

## **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.*

*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

05/03/26