

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(5) of the Licensing Act 2003, of the application to vary the designated premises supervisor (DPS)

The grounds for the objection notice are as follows:

On 24/04/2026 the applicant, Nanthakumar Murukan submitted an application to vary the DPS role into his name.

This premises has been operated by Mr Arumugam Kalamohan since 2023 when he transferred the licence to one of his companies. Mr Kalamohan has also briefly held the position of DPS.

Prior to this application the DPS was Paramasivan Rahulan. Mr Kalamohan was the DPS between 2023 and November 2024 at which point a vary DPS application was received. This variation was submitted shortly after Police and Council Licensing teams attended the premises and located an illegal worker who was working behind the counter. Since Mr Kalamohan has been involved at the premises, Lincolnshire Police have uncovered issues of repeated non-compliance with the conditions on the licence as well as illegal working. Lincolnshire Police submitted an application for the review of the premises licence in July 2025 and at hearing in October 2025 the licensing sub-committee made the decision to revoke the premises licence. Mr Kalamohan lodged an appeal which is still pending and due to be heard at Magistrates Court on 21st May 2026.

Appendix A is attached and details the circumstances which led to the review and includes details of variations that were received following visits by Police and Council Licensing Officers. Historically, each time a concern has been highlighted to Mr Kalamohan an application to vary the DPS has quickly followed. Since September 2023 there have been 4 different DPS's. Those variations to change the DPS could be viewed as a tactic to divert attention away from Mr Kalamohan.

This vary DPS application was submitted just days after a transfer application was received to also place the premises licence in Mr Murukan's name. The application to transfer states that the new applicant has not previously been linked to the premises but Lincolnshire Police have concerns that this is not correct.

This application was submitted by Licensing Agent Mr Ian Rushton who has represented Mr Kalamohan since the initial transfer in July 2023 right through to the review hearing.

On the associated transfer application Mr Rushton quotes that the applicant is in the process of taking over the business and the lease having had no previous involvement with the business. The application states that the previous licence holder will have nothing to do with the day to day running of the business and no responsibility for it. The transfer also highlights that the applicant is aware of the revocation of premises licence in October 2025.

The applicant, Mr Murukan, has provided the home address of 48 Kesteven Road, Stamford which coincidentally is a property next door to 50 Kesteven Road which is another Today's Shop run by Mr Kalamohan. 50 Kesteven Road was also subject to a Police initiated review in 2025 whereby the licence was revoked and an appeal has again been lodged. This matter is also still to be dealt with at Magistrates Court. 48 Kesteven Road is a residential property which, according to land registry checks, belongs to Mr Kalamohan. This suggests that Mr Murukan is a tenant of his.

48 Kesteven Road has also been provided as the home address for a male previously employed as the DPS at another of Mr Kalamohan's shops on Red Lion Square in Stamford.

Lincolnshire Police have made enquiries with Watford Council who issued Mr Murukan's personal licence, they have confirmed that the applicant was previously known as Subramaniam Nanthakumar. Police licensing officers previously met the applicant at the Caistor Shop in September 2024 when an illegal worker was located there. At that time, it was necessary to close the shop as there were no other persons present to look after it. Mr Kalamohan was contacted on the phone to ask what he would like officers to do with the shop and keys, he said he would send another staff member to take over. The male that arrived produced a driving licence as identification, the name on the licence was Subramaniam Nanthakumar with the same date of birth as Mr Murukan. This evidence confirms that the applicant has been connected to Mr Kalamohan for some time, possibly as an employee, and is aware of the illegal worker encountered in 2024.

Appendix B is the statement of PC Casey following the visit to 2 Horsemarket in September 2024. Of note, the final paragraph on page 2 shows the above interaction with the applicant.

Lincolnshire Police have concerns that this variation of DPS is not a clean break with a totally independent person and is further evidence of a pattern of behaviour previously used by Mr Kalamohan to avoid the consequences of enforcement action. Lincolnshire Police are worried that this DPS will not uphold the licensing objective of prevention of crime and disorder and criminality will continue at this premises.

For the above reasons, the Chief Officer of Police is satisfied the exceptional circumstances of the case are such that granting the application would undermine the crime prevention licensing objective. Accordingly, it is respectfully requested that Licensing Authority reject the application as it is necessary for the promotion of this licensing objective.

In relation to this application, the following Guidance issued under Section 182 of the Licensing Act 2003 has been considered –

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

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 11.24, (which is in relation to reviews but deemed relevant) 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 it is the role of the Licensing Authority to take steps to promote the licensing objectives 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.

West Lindsey District Council statement of licensing policy (2026 - 2031) has also been considered and the following points are deemed relevant to this application:

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 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.

8.7.1 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. Because of this the Licensing Authority will normally expect that the DPS for a licensed premise will be able to demonstrate that they are in day to day control of the premises and playing an active role in its operation through a regular personal presence.

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.

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