

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Paul Gibson, Chief Constable of Lincolnshire Police

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Todays Local 10 Red Lion Square Stamford	
Post town Lincolnshire	Post code (if known) PE9 2AJ

Name of premises licence holder or club holding club premises certificate (if known)
Mohan Retail Ltd

Number of premises licence or club premises certificate (if known)
18188

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Lincolnshire Police
Alcohol Licensing
Deepdale Lane
Nettleham
Lincoln
Lincolnshire
LN2 2LT

Telephone number (if any)
101

E-mail address (optional)
Countylicensinggroup@lincs.pnn.police.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓
X

Please state the ground(s) for review (please read guidance note 2)

This review application relates to a premises which operates as a general convenience store in the centre of Stamford Town Centre with high footfall, offering food and drink to the local community. It has been granted a Premises Licence 18188 by South Kesteven District Council.

The current premises licence holder is Mohan Retail Ltd (company number 07585287) with Arumugam Kalamohan as the sole director. The designated premises supervisor is Santhosh Sekar.

The licence authorises the sale of alcohol and opening hours between 06:00 to 02:00 Monday to Sunday.

Lincolnshire Police have obtained evidence which indicates that the management of these premises has been operating it in such a manner that amounts to criminal activity and thus undermines the licencing objective of the prevention of crime and disorder.

In relation to this review application the following guidance issued under Section 182 of the Licensing Act 2003 has been considered:

Revised Guidance issued under Section 182 of the Licensing Act 2003

Section 2.1 states licensing authorities should look to the Police as the main source of advice on crime and disorder.

Section 10.29 states in addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Section 10.32 states the following factors should be relevant in considering whether or not an authorisation has been given:

- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;*
- the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;*
- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and*
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.*

Section 10.33 states it is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.

Section 10.35 states it must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

All of the section 11 guidance is based on reviews:

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.

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 where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, it is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. 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 states that 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 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 being 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:

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.*

4.1 Each of the four licensing objectives is of equal importance. The Licensing Authority considers the effective and responsible management of the premises and the instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives.

4.3 The Prevention of Crime and Disorder

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. (those relevant to this application are below)

- *Provision of CCTV in and around the premises.*

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

Please provide as much information as possible to support the application (please read guidance note 3)

Lincolnshire Police feel it necessary to outline their history with Mr Kalamohan and his licenced premises elsewhere in the county to give context to this re-view application.

In October 2018, Today's Express, Market Place, Grantham, a premises controlled by Mr Kalamohan was reviewed due to illegal working, selling alcohol below the mandatory price, and non-compliance. This was again initiated by Lincolnshire Police (*see appendix 1 for police review application*), and the Committee made the decision to revoke this premises licence (*see appendix 2 for hearing notes and decision notice*).

In 2020, Today's Extra, 50 Kesteven Road, Stamford was reviewed. Mr Kalamohan was premises licence holder at that time. The review was initiated by Lincolnshire Police (*see appendix 3 for police review application*) following a visit made by Police and Immigration in March 2020. During this visit, an illegal worker was encountered, in addition to two persons located in the staff accommodation area with no right to work who were believed to be workers at the premises. Various non-compliance issues were also highlighted. At hearing, the Committee made the decision to modify the licence to include more stringent conditions relating to staff training and refresher training, checks and recording of employees right to work. (*see appendix 4 for meeting minutes and decision notice*).

Due to persistent and serious concerns about Mr Kalamohan's ability to manage licensed premises, Lincolnshire Police feel that this review is necessary. Mr Kalamohan also has control of two other convenience stores that also each hold a premises licence, Today's Local 10 Red Lion Square, Stamford and Today's 2 Horsemarket Caistor, both of these premises are also currently subject to licence reviews instigated by Lincolnshire Police.

Full details of the concerns Lincolnshire Police have in relation to the 50 Kesteven Road Stamford premises can be found in the review application submitted alongside this review (*see appendix 14*).

The review application submitted by Lincolnshire Police for 2 Horsemarket, Caistor, in summary provides evidence of two separate occasions where police have encountered illegal working alongside non-compliance issues (*see appendix 13 for review application*).

Lincolnshire Police find themselves in a position where they can demonstrate Mr Kalamohan cannot operate responsibly under the Licensing Act 2003, the licensing objective and associated legislation.

This premises with licence 18188 under review has been visited by police on four separate occasions over the last two years, and consistent issues have been encountered during every visit. During this period Mr Kalamohan has

always held the premises licence in his company's name – Mohan Retail, but there have been various different designated premises supervisors (DPS) not including Mr Kalamohan. These visits are summarised below:

2nd August 2023

A Police Licensing inspection was carried out, and non-compliance including, the absence of a personal licence holder on the premises and a lack of signage were noted (*see appendix 5 for Pc Braithwaite's statement*).

During the visit a lone worker was encountered. His details were passed to the National Command and Control Unit (NCCU) for Immigration over the phone at the time of the visit. NCCU confirmed his status was in question, and Immigration officers would require a re-visit. There was not enough information available at the time to take any action or confirm that he did not have the right to work in the shop.

An email was sent to Mr Kalamohan following this visit, informing him that areas of non-compliance had been discovered in his shop, requesting he address this to ensure full compliance. Mr Kalamohan simply replied with the contact details for the DPS at the time – Ms Narmatha Rasathurai and copied her into the email trail (*see appendix 6 for emails*). He did not make any comment regarding the non-compliance issues.

3rd October 2023

A Police Licensing inspection was carried out in company with Immigration officers. A lone worker encountered was arrested by Immigration and Immigration informed the police that they believed that he did not have the right to work (*see appendix 11 for Immigration interview with worker*). He was arrested for being an overstayer. This male was the same worker who had been encountered working alone in the shop of the 2nd August 2023. The same non-compliance issues were again discovered during this visit. (*see appendix 5 for Pc Braithwaite's statement*).

The DPS at the time of this visit was still Ms Narmatha Rasathurai.

Immigration officers referred this case to the Home Office Civil Penalty Compliance Team for a civil penalty to be issued, however no further action was taken. Whilst Lincolnshire Police acknowledge no further action was taken by the Home Office on this occasion, Immigration officers informed police that they believed the worker encountered was working without the correct right to work entitlement, which does amount to a crime. Although the penalty was not issued on this occasion, it does not alter the circumstances, and in conjunction with the confirmed illegal workers discovered at Mr Kalamohan's other shops previously, we feel this should be seen as more than just merely coincidental.

7th November 2024

A Police Licensing inspection was carried out in company with Immigration officers. Various non-compliance of conditions were discovered and included, the absence of a premises licence on site, the absence of a personal licence holder on site, CCTV issues, an invalid DPS authority, a disorganised and outdated refusals register, lack of shop signage in relation to customers leaving quietly, alcohol found on sale in areas of the shop it was not permitted (*see appendix 7 for Sgt Adams's statement and appendix 8 for images and evidence taken as exhibit ACA1*).

Although the shop worker at the time was checked by Immigration and found to be legally entitled to work, Sgt Adams documents in her statement a suspicious male encountered just outside the premises who appeared to be connected with the premises. His details were checked, and he was found to have no right to work (*see appendix 12 for Immigration evidence*). Although at the time, there was no direct evidence the male had been working, particularly due to CCTV not being reviewable at the premises, the male was found with Mr Kalamohan's bank card in his phone case.

An email was sent to Mr Kalamohan following this visit requesting urgent action was taken to rectify the issues, however in his response he did not acknowledge or provide any comment regarding the concerns, despite the warning given to him that proceedings under the Licensing Act 2003 would be considered should the premises be found in breach its conditions again.

Police also requested CCTV footage for this premises for a three-hour period on the 7th November 2024 and a staff list for that same date. The purpose of this request was to establish if the suspicious male with no right to work had indeed been working at the premises.

In Mr Kalamohan's response, he provided a list of individuals that had apparently worked at the shop that day, of which the male did not feature. He suggested that the length of CCTV footage time requested may have been too large to copy.

A CCTV storage device was provided to the police, however it did not contain any footage from this premises at all. When Mr Kalamohan was questioned about this, he stated he had attempted to re-copy it but it had dropped off the system. (*see appendix 9 for email conversations*).

The concern at this time was that this may well have been a deliberate act of avoidance by Mr Kalamohan to provide CCTV, to prevent the police discovering the male had actually been working in this shop. This is the type of suspicious behaviour around CCTV was documented when Pc Casey visited the premises in Caistor and during the subsequent follow-up enquiries with Mr Kalamohan in relation to an illegal worker discovered there (*see appendix 11, page 8 of the Caistor shop review application*).

On the 20th November 2024 Lincolnshire Police received a DPS variation for this premises from Ms Rasathurai to a Thasatharan Amirthalingham. Mr

Kalamohan had mentioned in his email on the 22nd November that Ms Rasathurai had quit her job, but it is suspected that this had actually been a tactic deployed in an attempt for Mr Kalamohan to relinquish his responsibility for failings at the premises.

17th June 2025

A Police Licensing inspection was carried out at the premises and virtually the same various non-compliance issues discovered on the 7th November 2024 were discovered (*see appendix 7 for Sgt Adams's statement*).

At the point of this visit, the position of DPS had been varied to a Santhosh Sekar. Lincolnshire Police had received this variation application on the 14th April 2025, and to date this person who is the current DPS for the premises.

During all visits to this premises highlighted above, the multiple occasions where non-compliance of the annex 2 of the licence amount to s.136 offences under the Licensing Act 2004 – unauthorised licensable activity.

Also, during these visits, quantities of non-priced alcohol have been witnessed which is an offence under the Price Marking Order Act 2004 (*for images taken see appendix 10 for exhibit KB01 alongside appendix 8 for exhibit ACA1*).

Lincolnshire Police deem the management of the premises to be unacceptable and feel that Mr Kalamohan has been given sufficient and appropriate warnings/advice regarding all three shops which now face review.

It is a major concern that having narrowly avoided revocation of the 50 Kesteven Street licence in 2020, and also experiencing the revocation of the Market Place Grantham licence in 2018 (due to the same issues as present), Mr Kalamohan still cannot get his operations right. We would argue that this cannot simply be a case of lack of understanding, more likely blatant disregard on the part of Mr Kalamohan.

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 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 in order 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.

Lincolnshire Police feel the licence this premises operates under has become outdated, with poorly worded conditions that are not specific or measurable enough for this type of business operation. They lack detail in relation to requirements around CCTV, staff training, incident and refusals recording, and age verification policy. There is also an absence of any conditions in relation to staff right to work checks and recording.

But that said, all these conditions are present on the 50 Kesteven Road premises licence, and the review application submitted for that particular premises evidences the consistent failure over a two-year period by Mr Kalamohan to adhere to a robust set of conditions.

Lincolnshire Police have no confidence in the ability of Mr Kalamohan to uphold the licensing objectives and respectfully request that the committee seriously consider the revocation of this premises licence.

Have you made an application for review relating to the premises before

If yes please state the date of that application

If you have made representations before relating to the premises please state what they were and when you made them.

Lincolnshire Police have never made an application regarding this particular premises, but have taken two other premises to review where Mr Kalamohan has been the Premises Licence Holder (detailed in report above).

Please tick ✓

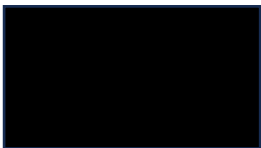
yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature  PC 824 BRAITHWAITE
.....

Date 22/08/25
.....

Capacity for and on behalf of Chief Constable of Lincolnshire Police
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

6. This is the address which we shall use to correspond with you about this application.