

Licensing Act 2003 - Hearing Procedure – Grant of a Premises Licence

1. The Chairperson of the Licensing Sub Committee will introduce the Committee members and ask officers to introduce themselves.
2. The Chairperson will then ask the following parties to introduce themselves:
 - a. the applicant, any person representing them and any witnesses they wish to call.
 - b. any person who has made representations, any person representing them and any witnesses they wish to call.
3. The Chairperson will then ask the Licensing Officer to introduce the report and provide any updates.
 - a. Questions to the Licensing Officer may be asked, **solely concerning the report**, by Members, the applicant and by persons making representations.
4. The Chairperson will then invite:
 - a. **any person who has made representations** to present their representations and call any witnesses they may have.

Note: Members of the Sub Committee, followed by the applicant may ask questions of all persons who have made representations to the hearing and their witnesses.
 - b. **the applicant** to present their application, respond to the representations, and call any witnesses they may have.

Note: Members of the Sub Committee, followed by any person who has made representations at the hearing may ask questions of the applicant and their witnesses.
5. **The applicant will then be given the opportunity to sum up**
6. The public hearing will then be concluded, and Members of the Sub Committee will go into Closed session, together with the Council's Solicitor and the Clerk to the meeting.
7. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made thereunder.

Note:

At any time throughout the hearing Members of the Licensing Sub Committee may request legal advice from the Council's Solicitor. Any advice sought during closed session will be included in the notice setting out the decision.

The Committee Hearing will be held in public unless and in accordance with relevant Regulations the Licensing Sub Committee determine that the public should be excluded.

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 1st April 2026 at 14.00 hours (2pm).

Report Title

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) by Mr Vasanthan CHELLIAH for the grant of a Premises Licence in respect of premises situated at 25 Monkwood Road, Rotherham S62 7JN.

Report Author(s)

Diane Kraus, Principal Licensing Officer, Community Safety and Street Scene
Tel: 01709 289536.

Report Summary

On 5th February 2026 an application for the grant of a Premises Licence was made by Mr Vasanthan CHELLIAH in respect of premises situated at 25 Monkwood Road, Rotherham S62 7JN.

The applicant, is seeking authorisation to allow the:

- Sale of alcohol (for consumption off the premises) on every day of the week between 7am and 11pm.

Representations, opposed to the grant of the application, have been received from an “Other Person” , further detail of which is provided within the main body of the report.

Recommendations

1. That the Licensing Sub-Committee considers the information contained within this report (and associated appendices) along with any additional information presented at the hearing and subsequently determines the application that has been made.
2. The Licensing Sub-Committee should inform the Licensing Manager of the decision in accordance with the requirements of the Licensing Act 2003 and Regulations made thereunder.

List of Appendices Included

- Appendix 1 Location Plan
- Appendix 2 Application
- Appendix 3 Premises Layout Plan
- Appendix 4 Representation Opposed to the Application
- Appendix 5 Applicants Response to Representations

Background Papers

Rotherham MBC Statement of Licensing Policy 2020 -2025
(available at www.rotherham.gov.uk/licensing)

Revised guidance issued under section 182 of the Licensing Act 2003 (November 2025) available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

Council Approval Required

No

Exempt from the Press and Public

No

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) by Mr Vasanthan CHELLIAH for the grant of a Premises Licence in respect of premises situated at 25 Monkwood Road, Rotherham S62 7JN.

1. Background

- 1.1 The premises are not currently licensed under the Licensing Act 2003.
- 1.2 A location plan identifying the premises is attached at Appendix 1.

2. Key Issues

The Application

- 2.1 On the 5th February 2026 an application for the grant of a Premises Licence was made by Mr Vasanthan CHELLIAH in respect of premises situated at 25 Monkwood Road, Rotherham S62 7JN. A copy of the application is attached at Appendix 2.
- 2.2 The application was accompanied by a layout plan of the premises, a copy of which is attached at Appendix 3.
- 2.3 The application seeks to allow the sale of alcohol (for consumption off the premises) on every day of the week between 7am and 11pm.
- 2.4 The description of the premises, as provided in the application, is as follows:

“25 Monkwood Road is set to open as a convenience store in the Spring of 2026 following a complete refurbishment and refit and around £40k investment.

This experienced applicant, operating a long-term family run business, has identified an opportunity to enhance the retail landscape with the addition of a convenience store offering a wide range of grocery and other general home produce and aims to establish a regular clientele by providing a valuable community service.

This modest application seeks to permit the sale alcohol products within the general range of good available during the normal hours of operation of the store, both for purchase in store and by delivery”.

- 2.5 The opening hours of the premises, as stated in the application, are between 7am and 11pm on every day of the week.
- 2.6 The management controls offered by the applicant, all of which would be made a condition of Annex 2 of any licence granted, are set out below:
 - 1. CCTV will be provided at the premises in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.

2. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.
3. A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.
4. Equipment must be maintained in good working order, be correctly time and date stamped.
5. Recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on reasonable request.
6. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police/Local Authority on reasonable request
7. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.
8. A challenge 25 age verification scheme will operate at the premises whereby any person who appears to be under 25 years of age, and unknown to the staff member serving as a person over 18 years of age, shall not be served alcohol unless they provide identification to prove they are over 18 years of age. Acceptable forms of identification will be:
 - a. a passport;
 - b. a photo card driving licence;
 - c. an EU/EEA national ID card or similar document;
 - d. an HM Forces warrant card;
 - e. a card bearing the PASS hologram; or
 - f. any electronic or biometric age verification technology approved by the licensing authority.
9. Appropriate signage advertising the operation of the Challenge 25 scheme must be displayed in the vicinity of all points of sale for alcohol.
10. A Refusals Register (electronic or written) must be maintained and kept at the premises and retained for a period of 12 months on a rolling basis. The following information must be recorded in the Refusals Register:
 - a. Any refusal of the sale of alcohol (e.g. suspected drunkenness, underage or proxy sale); and
 - b. Any visit by a relevant authority or emergency services, noting the time, day, date and identify of any visitors by name.
11. The Refusals Register must be inspected and endorsed by the DPS on a monthly basis and produced to the Police or an 'authorised person' (as defined by the LA'03) or an authorised Trading Standards Officer employed by the Council on demand.

12. An incident log must be kept at the premises and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police. The following information shall be recorded in this log:
 - a. all crimes reported to the venue;
 - b. all ejections of patrons;
 - c. any complaints received relevant to the Licensing Objectives;
 - d. any incidents of disorder; and
 - e. any visit by a relevant authority or emergency service.
13. All people involved in the delivery of alcohol, be this the premises licence holder/designated premises supervisor, employees or third-party courier, shall at the point of delivery be satisfied that the person to whom the alcohol is being delivered is 18 years or over. Deliveries shall:
 - a. only be made to the address indicated on the order;
 - b. only to be made to bona fide business/commercial addresses or private residences and not to any public/open spaces (e.g. car parks, street corners, bus stops, public parks); and
 - c. be refused to any person who is, or who appears to be under the influence of alcohol, or drugs and the alcohol shall be returned to the licensed premises.
14. Delivery records shall be retained at the licensed premises for a period of 12 months and be produced on request for inspection by a police officer or an authorised person of the licensing authority.
15. All staff engaged in the sale of alcohol shall be trained in Responsible Alcohol Retailing prior to selling any alcoholic product.
16. All staff shall undergo refresher training in Responsible Alcohol Retailing on a rolling annual basis.
17. Staff training shall be recorded, and such records shall be kept on the premises and produced to the Police or an 'authorised person' (as defined by the LA'03) or an authorised Trading Standards Officer employed by the Council on demand.
18. All requirements and responsibilities pertaining to the lawful and responsible operation of the premises covered by primary legislation, will be complied with – e.g. Building regs, health and safety, fire prevention.
19. Noise or vibration shall not emanate from the premises so as to cause a nuisance to neighbours or residents.
20. Prominent, clear and legible signage shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Consultation

- 2.7 Consultation on the application has been carried out in accordance with all statutory requirements and the Council's procedure. There is a prescribed period

of 28 days following the submission of an application during which time representations in relation to the application may be submitted.

2.8 At the end of the consultation period a representation, opposed to the grant of the application, had been received from an Other Person.

2.9 Representation Opposed to the Application

2.10 A copy of the representation received from an Other Person opposed to the application is attached at Appendix 4.

2.11 On 10th March 2026 the Other Person was informed that to be relevant a representation must relate to one or more of the licensing objectives, and given this, points 1 and 2 of the representation were accepted as relevant and that points 4, 5 and 6 were not relevant considerations for the licensing process. In addition, advice was given with regard points 3 and 7, specifically that to carry weight under the licensing process it would be advantageous to explain "*how the sale of a bottle of wine as opposed to a bag of crisps would add the concerns raised*".

Conciliation

2.12 The applicant was provided with the detail of the representations and a copy of the reply sent, through the Licensing Office, to the Other Person is attached at Appendix 5.

2.13 Conciliation has failed to lead to the withdrawal of the representation.

The Hearing

2.14 The applicant and "Other Person" have been invited to the hearing today. All parties attending, will be given the opportunity to address the Sub-Committee in relation to the matters raised in the application and the representations they have made to it.

2.15 Members of the Sub-Committee should give full consideration of application submitted and the and representations to it, together any supporting evidence provided by any party prior to the date of the hearing. Documentary evidence provided on the day of the hearing should only be considered with the consent

3. Options available to the Licensing Sub-Committee

3.1 A licensing authority must carry out its functions under the Licensing Act with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

3.2 In considering this matter, the Sub-Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement. In relation to this application, the options available to the Sub-Committee are:

- To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Sub-Committee may modify to such extent as they consider appropriate; or
- To reject the whole or part of the application (which may include the omission of certain licensable activities from the licence and / or the refusal to specify a particular individual as the Designated Premises Supervisor).

3.3 The statutory guidance makes it clear that Licensing Authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

3.4 The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

3.5 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require the Sub-Committee to decide that no lesser step will achieve the aim, the Sub-Committee should aim to consider the potential burden that the condition would impose on the applicant/premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the Sub-Committee ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside those parameters. The Sub-Committee may consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business (if appropriate).

- 3.6 The Sub-Committee is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. Conditions may be placed on the licence (if granted) and further information in relation to conditions is provided later in this report.
- 3.7 All licensing determinations should be considered on the individual merits of the application. The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 3.8 It is important that the Sub-Committee give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

Conditions

- 3.9 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 3.10 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 3.11 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence holder, which they should carry out before making their application for a premises licence. This would be translated into the steps recorded in the operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 3.12 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

- 3.13 The 2003 Act provides that where an operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 3.14 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder must be clear to the licence holder, enforcement officers and the courts.

Imposed conditions

- 3.15 The Sub-Committee may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.
- 3.16 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 3.17 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

4. Timetable and Accountability for Implementing this Decision

- 4.1 Any decision made by the Licensing Sub-Committee does not have effect until:
- the end of the period given for appealing against the decision; or
 - if the decision is appealed, until the appeal is disposed of.
- 4.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.
- 4.3 Parties to the hearing must be informed of the decision within 5 working days of the hearing (or within 5 working days from the last day of the hearing if it takes place over multiple days).

5. Financial Implications

- 5.1 There are no specific financial implications arising from this application.
- 5.2 However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all of the costs incurred. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

6. Legal Advice and Implications

- 6.1 A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.
- 6.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 6.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 6.4 The Sub-Committee may accept hearsay evidence, and it will be a matter for the Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard but has heard or read about.
- 6.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals

against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment, and proportionality.

- 6.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 6.7 In addition to the above, members are reminded that all decisions must be taken in accordance with the Council's Statement of Licensing Policy (adopted 3rd June 2020).
- 6.8 Departure from the guidance and / or Statement of Licensing Policy could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

7. Risks and Mitigation

- 7.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.
- 7.2 Failure to do this exposes the Council to significant risk of legal challenge, the consequences of which could result in financial and / or reputational damage to the Council.
- 7.3 Members are therefore urged to fully consider the information in this report when making a decision regarding this application, and to ensure that any decision made is justifiable, proportionate and based on the promotion of one or more of the Licensing Objectives.
- 7.4 Council officers are present at the meeting today and can provide additional advice to members of the Sub-Committee should this be required. In addition, a copy of the statutory guidance and Statement of Licensing Policy is available for members to review should they wish to do so.

8. Accountable Officer(s)

Diane Kraus, Principal Licensing Officer, Community Safety and Street Scene