

## 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