concerned a Review of the Premise Licence in respect of Nisa Local (Shiv Sakthi UK Ltd), 12 High Street, Billingborough which had been submitted by Lincolnshire Police under the licensing objective of the Prevention of Crime and Disorder. Lincolnshire Police had advised that they had obtained evidence after visits in September and October 2025 which indicated that the management of the premises had been operating in such a manner that amounted to criminal activity and undermined the licensing objective.

Evidence submitted by the Police included:

- Evidence of an illegal worker on the premises
- Employing an underage individual to serve alcohol without the correct supervision
- Breach of a number of annex 2 premise licence conditions relating to the lack or external CCTV including an inaccessible CCTV system, written training records, required signage and incident and refusal logbooks
- Offences under the licensing Act 2003 and Price Marking Order Act 2004
- Concerns over a lack of management involved in the premises
- Information on fire safety concerns from a Fire Safety Inspector following a visit in October 2025.

The Police had indicated within their application that they wished to disclose some further relevant information within a private session; however it had been determined that the meeting would remain in public session.

During the consultation period a representation had been received from the Home Office in November 2025. The representation supported the Police's application for a Review as the licence holder was not taking suitable measures to prevent crime and disorder. Their representation included evidence of a visit made in September 2025 whereby an individual was located on the premises who subsequently no longer had the right to work in the UK. A civil penalty referral notice was issued to Shiv Sakthi UK Ltd for employing an individual without the right to work. The penalty notice information could be found within the supplementary papers.

During the consultation period, the representative for the Premise Licence Holder submitted documents in response to the review application. The documents included copies of right to work checks, staff training guides, refusal logs, fire safety records and photographs of alcohol pricing and posters on display in the shop. Appendices 3 and 4 of the report.

The current Premise Licence permitted the Sale of Alcohol off the premises from 0:600 to 22:00 Monday to Sunday, with the same opening hours.

The Premises Licence had been initially granted in March 2020. Shiv Sakthi UK Ltd of which Vickram Deva Keshwala is the sole director had been the Premise Licence Holder of the licence since that date. The current Designated Premises Supervisor (DPS) was Vishal Ashokbhai.

There were no questions from Members or any parties for the Licensing Officer and the Police were asked to make their representation.

Sergeant Adams made the representation on behalf of Lincolnshire Police. The Review had been submitted on the grounds that the management of the premise indicated that it had been operating in such a manner that amounted to criminal activity and undermined the licensing objective of the prevention of crime and disorder. Mr Vikram Keshwala, the sole director of Shiv Sakthi UK Ltd had held the premises licence since it was granted in March 2020.

At a visit to the premises by Police and Home Office Immigration Officers in September 2025 an illegal worker was found to be employed at the premise. The person had no right to work in the UK and their visa had been cancelled in June 2024. The person had not been paid and was working for free accommodation and food, more information was shown in Appendices 1 and 2 of the Police evidence pack. A second female shop assistant working in the shop was found to be 17 years of age and had been selling alcohol without the correct supervision which constituted an offence under s.136 Licensing Act 2003 – unauthorised licensable activity. Neither of the females present had any knowledge of who the DPS was and there was no written DPS authority in existence.

The Premises Licence Holder (PLH) and DPS, Vishal Ashokbhai were not present and the Police questioned why the age of the female had not been

checked. The Police referred to the civil penalty notice which had been issued for £45,000 for employing an illegal worker.

Employing illegal workers undermined the economy and left those working illegally with no rights or benefits, often working excessive hours with no pay and was a form of modern day slavery. It was a major concern for the Police about how a business was run. Also during the visit the premise was found to be in breach of its annex 2 premise licence conditions which included:

- The supply of alcohol without authorisation
- Failure to display a valid premises licence summary
- Failure to present a valid full premises licence for inspection
- The absence of any written staff training records
- The absence of external CCTV camera and presence of an inaccessible CCTV system
- The absence of an incident log book
- The absence of any shop signage
- The absence of a refusals book

It was also noted that there was a large number of alcohol products for sale on the shop floor that were not price marked. This was an offence under the Price Marking Order Act 2004.

A further visit to the premise was undertaken on 23 October 2025 by the Police again to conduct further compliance checks. Two new members of staff were encountered and Mr Keshwala was once again not present. Several areas of non-compliance were highlighted as listed within the report. Further issued encountered included:

- Insecurities to the rear of the premises where large volumes of alcohol were stored
- A large amount of non-priced alcohol on the shop floor
- Staff being unable to explain their procedures and responsibilities around the Challenge 25 policy adequately.

A fire safety inspection was carried out by Fire Safety Inspection Officers on 7 October 2025 where fire safety concerns were noted including a faulty fire alarm panel and two separate issues regarding the obstruction of a fire escape route from the flat above the premise. Although the issues had now been resolved by the PLH the visit highlighted the PLH's inability to follow safe practices and the Fire Safety Officer stated that again Mr Keshwala was not present.

An Environmental Health Officer visited on 9 October 2025 to conduct an inspection and it was noted that staff training was something "they needed to work on" and a lone female staff worker was encountered and was "quite new and not necessarily fully trained in food safety".

On 22 October 2025 the Police received an email from the Senior Security Officer working on behalf of the National Lottery. The Officer updated the Police and stated that they had met with individuals described as "relatives" of Mr Keshwala and in light of the previous Police and Immigration findings the Officer suspended Mr Keshwala's National Lottery contract and all scratch cards were removed.

Although Mr Keshwala had claimed to the Police that he was the usual person to work in the shop this was not the case as he had not been present at the four visits referred to.

On the second visit although some improvement had been found there were still issues of non-compliance and the Police had no confidence in either the DPS Mr Ashokhai or the PLH Mr Keshwala to uphold the licensing objectives of the prevention of crime and disorder and protection of children from harm. That training had not been carried out; there was no awareness of the Challenge 25 requirement by those encountered by the Police working at the premise. Reference was made to the evidence contained within the agenda pack, the checking of right to work documents, the lack of training and breaches to the CCTV requirements. The Police had no confidence in the PLH and asked the Committee to seriously consider revocation of the Premise Licence.

At this time there were no questions for the Police.

The Premise License Holder representative, Anil Bhawsar from the Licensing Hub then made their representation. He began by stating that both the PLH and DPS were deeply sorry for the events that had taken place and that they had taken on board all that had been said and addressed the issues that had been found. Measures had been put in place in regard to right to work checks, the pricing of products, the recommendations put forward by the Fire Safety Officer. He referred to the papers that had been forwarded showing the training carried out and checks that had been put in place for the staff that now work at the premises. No staff were employed at the premises who should not be there. Reference was made to the previous checks made where mistakes had been made.

Background information in respect of the premise was given and the work done by Mr Keshwala to bring the building up to standard and the work that he did within the community and the letters of support that had been circulated. Confirmation was given that going forward all records and training manuals were in place and completed as required by the conditions and there were no staff working at the premise who shouldn't be there.

Further information was given for the reasons behind why there were issues with the CCTV system and the pricing of alcohol on the shop floor. Apologies were given again in respect of the mistakes made in carrying out the right to work checks and reference was made to previous checks undertaken by Immigration Officers at a visit in 2022 when no issues were raised. Reference was made to

Mr Keshwala's whereabouts when the Police had visited the premises and the community work and help given to those in the community. Mr Keshwala understood that he had made an error and it was a serious matter and would make sure that processes were followed as he had worked hard to make the business successful. There had been no failed test purchases on the premise and nothing illegal was sold on the premise.

Members questioned both the PLH representative and the PLH in respect of what had transpired with employing a 17 year old in the shop and the illegal worker found at the premise and the lack of training carried out which was a requirement of a Premise Licence. Reference was also made to the lack of payment made to staff, the failures in respect of the fire safety checks, the lack of necessary training, which was a requirement of a Premise Licence, lack of required right to work checks. Although Members acknowledged the work undertaken by the PLH in the community it was the lack of adherence to the requirements for holding a Premises Licence which the PLH should know as he had held a licence for five years.

The Police then questioned the PLH and his representative and raised issues in respect of the completion of a refusal book, incident book and training manual and that these records could not be found when they had visited the premise. That alcohol had been served by an underage person with no authorisation to do so. The Police asked how often the DPS visited the premise to which the response was every 15 days as required. Further questions were asked in respect of staff training and who actually carried out the training was it the DPS or PLH also, why after the first visit changes had not been made straight away before the next visit by the Police was carried out. The Police also questioned the PLH's statement that he was always in the premise when on at least the four visits referenced, Mr Keshwala had not been present. Mr Keshwala stated that he had been concentrating on the stock side of the business and had been in Leicester when the first visit had taken place. Mitigation was put forward stating that Mr Keshwala had been having family issues in the last few months and had been suffering with his mental health.

The Licensing Officer then gave her closing statement reminding Members that each application was to be determined on its own merits. Members must take such steps as they considered appropriate for the promotion of the licensing objectives. Options open to the Committee were:

- To modify the conditions of the licence
- Exclude a licensable activity from the licence
- Remove the DPS
- Suspend the licence for a period not exceeding three months
- Or revoke the licence.

The guidance issued under Section 182 of the Licensing Act 2003 stated:

“In deciding which of these powers to invoke, it is expected that licensing authorities should, so far as possible, seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response” (Paragraph 11.20 of the guidance issued under S182 of the Act).

The Police then gave their closing statement and referred to their second visit at which there were still breaches to the Premise Licence outstanding and there was no evidence that the business was now fully compliant. They felt that the Premise Licence Holder, having held a licence since 2020 should know how the premise should be managed. They highlighted the fact that he had not checked the age of the female worker who had been allowed to serve alcohol unsupervised, he had employed an illegal worker and not carried out the necessary right to work checks as required. The incidents were serious and undermined the licensing objectives and they asked the Committee to consider the revocation of the Premise Licence.

The PLH representative gave their closing statement and stated that all breaches that had been highlighted had now been addressed with video footage available to view if required. The PLH had admitted that he had made a mistake and losing the Premise Licence would be devastating to the business. He did understand the seriousness of what had transpired but would make sure that this did not happen again and he asked that his licence not be taken away.

(11:20 the Licensing Officers, Police and all parties left the meeting)

Members considered the Review application before them having regard to the representations made, the relevant parts of the Council’s Licensing Policy, the Licensing Act 2003 and the statutory guidance. Members expressed concern about how the business had been managed and breaches that had been found during the visits to the premises which in some cases hadn’t been addressed when the second visit had taken place some four weeks later. Members acknowledge the work the Premise Licence Holder did in the community but felt that did not negate how the premise had been operated. Members also noted the safety concerns raised by a fire inspection and the suspension of the national lottery contract. All sanctions available to the Committee were considered but it was not felt that these would not address the issues at the premise and promote the licensing objectives. Due to the serious nature of employing an illegal worker, the breaches found at the premises and having regard to the s.182 guidance, it was proposed, seconded and unanimously agreed to revoke the Premise Licence.

(11:40 the Licensing Officer, Police and other parties returned to the meeting)

The Legal Advisor read out the Committees decision. The Committee had read all the paperwork before them. They have heard from the Licensing Officer, Lincolnshire Police and the Premises licence holder and their representative.

Lincolnshire Police presented their application as set out in their evidence pack. They noted a female working on the premises who did not have a right to work. A further worker who did have the right to work was under 18 and had been serving alcohol without the correct authorisation. In addition, there were numerous non-compliances with licence conditions. They also noted fire safety concerns found during a fire safety inspection, concerns from an environmental health officer who attended an inspection at the premises and an email from a senior security officer working on behalf of the national lottery advising they had suspended the national lottery contract. Further concerns were expressed regarding the completion of documents that had been provided. The Police had no confidence in the DPS, the staff were not aware of him, and he had not been on site. They had no confidence in the Premises Licence Holder who had allowed an illegal worker and an underage person to serve alcohol without the correct authorisation. The measures put in place were still not sufficient and some non-compliances had continued following the first visit. The Police advised that a civil penalty notice was to be served on the licence holder and written confirmation was provided by the immigration authority.

The Premises Licence Holder's representative advised that everything now had been implemented in respect of the licence conditions. There were now no persons working there that shouldn't be. The Premises Licence Holder confirmed that he had miscalculated the age of the underage worker and that was a mistake. The Premise Licence Holder advised of his involvement in the community and how he had helped people. They also confirmed they had had a previous visit from immigration in 2022 and the paperwork at the time was fine. They advised that they had never failed any test purchases. The Premises Licence Holder advised he had had a lot of family issues in the last few months and was suffering with some mental health issues.

The Committee considered all options available to them. They did not consider that they should leave the licence as is due to the information before them. They considered whether there were any additional conditions that could be included but were of the view that the conditions already on the licence were sufficient and there was evidence they had not been complied with. With that in mind they did not consider additional conditions would address their concerns.

The Committee considered whether it was appropriate to remove a licensable activity from the licence, but noted as there was only one licensable activity on the licence this would have the same effect as revoking the licence.

The Committee considered removing the DPS but noted the information from all parties that the DPS was not on the premises regularly and it was the Licence holder who was usually at the premises. The Committee therefore considered that removal would not sufficiently address their concerns or adequately promote the licensing objectives.

The Committee considered a suspension but noted the length of time and breadth of issues that had been found at the premises, some of which had

continued despite a previous visit. The Committee therefore did not consider this would address their concerns or adequately promote the licensing objectives.

The Committee having considered the information before them and whilst noting the apology from the Premises Licence Holder, considered that revocation of the Premise Licence was the most appropriate step for the promotion of the licensing objectives.

There was a right of appeal to the Magistrates' Court within 21 days of the licence decision being received.

48. Any other business which the Chairman, by reason of special circumstances, decides is urgent.

None.

49. Close of meeting

The Vice-Chairman thanked everyone for attending the meeting and wished everyone a Happy Christmas and a Happy New Year and closed the meeting at 11:45am.

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SOUTH
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Alcohol, Entertainment and Late-Night Refreshment Licensing Committee

20 January 2026

ENV926

Report of Chris Clarke, Licensing
Officer

Licensing Act 2003: Application to transfer a Premise Licence – Manor Way Superstore, 73 Manor Way, Deeping St James, Lincolnshire, PE6 8PX and Application to Vary the Designated Premise Supervisor

Report Author: Chris Clarke – Licensing Officer

Tel. 01476 406080

 licensing@southkesteven.gov.uk

Purpose of Report

Committee to determine an application to transfer a premises licence and vary the designated premise supervisor at Manor Way Superstore, 73 Manor Way, Deeping St James, PE6 8PX.

Recommendations

The Alcohol, Entertainment and Late-Night Refreshment Committee to consider the applications to transfer the premise licence and to vary the designated premise supervisor at a premise known as Manor Way Superstore, 73 Manor Way, Deeping St James, Lincolnshire, PE6 8PX, the views of the representations made by Lincolnshire Police bearing in mind the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm.

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Healthy and strong communities
Which wards are impacted?	All wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

There are no specific financial implication associated with this report, however, in the event of an applicant, responsible authority or interested person making an appeal against a decision which was then subsequently upheld, the council may incur additional costs.

Legal and Governance

This is an application for a transfer of a premises licence under S42 of the Licensing Act 2003. The committee should consider whether the application is likely to impact on the promotion of the licensing objectives. In reaching the decision the Committee should consider, the steps that are appropriate to promote the licensing objectives, the representation (including supporting information) presented by the parties, the guidance issued under S182 of the Licensing Act 2003 and the Councils own statement of licensing policy.

Is an Equality Impact Assessment required? No

Community Safety

1.1 Community Safety implications will be considered in accordance with the licensing objectives and the duty to consider in accordance with S17 of the Crime and Disorder Act 1998

2. Background to the Report

- 2.1 On 4th December 2025 an application to transfer the premise licence and vary the designated premise supervisor ('vary DPS') for Manor Way Superstore, 73 Manor Way, Deeping St James, Lincolnshire, PE6 8PX was accepted by the Licensing Team (**Appendix 1 & Appendix 2**), processed and forwarded to the Police, the only responsible authority that can object to either application.
- 2.2 Section 43 the Licensing Act 2003 provides a mechanism which allows the transfer to come into immediate effect as soon as the Licensing Authority receives it, until it is formally determined or withdrawn. The applicant has indicated on the application for the transfer to have immediate effect.
- 2.3 Section 38 of the Licensing Act 2003 provides a mechanism which allows the variation to come into immediate effect as soon as the Licensing Authority receives the application, until it is formally determined or withdrawn.
- 2.4 Statutory consultation for both the transfer and vary DPS applications was undertaken, with the consultation period of 14 days expiring on 18th December 2025.
- 2.5 During the consultation period the authority received an objection from Lincolnshire Police (**Appendix 3** for the transfer and **Appendix 4** for the vary DPS). The reasons for representation are as follows: -
 - Operating in a manner that amounts to criminal activity
 - Employment of illegal workers
- 2.7 Where relevant representations are made the authority must:
 - i. Hold a hearing to consider them, unless the authority, the applicant and each person who has made such representation agree that a hearing is unnecessary, and
 - ii. Having regard to the representations, take such steps mentioned below (if any) as it considers necessary for the promotion of the licensing objectives.
The steps are:
 - iii. Grant the application subject to conditions that are consistent with the operating schedule modified to the extent that the committee considered appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003.
 - iv. Reject the whole or part of the application.

3. Key Considerations

- 3.1 In relation to a transfer of premise licence, Section 182 Guidance issued by the Home Office states:

8.101 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals

linked to such persons, are involved in crime (or disorder) or employing illegal workers.

3.2 In relation to a vary DPS, Section 182 Guidance states:

4.69 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns...

3.3 The licensing authority should give appropriate weight to;

- ❖ The steps that are appropriate to promote the licensing objectives.
- ❖ The representation (including supporting information) presented by the parties.
- ❖ The guidance issued under section 182 of the Licensing Act 2003.
- ❖ South Kesteven District Councils Licensing Policy.

4. Reasons for the Recommendations

4.1 The guidance issued under Section 182 of the Licensing Act 2003 states at 9.37 that;

“As a matter of practice, Licensing Authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation.”

They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practical time limits.”

5. Consultation

5.1 Statutory 14 day consultation has taken place from 4th December 2025 until 18th December 2025. During this time one representation was received from Lincolnshire Police.

6. Background Papers

6.1 [Statement of Licensing Policy 1st April 2021](#)

6.2 [Guidance to Applicants](#)

6.3 [Guidance issued under section 182 of the Licensing Act 2003](#)

7. Appendices

- 7.1 Appendix 1 – Application to transfer a Premise Licence.
Appendix 2 – Application to vary the designated premise supervisor
Appendix 3 – Representation from Lincolnshire Police (Transfer of Premise Licence Holder).
Appendix 4 - Representation from Lincolnshire Police (Vary Designated Premise Supervisor)

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Appendix 1

From: no-reply@southkesteven.gov.uk
Sent: 03 December 2025 19:10
To: Licensing
Subject: Transfer a Premises Licence

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Reference number - 1264434

Name: Mr NIRUSAN SIVATHARAN

Address: 6 Temple Hill Square
Dartford
DA1 5HZ

Correspondence address: 6 Temple Hill Square Dartford
DA1 5HZ

Email address: contact@arkalicensing.co.uk

Contact number: 07803903897

Premises Details

Applicants Name: NIRUSAN SIVATHARAN

Premises licence number: 6944

Does the premises have a postal address: Yes

Premises address: 73 Manor Way
Deeping St James
PETERBOROUGH
PE6 8PX

Telephone number: 07803903897

Description of premises: LOCAL CONVENIENCE STORE

Current Premise Licence Holder

First name: VELUPPILLAI

Last name: ALVAPPILLAI

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities:
Yes

I am making the application pursuant to a statutory function: No

I am making the application pursuant to a function discharged by virtue of his Majesty's prerogative: No

Name of Designated Premise Supervisor (DPS): NIRUSAN SIVATHARAN

Applicant Details

In what capacity are you applying for the premises licence to be transferred to you?

An individual or individuals: Yes

First name: NIRUSAN

Last name: SIVATHARAN

Nationality: BRITISH

Date of Birth: 28/Jan/1999

Applicant address: 6 Temple Hill Square
Dartford
DA1 5HZ

Daytime contact number:

Email address:

Share code:

A person other than an individual: No

First name:

Last name:

Nationality:

Date of Birth:

Applicant address:

Daytime contact number:

Email address:

Share code:

What your application is as:

Name of organisation:

Registered number (where applicable):

Description of applicant:

Address:

Daytime contact number:

Email address:

A recognised club: No

Name of organisation:

Registered number (where applicable):

Description of applicant:

Address:

Daytime contact number:

Email address:

A charity: No

Name of organisation:

Registered number (where applicable):

Description of applicant:

Address:

Daytime contact number:

Email address:

The proprietor of an educational establishment: No

Name of organisation:

Registered number (where applicable):

Description of applicant:

Address:

Daytime contact number:

Email address:

A health service body: No

Name of organisation:

Registered number (where applicable):

Description of applicant:

Address:

Daytime contact number:

Email address:

A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales: No

Name of organisation:

Registered number (where applicable):

Description of applicant:

Address:

Daytime contact number:

Email address:

A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England: No

Name of organisation:

Registered number (where applicable):

Description of applicant:

Address:

Daytime contact number:

Email address:

The chief officer of police of a police force in England and Wales: No

Name of organisation:

Registered number (where applicable):

Description of applicant:

Address:

Daytime contact number:

Email address:

Licensee Details

Are you the holder of the premises licence under an interim authority notice? No

Do you wish the transfer to have immediate effect? Yes

When would you like to transfer to take effect? 03/Dec/2025

Consent form signed by the existing premises licence holder: 0

I have uploaded the consent form signed by the existing premises licence holder? No

Please give the reasons why not. What steps have you taken to try and obtain the consent: THIS IS TO TRANSFER THE LICENCE TO A NEW OWNER.

Declaration

Customer agrees to the all condition(s) laid out in the agreement: Yes

Do you agree to forward the (original) existing premises licence? Yes

Why is this not possible:

I declare that to the best of my knowledge the answers given in this application are true. I understand that the authority will check the information and that providing false information is a criminal offence.

I agree with the above statement: Yes

Postal address for correspondence associated with this application: Unit B003 Trident Business Centre
89 Bickersteth Road
London
SW17 9SH

Correspondence telephone number: 07803903897

Correspondence email address: contact@arkalicensing.co.uk

Full name of person submitting application: NIRA SURESH

Applicant's position in the business: LICENSING AGENT

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Mr NIRUSAN SIVATHARAN

Appendix 2

Reference:	1266435	Date Created:	04/Dec/2025 20:57
Status:	Payment Pending	Created By:	System

Customer Details

Title	Mr
First Name	NIRUSAN
Last Name	SIVATHARAN
Address	6 Temple Hill Square Dartford DA1 5HZ
Please leave either your email address or contact number.	
Email Address	contact@arkalicensing.co.uk
Contact Number	

Premises Details

Full Name(s) of Premise Licence Holder	VELUPPILLAI ALVAPPILLAI
I/we being the premise licence holder(s), apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003.	
Premises Licence Number	6944
Premises Name	MANOR WAY SUPERSTORE
Premises Address	73 Manor Way Deeping St James PETERBOROUGH PE6 8PX
Telephone Number	07803903897
Email Address	contact@arkalicensing.co.uk
Describe the premises (for example, what type of premises it is):	CONVENIENCE STORE

Designated Premises Supervisor

Proposed Designated Premises Supervisor

First Name	NIRUSAN
Last Name	SIVATHARAN
Nationality	BRITISH
Place of Birth	LANGENFELD
Date of Birth	28/Jan/1999
Personal licence number of proposed designated premises supervisor	24/00236/LAPER

Issuing authority of that licence	DARTFORD BOROUGH COUNCIL
Existing Designated Premises Supervisor	
First Name	VELUPPILLAI
Last Name	ALVAPPILLAI
Would you like this application to have immediate effect under section 38 of the Licensing Act 2003?	Yes
Date you would like this application to have effect under section 38 of the Licensing Act 2003	
Will the premises licence or relevant part of it be uploaded with this application?	Yes
Reasons why the premises licence or relevant part of it will not be uploaded with this application	
How will the consent form of the proposed designated premises supervisor be supplied to the authority?	ATTACHMENT
Reference number for contact form (if known)	

Declaration

Postal address for correspondence associated with this application:	Unit B003 Trident Business Centre 89 Bickersteth Road London SW17 9SH
Correspondence Telephone Number	07803903897
Correspondence Email Address	contact@arkalicensing.co.uk
<p>Licence Application Declaration</p> <p>I apply for a licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>I agree to the information being used and held in accordance with the Data Protection Act 1998. I understand that the authority may use and share my information with certain bodies to prevent and detect crime and to review and safeguard the administering of public funds.</p> <p>I agree to comply with the relevant legislation, regulations, requirements, and conditions attached to the application process and grant of a licence.</p> <p>I authorize South Kesteven District Council to check the status of my DBS disclosure as part of my application and periodically throughout the duration of my licence.</p> <p>It is an offence under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.</p> <p>It is an offence under Section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 or the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified by virtue of their immigration status.</p>	
I agree with the above statements:	Yes
Full Name of person submitting application	NIRA SURESH
Applicant's position in the business:	LICENSING AGENT

Adelante

Amount to be charged (Edit)	23
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Adelante_Fund_1	#221
Adelante_UID	66A5057F7D77484EB9FE62466772ADE1
Adelante_PaymentPendingStageID	266
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Adelante_Payment_Complete	
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Adelante_Payment_Status	
Adelante_Success_Message	Success
Adelante_Failure_Message	Failure
Adelante Payment Reference	
Adelante_GLCode_1	2619257A3010
Adelante_Narrative_1	Mr NIRUSAN SIVATHARAN\n6 Temple Hill Square\nDartford\nDA1 5HZ
Adelante Payment Link	

Notes

Date	Person	Comment

LINCOLNSHIRE POLICE

NOTICE OF OBJECTION TO THE APPLICATION TO TRANSFER A PREMISES LICENCE SECTION 42(6) OF THE LICENSING ACT 2003

The Chief Officer of Lincolnshire Police, Paul Gibson, having been notified under Section 42 of the Licensing Act 2003, of the application to transfer the Premises Licence for Alisia Off Licence, Manor Way, Deeping St James to Nirusan Sivatharan and being satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention hereby gives notice of objection.

The grounds for the objection notice are as follows:

Lincolnshire Police have concerns that the premises is linked to criminal activity. There are concerns that the current applicant is not genuinely in control of the business and that they are acting on behalf of the previous operator (Kugenthiran Kugathas) who withdrew their application to transfer the premises licence on 3rd December 2025, due to the concerns evidenced by the Police objection.

The concerns with the previous applicant, Mr Kugathas, are summarised as follows; the sale of alcohol otherwise than in accordance with a premises licence (s.136 Licensing Act 2003), inappropriate behaviour by a male shop worker towards females under 16 years old and also intelligence suggesting that sales of alcohol to underage persons were taking place. PC Braithwaite also met with Mr Kugathas at the premises on 18th November 2025 and encountered one male working at the shop who had no right to work in the UK. It is an offence to employ an illegal worker under section 21 Immigration Asylum and Nationality Act 2006 (as amended by section 35 of the Immigration Act 2016.) PC Braithwaite asked Mr Kugathas for details of the worker who was thought to be responsible for the inappropriate behaviour to females. When details were provided it was a Sri Lankan male who came back as no trace following Immigration checks. This is unexplained as an immigration record would be expected.

Appendix A – previous S.42 objection to transfer premises licence to Kugenthiran Kugathas.

Appendix B – statement of PC 842 Braithwaite.

When PC Braithwaite met with Mr Kugathas on 18th November 2025 he did not mention that the business was about to be sold or handed over to anyone new. It is evident from PC Braithwaite's statement that ownership of the business since June 2025 is unclear. Lincolnshire Police find it suspicious that immediately after the Police objected to both the vary DPS and transfer applications, which subsequently saw him withdraw the applications, Mr

Kugathas has managed to advertise the business for sale, find a buyer and pass on full responsibility to that third party.

Lincolnshire Police have contacted the applicant's agents – Arka Licensing – to request some evidence of a takeover of the Manor Way Store by way of a lease agreement or similar. Arka Licensing have been emailed and spoken to on the telephone and each time they have assured Police that paperwork is coming. The latest phone call to Arka Licensing was on the morning of 17th December 2025 when the agent told PC Casey that the request for evidence was with the lawyers and that they would chase this up that day.

Later on the 17th December, Arka licensing sent an email with a letter attached. The letter confirms that solicitors have been instructed to handle the sale of the business and lease – it does not confirm completion of the sale and highlights that this process is in the early stages. That letter details the client as Nivethan Sivatharan which is slightly different name to the one on this transfer application.

Appendix C – Arka licensing email and solicitor's letter.

In summary Lincolnshire Police are concerned that this latest applicant is actually requesting the transfer on behalf of Mr Kugathas who will truly be the person in control of the shop.

Lincolnshire Police respectfully request that this variation application is refused in order to uphold the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

In relation to this application, the following Guidance issued under **Section 182 of the Licensing Act 2003** has been considered –

Section 2.1, Licensing authorities should look to the police as the main source of advice on crime and disorder.

Section 2.7, (which is in relation to premises licence holders is relevant) Licence holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act.

Section 4.61 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

Section 8.101 (in relation to transfer) In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises.

Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

Section 9.12, Each responsible authority will be an expert in their own field....for example the police have a key role in managing the night-time economy.....However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.

Section 11.23 (which is in relation to reviews but deemed relevant) states where the premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Section 11.25 (which is in relation to reviews but deemed relevant) states that in any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Section 11.27, (which is in relation to reviews but deemed relevant) There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises;

- for employing a person who is disqualified from that work by reason of their immigration status in the UK.

Section 11.28, (which again is in relation to reviews, but deemed relevant) It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The City of Lincoln Council statement of licensing policy (2024 – 2029) has also been considered and the following points are deemed relevant to this application:

1.15 In undertaking its licensing function, the Licensing Authority will have regard to other legislation, including, but not exclusively:

- *Anti-Social Behaviour Crime and Policing Act 2014*
- *Immigration Act 2016*

2.3 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Authority's Licensing Committee may therefore receive and may act upon relevant reports concerning:

- *crime and disorder;*

5.2 Prevention of Crime and Disorder

5.2.2 In addition to the requirement for the Licensing Authority to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and do all it reasonably can to prevent, crime and disorder in the City.

5.2.4 CCTV remains one of the most effective measures for reducing crime and disorder. The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the requirements of Lincolnshire Police.

9.6.5 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The licensing authority will work in partnership with the Home Office (Immigration Enforcement) and Lincolnshire Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

9.6.6 The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

11.2 All decisions, determinations, inspections and enforcement action taken by the Authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance and the enforcement policy of the City Council.

Crime and Disorder Act 1998 Section 17

Duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting

the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area, and

(c) re-offending in its area

(2) This section applies to each of the following—

.a local authority;

.....
For and on behalf of Chief Constable P.Gibson

18/12/25

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LINCOLNSHIRE POLICE

NOTICE OF OBJECTION TO THE APPLICATION TO TRANSFER A PREMISES LICENCE SECTION 42(6) OF THE LICENSING ACT 2003

The Chief Officer of Lincolnshire Police, Paul Gibson, having been notified under Section 42 of the Licensing Act 2003, of the application to transfer the Premises Licence for Alisia Off Licence, Manor Way, Deeping St James and Stores to Kugenthiran Kugathas and being satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, hereby gives notice of objection.

The grounds for the objection notice are as follows:

Lincolnshire Police have obtained evidence that indicates the management of the premises has been operating it in such a manner that amounts to criminal activity. The events raised within this report suggest that the premises is being poorly managed, with disregard to relevant regulations and legislation.

The premises name on the licence is given as 'Alisia Off Licence and Stores', but trades as Manor Way Superstore. The premises is a general convenience shop located within a housing estate near to both a primary and secondary school.

In November 2025 Lincolnshire Police received two separate reports which allege inappropriate behaviour by a male shop worker on females under the age of 16 years old. One report suggests underage females were also sold alcohol from the premises. Pc Braithwaite has provided a statement which provides further details of these reports, along with further evidence supporting this objection (*see appendix A*).

When police made enquiries with the individual believed to be the premise licence holder (PLH), they were informed that individual had sold the business at the **end of June 2025** and a new individual had taken it over. At this time, SKDC confirmed that no premises licence transfer or designated premises supervisor (DPS) variation had been received for this premises.

The premises was visited by a SKDC Licensing Officer on the **7th November 2025** and found to have alcohol on sale. The premises were instructed to stop selling alcohol immediately and to remove it from sale, or at least cover it up as they did not have a premises licence.

Later that same day, a police officer attended the premises, which was open to the public, and found large quantities of alcohol still on sale. It is a criminal offence to expose alcohol for sale without a licence under Section 127 of the Licensing Act 2003. The shop worker encountered did not provide their full details to the officer when asked to do so, and the new owner of the shop failed to attend the shop to meet the officer as requested.

On the **12th November 2025**, Lincolnshire Police received a transfer application for the premises to a Mr Kugenthiran Kugathas, and then a vary DPS application on the **13th November 2025** to the same individual.

On the **18th November 2025**, Pc Braithwaite a Lincolnshire Police Licensing Officer met with Mr Kugathas at the premises. Two other males were also present in the shop and Mr Kugathas confirmed they were both workers at the premises. It has since been confirmed by Immigration that one of these males encountered has never had the Right to Work in the UK (*see appendix B*).

Mr Kugathas unconvincingly provided the details of the shop worker present during the times of both reported police incidents relating to inappropriate behaviour. He confirmed this was the same male police encountered on the **7th November 2025**. Police and Immigration have conducted checks on the details provided but no trace of this male can be found. It is unusual for Immigration not to hold any records, and with the reluctance to provide full details to police by Mr Kugathas and the shop worker himself, this raises suspicion that false details were provided due to this male also being an illegal worker.

Mr Kugathas did not provide police with any confidence that he is correctly checking the Right to Work of any of his employees. To his own admission, he stated that he had not carried out any Right to Work checks at all on the worker suspected of inappropriate behaviour. Concerningly, he also did not class this male as a 'worker', despite him being left alone to manage the shop when it has been open to the public. Mr Kugathas claimed he did not pay this male as he just helped him out at times, but did provide him food and accommodation. This is typical behaviour of an employer who employs illegal workers. Mr Kugathas could not produce any written documentation relating to the Right to Work of any of his other employees.

It is an offence to employ an illegal worker under section 21 of the Immigration, Asylum and Nationality Act 2006, as amended by section 35 of the Immigration Act 2016, if the employer knows or has reasonable cause to believe that they are employing an illegal worker. The employer by law must carry out various checks to ensure that their staff are legally allowed to work.

Where an employer pays wages to illegal workers off record with no tax or national insurance deductions which are then deliberately omitted from an employers End of Tax Year P35 returns to HMRC, the employer may be dealt with by means of the Fraud Act 2006. Similarly, HMRC may take their own action, as a civil proceedings case and raise a tax debt against the business.

Illegal workers are more than likely poorly paid for the hours they are required to work and are not subject to the benefit of a minimum wage or restricted hours as prescribed in law. Nor are they afforded the benefit of the protections offered by UK employment legislation and are therefore often exploited.

Lincolnshire has led the way with how illegal working within licenced premises and its impact on how the crime prevention objective should be viewed. The stated case of East Lindsey District Council v Abu Hanif in 2016 involved an illegal worker in a

licenced premises in Lincolnshire in April 2014, where a civil penalty was later issued by immigration. The premises licence was reviewed and revoked, an appeal followed which was successful, based on the argument that a civil penalty was not a prosecution and so did not concern the crime prevention objective. East Lindsey District Council then appealed that decision by way of a case stated, arguing that it was not necessary for a crime to have been reported, prosecuted, or established in a court of law for the crime prevention objective to be engaged. That the licensing objectives were prospective and were concerned with the avoidance of harm in the future. Mr Justice Jay upheld the councils appeal, citing defrauding the revenue and exploitation of vulnerable individuals by not paying minimum wage as evidence of the commission of criminal offences, and the fact that the employee could not provide the required paperwork as clear inference that Mr Hanif well knew that he was employing an illegal worker.

During the meeting on the **18th November 2025**, further concerns were raised about Mr Kugathas' lack of understanding of his responsibilities in terms of the Licensing Act 2004 and poor operating practices. He was unable to correctly state what the four licensing objectives were, had no written staff training records, had no incident book, and could not access his own CCTV system to retrieve footage.

Mr Kugathas admitted that he had been selling alcohol without a premises licence during the period from the end of June to the 7th November 2025, but attempted to pass responsibility to the previous licence holder and also his own landlord for this failure and took no personal responsibility. It is an offence under Section 136 of the Licensing Act 2003 to carry on licensable activity on a premises otherwise than under and in accordance with an authorisation.

For the above reasons, the Chief Officer of Police is satisfied the exceptional circumstances of the case are such that granting the application would undermine the prevention of crime and disorder. Accordingly, it is respectfully requested that Licensing Authority reject the application as it is necessary for the promotion of this licensing objective.

In relation to this application, the following **Guidance issued under Section 182 of the Licensing Act 2003** has been considered –

From Section 2.1, Licensing authorities should look to the police as the main source of advice on crime and disorder.

Section 2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act.

Section 8.101 (in relation to transfer) In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

Section 9.12 Each responsible authority will be an expert in their own field...for example the police have a key role in managing the night-time economy.....However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.

All of the section 11 guidance is based on reviews, but points deemed relevant are:

Section 11.23 states where the premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises

Section 11.24 states a number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

Section 11.25 states that in any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Section 11.26 states that the licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

Section 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for employing a person who is disqualified from that work by reason of their immigration status in the UK.*

Section 11.28 states it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

South Kesteven District Council statement of licensing policy (2021 – 2026) also raises the following points that are deemed relevant to this application:

4. Licensing Objectives

1.17 In undertaking its licensing function, the Licensing Authority is also bound by other legislation including, but not exclusively:

- Section 17 of the Crime and Disorder Act 1998 – which imposes a duty on every Local Authority to do all that it reasonably can to prevent crime and disorder in its decision-making process.*

In relation to the Prevention of Crime and Disorder licensing objective the council policy states :

4.3 In accordance with the Guidance, Police views on matters relating to crime and disorder will be given considerable weight. There are many steps an applicant may make to prevent crime and disorder. The Licensing Authority will look to the Police for the main source of advice on these matters.

Crime and Disorder Act 1998 Section 17

Duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting

the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area, and

(c) re-offending in its area

(2) This section applies to each of the following—

.a local authority

For and on behalf of Chief Constable P.Gibson

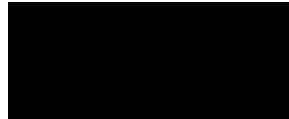
WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s.9

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Statement of: **Katherine Braithwaite**Age if under 18: **Over 18**Occupation: **Pc 824**

This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.



Signature:

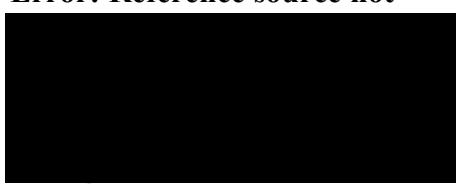
Date **03/10/2025**Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person employed as a Police Constable within Lincolnshire Police. I currently work in the Alcohol Licensing Team and predominantly cover the North and South Kesteven District areas of the county.

This statement is in relation to a convenience shop trading as Manor Way Superstore, 73 Manor Way, Deeping St James, Lincolnshire, PE6 8PX which is licenced under premises licence 6944 as 'Alisia Off Licence and Stores'.

In November 2025 Lincolnshire Police received two reported incidents alleging a shop worker at the premises had behaved inappropriately with separate girls, on two different occasions within one week of one another. The description provided on the reports, suggested it was the same male shop worker involved with both incidents.

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Statement of: **Katherine Braithwaite**

One report alleges that females under the age of 16yrs old had entered the premises attempting to buy alcohol, and the worker said “*only if you show me your boobs and give me your Snapchat*”. It is unknown whether the females carried out these requests, but the females were reported as having left the shop in possession of alcohol.

The second report was made by a parent of a 14yr old girl. It was described that the shop worker had made comments to their child dressed in school uniform which had been interpreted as an effort to try and groom her and made the child feel uncomfortable. It is also alleged that the worker asked for the girl’s Snapchat details.

Following the first police report, I emailed the male I believed was the PLH and DPS, a Mr Veluppillai Alvappillai, requesting CCTV footage so an investigation could commence. I received an email back from Mr Alvappillai on the 5th November 2025 stating he was no longer the owner of the shop and advised me to contact the current owner. I replied, explaining that the police had not received any variations of the premises licence, and as such he remained PLH and DPS. When asked for further details of the new owner, Mr Alvappillai replied stating he did not have the details he could pass me. Mr Alvappillai stated he sold the lease for the business on the 18th June 2025 and his last day of trading was the 17th June 2025. When I asked if he had any discussion with the new owner regarding the premises licence, Mr Alvappillai stated ‘*I did inform the new owner of the premises licence and he confirmed that he was aware of it*’.

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Statement of: **Katherine Braithwaite**

On the 5th November 2025, I made SKDC Licensing Officer Chris Clarke aware of the email conversation with Mr Alvappillai. Chris agreed he would pay the premises a visit on the 7th November 2025. The visit was made, and the premises was instructed to stop selling alcohol immediately and to remove it from sale, or at least fully cover it up as they did not have a premises licence.

Later that same day, at approximately 1400hrs, a uniformed police officer attended the premises to follow-up the police reports. I viewed the officers body worn footage of his interactions with the male shop worker and took a screenshot of his image. Based on the description passed in both incidents reported to the police, it seemed very plausible that he was the suspect referred to. He was the only member of staff in the shop at the time of the visit. The shop doors were open, implying the premises was open for business, despite the male stating he didn't work there. He was seen moving alcohol stock around and entering behind the counter. The male would only provide his first name, despite being challenged multiple times for his surname and was unconvincing when providing a date of birth. Although a small amount of alcohol had been removed from sale, there was still a significant amount of alcohol still visible on display. It is a criminal offence to expose alcohol for sale without a licence under Section 127 of the Licensing Act 2003.

The attending officer remained at the premises approximately 35 minutes, awaiting the arrival of the new owner Mr Kugathas. On arrival, the shop worker had reassured the officer that his boss Mr Kugathas was "*just around the corner*" and was on his way. After waiting a substantial amount of time, the officer had to resume his duties without having spoken to Mr Kugathas.

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Statement of: **Katherine Braithwaite**

On the 12th November 2025 Lincolnshire Police received a transfer application for the premises to a Mr Kugenthiran Kugathas born 09/04/1985, and on the 13th November 2025, a vary DPS application to the same individual.

On the 13th November 2025 I made contact with Mr Kugathas to arrange a meeting with him at the premises. We agreed to meet on Tuesday 18th November 2025 at 1300hrs. I arrived a few minutes early for the appointment and was met by two males inside the shop. I will refer to these males as Mr P and Mr T. They both stated they worked in the shop and provided me with their details. Mr T described himself as the brother of Mr Kugathas. Mr Kugathas then arrived a short time later and Mr T disappeared.

My meeting with Mr Kugathas lasted well over one hour and Mr P remained present throughout. Mr P had initially stated on my arrival that he was the manager of Mr Kugathas and he was helping Mr Kugathas, who did not really have much knowledge of licensing. Mr P tried to answer a lot of the questions that I posed to Mr Kugathas, and seemed to me to be more in control of the business than Mr Kugathas. When questioned further about Mr P's role, he then stated he was just an employee of Mr Kugathas and was not financially involved in the business.

When I questioned Mr Kugathas regarding who worked at the premises. He stated, himself, his brother Mr T, Mr P, his wife and another male who I will refer to as Mr V, who sometimes helped him out. He claimed Mr V did not work at the shop, but admitted he was left alone in the premises. Mr T and Mr Kugathas confirmed that Mr V had been the lone worker at the premises

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Statement of: **Katherine Braithwaite**

during the dates/times the two police incidents had been reported recently. I also showed the officer's body worn footage image of the lone shop worker encountered during the visit on the 7th November 2025, and they both confirmed this was Mr V. I explained that Mr V would be classed as 'a worker' and should be treated as such. Mr Kugathas stated he did not pay Mr V but gave him food and accommodation. This is typical behaviour of an employer employing an illegal worker.

When I asked Mr Kugathas what Right to Work checks he conducted on Mr V, he said had not completed any, nor did he have any other records of him. It took a substantial amount of time for Mr Kugathas to provide me with Mr V's full details and he was unable to provide me with a full address for him. I was unconvinced that I had actually been provided with the correct details for Mr V.

I asked Mr Kugathas how he ensured his staff had the correct Right to Work, and he could not really provide a confident answer that correct processes were followed. When asked if he had any documentation relating to Right to Work checks he could show me, he could not provide any.

I questioned Mr Kugathas around licensing matters and his responses raised further concerns. He was unable to quote the four licensing objectives correctly, stated he had no written staff training records, did not have an incident book to present and could not access his own CCTV system.

Page 5 of 7

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Statement of: **Katherine Braithwaite**

Mr Kugathas confirmed that he had opened the premises at the end of June and began selling alcohol. He stated there had been a few weeks of closure for around 23 days but it had then re-opened. Mr Kugathas stated he was unaware that the licence transfer had not gone through until the visit by SKDC on the 7th November. When I asked why he had continued to trade in the months before the visit without a licence, Mr Kugathas gave a convoluted story in which he ultimately passed responsibility back to the previous licence holder and landlord for failing to ensure the licence was transferred correctly. It is an offence under Section 136 of the Licensing Act 2003 to carry on licensable activity on a premises otherwise than under and in accordance with an authorisation.

Following my visit to the store, Mr V's details were checked through all police systems and Immigration and no trace could be found of this male. For Immigration not to have a record of Mr V is very unusual. Immigration have also confirmed that Mr T has never had the Right to Work (*see appendix B*).

Page 6 of 7

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Statement of: **Katherine Braithwaite**

Page 7 of 7

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Appendix 3C



Date: 17 December 2025

Our Ref: MM/25/Niv.Sivatharan
Your Ref:

Sabeers Stone Greene LLP
Devonshire House (Level 1)
One Mayfair Place
Mayfair
London
W1J 8AJ

T: 020 3205 7088
Mythily Murukathash direct contact
07814 039 348

E: conveyancing@sabeers.co.uk
W: www.sabeers.co.uk

**TO WHOM IT MAY CONCERN: "MANOR WAY SUPERSTORE", 73 MANOR
HOUSE COURT, DEEPING ST JAMES, LINCOLNSHIRE PE68PX**
CLIENT: NIVETHAN SIVATHARAN

We are instructed to act for the above named in the purchase of business and assignment of the lease of the above property. We are still at the very initial stage of this transaction and are unable to provide a completion date as yet.

Yours faithfully

A handwritten signature in black ink that reads 'Sabeers Stone Greene'. The signature is fluid and cursive, with 'Sabeers' and 'Stone' on the first line and 'Greene' on the second line.

Mythily Murukathash
Sabeers Stone Greene Solicitors LLP



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A list of members is open for inspection at its registered office and principal place of business: Devonshire House (Level 1), One

From: [ARKA LICENSING](#)
To: [Casey, Rebeka \(1299\)](#)
Cc: [Brathwaite, Katherine \(824\)](#)
Subject: Re: Transfer of premises licence - Manor Way Superstore, Deeping St James PE6 8PX
Date: 17 December 2025 15:15:59
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[CONFIRMATION LETTER.pdf](#)

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

Good afternoon Rebeka,

We hereby enclose a letter from solicitor who is handling the lease process.

And it has been agreed with the seller, the premises will be taken over while the lease transfer in process.

Regards

Nira

Consultant
Arka Licensing

Tel: (0203) 405 1886

Mob: 07803 903 897

E-mail: contact@arkalicensing.co.uk

This email is sent for and on behalf of Arka Licensing Consultants, which is a company registered in England, registered number 09036487, registered office Trident Business Centre, 89 Bickersteth Road, London SW17 9SH.

CONFIDENTIALITY:

This e-mail and any attachments are strictly private and confidential and are intended for the named recipient only. If you are not the intended named recipient, you are advised not to read or disclose the contents of this e-mail and/or any attachments to another person or take copies of them. If you receive this message in error, please notify our e-mail administrator and destroy the message.

From: Braithwaite, Katherine (824) <katherine.braithwaite@lincs.police.uk>
Sent: 08 December 2025 16:45
To: ARKA LICENSING <contact@arkalicensing.co.uk>
Subject: Transfer of premises licence - Manor Way Superstore, Deeping St James PE6 8PX

Good morning

I am writing to you in relation to the above transfer we have received for licence (6944) to be transferred to a Mr Nirusan Sivatharan.

We have recently objected on the 25th November 2025 to a vary DPS and transfer of the licence into a different applicants name. Following this both applications were withdrawn on the 3rd December 2025. We then received the update that on the same date the business had been sold, presumably to Mr Sivatharan?

Could you please go back to your client Mr Sivatharan and request that he supply me with any documentation that would evidence his takeover of the business? This is so I can be satisfied he is the person truly behind the business and that the previous applicant does not have any involvement moving forward.

Thanks and kind regards



Pc Kat Braithwaite

Alcohol Licensing Officer / Family Liaison Officer



07973847422



katherine.braithwaite@lincs.police.uk



Lincolnshire Police Headquarters, Deepdale Lane, Nettleham LN2 2LT



www.lincs.police.uk



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Courage, Respect and Empathy and Public Service

KEEPING LINCOLNSHIRE SAFE

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LINCOLNSHIRE POLICE

NOTICE OF OBJECTION TO THE APPLICATION TO VARY A LICENCE TO SPECIFY INDIVIDUAL AS PREMISES SUPERVISOR

SECTION 37(5) OF THE LICENSING ACT 2003

The Chief Officer of Lincolnshire Police, Paul Gibson, having been notified under Section 37 of the Licensing Act 2003, of the application to vary the designated premises supervisor (DPS) for Alisia Off Licence, Manor Way, Deeping St James to Nirusan Sivatharan and being satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective hereby gives notice of objection.

The grounds for the objection notice are as follows:

Lincolnshire Police have concerns that the premises is linked to criminal activity. There are concerns that the current applicant is not genuinely in control of the business and that they are acting on behalf of the previous operator (Kugenthiran Kugathas) who withdrew their application to vary DPS on 3rd December 2025, due to the concerns evidenced by the Police objection.

The concerns with the previous applicant, Mr Kugathas, are summarised as follows; the sale of alcohol otherwise than in accordance with a premises licence (s.136 Licensing Act 2003), inappropriate behaviour by a male shop worker towards females under 16 years old and also intelligence suggesting that sales of alcohol to underage persons were taking place. PC Braithwaite also met with Mr Kugathas at the premises on 18th November 2025 and encountered one male working at the shop who had no right to work in the UK. It is an offence to employ an illegal worker under section 21 Immigration Asylum and Nationality Act 2006 (as amended by section 35 of the Immigration Act 2016.) PC Braithwaite asked Mr Kugathas for details of the worker who was thought to be responsible for the inappropriate behaviour to females. When details were provided it was a Sri Lankan male who came back as no trace following Immigration checks. This is unexplained as an immigration record would be expected.

Appendix A – previous S.37 objection to vary DPS to Kugenthiran Kugathas.
Appendix B – statement of PC 842 Braithwaite.

When PC Braithwaite met with Mr Kugathas on 18th November 2025 he did not mention that the business was about to be sold or handed over to anyone new. It is evident from PC Braithwaite's statement that ownership of the business since June 2025 is unclear. Lincolnshire Police find it suspicious that immediately after the Police objected to both the vary DPS and transfer

applications, which subsequently saw him withdraw the applications, Mr Kugathas has managed to advertise the business for sale, find a buyer and pass on full responsibility to that third party.

Lincolnshire Police have contacted the applicant's agents – Arka Licensing – to request some evidence of a takeover of the Manor Way Store by way of a lease agreement or similar. Arka Licensing have been emailed and spoken to on the telephone and each time they have assured Police that paperwork is coming. The latest phone call to Arka Licensing was on the morning of 17th December 2025 when the agent told PC Casey that the request for evidence was with the lawyers and that they would chase this up that day.

Later on the 17th December, Arka licensing sent an email with a letter attached. The letter confirms that solicitors have been instructed to handle the sale of the business and lease – it does not confirm completion of the sale and highlights that this process is in the early stages. That letter details the client as Nivethan Sivatharan which is slightly different name to the one on this transfer application.

Appendix C – Arka email and solicitors letter.

In summary Lincolnshire Police are concerned that this latest applicant is actually requesting the variation on behalf of Mr Kugathas who will truly be the person in control of the shop.

Lincolnshire Police respectfully request that this variation application is refused in order to uphold the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

In relation to this application, the following Guidance issued under **Section 182 of the Licensing Act 2003** has been considered –

Section 2.1, Licensing authorities should look to the police as the main source of advice on crime and disorder.

Section 2.8, (which is in relation to premises licence holders is relevant) Licence holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act.

Section 8.101 (in relation to transfer) In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or

individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

Section 9.12, Each responsible authority will be an expert in their own field....for example the police have a key role in managing the night-time economy.....However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.

Section 11.23 (which is in relation to reviews but deemed relevant) states where the premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

11.24 (which is in relation to reviews but deemed relevant) states a number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

Section 11.25 (which is in relation to reviews but deemed relevant) states that in any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Section 11.26 (which is in relation to reviews but deemed relevant) states that the licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

Section 11.27, (which is in relation to reviews but deemed relevant) There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises;

- for employing a person who is disqualified from that work by reason of their immigration status in the UK.

Section 11.28, (which again is in relation to reviews, but deemed relevant) It is envisaged that licensing authorities, the police, the Home Office

(Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

South Kesteven District Council statement of licensing policy (2021 – 2026) also raises the following points that are deemed relevant to this application:

4. Licensing Objectives

1.17 In undertaking its licensing function, the Licensing Authority is also bound by other legislation including, but not exclusively:

- Section 17 of the Crime and Disorder Act 1998 – which imposes a duty on every Local Authority to do all that it reasonably can to prevent crime and disorder in its decision-making process.*

In relation to the Prevention of Crime and Disorder licensing objective the council policy states :

4.3 In accordance with the Guidance, Police views on matters relating to crime and disorder will be given considerable weight. There are many steps an applicant may make to prevent crime and disorder. The Licensing Authority will look to the Police for the main source of advice on these matters.

Crime and Disorder Act 1998 Section 17

Duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting

the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area, and

(c) re-offending in its area

(2) This section applies to each of the following—

.a local authority;

.....
For and on behalf of Chief Constable P.Gibson

18/12/25

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LINCOLNSHIRE POLICE

NOTICE OF OBJECTION TO THE APPLICATION TO VARY A LICENCE TO SPECIFY INDIVIDUAL AS PREMISES SUPERVISOR SECTION 37(5) OF THE LICENSING ACT 2003

The Chief Officer of Lincolnshire Police, Paul Gibson, having been notified under Section 37 of the Licensing Act 2003, of the application to vary the Premises Licence for to specify Kugenthiran Kugathas as designated premises supervisor for Alisia Off Licence and Stores, Manor Way, Deeping St James and being satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, hereby gives notice of objection.

The grounds for the objection notice are as follows:

Lincolnshire Police have obtained evidence that indicates the management of the premises has been operating it in such a manner that amounts to criminal activity. The events raised within this report suggest that the premises is being poorly managed, with disregard to relevant regulations and legislation.

The premises name on the licence is given as 'Alisia Off Licence and Stores', but trades as Manor Way Superstore. The premises is a general convenience shop located within a housing estate near to both a primary and secondary school.

In November 2025 Lincolnshire Police received two separate reports which allege inappropriate behaviour by a male shop worker on females under the age of 16 years old. One report suggests underage females were also sold alcohol from the premises. Pc Braithwaite has provided a statement which provides further details of these reports, along with further evidence supporting this objection (*see appendix A*).

When police made enquiries with the individual believed to be the premise licence holder (PLH), they were informed that individual had sold the business at the **end of June 2025** and a new individual had taken it over. At this time, SKDC confirmed that no premises licence transfer or designated premises supervisor (DPS) variation had been received for this premises.

The premises was visited by a SKDC Licensing Officer on the **7th November 2025** and found to have alcohol on sale. The premises were instructed to stop selling alcohol immediately and to remove it from sale, or at least cover it up as they did not have a premises licence.

Later that same day, a police officer attended the premises, which was open to the public, and found large quantities of alcohol still on sale. It is a criminal offence to expose alcohol for sale without a licence under Section 127 of the Licensing Act 2003. The shop worker encountered did not provide their full details to the officer when asked to do so, and the new owner of the shop failed to attend the shop to meet the officer as requested.

On the **12th November 2025**, Lincolnshire Police received a transfer application for the premises to a Mr Kugenthiran Kugathas, and then a vary DPS application on the **13th November 2025** to the same individual.

On the **18th November 2025**, Pc Braithwaite a Lincolnshire Police Licensing Officer met with Mr Kugathas at the premises. Two other males were also present in the shop and Mr Kugathas confirmed they were both workers at the premises. It has since been confirmed by Immigration that one of these males encountered has never had the Right to Work in the UK (*see appendix B*).

Mr Kugathas unconvincingly provided the details of the shop worker present during the times of both reported police incidents relating to inappropriate behaviour. He confirmed this was the same male police encountered on the **7th November 2025**. Police and Immigration have conducted checks on the details provided but no trace of this male can be found. It is unusual for Immigration not to hold any records, and with the reluctance to provide full details to police by Mr Kugathas and the shop worker himself, this raises suspicion that false details were provided due to this male also being an illegal worker.

Mr Kugathas did not provide police with any confidence that he is correctly checking the Right to Work of any of his employees. To his own admission, he stated that he had not carried out any Right to Work checks at all on the worker suspected of inappropriate behaviour. Concerningly, he also did not class this male as a 'worker', despite him being left alone to manage the shop when it has been open to the public. Mr Kugathas claimed he did not pay this male as he just helped him out at times, but did provide him food and accommodation. This is typical behaviour of an employer who employs illegal workers. Mr Kugathas could not produce any written documentation relating to the Right to Work of any of his other employees.

It is an offence to employ an illegal worker under section 21 of the Immigration, Asylum and Nationality Act 2006, as amended by section 35 of the Immigration Act 2016, if the employer knows or has reasonable cause to believe that they are employing an illegal worker. The employer by law must carry out various checks to ensure that their staff are legally allowed to work.

Where an employer pays wages to illegal workers off record with no tax or national insurance deductions which are then deliberately omitted from an employers End of Tax Year P35 returns to HMRC, the employer may be dealt with by means of the Fraud Act 2006. Similarly, HMRC may take their own action, as a civil proceedings case and raise a tax debt against the business.

Illegal workers are more than likely poorly paid for the hours they are required to work and are not subject to the benefit of a minimum wage or restricted hours as prescribed in law. Nor are they afforded the benefit of the protections offered by UK employment legislation and are therefore often exploited.

Lincolnshire has led the way with how illegal working within licenced premises and its impact on how the crime prevention objective should be viewed. The stated case of East Lindsey District Council v Abu Hanif in 2016 involved an illegal worker in a

licenced premises in Lincolnshire in April 2014, where a civil penalty was later issued by immigration. The premises licence was reviewed and revoked, an appeal followed which was successful, based on the argument that a civil penalty was not a prosecution and so did not concern the crime prevention objective. East Lindsey District Council then appealed that decision by way of a case stated, arguing that it was not necessary for a crime to have been reported, prosecuted, or established in a court of law for the crime prevention objective to be engaged. That the licensing objectives were prospective and were concerned with the avoidance of harm in the future. Mr Justice Jay upheld the councils appeal, citing defrauding the revenue and exploitation of vulnerable individuals by not paying minimum wage as evidence of the commission of criminal offences, and the fact that the employee could not provide the required paperwork as clear inference that Mr Hanif well knew that he was employing an illegal worker.

During the meeting on the **18th November 2025**, further concerns were raised about Mr Kugathas' lack of understanding of his responsibilities in terms of the Licensing Act 2004 and poor operating practices. He was unable to correctly state what the four licensing objectives were, had no written staff training records, had no incident book, and could not access his own CCTV system to retrieve footage.

Mr Kugathas admitted that he had been selling alcohol without a premises licence during the period from the end of June to the 7th November 2025, but attempted to pass responsibility to the previous licence holder and also his own landlord for this failure and took no personal responsibility. It is an offence under Section 136 of the Licensing Act 2003 to carry on licensable activity on a premises otherwise than under and in accordance with an authorisation.

For the above reasons, the Chief Officer of Police is satisfied the exceptional circumstances of the case are such that granting the application would undermine the prevention of crime and disorder. Accordingly, it is respectfully requested that Licensing Authority reject the application as it is necessary for the promotion of this licensing objective.

In relation to this application, the following **Guidance issued under Section 182 of the Licensing Act 2003** has been considered –

Section 2.1, Licensing authorities should look to the police as the main source of advice on crime and disorder.

Section 2.8, (which is in relation to premises licence holders but relevant) Licence holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act.

Section 4.61 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

Section 8.101 (in relation to transfer) In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

Section 9.12 Each responsible authority will be an expert in their own field....for example the police have a key role in managing the night-time economy.....However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.

All of the section 11 guidance is based on reviews, but points deemed relevant are:

Section 11.23 states where the premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises

Section 11.24 states a number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

Section 11.25 states that in any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Section 11.26 states that the licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

Section 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for employing a person who is disqualified from that work by reason of their immigration status in the UK.*

Section 11.28 states it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

South Kesteven District Council statement of licensing policy (2021 – 2026) also raises the following points that are deemed relevant to this application:

4. Licensing Objectives

1.17 In undertaking its licensing function, the Licensing Authority is also bound by other legislation including, but not exclusively:

- Section 17 of the Crime and Disorder Act 1998 – which imposes a duty on every Local Authority to do all that it reasonably can to prevent crime and disorder in its decision-making process.*

In relation to the Prevention of Crime and Disorder licensing objective the council policy states :

4.3 In accordance with the Guidance, Police views on matters relating to crime and disorder will be given considerable weight. There are many steps an applicant may make to prevent crime and disorder. The Licensing Authority will look to the Police for the main source of advice on these matters.

Crime and Disorder Act 1998 Section 17

Duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area, and

(c) re-offending in its area

(2) This section applies to each of the following—

.a local authority

For and on behalf of Chief Constable P.Gibson

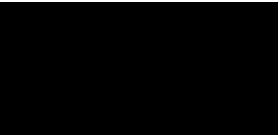
WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s.9

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Statement of: **Katherine Braithwaite**Age if under 18: **Over 18**Occupation: **Pc 824**

This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.



Signature:

Date **03/10/2025**Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person employed as a Police Constable within Lincolnshire Police. I currently work in the Alcohol Licensing Team and predominantly cover the North and South Kesteven District areas of the county.

This statement is in relation to a convenience shop trading as Manor Way Superstore, 73 Manor Way, Deeping St James, Lincolnshire, PE6 8PX which is licenced under premises licence 6944 as 'Alisia Off Licence and Stores'.

In November 2025 Lincolnshire Police received two reported incidents alleging a shop worker at the premises had behaved inappropriately with separate girls, on two different occasions within one week of one another. The description provided on the reports, suggested it was the same male shop worker involved with both incidents.

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Statement of: **Katherine Braithwaite**

One report alleges that females under the age of 16yrs old had entered the premises attempting to buy alcohol, and the worker said “*only if you show me your boobs and give me your Snapchat*”. It is unknown whether the females carried out these requests, but the females were reported as having left the shop in possession of alcohol.

The second report was made by a parent of a 14yr old girl. It was described that the shop worker had made comments to their child dressed in school uniform which had been interpreted as an effort to try and groom her and made the child feel uncomfortable. It is also alleged that the worker asked for the girl’s Snapchat details.

Following the first police report, I emailed the male I believed was the PLH and DPS, a Mr Veluppillai Alvappillai, requesting CCTV footage so an investigation could commence. I received an email back from Mr Alvappillai on the 5th November 2025 stating he was no longer the owner of the shop and advised me to contact the current owner. I replied, explaining that the police had not received any variations of the premises licence, and as such he remained PLH and DPS. When asked for further details of the new owner, Mr Alvappillai replied stating he did not have the details he could pass me. Mr Alvappillai stated he sold the lease for the business on the 18th June 2025 and his last day of trading was the 17th June 2025. When I asked if he had any discussion with the new owner regarding the premises licence, Mr Alvappillai stated ‘*I did inform the new owner of the premises licence and he confirmed that he was aware of it*’.

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Statement of: **Katherine Braithwaite**

On the 5th November 2025, I made SKDC Licensing Officer Chris Clarke aware of the email conversation with Mr Alvappillai. Chris agreed he would pay the premises a visit on the 7th November 2025. The visit was made, and the premises was instructed to stop selling alcohol immediately and to remove it from sale, or at least fully cover it up as they did not have a premises licence.

Later that same day, at approximately 1400hrs, a uniformed police officer attended the premises to follow-up the police reports. I viewed the officers body worn footage of his interactions with the male shop worker and took a screenshot of his image. Based on the description passed in both incidents reported to the police, it seemed very plausible that he was the suspect referred to. He was the only member of staff in the shop at the time of the visit. The shop doors were open, implying the premises was open for business, despite the male stating he didn't work there. He was seen moving alcohol stock around and entering behind the counter. The male would only provide his first name, despite being challenged multiple times for his surname and was unconvincing when providing a date of birth. Although a small amount of alcohol had been removed from sale, there was still a significant amount of alcohol still visible on display. It is a criminal offence to expose alcohol for sale without a licence under Section 127 of the Licensing Act 2003.

The attending officer remained at the premises approximately 35 minutes, awaiting the arrival of the new owner Mr Kugathas. On arrival, the shop worker had reassured the officer that his boss Mr Kugathas was "*just around the corner*" and was on his way. After waiting a substantial amount of time, the officer had to resume his duties without having spoken to Mr Kugathas.

Page 3 of 7

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Statement of: **Katherine Braithwaite**

On the 12th November 2025 Lincolnshire Police received a transfer application for the premises to a Mr Kugenthiran Kugathas born 09/04/1985, and on the 13th November 2025, a vary DPS application to the same individual.

On the 13th November 2025 I made contact with Mr Kugathas to arrange a meeting with him at the premises. We agreed to meet on Tuesday 18th November 2025 at 1300hrs. I arrived a few minutes early for the appointment and was met by two males inside the shop. I will refer to these males as Mr P and Mr T. They both stated they worked in the shop and provided me with their details. Mr T described himself as the brother of Mr Kugathas. Mr Kugathas then arrived a short time later and Mr T disappeared.

My meeting with Mr Kugathas lasted well over one hour and Mr P remained present throughout. Mr P had initially stated on my arrival that he was the manager of Mr Kugathas and he was helping Mr Kugathas, who did not really have much knowledge of licensing. Mr P tried to answer a lot of the questions that I posed to Mr Kugathas, and seemed to me to be more in control of the business than Mr Kugathas. When questioned further about Mr P's role, he then stated he was just an employee of Mr Kugathas and was not financially involved in the business.

When I questioned Mr Kugathas regarding who worked at the premises. He stated, himself, his brother Mr T, Mr P, his wife and another male who I will refer to as Mr V, who sometimes helped him out. He claimed Mr V did not work at the shop, but admitted he was left alone in the premises. Mr T and Mr Kugathas confirmed that Mr V had been the lone worker at the premises

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Statement of: **Katherine Braithwaite**

during the dates/times the two police incidents had been reported recently. I also showed the officer's body worn footage image of the lone shop worker encountered during the visit on the 7th November 2025, and they both confirmed this was Mr V. I explained that Mr V would be classed as 'a worker' and should be treated as such. Mr Kugathas stated he did not pay Mr V but gave him food and accommodation. This is typical behaviour of an employer employing an illegal worker.

When I asked Mr Kugathas what Right to Work checks he conducted on Mr V, he said had not completed any, nor did he have any other records of him. It took a substantial amount of time for Mr Kugathas to provide me with Mr V's full details and he was unable to provide me with a full address for him. I was unconvinced that I had actually been provided with the correct details for Mr V.

I asked Mr Kugathas how he ensured his staff had the correct Right to Work, and he could not really provide a confident answer that correct processes were followed. When asked if he had any documentation relating to Right to Work checks he could show me, he could not provide any.

I questioned Mr Kugathas around licensing matters and his responses raised further concerns. He was unable to quote the four licensing objectives correctly, stated he had no written staff training records, did not have an incident book to present and could not access his own CCTV system.

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Statement of: **Katherine Braithwaite**

Mr Kugathas confirmed that he had opened the premises at the end of June and began selling alcohol. He stated there had been a few weeks of closure for around 23 days but it had then re-opened. Mr Kugathas stated he was unaware that the licence transfer had not gone through until the visit by SKDC on the 7th November. When I asked why he had continued to trade in the months before the visit without a licence, Mr Kugathas gave a convoluted story in which he ultimately passed responsibility back to the previous licence holder and landlord for failing to ensure the licence was transferred correctly. It is an offence under Section 136 of the Licensing Act 2003 to carry on licensable activity on a premises otherwise than under and in accordance with an authorisation.

Following my visit to the store, Mr V's details were checked through all police systems and Immigration and no trace could be found of this male. For Immigration not to have a record of Mr V is very unusual. Immigration have also confirmed that Mr T has never had the Right to Work (*see appendix B*).

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Statement of: **Katherine Braithwaite**

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Appendix 4C



Date: 17 December 2025

Our Ref: MM/25/Niv.Sivatharan
Your Ref:

Sabeers Stone Greene LLP
Devonshire House (Level 1)
One Mayfair Place
Mayfair
London
W1J 8AJ

T: 020 3205 7088
Mythily Murukathash direct contact
07814 039 348

E: conveyancing@sabeers.co.uk
W: www.sabeers.co.uk

**TO WHOM IT MAY CONCERN: "MANOR WAY SUPERSTORE", 73 MANOR
HOUSE COURT, DEEPING ST JAMES, LINCOLNSHIRE PE68PX**
CLIENT: NIVETHAN SIVATHARAN

We are instructed to act for the above named in the purchase of business and assignment of the lease of the above property. We are still at the very initial stage of this transaction and are unable to provide a completion date as yet.

Yours faithfully


Mythily Murukathash
Sabeers Stone Greene Solicitors LLP



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From: [ARKA LICENSING](#)
To: [Casey, Rebeka \(1299\)](#)
Cc: [Brathwaite, Katherine \(824\)](#)
Subject: Re: Transfer of premises licence - Manor Way Superstore, Deeping St James PE6 8PX
Date: 17 December 2025 15:15:59
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[CONFIRMATION LETTER.pdf](#)

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Good afternoon Rebeka,

We hereby enclose a letter from solicitor who is handling the lease process.

And it has been agreed with the seller, the premises will be taken over while the lease transfer in process.

Regards

Nira

Consultant
Arka Licensing

Tel: (0203) 405 1886

Mob: 07803 903 897

E-mail: contact@arkalicensing.co.uk

This email is sent for and on behalf of Arka Licensing Consultants, which is a company registered in England, registered number 09036487, registered office Trident Business Centre, 89 Bickersteth Road, London SW17 9SH.

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From: Braithwaite, Katherine (824) <katherine.braithwaite@lincs.police.uk>
Sent: 08 December 2025 16:45
To: ARKA LICENSING <contact@arkalicensing.co.uk>
Subject: Transfer of premises licence - Manor Way Superstore, Deeping St James PE6 8PX

Good morning

I am writing to you in relation to the above transfer we have received for licence (6944) to be transferred to a Mr Nirusan Sivatharan.

We have recently objected on the 25th November 2025 to a vary DPS and transfer of the licence into a different applicants name. Following this both applications were withdrawn on the 3rd December 2025. We then received the update that on the same date the business had been sold, presumably to Mr Sivatharan?

Could you please go back to your client Mr Sivatharan and request that he supply me with any documentation that would evidence his takeover of the business? This is so I can be satisfied he is the person truly behind the business and that the previous applicant does not have any involvement moving forward.

Thanks and kind regards

Kat

Pc Kat Braithwaite

Alcohol Licensing Officer / Family Liaison Officer



07973847422



katherine.braithwaite@lincs.police.uk



Lincolnshire Police Headquarters, Deepdale Lane, Nettleham LN2 2LT



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Courage, Respect and Empathy and Public Service

KEEPING LINCOLNSHIRE SAFE

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