

**LICENSING SUB-COMMITTEE
30th June, 2026**

Present:- Councillor Hughes (in the Chair); Councillors Ball and Monk.

Also Present:-

Mr. A. Kalamohan, Licence Holder

Ms. A. Forrest, Solicitor

Mr. C. Kalamohan, Witness

Ms. J. Belton, Licensing Officer, South Yorkshire Police

Mr. R. Sowter, Solicitor, South Yorkshire Police

Mr. L. Durrant, Rotherham Safeguarding Children Partnership

Mr. A. Pogorzelec, representing the Licensing Authority

Mrs. D. Kraus, Principal Licensing Officer, RMBC

Ms. K. Etheridge, Solicitor, RMBC

Mrs. D. Pons, Governance Advisor/Clerk, RMBC

CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.51 OF THE LICENSING ACT 2003) FOR THE REVIEW OF THE PREMISES LICENCE ISSUED TO AKMS RETAIL LTD 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 51 of the Licensing Act 2003) for the review of the Premises Licence issued to AKMS Retail Ltd. in respect of the premises known as Today's situated at Unit 4, Ox Close Avenue, Kimberworth Park, Rotherham, S61 3QY.

On the 6th May 2026 an application was made on behalf of the Licensing Authority for the review of the Premises Licence issued to AKMS Retail Ltd in respect of the premises known as Today's situated at Unit 4, Ox Close Avenue, Kimberworth Park, Rotherham, S61 3QY.

The review application therefore sought the revocation of the Premises Licence.

A copy of the application was served on the Licence holder by post and email on 6th May 2026 as well as a hand delivered copy to the premises.

Three of the Responsible Authorities, Public Health, Rotherham Safeguarding Children Partnership and South Yorkshire Police had made representations in support of the review application. Mrs. D. Kraus (Principal Licensing Officer) presented the report and the Sub-Committee heard representations from Alan Pogorzelec (representing the Licensing Authority), Robert Sowter (Solicitor - South Yorkshire Police), Jo Belton

(Licensing Officer - South Yorkshire Police) and Lee Durrant (Rotherham Safeguarding Children Partnership). The written representation by Public Health was set out in the document pack.

The licence holder was AKMS Retail Ltd. who had a single director Mr. A. Kalamohan who was present today and assisted by an interpreter. Also present at the meeting were Mr. C. Kalamohan (Witness) and Ms. A. Forrest (Solicitor). The Designed Premises Supervisor (DPS) was not present at the meeting.

The application sought the revocation of the Premises Licence.

The premises traded as an off licence/grocery shop and was currently licensed for the sale of alcohol, for consumption off the premises, on every day of the week between 6.00 a.m. and 11.00 p.m.

The opening hours of the premises, as stated on the Premises Licence, were twenty-four hours a day, seven days a week.

The premises were subject to the mandatory licensing conditions and the offered conditions set out in Annex 1 and 2 of the Premises Licence.

The premises were first licensed by the Council under the Licensing Act 2003 in March 2025. The Licence was granted by the Licensing Sub-Committee as the application for the grant of a Licence was subject to representations.

Additional documents were received after the publication of the report and these were circulated electronically to all parties in advance of the hearing.

Paper copies of the majority of the documents were provided for Members.

The representative of the Licensing Authority confirmed that an application to review the Premises Licence was submitted on 6th May 2026 in respect of the premises known as Today's situated at Unit 4, Ox Close Avenue, Kimberworth Park, Rotherham, S61 3QY.

The application sought the revocation of the Premises Licence on the grounds that the Licence holder had failed to promote the licensing objectives of:-

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

A copy of the application was served on AKMS Retail Ltd, the Company that held the Licence, by post and by email on the 6th May 2026. In addition, on the same date, a copy of the review application was hand delivered to the premises.

The review was triggered following a social media post identified by the Licensing Team on 26 April, 2026 via a local councillor and the Kimberworth Action Group. On 30 April 2026, Licensing Officers and South Yorkshire Police conducted an unannounced visit to the premises.

During a full licensing inspection, officers identified breaches of licence conditions. Single cans of alcohol were being offered for sale at £1 each, the staff authorisation document was out of date and no staff training records were available on site. These three matters were found to be non-compliant with the premises licence conditions.

Officers also viewed CCTV footage which showed a child entering the premises through the main entrance and subsequently entering the stock room. A member of staff entered the area when another customer came into the shop and the child then followed. Officers were able to record the child leaving the stock room, but were unable to record the earlier part of the footage. The licence holder's representative challenged this evidence, stating that sufficient information had already been provided to the Police and that there was no necessity to record any further footage.

It was reported at the time that the staff member who had commenced employment in October 2025 had since been dismissed and had been granted permission to stay overnight at the premises due to shift patterns. Details of right to work permissions and shift patterns had since been provided and received on 29th June, 2026.

Subsequent to this, a further visit was carried out on 6 May, 2026 to serve the review papers on the licence holder. During that visit, Licensing Officers observed single cans on display for sale. A discussion subsequently took place involving Mr. Ian Rushton regarding the CCTV footage. Due to the significant volume of footage available, the Local Authority agreed to review five-minute extracts taken from the operational hours of four cameras throughout the premises.

Officers reviewed footage covering the period from 2nd April to 26th April 2026 and identified that the Designated Premises Supervisor (DPS) was present on only fifteen occasions out of approximately one hundred observations. In some clips, no staff members were visible. The individual alleged to have committed the offence, who was subsequently arrested by the Police, appeared on approximately fifty occasions out of the one hundred observations reviewed. Officers also identified footage showing a young male, appearing to be under the age of twenty-five, purchasing alcohol without being challenged for identification, despite Challenge 25 signage being displayed within the premises.

Whilst reviewing the footage, officers also considered a video clip that had been circulated on YouTube. The clip showed two young females approaching the side and rear of the premises. An extracted section of the video isolating this part of the footage was provided for viewing. Officers

were able to identify corresponding CCTV footage from the premises which showed a staff member opening the rear door, supporting statements made within the YouTube video.

A further complaint was received on 1st June, 2026 regarding an event advertised to be held on 5th June, 2026 involving a barbecue and wine tasting. Given that the premises were already subject to a review process, Licensing Officers were concerned about the proposed event. Following discussions and advice provided to the premises, the event was cancelled. A notice displayed at the shop informed customers that the event had been cancelled following a complaint and included an image of an angry face.

On 9th June, 2026 further information was received alleging that sweets had been placed on a counter of the premises and that children had been invited to take a handful. The individual making this assertion provided information in support of the review application.

A further inspection was carried out on 10th June, 2026. During that visit, the Designated Premises Supervisor, Mr. Silva, was present. Officers observed that single cans remained in the refrigerator despite previous advice being given. Mr. Silva explained that plastic binders had been ordered to secure cans together in pairs and that new notices had been purchased and displayed on the refrigerator advising customers that two cans must be purchased. Training records were also made available for inspection.

On 24th June, 2026 at approximately 11.30 a.m., arrangements were made for a colleague to undertake a test purchase operation who entered the premises and attempted to purchase a single alcoholic drink of 500ml or less. The purchase was successful and a witness statement was subsequently provided. The name of the individual conducting the test purchase was redacted from the documentation to preserve confidentiality.

The test purchase revealed two areas of concern. Firstly, a single can of alcohol was sold in breach of the premises licence conditions. Secondly, although the purchaser appeared to be under the age of twenty-five and was challenged regarding their age, when they stated that they did not have any identification, they were told that it was acceptable and the sale proceeded regardless.

Following the test purchase, officers entered the premises, identified themselves and spoke with staff. Right to work documentation was produced, although officers were not entirely satisfied that the records presented related to the individual who had completed the sale and whom they had met on the day.

When questioned about the sale of single cans, the staff member appeared uncertain. He confirmed that customers were not permitted to purchase a single can and that two cans were required, pointing to the notices displayed in the store. Officers then selected a can of White Storm and asked whether it could be sold individually. The staff member stated that it could not. When asked why the same product had been sold during the test purchase, he suggested that he thought it had been a 700ml can and, therefore, permissible to sell. However, the can was the same size as the others on display. The member of staff was unable to provide a satisfactory explanation and his demeanour suggested that the sale may have resulted from a lapse in concentration.

Before leaving the premises, officers noted that a significant number of single cans remained available within the refrigerator. Whilst some cans had been secured together in pairs, these represented only a minority of the stock on display. Officers then left the premises and had no further involvement.

The Sub-Committee requested that the webcast be paused and the meeting move into private session to allow video footage to be viewed.

In conclusion, the Licensing Authority determined that the licence holder had not demonstrated that they were adequately upholding their responsibilities in promoting the licensing objectives. Evidence gathered throughout the investigation indicated deficiencies in staff recruitment, training and supervision, together with breaches of licence conditions. In addition, aspects of the conduct and management of the premises gave rise to significant concern, particularly given that the premises were already subject to a review by the Licensing Authority.

Having considered all of the evidence, the Licensing Authority's position was that revocation of the premises licence was the appropriate and proportionate step. Accordingly, the Licensing Authority sought revocation of the premises licence as its recommended outcome of the review.

In response to a question it was confirmed that there had been no other test purchases to the premises nor any concerns raised prior to this event.

In response to the written representations received it was noted:-

South Yorkshire Police supported the review based on the evidence disclosed. An investigation remained ongoing and no further comment could be issued.

Rotherham's Safeguarding Children's partnership were also fully supportive of the review in order to mitigate any future risk.

Public Health had reviewed the evidence supplied by the Licensing Authority and support the recommendation to revoke the premises licence held by AKMS Retail Ltd. The lack of staff training records, missing

employment information and several licence breaches showed a complete disregard for the licensing objectives evidencing that the owners of this licence should not be allowed to continue selling alcohol.

In addressing the Sub-Committee the licence holder represented by their Solicitor explained the importance of remembering that the matter concerned an individual's livelihood and that the Sub-Committee's role was to determine what, if any, outstanding causes for concern remained and what measures would be reasonable and proportionate to address those concerns going forward. The focus should be on the promotion of the licensing objectives and not on assumptions, suspicions or allegations unsupported by evidence.

The principal reason for the review was not the administrative breaches or licence condition failures, but the allegation of grooming involving a member of staff. It was argued that this matter was properly a matter to be investigated by the Police, with the additional licence breaches being the issues for the Sub-Committee's consideration. The further incident involving the sale of a single can of alcohol was also acknowledged.

The alleged grooming incident was continuing to be investigated and the licence holder was fully co-operative with the Police and was both shocked and appalled by the allegations supporting the arrest of the individual concerned. The employee had been dismissed immediately and banned from the premises owing to the nature of the allegations.

Appropriate pre-employment checks had been carried out. The individual concerned had held a clear DBS certificate, had undergone right to work checks and had obtained a personal licence in March 2026. He had also completed Level 2 training and had prior experience within the trade. Given that he held a personal licence, he had been trusted to work alone and had received the same training as the DPS.

The representative advised that the licence holder's son had become involved in the business, had completed personal licence training and was applying for his own personal licence. It was submitted that no other member of staff had been aware of the alleged conduct. Whilst it was understandable that the Licensing Authority and Police had sought a review given the seriousness of the allegations, it was argued that the licence holder should not be held responsible for the actions of one individual. Following review of the CCTV footage, it appeared that the employee had worked alone for significant periods and had taken advantage of the opportunity presented.

The Sub-Committee's consideration should, therefore, focus on the licensing objectives, particularly the protection of children from harm and the prevention of crime and disorder. Significant weight should be given to the fact that the individual concerned had left the business and would not be returning. The management had acted decisively and should not be held accountable for conduct of which they had been unaware,

particularly given that there were no previous criminal concerns associated with the individual and all relevant documentation had been obtained before he was employed.

It was argued that the incident could have occurred at any premises and it would be inappropriate to punish the licence holder or other staff members for the actions of a rogue employee, should the allegations ultimately be proven.

In relation to the remaining issues before the Sub-Committee, it was submitted that these related predominantly to compliance matters and record keeping. The licence holder had provided substantial due diligence documentation. There had been no previous concerns regarding underage sales at the premises and a number of refusals had been recorded. It was suggested that, had previous test purchase failures occurred, those would have been brought before the Sub-Committee.

The sale of a single can of alcohol during the test purchase was accepted as a breach of the licence conditions. However, it was argued that revocation was disproportionate when considered alongside a small number of administrative breaches and condition failures, particularly where the police investigation remained ongoing and separate from the licensing review.

There were significant differences between shortcomings in record keeping and absence of staff training. A training policy was operating, staff possessed valid right to work documentation and were authorised to sell alcohol. The training booklet before Members included additional guidance covering matters such as conflict management and hate crime awareness.

The test purchase was described as an isolated incident involving a relatively new member of staff. The individual had been trained and understood that single cans below the permitted volume could not be sold individually. Whilst it was accepted that the incident had occurred, it was submitted that it had exacerbated an already difficult situation. Appropriate disciplinary action had been taken against the employee concerned.

Safeguarding measures were already in place, including enhanced supervision arrangements, reporting procedures and incident logs. The premises had fully co-operated with the Police throughout the investigation and management remained committed to promoting the licensing objectives.

It was queried whether any additional support, advice or guidance had been provided to the premises during the safeguarding visit undertaken on 10th June, 2026 as part of Operation Duxford and wider safeguarding activity involving the Rotherham Safeguarding Partnership. The circumstances leading to the review had not been foreseeable and that

greater guidance from partner agencies regarding safeguarding indicators may have been beneficial.

In relation to the till prompt system, it was submitted that the system displayed a Challenge 25 reminder requiring staff to verify that a customer appeared to be over 25 before completing an alcohol sale. This did not amount to a breach of licence conditions and was consistent with the requirements of the premises licence.

Regarding the proposed barbecue and wine tasting event, it was accepted that, in hindsight, it may not have been the best idea whilst the review process was ongoing. However, it was submitted that the intention had been to bring the community together rather than undermine the licensing objectives. Criticism directed at the event had unfairly cast doubt on what had otherwise been a well-managed business.

The original application for the premises licence had previously attracted a significant number of objections from residents, Responsible Authorities and other interested parties. Despite this, the licence had been granted. A petition containing approximately seventy signatures demonstrated continuing community support and reflected the view that the licence holder should not be blamed for the actions of one employee.

Sweets allegedly left on the counter at the premises were simply items left over from the cancelled barbecue event and not an attempt to attract children to the premises.

It was acknowledged that single cans remained visible in the refrigerators during inspections. However, the mere display of single cans did not constitute a breach of licence conditions; the breach occurred only when a sale took place. Staff had been in the process of securing products together in pairs and that, given staffing levels, this was a continuous task. Prominent notices advising customers that single cans could not be sold had also been displayed.

Many of the licence conditions had been found to be fully compliant and that documentation previously identified as missing had since been produced. The premises would continue to uphold safeguarding responsibilities going forward.

In terms of safeguarding training, whilst it was accepted that alcohol sales training had been delivered, specific safeguarding training could be strengthened. Discussion had taken place with Mr Ian Rushton, Licensing Consultant, about access to potential safeguarding resources available through organisations such as the NSPCC, the Rotherham Safeguarding Children Partnership and other online training providers. It was suggested that the licensing sector generally would benefit from more specific safeguarding guidance to assist staff in recognising and responding appropriately to indicators of exploitation.

Employees would be encouraged and supported to engage with safeguarding agencies and the Police and to report concerns in accordance with the Council's Licensing Policy concerning child sexual exploitation, child criminal exploitation and safeguarding responsibilities.

As an alternative to revocation, it was proposed that an additional condition could be attached to the licence requiring all existing staff to complete an approved safeguarding awareness training course within four weeks of the Sub-Committee's decision, with the content and format to be agreed by the Licensing Authority.

In closing, the representative of the licence holder accepted the seriousness of the concerns before the Sub-Committee and acknowledged why the review had been brought. However, the concerns remained under active police investigation and should not be attributed to the licence holder. Revocation of the licence would be disproportionate in circumstances where the employee concerned had no known criminal history, had been appropriately vetted and had been immediately dismissed following the allegations.

Administrative failings had been recognised and were being addressed and due diligence measures had been strengthened. Staff training had been implemented and management arrangements had significantly improved. Particular reference was made to the licence holder's son's increasing involvement in the business, the introduction of computerised rotas, enhanced oversight of staff and his intention to obtain a personal licence.

The licence holder and his family had been deeply disturbed by the alleged conduct and did not dispute that something serious appeared to have occurred. Nevertheless, the risk of repetition was very low because the individual concerned no longer had any involvement with the premises.

Should the Sub-Committee consider additional measures necessary, the licence holder would accept further conditions, including enhanced safeguarding training requirements. Accordingly, the Sub-Committee were asked to allow the premises licence to continue, subject to any additional conditions considered appropriate, rather than revoke the licence.

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

- The room separate to the shop premises was equipped to allow for the employee to stay overnight and was usual where he had missed his transport home.
- The licence holder had been fully co-operative with all authorities when he became aware of the safeguarding concerns. The concerns were drawn to his attention when a friend had seen a post on social media.

- The BBQ and wine tasting event had been pre-arranged to celebrate a wine company's trading.
- Agreement was given to all CCTV footage being shared.
- The accommodation area was not part of the commercial premises and had its own access/egress.
- Regular random checks of the CCTV were carried out and this had since been increased.
- Ensuring checks to the CCTV system were made randomly and not just following an incident.
- A request for specific safeguarding training for all staff, what to look out for and who to raise concerns with was welcomed.
- Compilation and how the petition was advertised was clarified.
- Adequacy of the supplementary training document.
- Purpose, confusion and inadequacy of the refusal logs provided in support of the premises licence.
- Clarity of DPS authorisation.
- Parameters of having living accommodation within a stock room.
- Access to the stock room by members of the public.

In summary the Licensing Authority believed it reasonable to expect a licence holder to have effective management arrangements in place to ensure that the licensing objectives were promoted and upheld. Did the matter before the Sub-Committee constitute a one-off incident involving a single individual or evidence of wider, systemic failures in the management of the premises.

Some matters could be characterised as administrative failings; however, it was argued that there had also been clear breaches of licence conditions. Reference was made to the sale of single cans of alcohol. This was not simply a case of single cans remaining in a refrigerator awaiting bundling. On an earlier occasion, single cans had been placed in a basket and identified for sale at £1 each in order to clear stock. It was submitted that this demonstrated a deliberate management decision rather than a misguided action by a sales assistant.

A number of issues raised during the hearing undermined confidence in the overall management of the premises. Whilst additional documentation had been provided, some of that material gave rise to further concerns rather than reassurance. The petition submitted in support of the premises was said to have limited evidential value in determining whether the licensing objectives were being upheld.

Concerns were also raised regarding the staff training booklet, which was described as confusing, inaccurate in parts and containing material of limited relevance to the issues. In addition, two separate refusal logs had been produced which appeared to contain conflicting information. Reference was also made to the CCTV evidence, which indicated that the Designated Premises Supervisor had been present on only a limited number of occasions during the period reviewed.

The Licensing Authority's position was that it had no confidence in the management of the premises and was asking the Sub-Committee to revoke the premises licence and to reach their decision on the basis of all of the evidence and submissions heard during the review hearing.

In conclusion the representative for the licence holder accepted two separate refusal logs was confusing and would personally ensure these were consolidated into a single log book. This issue had become a distraction from the principal reason why the matter was before the Sub-Committee, namely the serious incident involving a former member of staff. The individual concerned was no longer employed at the premises.

The remaining issues were relatively minor by comparison. The presence of single cans in the refrigerator did not, in itself, constitute a breach of the premises licence and that there would have been no further concerns had the test purchase not been successful.

The licence holder understood the concerns that had been raised and wished to work constructively with the Responsible Authorities. It was important to separate the alleged criminal conduct from the licensing compliance issues and had the serious incident not occurred, the premises would not have been subject to a review.

It was acknowledged that there had been some failings and advised that assistance would be provided to the licence holder in improving record keeping and administrative procedures. Staff training had been undertaken and the necessary due diligence processes were now in place, although the associated paperwork required further organisation and improvement.

The proposed barbecue event was accepted as being an ill-judged idea. However, the intention had simply been to bring the local community together and the event had ultimately been cancelled. It was pointed out, however, that aspects of the Council's Licensing Policy appeared to be outdated.

The key issue outstanding was the need for greater safeguarding awareness and training to enable the licence holder and staff to understand how to identify potential safeguarding concerns, how to report them and what action should be taken. More specific training tailored to the retail sector would be of significant benefit.

In relation to the failed test purchase, the individual who sold the single can of alcohol had acknowledged receiving training and had only been employed at the premises for approximately one week at the time of the sale.

The licence holder's son had become increasingly involved in the business, was learning the role on the job and had already proved to be a

valuable addition to the management of the premises. He intended to obtain a personal licence in the near future.

Finally, all staff documentation had been checked, including right to work records and the Designated Premises Supervisor had no knowledge of the conduct which had allegedly taken place. Staff were willing to follow any additional guidance arising from the Council's policies and from the Licensing Authority and argued that the premises licence should, therefore, be permitted to continue.

The Sub-Committee considered in detail the application for the review of the Premises Licence and took account all the representations made for the revocation of the Premises Licence and the responses received on the grounds that the licence holder had failed to promote the licensing objectives of:-

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

Resolved:- That, after due consideration of the application for review and to the representations, the Premises Licence in respect of the premises known as Today's situated at Unit 4, Ox Close Avenue, Kimberworth Park, Rotherham, S61 3QY be revoked.