

# Alcohol, Entertainment & Late Night Refreshment Licensing Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



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Tuesday, 17 March 2026 at 11:00 am  
Council Chamber - South Kesteven House,  
St. Peter's Hill, Grantham. NG31 6PZ

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**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 and Councillor Elvis Stooke  
+ Vacancy (Reform UK)

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## 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 17 February 2026** (Pages 3 - 9)
- 4. Exclusion of Press and Public**  
Under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the press and public be excluded from the Hearing on the grounds that exclusion outweighs the public interest in the Hearing taking place in public.

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☎ 01476 406080

**Karen Bradford, Chief Executive**

[www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)

For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

- 5. Licensing Act 2003: Determination of a personal licence following conviction of a relevant offence** (Pages 11 - 30)  
Report ENV932 from the Licensing Officer.
- 6. 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 31 - 141)  
Report ENV931 from the Licensing Officer in respect of a Premises Licence Transfer and the Variation of a DPS.
- 7. Any other business which the Chairman, by reason of special circumstances, decides is urgent.**

# Minutes

**Alcohol, Entertainment & Late  
Night Refreshment Licensing  
Committee**

**Tuesday, 17 February 2026**



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

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## **Committee members present**

Councillor Paul Fellows (Chairman)  
Councillor Robert Leadenham (Vice-Chairman)  
Councillor Harrish Bisnauthsing  
Councillor Pam Bosworth  
Councillor Helen Crawford  
Councillor Jane Kingman  
Councillor Philip Knowles  
Councillor Rhea Rayside  
Councillor Susan Sandall  
Councillor Elvis Stooke

## **Officers**

Chris Clark, Elizabeth Reeve, Licensing Officers  
Heather Green, Licensing Manager  
Kim Robertson, Legal Advisor (LSL)  
Lucy Bonshor, Democratic Officer

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## **61. Apologies for absence**

No apologies for absence were received.

## **62. Disclosures of interests**

None disclosed.

## **63. Minutes of previous meetings**

The minutes of the meeting held on 20 January 2026 were proposed, seconded and agreed.

The minutes of the sub-committee meeting held on 2 February were also proposed, seconded and agreed.

**64. 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**

**Decision**

***That the application to transfer a premises licence and vary the designated premise supervisor at Manor Way Superstore, 73 Manor Way, Deeping St James, PE6 8PX be rejected.***

The Chairman introduced those present and confirmed who would be speaking in respect of the transfer of the premise licence and to vary the designated premises supervisor at Manor Way Superstore, 73 Manor Way, Deeping St James. Sergeant Amy Adams would be speaking on behalf of Lincolnshire Police and she was accompanied by PC Kat Braithwaite.

There was no person present in respect of the application to transfer the premise licence.

The Licensing Officer presented the report which was for the 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.

In December 2025 an application to transfer the premise licence and vary the designated premise supervisor (DPS) for Manor Way Superstore, 73 Manor Way, Deeping St James was accepted by the Licensing Team. Statutory consultation for both the transfer and to vary the DPS was undertaken. During the consultation period the authority received an objection from Lincolnshire Police. The reason for the representation was that the business was operating in a manner that amounted to criminal activity and the employment of illegal workers.

Members were drawn to paragraphs 2.2 and 2.3 of the report and the relevant Sections of the Licensing Act 2003 and the mechanisms that allowed for the transfer of a premise licence and to vary the DPS to come in to immediate effect as soon as a Licensing Authority received the application until they were formally determined or withdrawn.

Where a relevant representation was 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:

- 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.
- Reject the whole or part of the application.

On 19 January 2026, late in the afternoon an email was received from by the Licensing Team from ARKA licensing requesting that the hearing scheduled for 20 January 2026 be postponed as the licensing agent could not attend the hearing. At the meeting 20 January 2026 Members had decided to adjourn the applications to the next scheduled meeting of the Committee which was 17 February 2026.

There were no questions for the Licensing Officer from Members of the Committee or the Police.

The Police then made their representation. The Police objected to the application to transfer the Premises Licence and also vary the DPS for the premises at 73 Manor Way, Deeping St James as they were satisfied that the exceptional circumstances of the case are such that granting the applications would undermine the licensing objective of crime prevention. The Police had concerns that the premise was linked to criminal activity and had concerns that the current applicant was not genuinely in control of the business and they were acting on behalf of the previous operator (Kugenthiran Kugathas) who had withdrawn their application to transfer for the premise licence on 3 December 2025 due to concerns evidenced by the Police objection.

Sergeant Adams then summarised the Police's concerns:

- The sale of alcohol otherwise than in accordance with a premise licence
- Inappropriate behaviour by a male shop worker towards females under the age of 16 years old.
- Intelligence suggesting that alcohol was being sold to underage persons
- Meeting with Mr Kugathas in November 2025 and encountering one male working in 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). Details were asked about the worker who was thought to be responsible for the inappropriate behaviour to females. Details provided came back as no trace following immigration checks, which was unexplained as an immigration record would be expected.
- In November 2025 the Police had received two separate reports which allege inappropriate behaviour by a male shop worker to females under the age of 16 years old.

- One of the reports suggested that alcohol had been sold from the premise to one of the underage females. Details were in PC Braithwaite's statement attached to the report.
- Enquiries in relation to the individual believed to be the Premise Licence Holder revealed information that the premises had been sold by the individual at the end June 2025. SKDC confirmed that no application for the premises transfer or variation of the DPS had been received at this time for the premise.
- SKDC Officers visited the premise on 7 November 2025 and found alcohol on sale. The premise were informed to stop selling alcohol and remove it or cover it up as they did not have a premise licence to sell alcohol.
- The Police visited the premise later that day and found large quantities of alcohol still on sale to the public. It was noted that it is a criminal offence to expose alcohol for sale without a licence under Section 127 of the Licensing Act 2003. When the worker present was questioned by the Police, they did not provide their full details and the new owner of the premise failed to attend as requested by the Police.
- 12 November 2025 the Police received a transfer application for the premise and on 13 November an application to vary the DPS both in Mr Kugathas name.
- PC Braithwaite met with Mr Kugathas 18 November 2025 at the premise two male workers were present in the shop and Mr Kugathas confirmed they worked there. Immigration has since confirmed one of the males had never had the Right to Work in the UK.
- Although details were provided by Mr Kugathas of the details for the shop workers during the alleged incidents of inappropriate behaviour and confirmed this was the male encountered at the Police's visit on 7 November 2025. On checking the details neither the Police or Immigration found any trace of the worker. Due to the reluctance of Mr Kugathas to provide the details and for Immigration not to hold any details this raised the suspicion that false details had been provided due to the male being an illegal worker.
- The Police had no confidence that the correct Right to Work checks were being carried out by Mr Kugathas who had admitted he had not carried out Right to Work checks at all on the worker suspected of inappropriate behaviour. Concerningly Mr Kugathas did not class the male as a "worker" despite him being left to run the premise on his own. He helped out at time and Mr Kugathas provided food and accommodation. No written Right to Work documentation could be provided for any of the employees at the premise by Mr Kugathas.
- On 3 December the applications for transfer and vary DPS were withdrawn.
- On 4 December a new application to transfer and vary the DPS were received in the name of Mr Nirusan Sivatharan.
- The Police were not confident that Mr Nirusan Sivatharan was in control of the business and at the meeting in November 2025 Mr Kugathas had given no indication that he was selling the business.

- The Police had contacted the Licensing Agents asking for confirmation of the sale of the business and although after various requests a solicitors letter had been received regarding the instructed sale the document were not complete and the Police were told the sale was in its early stages. The Police had not received any legal documentation which concerned the sale of the premise to the person named on the transfer application and vary DPS application.

The Police had visited the premises on 12 February 2026 where their concerns regarding the management of the premises deepened. A lone male worker was in the premise. He informed the Police it was his fifth shift and he had only worked at the premise for three weeks. He worked part-time and did not have his own personal alcohol licence. He was asked about training, the hours that he worked, where the incidents book was kept, how the CCTV worked and other questions that the lone male worker could not answer confidently. He stated that he couldn't access the CCTV system at all. No incident was kept. The male worker only knew his employer as Niv who had taken over the shop around two months ago and only had a mobile as a contact. He stated he did not know who else worked in the shop other than "Niv" and his brother "Nish". When questioned about the hours worked the male stated that he could not work more than 16 hours but was very vague about the actual hours that he worked.

Whilst at the premise the Police found invoices that led them to believe that Mr Kugathas still had an interest in the premise and also letters addressed to Mr Kugathas were found at the premise.

The Police stated that they were unaware about the other brother that had been mentioned and referred Members to the supporting information which included a PNC check that had been carried out in respect of the names given which led the Police to be genuinely concerned about how the premise was being operated and who was operating the premise and that the licensing objective of the prevention of crime was being undermined. The applicants or the representative had once again failed to attend the Committee to answer questions, and they therefore asked the Committee to refuse both applications in respect of the premise at Manor Way, Deeping St James.

Members of the Committee had no questions for the Police.

The Licensing Officer then gave their closing statement referring Members to paragraphs 3.1 and 3.2 of the report which highlighted specific paragraphs of Section 182 Guidance particularly paragraph 8.101 and also paragraph 4.49.

It was for the Committee to give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives
- The representations (including supporting information) presented by parties

- The guidance issued under Section 182 of the Licensing Act 2003
- South Kesteven District Council's Licensing Policy

The Police had nothing further to add other than stating that they had tried to make contact to check that the people proposed to take over the licence were genuine on numerous occasions without success.

*(11:06 the Licensing Officers, Police and Press left the meeting)*

Members discussed the applications before them having regard to the reports, representations made and the relevant policies and guidance. Members expressed concern about how the premises was being run and the evidence submitted by the Police in respect of who was actually operating the business at the premise. The evidence of an illegal workers being present who had no right to work in the UK and the details that were provided which came back as no trace following immigration checks. Conditions in respect of the sale of alcohol had not been adhered to and evidence submitted by the Police made it clear that the ownership of the premises since June 2025 was unclear and inadequate checks were being carried out in relation to employees and their right to work at the premises. It was also noted that neither the applicant or an agent acting on their behalf had attended the meeting even though the previous hearing had been adjourned at the request of the applicant/agent. Further discussion followed by Members who were deeply concerned about the conduct of how the premise was being operated and the lack of communication and cooperation with the Police. It was proposed, seconded and unanimously agreed to reject the transfer of the Premise Licence and also the application to vary the DPS.

*(11:40 the Licensing Officers, Police and press returned to the meeting)*

The Legal Advisor read out the Committees decision. The Committee had read all the paperwork before them and heard from the Licensing Officer and Lincolnshire Police. The applicant did not attend despite this being an adjourned hearing to allow them to attend.

Lincolnshire Police presented their application as set out in their evidence pack. This detailed issues with the previous licence holder and the relationship that they have with the current applicant. No evidence had been provided of any genuine transfer to the current applicant. Further the Police visited the premises on 12 February 2026 and found evidence that both the previous licence holder and current applicant had accounts at a cash and carry which had both been used throughout January 2026. Evidence provided also showed the previous premises licence holder was still receiving post at the premises and discussions with a worker at the premises also indicated both people were involved in the running of the business.

The Committee considered all options available to them. They considered whether there were any additional conditions that could be included but were of the view that there were no conditions which would adequately address their concerns.

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

The Committee having considered the information before them were of the view that there was no evidence that proved the transfer was a legitimate transfer and the previous licence holder still was involved at the premises. The Committee were also deeply concerned about the lack of cooperation and communication from the applicant. With this in mind the Committee decided to reject both the application for the transfer of the licence and for the variation of the DPS as it was appropriate for the promotion of the crime prevention licensing objective.

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

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

None.

**66. Close of meeting**

The Chairman thanked everyone for attending and reminded Members that the next scheduled meeting was Tuesday 17 March 2026 and closed the meeting at 11:45am.

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# Agenda Item 5

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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SOUTH  
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COUNCIL



## Alcohol, Entertainment and Late-Night Refreshment Licensing Committee

17 March 2026

ENV931

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](mailto: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 24<sup>th</sup> February 2026 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 On 17<sup>th</sup> February 2026 an application to transfer the premise licence and vary the DPS at this premise was rejected by the Licensing committee.
- 2.3 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.
- 2.4 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.
- 2.5 Statutory consultation for both the transfer and vary DPS applications was undertaken, with the consultation period of 14 days expiring on 10<sup>th</sup> March 2026.
- 2.6 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. Reject the whole 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 24<sup>th</sup> February 2026 until 10<sup>th</sup> March 2026. 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 3 A-I

Appendix 4 - Representation from Lincolnshire Police (Vary Designated Premise  
Supervisor). Appendix 4 A-H

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Reference number - 1337882

Name: Mr NIVETHAN SIVATHARAN

Address: 6 Temple Hill Square  
Dartford  
DA1 5HZ

Correspondence address: 6 Temple Hill Square Dartford  
DA1 5HZ

Email address: NIRUSAN2@OUTLOOK.COM

Contact number:

Premises Details

Applicants Name: NIVETHAN 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: 07435220114

Description of premises: 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: NIVETHAN

Last name: SIVATHARAN

Nationality: GERMAN

Date of Birth: 14/Oct/2000

Applicant address: 6 Temple Hill Square  
Dartford  
DA1 5HZ

Daytime contact number: 07305 856967

Email address:

Share code: WF5 2X5 7GN

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? 23/Feb/2026

Consent form signed by the existing premises licence holder: 1

I have uploaded the consent form signed by the existing premises licence holder? Yes

Please give the reasons why not. What steps have you taken to try and obtain the consent:

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](mailto:contact@arkalicensing.co.uk)

Full name of person submitting application: NIRA SURESH

Applicant's position in the business: LICENSING AGENT

Name: Mr NIVETHAN <>

Address: 6 Temple Hill Square  
Dartford  
DA1 5HZ

Email address: [NIRUSAN2@OUTLOOK.COM](mailto:NIRUSAN2@OUTLOOK.COM)

Contact number:

Premises Details

Full name(s) of premise licence holder: VELUPPILLAI ALVAPPILLAI

Premises licence number: 6944

Premises name: MANOR WAY SUPERSTORE

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

Telephone number: 07305856967

Email address: [NIRUSAN2@OUTLOOK.COM](mailto:NIRUSAN2@OUTLOOK.COM)

Describe the premises (for example, what type of premises it is): LOCAL  
CONVENIENCE STORE

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

Upload of premise licence or relevant part: 2

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):

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](mailto:contact@arkalicensing.co.uk)

The customer agrees with the statements on the form: Yes

Full name of person submitting application: NIRA SURESH

Applicant's position in the business: LICENSING AGENT

## 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 Nivethan 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 submitted an objection to a previous transfer application to Nivethan Sivatharan's brother, Nirusan Sivatharan only a couple months ago, on the 18<sup>th</sup> December 2025, along with an objection to a DPS variation to Nirusan Sivatharan. **See appendices A and B for Police objections and C for supporting statement of Pc Braithwaite.**

At hearing on the 17<sup>th</sup> February 2026, the Committee made the decision to reject both the premises licence transfer and the DPS variation application. **See appendix D for decision notice.**

This new transfer application was received by the Police on the 26<sup>th</sup> February 2026, only 9 days after the decision made by Committee. In addition to this objection, Lincolnshire Police have submitted an objection to a vary DPS application received on the 24<sup>th</sup> February 2026 to Nirusan. **See appendix I.** The police have suggested that this application has been submitted to strengthen Nirusan's application. If this is the case, the police do not agree.

It was only just prior to the last hearing and on the 13<sup>th</sup> February 2026 that the Police were actually informed by the agent that Nirusan's brother Nivethan was involved with the 'family' business. The Police raised questions around why this information had not previously been disclosed to them. This disclosure then proved his direct link to the premises and the concerns they held.

Police checks carried out on Nivethan question his suitability to be a licence holder. This information has been provided within **Appendix H** and the Police request this is heard in private session.

During a police visit on the 12<sup>th</sup> February 2026, the staff member working had described his boss as being a male called 'Niv' (now assumed Nivethan Sivatharan), and issues were highlighted in respect of how the premises was being run and the lack of staff training, which would be deemed a breach of

their licence conditions. Paperwork was also photographed from utility companies and wholesalers indicating that Mr Kugathas was still involved in the business.

Lincolnshire Police's position remains the same in that despite best efforts, no evidence of a genuine takeover from the previous applicant Mr Kugathas had been provided. The Committee shared this concern at hearing on the 17<sup>th</sup> February 2026. The police previously objected to Mr Kugathas' vary DPS and transfer applications, and he subsequently withdrew the applications. Lincolnshire Police outlined in their objections that they had concerns regarding illegal working and inappropriate sexual behaviour towards young females under 16 years old. Following the withdrawal of these applications, the applications to Nirusan Sivatharan were then immediately received by SKDC which raised concern that the new applicant was acting on behalf of Mr Kugathas, and was not truly in control. **See appendices E and F for Police objections and G for supporting statement of Pc Braithwaite.**

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.

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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 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 3<sup>rd</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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.

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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 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 3<sup>rd</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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—*

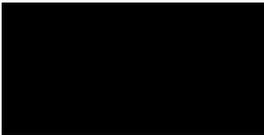
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For and on behalf of Chief Constable P.Gibson

18/12/25

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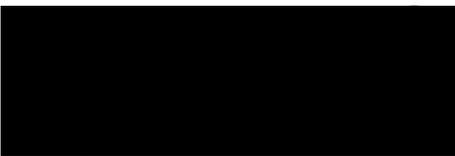
<b>WITNESS STATEMENT</b>				
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s.9				
		URN		
Statement of:	<b>Katherine Braithwaite</b>			
Age if under 18:	<b>Over 18</b>	Occupation:	<b>Pc 824</b>	
<p>This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge 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.</p>				
				
Signature:	Date <b>16/02/2026</b>			

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Thursday 12<sup>th</sup> February 2026 I visited the convenience shop which is now trading as 'Deeping Local', 73 Manor Way, Deeping St James, Lincolnshire, PE6 8PX, in company with Sgt Amy Adams. The shop licenced under premises licence 6944 as 'Alisia Off Licence and Stores'.

On the 18<sup>th</sup> December 2025, Lincolnshire police submitted an objection to the transfer of the premises licence to a Nirusan Sivatharan, along with an objection to a vary DPS application into the name of the same individual. These had both been received on the 8<sup>th</sup> December 2025.

The full details regarding the objections are contained within documentation previously submitted to SKDC, but is based around concerns over who is truly in control of the premises.

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Statement of: **Katherine Braithwaite**

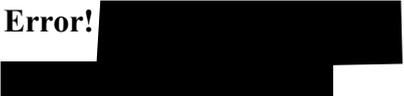
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The findings from the visit on the 12<sup>th</sup> February 2026 only add to our concerns regarding the management of the premises.

On arrival at the shop, we were met by a lone male shop worker who I will refer to as Mr A. He stated it was only his third week working at the shop and his fifth shift. Mr A stated he worked part time and did not have his own personal alcohol licence. When asked what training he had received in relation to age restricted products, he worryingly said 'none' but he had been trained on how to use to till. Staff training is conditioned within annex 2 of the premises licence. Mr A confirmed there were no written training records at all on site. When asked questions around an age verification policy the premises used, Mr A did quote the Challenge 25 policy but was unconvincing when asked to explain what he understood in relation to the policy, for example what types of identification could be accepted.

When asked if the premises used a refusals or incident book, Mr A stated they did not exist. It was also noted that the CCTV monitor within the shop displayed cameras that provided no meaningful coverage of the shop and its exterior (*see exhibit KB/02*). Mr A confirmed he has no access at all to the system.

Mr A only knew his employer as 'Niv', who had taken over the shop around 2 months ago, and did not know any further details for him other than his mobile number. He stated that he did not know who else worked at the shop other than 'Niv' and his brother, who he only knew as 'Nish'.

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Statement of: **Katherine Braithwaite**

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When Mr A was asked further about the hours that he worked, he stressed that was not permitted to work anymore than 16 hours a week but was very vague about the actual hours he worked on what days. For example, he couldn't recall what hours he had worked during recent days and said he had been handed the shop keys that morning, arrived at 0730hrs that morning to open up at 0800hrs, but had no idea who he would be handing over to during the day and at what time. This vagueness felt very strange and gave the impression the premises was disorganised in its operations.

Whilst inspecting some invoices located within the premises, we were concerned to find Booker Cash and Carry invoices in the customer name / company of Mr Kugenthiran Kugathas.

Concerns regarding Mr Kugathas' involvement with the premises have been documented within our previous objection bundles provided to SKDC. Photographs of these invoices were taken (*see exhibit KB/01*), and show that purchases of grocery items, alcohol and tobacco products were made using the account of Mr Kugathas on three occasions, on the dates of 28<sup>th</sup> December 2025, 13<sup>th</sup> and 26<sup>th</sup> January 2026.

It was interesting to see that Mr Sivatharan has clearly got his own Bookers account which is linked to the premises, and has used it to purchase products and invoices dated the 11<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 23<sup>rd</sup> January 2026 evidence this (*see exhibit KB/01*).

A further invoice for Bestway Wholesale was photographed for a purchase of grocery items, alcohol and tobacco products on the 10<sup>th</sup> January 2026 in the customer name of Mr Kugathas

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Statement of: **Katherine Braithwaite**

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with the customer account address of 73 Manor Way Superstores, PE6 8PX (see exhibit KB/03).

Two unopened letters addressed to Mr Kugathas were also photographed at the premises (see exhibit KB/01 page 10).

These findings support the concern that Mr Kugathas still is involved with the premises.

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## Licensing

Our Ref: 043559

Please ask for: Licensing Team

Date: 17<sup>th</sup> February 2026

Telephone Number: 01476 406080

Dear Sir/Madam,

### **Alcohol and Entertainment Licensing Committee Hearing Decision Premises Manor Way Superstore,**

I refer to the application you made for transfer and vary designated premise supervisor and the subsequent committee hearing. I enclose a copy of the Committee's decision the minutes will follow.

### **Decision – Manor Way Superstore, 73 Manor Way, Deeping St James.**

The Committee have read all the paperwork before them. They have heard from the Licensing Officer and Lincolnshire Police. The applicant did not attend despite this being an adjourned hearing to allow them to attend.

Lincolnshire Police presented their application as set out in their evidence pack. This detailed issues with the previous licence holder and the relationship that they have with the current applicant. No evidence has been provided of any genuine transfer to the current applicant. Further the police visited the premises on 12<sup>th</sup> February 2026 and found evidence that both the previous licence holder and current applicant had accounts at a cash and carry which had both been used throughout January. Evidence provided also shows the previous premises licence holder still receiving post at the premises and discussions with a worker at the premises also indicated both people were involved in the running of the business.

The Committee considered all options available to them. They considered whether there are any additional conditions that could be included but were of the view that there were no conditions which would adequately address their concerns.

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

The Committee having considered the information before them were of the view that there was no evidence that proved the transfer was a legitimate transfer and the previous licence holder

still was involved at the premises. The Committee were also deeply concerned about the lack of cooperation and communication from the applicant. With this in mind the committee decided to reject both the application for the transfer of the licence and for the variation of the DPS as it was appropriate for the promotion of the crime prevention licensing objective.

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

There is a right of appeal against the Committee's decision to a Magistrate's court within 21 days from the date of this notification. The address to appeal against a decision is:

The Clerk to Lincolnshire Magistrates  
Justices' Clerk's Office  
Lincolnshire Magistrates' Court  
358 High Street  
Lincoln  
LN5 7QA

Tel: 01522 528218

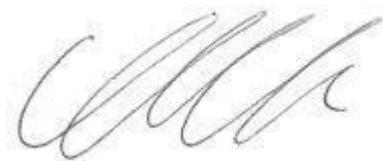
I take this opportunity to remind you that should a responsible authority or interested party consider that the operation of the premises is failing to comply with any of the four licensing objectives they may apply to the licensing authority for the licence to be reviewed.

The four licensing objectives are as follows

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

If we can be of any further assistance please don't hesitate to contact the Licensing Team on 01476 406190.

Yours faithfully



Chris Clarke  
Licensing Officer

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

On the **18<sup>th</sup> 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 7<sup>th</sup> 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 **18<sup>th</sup> 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 7<sup>th</sup> 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.

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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 .....*

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For and on behalf of Chief Constable P.Gibson

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

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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 7<sup>th</sup> 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.

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Mr Kugathas admitted that he had been selling alcohol without a premises licence during the period from the end of June to the 7<sup>th</sup> 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.

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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.*

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*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*

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

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

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*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 .....*

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For and on behalf of Chief Constable P.Gibson



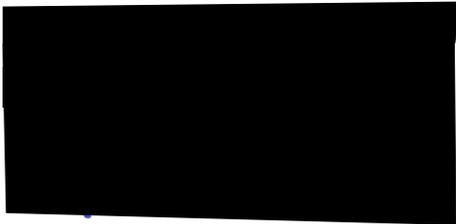
<b>WITNESS STATEMENT</b>				
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s.9				
		URN		
Statement of:	<b>Katherine Braithwaite</b>			
Age if under 18:	<b>Over 18</b>	Occupation:	<b>Pc 824</b>	
<p>This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge 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.</p>				
				
Signature:	Date <b>03/10/2025</b>			

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**

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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 5<sup>th</sup> 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 18<sup>th</sup> June 2025 and his last day of trading was the 17<sup>th</sup> 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**

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On the 5<sup>th</sup> 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 7<sup>th</sup> 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**

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

On the 13<sup>th</sup> November 2025 I made contact with Mr Kugathas to arrange a meeting with him at the premises. We agreed to meet on Tuesday 18<sup>th</sup> 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**

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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 7<sup>th</sup> 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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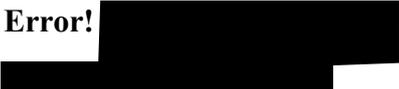
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Statement of: **Katherine Braithwaite**

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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 7<sup>th</sup> 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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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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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 submitted an objection to a previous DPS application to Nirusan Sivatharan only a couple months ago, on the 18<sup>th</sup> December 2025, along with an objection to Nirusan Sivatharan transferring the premises licence into his name. **See appendices A and B for Police objections and C for supporting statement of Pc Braithwaite.**

A hearing was set for 1000hrs on the 20<sup>th</sup> January 2026, however at 1618hrs on the 19<sup>th</sup> January 2026, Nirusan Sivatharan's agent notified SKDC Licensing that he could not attend, and requested it was postponed. Police and Committee members met as planned, but it was decided by the Committee that the hearing would be adjourned to 1045hrs on the 17<sup>th</sup> February 2026. SKDC informed the agent of this the same day.

Police and Committee members met once again on the 17<sup>th</sup> February 2026 but at 1044hrs SKDC Licensing received an email from the agent stating once again, they would not be attending the hearing. The hearing was held in their absence, and the Committee made the decision to reject both the premises licence transfer and the DPS variation application. The agent was provided with the decision notice by SKDC on the same day. **See appendix D for decision notice.**

The Police are now extremely surprised to receive another DPS variation application on the 24<sup>th</sup> February 2026 to Nirusan Sivatharan once again, alongside a premises licence transfer application into his brother Nivethan Sivatharan's name. These applications were once again submitted without any prior consultation with the police.

With only 7 days passing since the Committee's decision to reject both applications, the police feel they have absolutely no choice but to object again to this new application. The Police would argue that if the applicant was

unhappy with the decision made at hearing, they should have initiated their right of appeal rather than simply submit yet another duplicate DPS vary application. The police can only imagine that this is a tactic deployed to avoid appeal costs.

It is believed that the applicant may argue that now his brother Nivethan Sivatharan has applied to take responsibility as the premises licence holder, this strengthens Nirusan's position. The Police would argue this is simply not the case.

Lincolnshire Police's position remains the same in that despite best efforts, no evidence of a genuine takeover from the previous applicant Mr Kugathas had been provided. The Committee shared this concern at hearing on the 17<sup>th</sup> February 2026. The police previously objected to Mr Kugathas' vary DPS and transfer applications, and he subsequently withdrew the applications. Lincolnshire Police outlined in their objections that they had concerns regarding illegal working and inappropriate sexual behaviour towards young females under 16 years old. Following the withdrawal of these applications, the new applications to Nirusan Sivatharan were then immediately received by SKDC which raised concern that the new applicant was acting on behalf of Mr Kugathas, and was not truly in control. **See appendices E and F for Police objections and G for supporting statement of Pc Braithwaite.**

It was only just prior to the last hearing and on the 13<sup>th</sup> February 2026 that the Police were actually informed by the agent that Nirusan's brother Nivethan was involved with the 'family' business. The Police raised questions around why this information had not previously been disclosed to them. This disclosure then proved his direct link to the premises and the concerns they held.

Police checks carried out on Nivethan further question his suitability to be a licence holder. This information has been provided within **Appendix H** and the Police request this is heard in private session.

During a Police visit on the 12<sup>th</sup> February 2026, the staff member working had described his boss as being a male called 'Niv' (now assumed Nivethan Sivatharan), and issues were highlighted in respect of how the premises was being run and the lack of staff training, which would be deemed a breach of their licence conditions. Paperwork was also photographed from utility companies and wholesalers indicating that Mr Kugathas was still involved in the business.

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.

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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.*

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*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

05/03/26

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unhappy with the decision made at hearing, they should have initiated their right of appeal rather than simply submit yet another duplicate DPS vary application. The police can only imagine that this is a tactic deployed to avoid appeal costs.

It is believed that the applicant may argue that now his brother Nivethan Sivatharan has applied to take responsibility as the premises licence holder, this strengthens Nirusan's application. If this is the case, the Police do not agree.

Lincolnshire Police's position remains the same in that despite best efforts, no evidence of a genuine takeover from the previous applicant Mr Kugathas had been provided. The Committee shared this concern at hearing on the 17<sup>th</sup> February 2026. The police previously objected to Mr Kugathas' vary DPS and transfer applications, and he subsequently withdrew the applications. Lincolnshire Police outlined in their objections that they had concerns regarding illegal working and inappropriate sexual behaviour towards young females under 16 years old. Following the withdrawal of these applications, the new applications to Nirusan Sivatharan were then immediately received by SKDC which raised concern that the new applicant was acting on behalf of Mr Kugathas, and was not truly in control. **See appendices E and F for Police objections and G for supporting statement of Pc Braithwaite.**

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**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:*

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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 3<sup>rd</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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.

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*(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 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 3<sup>rd</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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.

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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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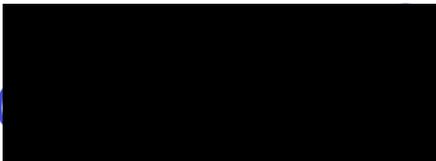
<b>WITNESS STATEMENT</b>				
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s.9				
	URN			
Statement of:	<b>Katherine Braithwaite</b>			
Age if under 18:	<b>Over 18</b>	Occupation:	<b>Pc 824</b>	
<p>This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge 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.</p>				
				
Signature:	Date <b>16/02/2026</b>			

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Thursday 12<sup>th</sup> February 2026 I visited the convenience shop which is now trading as 'Deeping Local', 73 Manor Way, Deeping St James, Lincolnshire, PE6 8PX, in company with Sgt Amy Adams. The shop licenced under premises licence 6944 as 'Alisia Off Licence and Stores'.

On the 18<sup>th</sup> December 2025, Lincolnshire police submitted an objection to the transfer of the premises licence to a Nirusan Sivatharan, along with an objection to a vary DPS application into the name of the same individual. These had both been received on the 8<sup>th</sup> December 2025.

The full details regarding the objections are contained within documentation previously submitted to SKDC, but is based around concerns over who is truly in control of the premises.

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Statement of: **Katherine Braithwaite**

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The findings from the visit on the 12<sup>th</sup> February 2026 only add to our concerns regarding the management of the premises.

On arrival at the shop, we were met by a lone male shop worker who I will refer to as Mr A. He stated it was only his third week working at the shop and his fifth shift. Mr A stated he worked part time and did not have his own personal alcohol licence. When asked what training he had received in relation to age restricted products, he worryingly said 'none' but he had been trained on how to use to till. Staff training is conditioned within annex 2 of the premises licence. Mr A confirmed there were no written training records at all on site. When asked questions around an age verification policy the premises used, Mr A did quote the Challenge 25 policy but was unconvincing when asked to explain what he understood in relation to the policy, for example what types of identification could be accepted.

When asked if the premises used a refusals or incident book, Mr A stated they did not exist. It was also noted that the CCTV monitor within the shop displayed cameras that provided no meaningful coverage of the shop and its exterior (*see exhibit KB/02*). Mr A confirmed he has no access at all to the system.

Mr A only knew his employer as 'Niv', who had taken over the shop around 2 months ago, and did not know any further details for him other than his mobile number. He stated that he did not know who else worked at the shop other than 'Niv' and his brother, who he only knew as 'Nish'.

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Statement of: **Katherine Braithwaite**

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When Mr A was asked further about the hours that he worked, he stressed that was not permitted to work anymore than 16 hours a week but was very vague about the actual hours he worked on what days. For example, he couldn't recall what hours he had worked during recent days and said he had been handed the shop keys that morning, arrived at 0730hrs that morning to open up at 0800hrs, but had no idea who he would be handing over to during the day and at what time. This vagueness felt very strange and gave the impression the premises was disorganised in its operations.

Whilst inspecting some invoices located within the premises, we were concerned to find Booker Cash and Carry invoices in the customer name / company of Mr Kugenthiran Kugathas.

Concerns regarding Mr Kugathas' involvement with the premises have been documented within our previous objection bundles provided to SKDC. Photographs of these invoices were taken (*see exhibit KB/01*), and show that purchases of grocery items, alcohol and tobacco products were made using the account of Mr Kugathas on three occasions, on the dates of 28<sup>th</sup> December 2025, 13<sup>th</sup> and 26<sup>th</sup> January 2026.

It was interesting to see that Mr Sivatharan has clearly got his own Bookers account which is linked to the premises, and has used it to purchase products and invoices dated the 11<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 23<sup>rd</sup> January 2026 evidence this (*see exhibit KB/01*).

A further invoice for Bestway Wholesale was photographed for a purchase of grocery items, alcohol and tobacco products on the 10<sup>th</sup> January 2026 in the customer name of Mr Kugathas

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Statement of: **Katherine Braithwaite**

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with the customer account address of 73 Manor Way Superstores, PE6 8PX (see exhibit KB/03).

Two unopened letters addressed to Mr Kugathas were also photographed at the premises (see exhibit KB/01 page 10).

These findings support the concern that Mr Kugathas still is involved with the premises.

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## Licensing

Our Ref: 043559

Please ask for: Licensing Team

Date: 17<sup>th</sup> February 2026

Telephone Number: 01476 406080

Dear Sir/Madam,

### **Alcohol and Entertainment Licensing Committee Hearing Decision Premises Manor Way Superstore,**

I refer to the application you made for transfer and vary designated premise supervisor and the subsequent committee hearing. I enclose a copy of the Committee's decision the minutes will follow.

### **Decision – Manor Way Superstore, 73 Manor Way, Deeping St James.**

The Committee have read all the paperwork before them. They have heard from the Licensing Officer and Lincolnshire Police. The applicant did not attend despite this being an adjourned hearing to allow them to attend.

Lincolnshire Police presented their application as set out in their evidence pack. This detailed issues with the previous licence holder and the relationship that they have with the current applicant. No evidence has been provided of any genuine transfer to the current applicant. Further the police visited the premises on 12<sup>th</sup> February 2026 and found evidence that both the previous licence holder and current applicant had accounts at a cash and carry which had both been used throughout January. Evidence provided also shows the previous premises licence holder still receiving post at the premises and discussions with a worker at the premises also indicated both people were involved in the running of the business.

The Committee considered all options available to them. They considered whether there are any additional conditions that could be included but were of the view that there were no conditions which would adequately address their concerns.

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

The Committee having considered the information before them were of the view that there was no evidence that proved the transfer was a legitimate transfer and the previous licence holder

still was involved at the premises. The Committee were also deeply concerned about the lack of cooperation and communication from the applicant. With this in mind the committee decided to reject both the application for the transfer of the licence and for the variation of the DPS as it was appropriate for the promotion of the crime prevention licensing objective.

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

There is a right of appeal against the Committee's decision to a Magistrate's court within 21 days from the date of this notification. The address to appeal against a decision is:

The Clerk to Lincolnshire Magistrates  
Justices' Clerk's Office  
Lincolnshire Magistrates' Court  
358 High Street  
Lincoln  
LN5 7QA

Tel: 01522 528218

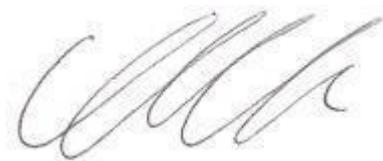
I take this opportunity to remind you that should a responsible authority or interested party consider that the operation of the premises is failing to comply with any of the four licensing objectives they may apply to the licensing authority for the licence to be reviewed.

The four licensing objectives are as follows

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

If we can be of any further assistance please don't hesitate to contact the Licensing Team on 01476 406190.

Yours faithfully



Chris Clarke  
Licensing Officer

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

On the **18<sup>th</sup> 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 7<sup>th</sup> 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 **18<sup>th</sup> 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 7<sup>th</sup> 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.

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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 .....*

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For and on behalf of Chief Constable P.Gibson

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

On the **18<sup>th</sup> 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 7<sup>th</sup> 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 **18<sup>th</sup> 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 7<sup>th</sup> 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.

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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 .....*

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For and on behalf of Chief Constable P.Gibson





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Statement of: **Katherine Braithwaite**

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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 Velupillai Alvappillai, requesting CCTV footage so an investigation could commence. I received an email back from Mr Alvappillai on the 5<sup>th</sup> 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 18<sup>th</sup> June 2025 and his last day of trading was the 17<sup>th</sup> 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**

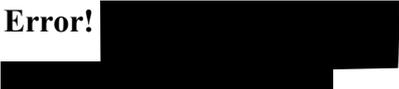
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On the 5<sup>th</sup> November 2025, I made SKDC Licensing Officer Chris Clarke aware of the email conversation with Mr Alvappillai. Chris agreed he would pay the premises a visit on the 7<sup>th</sup> November 2025. The visit was made, and the premises 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**

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

On the 13<sup>th</sup> November 2025 I made contact with Mr Kugathas to arrange a meeting with him at the premises. We agreed to meet on Tuesday 18<sup>th</sup> 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**

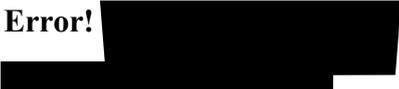
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during the dates/times the two police incidents had been reported recently. I also showed the officer's body worn footage image of the lone shop worker encountered during the visit on the 7<sup>th</sup> November 2025, and they both confirmed this was 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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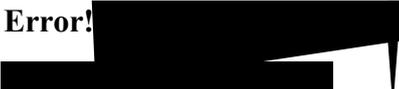
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Statement of: **Katherine Braithwaite**

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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 7<sup>th</sup> 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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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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