

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 20th April 2026 at 10:00 hours (10am)

Report Title

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) for the variation of the Premises Licence issued to Mrs Geerththana PIRANTHIRAAH, in respect of the premises known as S & S Convenience Store, situated at Units 2 & 3, Birchwood Avenue, Rotherham, S62 7JP.

Report Author(s)

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Report Summary

The application under consideration is to vary the terms, conditions, and restrictions of the Premises Licence issued to Mrs Geerththana PIRANTHIRAAH, in respect of the premises known as S & S Convenience Store, situated at Units 2 & 3, Birchwood Avenue, Rotherham, S62 7JP.

Representations have been lodged to the application from two of the Responsible Authorities and one Other Person. All the representations are opposed to the grant of the application.

Further detail of the application, and representations to it, are 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 Premises Licence
- Appendix 3 Variation application
- Appendix 4 Representations
- Appendix 5 Additional Information - Applicant - **Exempt Appendix - Restricted Access**
- Appendix 6 Additional Information – Licensing Authority
- Appendix 7 Additional Information - South Yorkshire Police

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

Excepting Appendix 5, which is exempt and has restricted access.

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1. Background

- 1.1 A location plan identifying the premises is attached at **Appendix 1**.
- 1.2 The premises were first licensed by the Council in 2005 when the Licensing Authority took over the responsibility for licensing premises to sell alcohol from the Magistrates Court.
- 1.3 In June 2023 the Licence was transferred to Mr Pireanthiraah RAMANATHAN, who became the designated premises supervisor (DPS) at the same time.
- 1.4 On 24 March 2025 Mr Pireanthiraah RAMANATHAN made an application for the minor variation of the Licence to add management controls to Annex 2 of the Licence with immediate effect.
- 1.5 In June 2025 South Yorkshire Police made an application for the review of the premises Licence held by Mr Pireanthiraah RAMANATHAN, on the grounds that he had failed to promote the licensing objectives of preventing crime and disorder and protecting children from harm. .
- 1.6 Whilst consultation on the review application was underway, the Licence was transferred, with immediate effect, to Ms Birintha KETHESWARANIN. At the same time as an application to change the DPS to Mr Sivatheesan SIVASUBRAMANIAN, was made. .
- 1.7 On 7th July 2025, in response to a request from South Yorkshire Police, the new licence holder, Ms Birintha KETHESWARANIN, provided evidence that she had full control of the premises, together with the shift pattern of the new DPS and confirmation that all staff employed at the premises had undertaken relevant safeguarding training. At the same time Ms Ketheswaranin agreed to add a further management control condition to the licence which prevented the previous licence holder from managing and working at the shop.
- 1.8 Having regard to the information provided by Ms Birintha KETHESWARANIN South Yorkshire Police withdrew their application to review the Premises Licence.
- 1.9 As agreed, Ms Birintha KETHESWARANIN made an application to add a further management control to the Licence which prevented the previous Licence holder, Mr Pireanthiraah RAMANATHAN, working at the shop in any capacity. This condition became effective on 28th July 2025.
- 1.10 In October 2025 the Licence holder, Ms Birintha KETHESWARANIN, named herself as the DPS.

1.11 In November 2025 the Licence holder, Ms Birintha KETHESWARANIN, made an application to vary the Licence so as to extend the authorised hour for the first sale of alcohol at the premises from 8am and 6am. This application was granted on 16th December 2025.

1.12 On 27th January 2026 the Licence was transferred to Mrs Geerthhana PIRANTHIRAAH, who became the DPS at the same time. Mrs Piranthiraah is the wife of Mr Pireanthiraah RAMANATHAN, who held the Licence between June 2023 and June 2025.

1.13 A copy of the current Licence is attached at **Appendix 2**. This licence authorised the sale of alcohol, for consumption off the premises, on every day of the week between 6am and 11pm. The Licence is subject to the mandatory conditions set out in Annex and the offered conditions set out in Annex 2. The offered management control conditions are:

1. Adopt a Challenge 25 Policy. The Policy shall require that any person who appears to be under the age of 25 must provide id prior to being served alcohol. Acceptable forms of ID are a:

- a. passport;
- b. UK photo driving licence; or
- c. military ID card.

2. Record all refusals made under the Challenge 25 Policy. Refusals made must be logged in a bound book. This log must show:

- a. date of refusal made;
- b. member of staff who made the refusal; and
- c. if refused, whether fake ID was seized.

3. DPS to check the Challenge 25 refusal log at least once a week. They should sign and date each .check.

4. The Challenge 25 log shall be kept on the premises and shall be available for inspection upon request of the Police or an authorised officer of the Licensing Authority.

5. Signs shall be displayed inside the premises that:

- a. Advertise that the premises operates "Challenge 25"; and
- b. Warn adults that it is an offence to buy alcohol on behalf of anyone under the age of 18 (proxy sales).

6. A bound incident book shall be maintained, in which the following shall be recorded:

- a. All incidents of crime and disorder occurring at the premises; and
- b. Details of occasions when the police are called to the premises.

7. The incident book shall be kept on the premises and shall be available for inspection upon request of the Police or an authorised officer of the Licensing Authority.

8. DPS to check the incident book at least once a week. They should sign and date each check.
9. A record of each member of staff who is authorised to sell alcohol shall be kept on the premises. This record shall include the staff members full name, address, and date of birth.
10. A CCTV system shall be installed at the premises, which shall:
 - a. be maintained fully at all times;
 - b. make and retain clear images; and
 - c. show an accurate date and time that the images were made.
11. All CCTV images shall be retained for a period of not less than 28 days.
12. CCTV images shall be immediately made available for review upon request of the Police or an authorised officer of the Licensing Authority
13. A copy of a CCTV image shall be provided within 48 hours upon request of the Police or an authorised officer of the Licensing Authority.
14. All staff shall receive training on induction and year thereafter, on the prevention of the unlawful sales of alcohol, and the likely consequence of making an unlawful sale. This training must include:
 - a. operation of 'Challenge 25';
 - b. types of acceptable ID;
 - c. method of recording refusals;
 - d. refusing sales of alcohol to persons who appear to be drunk;
 - e. preventing proxy sales;
 - f. incident recording and when to call the Police; and
 - g. How to review the CCTV system if requested.
15. All staff shall complete an appropriate safeguarding training awareness course, the content and format of which will be specified and agreed by the Licensing Authority.
16. Staff training shall be recorded, records shall be kept of the premises and shall, on request, be made available for inspection by the Police or an authorised officer of the Licensing Authority.
17. The previous Licence holder Mr Pireanthiraah RAMANATHAN, will not have any management control over the operation of the premises nor work at the premises in a paid or unpaid capacity.

2. Key Issues

The Application

- 2.1 On 24th February 2026 the Licence holder, Mrs Geerthhana PIRANTHIRAAH, made an application to vary the Premises Licence issued to her in respect of the S & S Convenience Store, Units 2 & 3, Birchwood Avenue, Rotherham, S62 7JP. A copy of the variation application is attached at **Appendix 3**.

- 2.2 The application seeks consent to vary the Premises Licence so as to amend the final condition of Annex 2 of the Licence, so as to allow the applicant's husband Mr Pireanthiraah RAMANATHAN, to work at the premises. Currently this condition states:

"The previous Licence holder Mr Pireanthiraah Ramanathan, will not have any management control over the operation of the premises nor work at the premises in a paid or unpaid capacity".

- 2.3 The Licence holder, Ms Birintha KETHESWARANIN, will continue to have management control of the premises and the amendment sought is for the final condition of Annex 2 of the Licence to read as follows:

"The previous Licence holder Mr Pireanthiraah Ramanathan, will not have any management control over the operation of the premises."

- 2.4 The reason the variation of this condition is sought, as given in the application, is as follows:

"Prior to 2024, the day-to-day operations and staff were managed by Mrs Geerththana Piranthiraah for several years. Mr Ramsnathan was employed full-time at the premises and was responsible for cash and carry transactions and stock purchases.

In late 2024, Mrs Geerththana Piranthiraah's child developed a medical condition necessitating her absence from the country for treatment (Evidence can be provided if required). Consequently, Mr Ramanathan (husband) had to manage all aspects of the situation alone, which led to some difficulties.

Mrs Geerththana Piranthiraah has returned to the country and taken over the business. She has also assumed the responsibilities under the Licensing Act 2003 as the Licensee and DPS. She would like Mr Ramanathan to work for her as a member of staff without any management responsibilities".

Consultation

- 2.5 Consultation on the variation application has been carried out in accordance with all statutory requirements and the Council's procedure.
- 2.6 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.
- 2.7 At the end of the consultation period representations from two Responsible Authorities and one Other Person have been received. All the representations are opposed to the grant of the variation application.

Representations

- 2.8 Two Responsible Authorities have made representations to the variation application, namely the Licensing Authority and South Yorkshire Police, and one Other Person, who is a local ward councillor.
- 2.9 A copy of the representations received, all of which oppose the grant of the application, is attached at **Appendix 4**.

Supporting Documentation submitted by the Applicant

- 2.10 Attached at **Appendix 5** is additional information provided by the applicant, Mrs Geerththana PIRANTHIRAAH, in support of the variation application.

Note: Appendix 5 is exempt and has restricted access.

Supporting Documentation submitted by the Licensing Authority

- 2.11 The Licensing Authority have submitted additional evidence in support of their representations, a copy of which is attached at **Appendix 6**. This evidence relates to a during operation compliance inspection carried out on 9th April 2026

Supporting Documentation submitted by South Yorkshire Police

- 2.12 South Yorkshire Police have submitted the review application they made in June 2025. Whilst this application was subsequently withdrawn it is relevant to the representations the Police have made to this application as it sets out the details of the operation of the premises during the period that Mr Pireanthiraah RAMANATHAN worked at the premises. A copy of the review application is attached at **Appendix 7**.

The Hearing

- 2.13 The applicant, representatives of the Responsible Authorities and the “Other Person have all 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.
- 2.14 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

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. **The Applicant** to present their application, together with any supporting information, respond to the representations, and call any witnesses they may have.

Note: Members of the Sub Committee, followed by the Responsible Authority and Other Persons may ask questions of the applicant and their witnesses.
 - b. **The Responsible Authorities** to present their representations and call any witnesses they may have.

Note: Members of the Sub Committee, followed by the Applicant and Other Persons may ask questions of the Responsible Authorities and their witnesses.
 - c. **Other Persons** to present their representations and call any witnesses they may have.

Note: Members of the Sub Committee, followed by the Applicant, Responsible Persons and Other Persons 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 Councils 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.