

# Appendix 3

## Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

#### I **Alan Pogorzelec, Licensing Manager, on behalf of the Licensing Authority**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 / [REDACTED]  
[REDACTED] of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Today's Unit 4 ,Ox Close Avenue Kimberworth Park	
<b>Post town</b> Rotherham	<b>Post code (if known)</b> S61 3QY

<b>Name of premises licence holder</b> [REDACTED] AKMS Retail Ltd
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<b>Number of premises licence or club premises certificate (if known)</b> Premises Licence No: P1205
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#### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

✓

3) a member of the club to which this application relates (please complete (A) below)

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## (A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr                      Mrs                      Miss                      Ms                      Other title  
(for example, Rev)

**Surname**

**First names**

Please tick ✓ yes

**I am 18 years old or over.**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

## (B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

## (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

**Alan Pogorzelec**  
**Licensing Manager**  
**Rotherham Metropolitan Borough Council LICENSING AUTHORITY**  
**Riverside House, Main Street, Rotherham S60 1AE**

Telephone number **01709 254955**

E-mail address (optional) [alan.pogorzelec@rotherham.gov.uk](mailto:alan.pogorzelec@rotherham.gov.uk)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes ✓

1) the prevention of crime and disorder

✓

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

✓

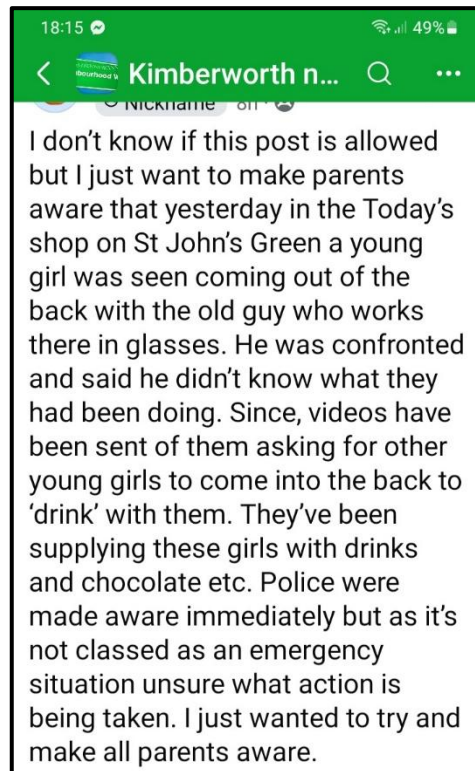
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Please state the ground(s) for review (please read guidance note 2)

This review is brought on due to the failure of the Company that holds the licence, AKMS Retail Ltd, to promote the following licensing objectives:

- The prevention of crime and disorder; and
- The protection of children from harm

On Sunday 26<sup>th</sup> April 2026, the Licensing Team were made aware, via a local councillor, of the following post on the Kimberworth Neighbourhood Watch Facebook Group:



The Licensing Office immediately contacted the Police to ensure that they were aware of the allegations and at the same time provided guidance as to how any Police investigation could link into the licensing process.

Confirmation that the Police were aware on the allegations, and that an investigation was in process, was received on 28<sup>th</sup> April 2026. As this investigation is “live” no further detail can be provided in this respect.

On 29<sup>th</sup> April 2026 the Licensing Office received clearance from the Police to conduct a Licensing compliance inspection of the premises. Clearance had been requested so that the Licensing Office could be confident that a compliance inspection would not adversely affect the Police investigation.

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**On 30<sup>th</sup> April 2026 Council Licensing Enforcement Officers, accompanied by the Police Licensing Officer, made an unannounced visit to the premises, the purpose of which was to carry out a full licensing compliance inspection.**

**Full detail of this inspection is set out on page 5 of this application; however, the conclusion of the inspection is that the Licensing Authority is satisfied that the Licence holder, AKMS Retail Ltd, is failing in their duty to promote the Licensing Objectives of the**

- **prevention of crime and disorder; and**
- **protection of children from harm**

**These failures, which specifically relate to staff recruitment, training and supervision, have led to serious allegations of inappropriate behaviour of an employee with a child.**

**Given the above, the Licensing Authority is seeking a review of the Premises Licence, with the recommendation that the Premises Licence is revoked.**

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Please provide as much information as possible to support the application (please read guidance note 3)

## **Background**

The Premises Licence in respect of the premises is held by a company, AKMS Retail Ltd. This Company has a single director Mr Arumugam KALAMOHAN, and their registered office address is 80 White Lion Road, Amersham, Bucks, HP7 9JS.

The person named on the Licence as the DPS is Mr Akmeemana Madduma Acharige Chaminda SILVA, who, at the time of making the application, stated that he lived in Mexborough, Rotherham.

The Licence, which was granted by the Council's Licensing Sub Committee on 12<sup>th</sup> March 2025, authorises the sale of alcohol, for consumption off the premises, on every day of the week between 6am and 11pm.

The Licence was granted by the Sub Committee as it was subject to representations from two Responsible Authorities, namely the Licensing Authority and South Yorkshire Police, and Thirty one (31) "Other Persons".

The Licence is subject to the mandatory licence conditions and the offered management control conditions set out below:

a) A CCTV camera system capable of providing good quality images in all lighting conditions shall be in use with point of sale covered. Images will be retained for a period of at least 28 days and be made available with the minimum of delay and at least 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).

b) 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.

c) There shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay and at least within 48 hours at the reasonable request of an authorised officer.

d) All staff selling alcohol will be authorised to sell alcohol in writing and a record of the authorisation will be made available for inspection with minimum delay and at least within 48 hours.

e) Spirits will be kept behind the counter.

f) 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.

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**g) 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 of 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.**

**h) A notice advising customers of the refusals policy shall be on display.**

**i) A notice(s) shall be on display telling customers not to drink alcohol in the street.**

**j) 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.**

**k) A 'Crimestoppers' notice will on display to promote the initiative;**

**l) The premises shall comply with the Portman Group code of practice on rules for the naming, packaging and promotion of alcoholic drinks.**

**m) Notice(s) will be displayed asking customers to leave the shop quietly;**

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

**o) Staff will monitor the area immediately outside the shop on a regular basis to check for, and dispose of, any litter.**

**p) Deliveries to and from the shop will be conducted to ensure no public nuisance is caused.**

**q) 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.**

**r) The premises shall display clear and prominent signage advising customers that a Challenge 25 policy is in operation.**

**s) An automatic till prompt system shall be used to assist staff carrying out age verification.**

**t) 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 as soon as reasonably practicable and at least within 48 hours.**

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u) 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.

v) A due diligence checklist will be used to help prevent underage sales.

w) 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.

x) Staff training will be refreshed every 12 months; records will be kept and be made available to responsible authorities upon request.

z) No singular alcoholic drinks, including beer, lager and cider, in cans or bottles of 500ml or below, will be sold.

## Licensing Compliance Inspection carried out on 30<sup>th</sup> April 2026

Council Licensing Enforcement Officers, Lisa Parkin and Oliver Ashton, accompanied by the Police Licensing Officer Jo Belton, made an unannounced visit to the shop on the morning of 30<sup>th</sup> April 2026. The purpose of this visit was to carry out a Licence compliance inspection.

Officer met Mr Cheran Kalamohan, who's said he was the son of the sole Director of the Company that holds the Licence. He was solo working in the shop at the time of the visit; and stated that he lived in London.

### 1. Conditions found to be in Compliance

- CCTV was operational and recording for 2 months
- Challenge 25 in operation and relevant posters displayed
- Spirits behind the counter
- Incident log was in place, but not bound (officers were shown paperwork that logged that a member of staff had recently been arrested)
- Refusals book in place (though only had 3 entries)
- Notice on display:
  - telling people not to drink in the street
  - Crimestoppers
  - asking people to leave quietly; and
  - warning of proxy sales
- Till prompt in place - Proxy sale poster - Deliveries made in daytime

### 2. Licence Breaches

- Single cans displayed in fridge and for sale in basket as "Reduced to clear £1 each
- Staff authorised to sell alcohol out of date
- No staff training records on site

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Officers viewed CCTV footage of a child entering the shop via the main front door, then entering the storeroom with a member of staff, who was solo working at the time. Approximately two minutes later the member of staff exits the storeroom in response to a customer entering the shop. The child follows the staff member out of the storeroom and exits the shop via the front door.

**3. Information provided by Mr Cheran Kalamohan, during the visit:**

- That the shop worker shown on the CCTV video footage:
  - commenced work at the shop in October 2025
  - was a full-time employee, but has since been sacked
  - is an alcoholic
  - lives in Derby
  - had keys to the premises and was allowed to sleep there when he had a late shift followed by an early morning shift
- That the DPS is also employed as a bus driver

**4. Information requested by Officers that remains outstanding**

- Detail of the “right to work” checks carried out for all employees, past and present
- Staff training records for all employees, past and present
- Employee shift patterns for the past 8 weeks

Officers were shown the store room, which has three further rooms leading from it. One had a bed and wardrobe in it, but there was no evidence that this room was currently in use. The second was a kitchen and the third a w/c and shower room.

Following the inspection Officers have viewed footage on the internet of what appears to be the back door to the premises being open and the people who filmed the footage ( who may be children) refusing to enter the shop, stating *“they had to go home”*.

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Please tick ✓

yes

Have you made an application for review relating to the premises before

NO

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

**Representations made to the application to the grant of a Premises Licence as set out below.**

From: Alan Pogorzelec, Licensing Manager  
Direct Line: 01709 254955  
My Reference: ASP/1744/140225  
Please ask for: Alan Pogorzelec

E.mail: [licensing@rotherham.gov.uk](mailto:licensing@rotherham.gov.uk)  
Your Reference:  
Date: 14th February 2025

To: Diane Kraus - [diane.kraus@rotherham.gov.uk](mailto:diane.kraus@rotherham.gov.uk)  
Copy to: Audrey Bailey - [audrey.bailey@rotherham.gov.uk](mailto:audrey.bailey@rotherham.gov.uk)

Dear Mrs Kraus,

**Today's, Unit 4 Ox Close Avenue, Kimberworth Park, Rotherham**

I write with reference to the application for the grant of a Premises Licence relating to the above premises and to inform you that the Licensing Authority is not satisfied that the application, as submitted, adequately promotes the licensing objectives.

The Licensing Authority is opposed the grant of the application, as submitted, as it considers that it will undermine the following licensing objectives:

- Preventing Crime & Disorder; and
- Public Nuisance

## **Grounds**

Public Health data, which excludes the Town Centre, specifies the density of alcohol licensed premises in the locality of the applicant premises as being "very low". Despite this, the same data identifies instances of anti-social behaviour and alcohol related ambulance call outs as "high"; and alcohol flagged violence against the person "medium".

To expand, with regard to instances of:

- anti-social behaviour (ASB), it is the location of ASB incident that is recorded rather than home address of the victim/suspect;
- alcohol related ambulance call outs are based on a clinical judgement, and it is of the location of the callout that is recorded rather than home postcode of the patient; and

- alcohol flagged violence against the person means that in the opinion of the responding police officer alcohol has contributed to the offence, again it is of the location of incident rather than rather than home address of the victim/suspect that is recorded

This data supports that the applicant premises is in an area that is currently subject to alcohol related crime and disorder and anti-social behaviour.

The applicant premises are located amongst a group of small retail outlets, surrounded by residential housing. There are no 24-hour businesses operating in this locality. If the applicant is granted there is a likelihood that local resident will be subject to noise nuisance from traffic, both vehicular and pedestrian, during the nighttime hours, and from people congregating in the immediate vicinity of the premises.

Whilst need is not a matter for the licensing process, the promotion of the licensing objectives is.

The grant of a licence that allows the 24-hour sale of alcohol and the all-night provision of late-night refreshment is likely to undermine the objectives of preventing crime and disorder and preventing public nuisance.

Consideration of the withdrawal of this representation will be given if the application is 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; and
- offer the following additional management controls as a condition of any licence that is granted:
  - No singular alcoholic drinks of beer, lager & 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.

The additional management controls to deter street drinkers from purchasing alcohol given that public health data indicates that alcohol related ambulance call outs in the locality are high.

Given this, representations are made on behalf of the Licensing Authority that the application for the grant of a licence is refused.

I am prepared to expand upon these matters further during a hearing before the Council's Licensing Sub-Committee, but in the meantime please feel free to contact me if you require anything further.

Yours Sincerely,

**Alan Pogorzelec**  
**Licensing Manager**

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Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

### Part 3 – Signatures (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature   
Date **6th May 2026**

Capacity **Licensing Manager on behalf of the Licensing Authority**  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b>	
<b>Alan Pogorzelec, Licensing Manger Rotherham Metropolitan Borough Council Riverside House Main Street</b>	
<b>Post town</b> <b>Rotherham</b>	<b>Post Code</b> <b>S60 1AE</b>
<b>Telephone number (if any)    01709 254955</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) <a href="mailto:alan.pogorzelec@rotherham.gov.uk">alan.pogorzelec@rotherham.gov.uk</a></b>	

### Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.