

## **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

