

LINCOLNSHIRE POLICE

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

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

The grounds for the objection notice are as follows:

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

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

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

Appendix B – statement of PC 842 Braithwaite.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- *crime and disorder;*

5.2 Prevention of Crime and Disorder

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

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

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

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

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

Crime and Disorder Act 1998 Section 17

Duty to consider crime and disorder implications.

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

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

the local environment); and

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

(c) re-offending in its area

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

.a local authority;

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

18/12/25