

Minutes

Alcohol, Entertainment & Late
Night Refreshment Licensing
Committee

Tuesday, 17 February 2026



SOUTH
KESTEVEN
DISTRICT
COUNCIL

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

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.