

LICENSING SUB-COMMITTEE
12th March, 2025

Present:- Councillor Hughes (in the Chair); Councillors Beresford and Bower.

29. CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.17 OF THE LICENSING ACT 2003) BY AKMS RETAIL LTD FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF THE PREMISES KNOWN AS TODAY'S SITUATED AT UNIT 4, OX CLOSE AVENUE, KIMBERWORTH PARK, ROTHERHAM S61 3QY

Consideration was given to an application (made in accordance with Section 17 of the Licensing Act 2003) for the grant of a Premises Licence in respect of premises known as Today's situated at Unit 4, Ox Close Avenue, Kimberworth Park, Rotherham S61 3QY.

The applicant, AKMS Retail Ltd., was seeking authorisation to allow:-

- 24 hour sale of alcohol for consumption off the premises on every day of the week and between 00:00 hours (midnight) and 23:59 hours – 24 hours opening and
- Provision of late night refreshment for consumption off the premises on every day of the week between 23:00 hours and 05:00 hours on the following day. No licence was required outside of these hours

The premises were described in the application as a general convenience store selling an extensive range of goods and that the proposed 24 hours operation was to provide the greatest flexibility for the business.

The applicant had offered 33 management control conditions in the application.

Consultation on the application had been carried out in accordance with all statutory requirements and the Council procedure. At the end of the consultation period, all of which were opposed to the grant of the application, representations had been received from 2 Responsible Authorities and 31 "Other Persons".

The applicant, Mr. Arumugam Kalamohan (Company Director/Premises Licence Holder) was in attendance together with Mr. Silva (Designated Premises Supervisor), Ms. A. Forrest (Solicitor) and Ms. C. Bucket (Symbol Development Manager).

2 of the Responsible Authorities, South Yorkshire Police and the Licensing Authority, had made representations to the application. The Sub-Committee heard representations from Mrs. D. Kraus (Principal Licensing Officer) together with Alan Pogorzelec (representing the Licensing Authority), Emily Price (Solicitor) and Jo Belton (South Yorkshire Police Licensing Officer).

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The objections of South Yorkshire Police were based on all 4 licensing objectives i.e.:-

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance
- Protection of children from harm.

South Yorkshire Police had contacted the applicant representative requesting the following changes to operating hours and additional conditions:-

- Changes to the operating hours Sunday to Thursday to 06:00 hours-23:00 hours and Friday and Saturday 06:00 hours-midnight
- No singular alcoholic drinks including beer, lager and cider in cans will be sold; a minimum purchase of 4 will be required
- No beers, lager or cider of 6.5% ABV and above to be sold at this premise

Following discussions with the applicant's representative, they agreed to reduce the hours to 06:00 hours-23:00 hours Sunday-Thursday and 06:00 hours-midnight Friday and Saturday. Agreement had not been reached regarding the additional conditions.

The objections of the Licensing Authority were based on 2 of the licensing objectives i.e.:-

- Prevention of crime and disorder
- Public nuisance

Consideration of the withdrawal of the representation would be given if the application was amended so as to:-

- Seek the consent for the sale of alcohol between 08:00 hours and 23:00 hours
- Withdraw the request to provide late night refreshment
- Offer additional management controls as a condition of any licence as follows:-
 - No singular alcoholic drinks of beer, larger and cider in cans or bottles (smaller than 500ml) shall be sold. A minimum purchase of 4 cans or bottles shall be required
 - No beers, lager or cider of 6.5% ABV and above shall be sold

31 "Other Persons" opposed the grant of the application 3 of which were from local Councillors, the Parochial Church Council of St. John's Church and 27 local residents.

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The Sub-Committee took into consideration the written submissions that had been provided as well as the presentations by the 3 Ward Councillors and one of the objectors. The objections centred around:-

- Potential increase in anti-social behaviour due to the sale of alcohol for off-premises consumption 24 hours
- Significant noise and disruption by the provision of late night refreshment
- Increased littering and vandalism as well as noise nuisance
- Possible disruption to local business
- Concern for the safety of residents and surrounding premises/properties
- Premises already selling alcohol/refreshments that both close 21:00-22:00 hours
- Known anti-social behaviour/disorder problems in the St. John's Green area
- Existing crime and disorder in the area
- Public safety
- Disruption to their quality of life
- The area had been a high priority for South Yorkshire Police and Youth Service for numerous years due to the anti-social behaviour
- Introduction of a 24 hour retailer would exacerbate the existing problems
- Safeguarding issues

No additional evidence had been received from the applicant, Responsible Authorities or "Other Persons".

In response to questions, the applicant provided the following information:-

- The applicant had listened to and understood the concerns of residents/Local Authority and Police. The application was no longer for 24 hours but as proposed by the Police i.e. 06.00 hours-23:00 hours Sunday to Thursday and 06:00-midnight Friday and Saturday. The application for the provision of light night refreshment was also removed
- Other premises nearby sold strong lager/beer/cider so was not fair to ask him not to sell them
- Any issues in the area with regard to alcohol were existing ones as the premises were not open yet
- If not allowed to sell strong alcohol customers would go elsewhere to buy their shopping
- The applicant did not want to sell single cans but would be happy with 2; the restriction to sell 4 was really difficult
- No statistics had been provided evidencing the problems in the area relating to the consumption of stronger alcohol

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- The Premises Licence Holder was a very experienced operator and had over 25 years' experience in retail. He currently had 9 shops some of which operated 24 hours
- The Designated Premises Supervisor was also very experienced and had worked in the licensing trade for 10 years
- The premises had been refurbished with an investment of £700K. It had a sophisticated CCTV system installed which would deter anti-social behaviour. There were 16 cameras inside the premises and 9 outside
- The premises were part of the Today Group that had quite strict due diligence and had to abide by their standards
- The staff training would be provided by the consultant

In addition Claire Buckle, Symbol Development Manager, added the following information:-

- Partnered with DB Wholesale with over 60 years' experience
- Developed and supported all the applicant's convenience stores
- The applicant always make a substantial investment in his acquisitions
- The site had been falling into ruin; this was a massive regeneration project for the area

Resolved:- That the application, as amended, for the grant of a Premises Licence in respect of premises known as Today's situated at Unit 4, Ox Close Avenue, Kimberworth Park, Rotherham S61 3QY be approved as follows:-

(1) Sale of alcohol, for consumption off the premises, on every day of the week between 06:00 hours and 22:00 hours.

(2) That there be no single sales of beer/lager or cider in cans/bottles under 500mls and under.

(3) That a CCTV camera system capable of providing good quality images in all lighting conditions shall be used and include the point of sale. Images will be retained for a period of at least 28 days and be made available with the minimum of delay (within 48 hours) to the Police and other Authorised Persons upon reasonable request for evidential purposes, in accordance with the relevant data protection legislation (currently GDPR 2018).

(4) That the CCTV recording equipment shall be kept in a secure environment under the control of the premises licence holder (PLH) and/or another named responsible individual.

(5) That there shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay (within 48 hours) at the reasonable request of an authorised officer.

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(6) That in the event of a breakdown of the CCTV equipment, the PLH/DPS or another member of staff shall inform the Licensing Authority as soon as is reasonable practicable. These premises shall close until the CCTV equipment has been repaired and in full working order.

(7) That an appropriate number of staff shall be on duty in the shop – the number of staff on duty will be assessed and determined on a regular basis by the PLH/DPS taking account of any peak periods in terms of sales, volume of customers etc.

(8) That all staff selling alcohol will be authorised to sell alcohol in writing and a record of the authorisation will be made available for inspection upon request and within 48 hours.

(9) That spirits be kept behind the counter.

(10) That any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book kept at the shop. This book will be made available for inspection by the Police and other Authorised Persons upon request.

(11) That the shop shall operate an alcohol refusals policy as follows – alcohol will not be sold to any person:

- i recognised or identified as a street drinker (regardless of their level of inebriation at the time)
- ii found to be drinking alcohol in the street
- iii who is drunk or appears to be drunk
- iv suspected to trying to buy alcohol for another person who is drunk or appears to be drunk
- v unable to provide valid ID when requested by staff
- vi who is verbally or physically abusive towards staff or customers
- vii suspected of trying to buy alcohol for another person(s) who may be under age

(12) That a notice advising customers of the refusal policy shall be on display.

(13) That a notice(s) shall be on display telling customers not to drink alcohol in the street.

(14) That the PLH and/or the DPS will seek regular contact with the Police and other parties as appropriate to receive updates on any relevant issues in connection with the promotion of the licensing objectives.

(15) That a 'Crimestoppers' notice will be on display to promote the initiative.

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(16) That the premises shall comply with the Portman Group code of practice on rules for the naming, packaging and promotion of alcoholic drinks.

(17) Notice(s) will be displayed asking customers to leave the shop quietly.

(18) Notice(s) will be displayed asking customers not to drop any litter on the floor.

(19) That staff will monitor the area immediately outside the shop on a regular basis to check for and dispose of any litter.

(20) That deliveries to and from the shop will be conducted to ensure no public nuisance is caused.

(21) That Challenge 25 shall be used. Alcohol will only be sold to people who can satisfy or prove to the seller that they are 18 years old or over. The only acceptable form of ID will be a passport, photo driving licence, a PASS accredited proof of age card, or other form of photo ID as recommended by Trading Standards.

(22) That the premises shall display clear and prominent signage advising customers that a Challenge 25 Policy is in operation.

(23) That an automatic till prompt system shall be used to assist staff carrying out age verification.

(24) That an alcohol refusals register will be kept and maintained. The register will include details of the date of the refusal, the time and the reason(s) for refusing the sale. It will be checked on a regular basis by the DPS and be made available for inspection by responsible authorities within 24 hours.

(25) That a notice(s) shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

(26) That a due diligence checklist will be used to help prevent underage sales.

(27) That all staff to be trained prior to serving alcohol and other age restricted products. The training will cover matters such as preventing underage sales, proxy sales and refusing service.

(28) That staff training will be refreshed every 12 months, records will be kept and be made available to responsible authorities upon request.