

South Kesteven District Council

**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 Extra 50 Kesteven Road Stamford	
Post town Lincolnshire	Post code (if known) PE9 1SU

Name of premises licence holder or club holding club premises certificate (if known) Arumugam Kalamohan

Number of premises licence or club premises certificate (if known) 23619

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 offering food and drink to the local community. It has been granted a Premises Licence 23619 by South Kesteven District Council.

The current premises licence holder and designated premises supervisor is Arumugam Kalamohan.

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

Lincolnshire Police have obtained evidence which indicates that the management of this 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. There is also clear evidence of non-compliance with the conditions set out on the premises licence.

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)

This premises was previously reviewed back in 2020 and the premises licence holder at that time was Mr Kalamohan. The review was initiated by Lincolnshire Police (*see appendix A 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.

A hearing was held, and the decision made by the Committee was 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 B for hearing minutes and decision notice*).

The Home Office have recently confirmed that the £10,000 penalty issued in relation to the illegal working discovered in 2020 remains outstanding and has since been referred to a third-party debt collection agency. Although this penalty was not issued to Mr Kalamohan personally, the business was still under his control at the time.

It is also important to note that in October 2018, another of Mr Kalamohan's premises, Today's Express, Market Place, Grantham faced a review hearing due to illegal working, selling alcohol below the mandatory price, and non-compliance. This was again initiated by Lincolnshire Police (*see appendix C for police review application*), and the Committee made the decision to revoke this premises licence (*see appendix D for hearing notes 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 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 Red Lion Square premises can be found in the review application submitted alongside this review (*see appendix M*).

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 E 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 23619 under review, has been visited by police on three 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 position of designated premises supervisor (DPS). These visits are summarised below:

3rd October 2023

A Police Licensing inspection was carried out in company with Immigration. An illegal worker was encountered (*see appendix L for Immigration interview with worker*), coupled with non-compliance of conditions including CCTV, DPS authority, right to work documentation and staff training (*see appendix F for Pc Braithwaite's statement and appendix G for images taken and exhibited as KB01*).

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, it was certainly confirmed at the time that the worker encountered was working without the correct right to work entitlement, which does amount to a crime. Although the threshold for a penalty was not met on this occasion, it does not alter the circumstances, and in conjunction with the confirmed illegal workers discovered at Mr Kalamohan's other shops in the past, we feel this should be seen as more than just merely coincidental.

7th November 2024

A Police Licensing inspection was carried out and various non-compliance identified of conditions relating to CCTV, DPS authority, incident and refusals recording, signage, right to work documentation and staff training was discovered (*see appendix F for Pc Braithwaite's statement and appendix H for images taken and exhibited as KB02*).

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 being given the warning that proceedings under the Licensing Act 2003 would be considered should the premises be found in breach its conditions again. (*see appendix I for emails*).

17th June 2025

A Police Licensing inspection was carried out and once again non-compliance with conditions relating to CCTV, DPS authority, incident and refusals recording, location of spirits, shop signage, right to work documentation and staff training were discovered.

Concerns were also noted in respect of the sale of equipment used to prepare and smoke illegal drugs, along with the sale of 'Poppers' a product commonly used as a recreation drug. (*see appendix J for Pc Braithwaite's statement and appendix K for images taken as KB03*).

The multiple occasions where non-compliance of both the annex 2 and 3 conditions of the licence have been discovered during inspections, amount to s.136 offences under the Licensing Act 2004 – unauthorised licensable activity.

During the visits carried out in 2023 and 2025, quantities of non-priced alcohol were witnessed which is an offence under the Price Marking Order Act 2004 (*see appendices KB/01 and 03 for images taken*).

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 deem the management of this 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.

Lincolnshire Police cannot identify any other conditions that could be imposed to prevent the highlighted issues from recurring.

It is a major concern that Mr Kalamohan, having narrowly avoided revocation of this licence in 2020, has been completely non-compliant with the annex 3 conditions imposed by the Committee on all occasions police have inspected the premises since the hearing. We would argue that this cannot simply be a case of lack of understanding, more likely blatant disregard on the part of Mr Kalamohan.

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 applied to have this premises reviewed in 2020 as described above, and the Committee made the decision to modify licence conditions.

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 22/08/2025

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.