

West Lindsey 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 Today's 2 Horsemarket Caistor Market Rasen	
Post town Lincolnshire	Post code (if known) LN7 6UP

Name of premises licence holder or club holding club premises certificate (if known) Grantham Curry Pot Ltd

Number of premises licence or club premises certificate (if known) 32UHB50224

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
Police Headquarters
Deepdale Lane,
Nettleham,
Lincolnshire
LN2 2LT

Telephone number (if any)
101 - Lincolnshire

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

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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 32UHB50224 by West Lindsey District Council authorising the sale of alcohol for consumption off the premises. The sale of alcohol is authorised between 06:00 and midnight 7 days a week.

The current premises licence holder is Grantham Curry Pot Ltd and designated premises supervisor is Rajith Subramaniam. The sole director of Grantham Curry Pot Ltd is Arumugam Kalamohan.

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. There is also clear evidence of non-compliance with the conditions set out on the premises licence.

Revised Guidance issued under Section 182 of the Licensing Act 2003

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

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 and, where other measures are deemed insufficient, to revoke the licence.

Section 11.24 states that reviews do not have to be directly linked or connected with the licensable activities at any premises.

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 that 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.

West Lindsey District Council's statement of Licencing policy (December 2020) has also been considered and the following points are deemed relevant:

1.7 In undertaking its licensing function, the Licensing Authority will have regard to other legislation, including, but not exclusively:

- Section 17 of the Crime and Disorder Act 1998: requires the Council to take all reasonable steps to reduce crime and disorder within the district.
- Immigration Act 2016

5.1.1 The Licensing Authority will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises.

5.1.2 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 Page 15 of 40 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 District.

5.1.5 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.

5.3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly,
- Provision of CCTV

8.19.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

8.19.5 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.

8.19.6 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.

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)

The premises licence for Today's in Caistor has been under the control of Mr Kalamohan since September 2023 when the licence was transferred to AK Lincoln Ltd - a company of which Mr Kalamohan is the sole director. At the same time a vary DPS application was received naming Mr Kalamohan as the new designated premises supervisor.

In November 2023 a variation application was received to make amendments to the licensable hours and also to update and modernise the conditions held within the premises licence. The update to the licence conditions was instigated by Mr Kalamohan's agent and was welcome as there had previously been no annex 2 conditions at all. The conditions offered seemed appropriate for the operating style of the business and were clear and easy to understand.

In April 2024 the premises licence was transferred into a different company name – Grantham Curry Pot Ltd. Mr Kalamohan is also the sole director of this company.

On 27th September 2024 Police and council licensing teams carried out a joint visit to check compliance with the premises licence. There was a male working in the shop who identified himself to officers and was eventually found to have no status in the UK and thus no right to work. Police were directed by Home Office Immigration to arrest this individual. Officers also checked compliance with the premises licence and found some cause for concern. The CCTV appeared to be recording but did not retain for the required period only saving footage for 23 days as opposed to 28 as per the premises licence. There was a comprehensive training folder in relation to age restricted sales but unfortunately this hadn't been signed by staff including the male working at the time of the visit.

Following this visit PC Casey emailed Mr Kalamohan to outline the concerns found but no reply was forthcoming. PC Casey reported the matter of the illegal worker to Immigration and the evidence was sent to the civil penalty team for their consideration.

(See appendix A – Statement of PC Casey and appendix B – Pocket Notebook Entry of PC Casey dated 27.09.24).

A further vary DPS application was received on 4th November 2024 and sought to change the DPS from Mr Kalamohan to Mr Rajith Subramaniam.

On 7th November 2024 Police reattended with Immigration Officers. On this occasion the new DPS, Mr Subramaniam, was present. Mr Subramaniam was not able to operate the CCTV as he said he could not locate the mouse. The staff training manual was still unsigned and the DPS authority to sell alcohol was out of date and did not have names of current employees or the DPS.

(See appendix C – Pocket Notebook Entry of PC Casey dated 07.11.24)

On 17th June 2025 the Police Licensing Officer attended Today's again, this time with the Community Beat Manager – PC Turner. Upon entering Police encountered the same male that had been working illegally at the premises on 27th September 2024. On recognising the Officer's, the male fled the shop but was later detained after being found hiding behind a parked vehicle on a nearby driveway. Checks with immigration determined that this male was not liable to be detained any further but did confirm that he still had no permission to work in the UK. Police spoke at length with the male via a telephone interpreting service. During the conversation the male admitted that he had returned to the premises and had been working there for 2 weeks over 2-3 days each week. He disclosed that he was paid £6.00 per hour in cash which is considerably less than the national minimum wage of £12.21 per hour for over 21's

PC Casey had a brief telephone conversation with Mr Kalamohan and explained that CCTV would be requested via email as the staff on site were unable to operate the system. After this visit PC Casey requested footage from the premises by emailing Mr Kalamohan and Mr Subramaniam (DPS). Footage was requested for one hour across all cameras at the time of the visit. Footage was provided in the coming days, but it only displayed 8 cameras', one of which was not working so appeared blacked out. Of the footage provided there were no cameras covering the rear section of the shop and nothing to show what the illegal worker was doing prior to Police arrival. The illegal worker had been in the rear section of the shop upon PC Casey's arrival. During a phone call to Mr Kalmohan PC Casey asked if there were cameras covering the rear of the shop to which he said there weren't, he also clarified that the eighth blank camera was currently not working but only covered the outside of the shop. PC Casey re-attended the shop on 10th July and was shown the CCTV by a staff member on the premises. PC Casey noted that there was a total of 16 cameras across the shop and that the rear of the premises was very well covered. On checking the retention period of the footage, it was identified that here was no footage prior to 4th July meaning that it was only keeping footage for 7 days and not the 28 required on the premises licence.

(See appendix D Statement of PC Casey dated 15.07.25, appendix E Illegal working interview notes, appendix F Pocket Notebook Entry of PC Casey dated 17.06.25 and appendix G Pocket Notebook Entry of PC Casey dated 10.07.25)

During the above period PC Casey has exchanged several emails with Mr Kalamohan and/or the DPS. The DPS has never responded to emails but the chain can be seen in Appendix H. Mr Kalamohan has responded but has never acknowledged the non-compliance or discovery of illegal workers. ***(See appendix H email chain between 01.10.24 and 10.07.25).***

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 have two main concerns with this premises the first being the illegal working and the second the consistent non-compliance.

The non-compliance is disappointing especially since Mr Kalamohan himself suggested the very conditions that he is now breaching. Breach of those conditions is an offence under s.136 Licensing Act 2003.

Whilst the DPS is previously not known to have raised concerns for us in Lincolnshire, Mr Kalamohan has been subject to other licence review hearings in the County. Those reviews have been instigated for the same reasons as this one, illegal working and non-compliance – it appears as though lessons are not being learnt.

In 2018 Lincolnshire Police requested a review of the premises licence at Today's Express, 20 Market Place, Grantham after the discovery of an illegal worker at the shop and non-compliance with the conditions on the premises

licence. South Kesteven District Council's licensing committee made the decision to revoke this licence. Home Office Immigration also served a £10,000 penalty in relation to this matter.

In 2020 Lincolnshire Police submitted a review in relation to Today's Extra 50 Kesteven Road, Stamford again due to the discovery of an illegal worker and s.136 Licensing Act 2003 offences. The licensing committee, on this occasion, opted to implement additional conditions on the premises licence.

At the time of both the reviews the premises licence holder was either Mr Kalamohan himself or a company of which he was the director. Since these reviews there have also been concerns about illegal working and non-compliance at Today's Red Lion Square, Stamford and Today's Kesteven Road, Stamford. Both premises are also under the control of Mr Kalamohan/Mohan Retail Ltd.

Lincolnshire Police feel that the above information demonstrates that either Mr Kalamohan still does not understand the Licensing Act 2003, the licensing objectives and associated legislation *or* Mr Kalamohan has a total disregard for these matters. Either way, Lincolnshire Police deem the management of the premises to be unacceptable and feel that there have been sufficient and appropriate warnings/advice given to Mr Kalamohan. Lincolnshire Police cannot identify any other conditions that could be imposed to prevent the highlighted issues from recurring.

Lincolnshire Police respectfully request that the licensing sub-committee consider revocation of the premises licence.

Please tick ✓ yes

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

N.A

If yes please state the date of that application

Day	Month	Year

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

There have not been previous representations in relation to this premises however, Mr Kalamohan is no stranger to the review processes as described 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 *RLW*
.....

Date 22.07.25
.....

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.

