



## Lincolnshire Police

### Licensing Act 2003 – Temporary Event Objection Notice (Section 104 Licensing Act 2003)

Details of person or body making objection	
Your Name:	Chief Constable, Lincolnshire Police.
Your Address:	Alcohol Licensing Myle Cross Macaulay Drive Lincoln LN2 4EL

Details of premises objection is about	
Name of Premises:	Premier Louth Store
Address of Premises:	103 – 105 Newmarket, Louth, LN11 9EG
Application No:	

Prevention of Crime and Disorder	x
Public Safety	x
Public Nuisance	x
Protection of Children from Harm	x

Please summarise your concerns about this application:
<p>This objection notice is in relation to a temporary event notice (TEN) for the supply of alcohol by retail from 103-105 Newmarket, Louth, between 22<sup>nd</sup> March 2022 and 27<sup>th</sup> March 2022.</p> <p>Lincolnshire Police has not been contacted prior to submission of the TEN by the applicant or any person representing him.</p> <p>The premises in question has a history with regards to licensing.</p> <p>The premises had its premises licence revoked on 14<sup>th</sup> July 2021 following a review hearing at East Lindsey District Council.</p> <p>The licencing sub-committee heard evidence from Lincolnshire Police that an illegal worker had</p>

been encountered at the premises, as well as breaches of the annex 2 conditions on the premises licence. The premises licence holder and designated premises supervisor were absent and failed to present at hearing or have any contact with authorities. The evidence demonstrated that there was a lack of overall control of the premises.

Mr Thuraisingam Kirushanth was encountered at the premises in March and May 2021 when the police visited and discovered the issues which led to the premises licence review and revocation. He presented as having control of the premises at the time the illegal worker was found on the second visit, stating that he was going to transfer the premises licence into his name. Yet he displayed a lack of knowledge and understanding of both licensing legislation and the conditions on the premises licence as the annex 2 breaches of the premises licence showed.

At no point in the subsequent hearing process did Mr Kirushanth offer any explanation for what was discovered by the police, nor did he as the potential new licence holder attend the review hearing to explain the situation to the licensing committee, despite being aware of everything that had occurred.

There then followed 3 x TEN's for the premises from Mr Kirushanth for August and September 2021, which were objected to by Lincolnshire Police on the basis that Mr Kirushanth was the person in control of the premises at the time the licensing objectives were seriously undermined, which led to the revocation. Lincolnshire Police produced evidence that Mr Kirushanth had registered for VAT at the premises prior to the first police visit. He was still registered for VAT at the premises during the subsequent police visit when the illegal worker was found, showing a great degree of involvement in the business that benefitted from the alcohol sales during that time. The TEN's were withdrawn on the day of the hearing.

Various draft applications from Mr Kirushanth for a new premise licence were then received by Lincolnshire Police over the following months. Mr Kirushanth was told that Lincolnshire Police would make representation to such an application should it be formerly submitted as the same argument still stood, that he was in control at the time of the serious failings which led to the revocation.

A new premises licence application for 103-105 Newmarket in the name of Janushanth Thuraisingam was formerly submitted 8<sup>th</sup> March 2022, along with 3 x TEN's (one of which was late).

Pc 1299 Casey attended the premise on 9<sup>th</sup> March 2022 and spoke with Mr Thuraisingam. He informed Pc Casey that he is taking on the business and Mr Kirushanth is his brother. Please see the statement from Pc Casey at appendix A attached.

Mr Thuraisingam's history, in regards to risk to the licensing objectives will be researched during the 28 days consultation period as part of the application process for the premises licence. Police are given 3 days in which to object to TEN's and it is not sufficient time to carry out enquiries with responsible authorities that are outside Lincolnshire.

The new premises licence application from Mr Thuraisingam shows that he doesn't currently live locally. His home address on that application, as opposed to on the TEN applications which gives the Newmarket premises address, is Nuneaton. He has applied for his personal licence with Nuneaton and Bedworth Licensing Authority, again showing this is where he is living, as you have to apply to the council in the area you live. As yet he has not been granted a personal licence, which further increases the risk to the licensing objectives.

Lincolnshire Police have requested evidence of a genuine takeover, business sale, lease agreement, movement of money, independent stock take, utilities, business rates, VAT registration, companies house registration etc. All the things that you would expect to have if there had there been a genuine change of hands.

The 28 day consultation period with the premises licence application will also allow time for Lincolnshire Police to carry out their own checks to verify a change of business operator, to scrutinise any paperwork received and conduct further enquiries if necessary.

At present Lincolnshire Police are concerned that Mr Kirushanth is still behind the business. A search of the premises postcode PE11 9EG into vat-search.co.uk, an open source VAT search reference, on 11<sup>th</sup> March 2022 brought back Mr Kirushanth's details, with the address Louth, Lincolnshire. This shows a VAT registration date of 2 Feb 2021, the VAT ID of GB 368173668 and the status as active.

A VAT ID check at [www.gov.uk](http://www.gov.uk) using the VAT ID provided on the previous search brought back the registered business name of Thuraisingam Kirushanth with the registered business address being 103-105 Newmarket, Louth, Lincolnshire, PE11 9EG. Please see appendix B attached for screenshots of these searches.

A temporary event notice allows licensable activities where no conditions are attached to promote the licensing objectives, unlike a premises licence. To allow licensable activity to take place at this premises, with this history, without sufficient evidence of improvement or changes of control since the failings which led to the licence revocation, is an unacceptable risk to the licensing objectives.

Lincolnshire Police object to this temporary event notice as to grant it risks undermining the licencing objectives.

Signed ...Sgt 1367 Ian Cotton .....  
for and on behalf of the Chief Constable of Lincolnshire Police

Dated.....11/3/22.....