

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING (ACTIVITIES) SUB-COMMITTEE**

**LICENSING ACT 2003  
APPLICATION FOR REVIEW OF A PREMISES LICENCE  
SMITHS CONVENIENCE STORE, 84-86 FRODINGHAM ROAD, SCUNTHORPE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To request that the Sub-Committee determines the application to review the premises licence for Smiths Convenience Store.
- 1.2 The application to review the Licence has been submitted by North Lincolnshire Council Trading Standards. There have been 3 representations. These are detailed in paragraph 4.2 and are attached to this report as Appendices C, D and E.

**2. BACKGROUND INFORMATION**

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for the review of a licence need to be determined by this Sub-Committee.
- 2.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:
  - The prevention of Crime and Disorder
  - Public Safety
  - The prevention of a Public Nuisance
  - The protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.

- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided which is relevant to the licensing objectives.
- 2.6 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:
- To modify the conditions of the licence
  - To exclude a licensable activity from the scope of the licence
  - To remove the designated premises supervisor
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence
- 2.7 Members of the Sub-Committee should be advised that the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

### **3. ISSUES FOR CONSIDERATION**

- 3.1 The application for review of a premises licence for Smiths Convenience Store was received on 24 September 2014. A copy of the application is attached to the report at Appendix A.
- 3.2 A copy of the application and accompanying documents has been given to the holder of the premises licence and to each responsible authority, by the applicant on the same day as the day on which the application for review was given to the licensing authority.
- 3.3 A notice under Regulation 38(a) of the Licensing Act 2003 (Advertisement of review by licensing authority) Regulations 2005, was prominently displayed for 28 consecutive days dated 24 September 2014. This notice is attached to this report as Appendix B.
- 3.4 A notice under Regulation 38(b) of the Licensing Act 2003 (Advertisement of review by licensing authority) was published on the North Lincolnshire Council Website for 28 consecutive days starting on the day after the day on which the application was given to the licensing division.
- 3.5 There have been 3 letters of representation from interested parties. These are detailed in paragraph 4.2 and are attached to this report as Appendix C, D, and E.
- 3.6 A copy of the current Premises Licence is attached to this report at Appendix F.

#### 4. **OUTCOMES OF CONSULTATION**

4.1 An applicant wishing to review a Premises Licence has to serve a copy of the application form and accompanying documents on the premises licence holder and statutory consultees the same day as the Licensing Authority receives its copy.

4.2 The table below provides details of any comments received:

<b>Responsible Authority</b>	<b>Comment</b>
Humberside Police	No Comments Received
Humberside Fire & Rescue Service	No Adverse Comments
Environmental Health Commercial	No Adverse Comments
Health & Safety	No Adverse Comments
Health and Safety Executive (if applicable)	Not applicable.
Trading Standards	Applied for review, see Appendix A for details.
Child Protection	No Comments Received
Public Health	No Adverse Comments
Licensing Authority	No Comments Received
Planning	No Comments Received
Interested Parties	3 Letters of representation in support of the Premises Licence, see Appendices C, D and E for details.
Premises Licence Holder	No Comments Received

#### 5. **OUTCOMES OF MEDIATION**

5.1 In accordance with paragraph 22(3) of our Licensing Policy no mediation is carried out on an application for a review.

#### 6. **LICENSING OBJECTIVES & STATUTORY PROVISIONS**

6.1 Prevention of Crime & Disorder

6.1.1 Further information regarding this objective can be found in the Licensing Policy, pages 22-24.

6.1.2 Representations have been received raising concerns with regard to this objective.

6.2 Public Safety

6.2.1 Further information regarding this objective can be found in the Licensing Policy, pages 25-27.

6.2.2 Representations have been received raising concerns with regard to this objective.

### 6.3 Prevention of Public Nuisance

6.3.1 Further information regarding this objective can be found in the Licensing Policy, pages 28-30.

6.3.2 Representations have not been received raising concerns with regard to this objective.

### 6.4 Protection of Children from Harm

6.4.1 Further information regarding this objective can be found in the Licensing Policy, pages 31-34.

6.4.2 Representations have not been received raising concerns with regard to this objective.

## 7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to the report as Appendix G.

## 8. RECOMMENDATIONS

8.1 That the Sub-Committee determines the application for review in accordance the Statutory Guidance issued under s183 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant, the premises licence holder and the parties/authorised bodies making relevant representations.

8.2 That the Sub-Committee determines the application for review in accordance with the options in paragraph 2.6.

8.3 That the Sub-Committee provides the reasons for its decision.

### DIRECTOR OF PLACES

Civic Centre  
Ashby Road  
SCUNTHORPE  
North Lincolnshire

Author: Narelle Plowright  
Date: 30 October 2014

**Background Papers used in the preparation of this report Nil**

PRM19031

REV-23116.

APPENDIX A

**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.

24 SEP 2014

I Andrew WOAD

*(Insert name of applicant)*

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

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

**Postal address of premises or, if none, ordnance survey map reference or description**

Smiths Convenience Store  
84-86 Frodingham Road

**Post town** Scunthorpe

**Post code (if known)** DN15 7JW

**Name of premises licence holder or club holding club premises certificate (if known)**

Soran Rashid

**Number of premises licence or club premises certificate (if known)**

PRM19031

**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

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



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

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

**Please tick**

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

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**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 Andrew WOAD North Lincolnshire Council Trading Standards Church Square House Scunthorpe DN15 6NL
Telephone number (if any) 01724 297654
E-mail address (optional) andy.woad@northlincs.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

**Please state the ground(s) for review** (please read guidance note 1)

On 18 September 2014 Smiths Convenience Store was searched by North Lincolnshire Council Trading Standards using a tobacco sniffer dog as part of a national operation to clamp down on the sale of illicit tobacco. The raid was planned and based on intelligence received from the public.

At the premises was Soran Rashid (the Premises Licence holder) and Aras Mahmoud (shop assistant)

The search discovered large quantities of illicit tobacco.

Tobacco seized included a combination of non-duty, counterfeit and illicit whites.

Intelligence indicates that sales of illicit tobacco have been made from these premises for a number of years. Previous raids by Trading Standards and HMRC (without search dogs) have only revealed small quantities of illicit tobacco.

As well as the criminal offences for possessing counterfeit and non-duty tobacco, there are serious safety risks associated with illicit tobacco as the manufacture of the products is uncontrolled.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

See attached statement and documents



**Please tick yes**

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

If yes please state the date of that application

Day Month Year

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

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 24/9/14

Capacity Applicant

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)  
As above

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**LICENSING ACT 2003**  
**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE**  
**PRESCRIBED FORM OF NOTICE**

Take notice that an application has been made to North Lincolnshire Council on **24 September 2014** for a review of a premises licence in respect of the premises known as:

(Name of Premises) **Smiths Convenience Store**

Situated at (address ) **84-86 Frodingham Road, Scunthorpe, DN15 7JW**

on the grounds of: On 18 September 2014 Smiths Convenience Store was searched by North Lincolnshire Council Trading Standards. Discovered were large quantities of illicit tobacco, which included a combination of non-duty, counterfeit and illicit whites. Intelligence indicates that sales of illicit tobacco have been made from these premises for a number of years.

**Interested parties can make representations in writing to:**

**Technical and Environment Services, Licensing Division, P O Box 42, Church Square House, Scunthorpe, North Lincolnshire DN15 6XQ, no more than 28 days starting on the day AFTER the application was given to North Lincolnshire Council's Licensing Division \*\* stating the grounds for review. For guidance the Licensing Policy can be found on the North Lincolnshire website [www.northlincs.gov.uk](http://www.northlincs.gov.uk)**

**(The review application can be viewed at Church Square House 9.30 am to 4.30 pm Monday to Friday), or can be viewed on the councils website at [www.northlincs.gov.uk/licence/reviews.....](http://www.northlincs.gov.uk/licence/reviews.....)**

Signed .....

It is an offence, knowingly or recklessly, to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5000.

*NB \*\* when the application was made to North Lincolnshire Council*

CHURCH SQUARE HOUSE

17 OCT 2014

RECEIVED

Dear North Lincolnshire Council

I am writing to you regarding to the notice outside Smiths Shop on Froddingham RD on the post and understand that apparent illegal activities have taken place if that is the case. its a shame as i always give my business to the store. I myself have never seen ~~so~~ anything illegal while shopping in there. I understand if found guilty they should be fined or given a warning. I am asking on my own ~~best~~ behalf if you will be lenient on those whom accused as there are not

helpfull and its the only  
Shop i will send my child  
to on her own. I hope  
they are not found guilty  
and the Shop remains open  
if they are found guilty,  
hope you are lenient. We hope  
you will consider the views  
of the local residents in regard  
to your decision.

Kind Regards  
Miss Green.

24 TEALE ST

SCUNTHORPE

DN15 6JB

17 OCT 2014

RECEIVED

Dear North Lane's Council

We are writing to you with regard to the notice outside Smiths Convenience store. I have read that apparently illegal activities there and I understand that if found guilty they could be given a fine or penalty warning. It is such a shame as it is one of the only shops I use on Froddickham road and Mr Rashid himself is a nice helpful man. I hope you consider the views of all local residents in regard to your decision.

Kind regards,

Kieran Cook

55 Fox Street Scaunthorpe DN15 7Zd.

7-10-2014

Review of Premises licence for  
Smiths Convenience Store  
84-86 Frodingham Road, Scunthorpe  
DN15 7JW



Dear North Lincs Council,

I am writing in conjunction with the review of the Premises licence for the above mentioned.

I have been using Smiths store for more than thirty years and would be disappointed if the licence were to be revoked. I fully understand reading the notice outside about the illegal activities which apparently have been going on inside the premises. I totally agree it is a serious incident but would hope that the proprietors would be given a second chance as I do not wish to travel far and use the shop on an everyday basis for general supplies. My local residents within the area also accept that they should be reprimanded or fined but not be shut/closed down.

Nowadays we find it hard to travel far by foot and also do not feel 100% safe. The Smiths store is the most convenient and quickest route for us to travel to on a daily basis. My colleagues and I live in Parkinson Avenue, Fox ST and find it the most pleasant and convenient store for ourselves.

We hope you understand our views and we fully understand the seriousness of their apparent activities. But we hope they are given a second chance to redeem themselves. As I repeat we have been using the shop for more than thirty years

and it would make our lives much more difficult  
to adjust and go elsewhere. We are both in our late  
60's and have trouble walking far. I myself have  
the use of a walking stick. We hope you appreciate  
our views in context with the review of the premises  
Licence of Smiths Convergence Store. Thank you for  
taking the time to read my views on this matter.

Mrs Anna Martins (MRS ANNA MARTINS)

6 Parkinson Avenue. 07939056534

Scunthorpe you are welcome to contact me  
if you wish

N. Lines

DN15 7JX

MRS Joyce Cartell

16 PARKINSON AVE

SCUNTHORPE

NTH LINES

TEL. 330793

DN 15 7JX



**NORTH LINCOLNSHIRE COUNCIL**

Schedule 12

**PREMISES LICENCE**

**Premises licence number**

**PRM19031**

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Smiths Convenience Store 84-86 Frodingham Road Scunthorpe North Lincolnshire	
<b>Post Town:</b> Scunthorpe	<b>Post Code:</b> DN15 7JW
<b>Telephone Number:</b> N/A	

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>
Sale of Alcohol for Consumption Off the Premises

**The times the licence authorises the carrying out of licensable activities**

Sale of Alcohol for Consumption Off the Premises

Monday 09:00hrs to 23:00hrs  
Tuesday 09:00hrs to 23:00hrs  
Wednesday 09:00hrs to 23:00hrs  
Thursday 09:00hrs to 23:00hrs  
Friday 09:00hrs to 23:00hrs  
Saturday 09:00hrs to 23:00hrs  
Sunday 09:00hrs to 23:00hrs

Hours Premises Open to the Public

Monday 07:00hrs to 24:00hrs  
Tuesday 07:00hrs to 24:00hrs  
Wednesday 07:00hrs to 24:00hrs  
Thursday 07:00hrs to 24:00hrs  
Friday 07:00hrs to 24:00hrs  
Saturday 07:00hrs to 24:00hrs  
Sunday 07:00hrs to 24:00hrs

**Where the licence authorises the supplies of alcohol whether these are on and / or off supplies**

Consumption Off the Premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Soran Rashid  
84a Frodingham Road  
Scunthorpe  
North Lincolnshire  
DN15 7JW

**Registered number of holder, for example company number, charity number (where applicable)**

PRM19031

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Soran Rashid  
84a Frodingham Road  
Scunthorpe  
North Lincolnshire  
DN15 7JW

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal Licence issued by **North Lincolnshire Council**, Licence Number: **NL/16395**

## **Annex 1 – Mandatory Conditions**

### Supply of Alcohol

1. No supply of alcohol may be made under this premises licence
  - a) at a time when there is no Designated Premises Supervisor in respect of this licence, or
  - b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

### Drinks Promotions

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol;
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

## **Annex 2 – Conditions consistent with the operating Schedule**

### General Conditions

A Personal Licence Holder shall be on the premises at all times during which alcohol will be sold.

### The Prevention of Crime and Disorder

A CCTV camera shall be sited to cover all entries and exits of the premises.  
All spirits shall be displayed behind the counter and only dispensed by a member of staff.

Security shutters shall be used and in place during closure times.

Notices shall be placed around the premises informing customers that a challenge 21 policy is operated at the premises.

### Public Safety

No conditions attached.

### The Prevention of Public Nuisance

Regular clearance of litter shall be carried out outside the immediate vicinity of the premises.

### The Protection of Children from Harm

Anyone who appears to be under 21 shall be asked to produce recognised photographic proof of age document. Acceptable forms of identification shall be 'passport', 'photocard driving licence' or 'pass' approved and hologrammed identification;

A Refusals book shall be kept on the premises and all instances of refusal shall be logged and made available for inspection by an authorised officer.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

All staff authorisation to sell alcohol will be by the Designated Premises Supervisor in writing. The Designated Premises Supervisor will ensure that all staff will be trained in the following -

- Age appearance testing and the general responsibility of underage sales.
- The Challenge 21 scheme where staff will only accept photo identification clearly showing the age of the customer.
- Training in the keeping of a refusals book which will be available for inspection by an authorised officer.
- All staff to receive regular refresher training on all aspects of alcohol sales and underage sales.

A full CCTV system shall be in operation at the premises in accordance with the Humberside Police Codes of practice. This shall cover the internal areas so that persons purchasing alcohol can be easily identified.

#### **CCTV Codes of Practice**

The below listed codes of practice are the minimum that the Humberside Police find acceptable when CCTV is proposed to address one or more of the Licensing Objectives under the Licensing Act 2003.

1. The CCTV system shall be registered in accordance with the Data Protection Act.
2. Cameras will be positioned as to view those areas that are not supervised, or in view of the counter, with one of the cameras providing a front facial view of customers at the tills.
3. The system shall be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 28 days and handed to a Police Constable or authorised person upon request.
4. If the system uses tapes then there should be sufficient for 28 days. These tapes shall be replaced every six months to maintain the quality of the images recorded, or sooner, if deemed appropriate by a responsible person.
5. The premises licence holder will be responsible for the operation of the system and shall ensure that it is maintained in accordance with these codes of practice.
6. The system and cameras shall be maintained in full working order.
7. Recordings shall be made of each trading period conducted at the premises.

**Annex 4 – Plans**

As attached

**NORTH LINCOLNSHIRE COUNCIL**

**Part B**

**Premises licence summary**

**Premises licence number**

**PRM19031**

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Smiths Convenience Store  
84-86 Frodingham Road  
Scunthorpe  
North Lincolnshire

**Post Town:** Scunthorpe

**Post Code:** DN15 7JW

**Telephone Number:** N/A

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

Sale of Alcohol for Consumption Off the Premises



**The times the licence authorises the carrying out of licensable activities**

Sale of Alcohol for Consumption Off the Premises

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**Where the licence authorises the supplies of alcohol whether these are on and / or off supplies**

Consumption Off the Premises

**Name, (registered) address of holder of premises licence**

Mr Soran Rashid  
84a Frodingham Road  
Scunthorpe  
North Lincolnshire  
DN15 7JW

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Soran Rashid

**State whether access to the premises by children is restricted or prohibited**

Unrestricted

