

# North Somerset Council

**REPORT TO THE: LICENSING SUB-COMMITTEE**

**DATE OF MEETING: TUESDAY 18 DECEMBER 2018**

**SUBJECT OF REPORT: APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT MIX STORE, 44 MEADOW STREET, WESTON-SUPER-MARE**

**TOWN OR PARISH: WESTON SUPER MARE**

**OFFICER/MEMBER PRESENTING: DIRECTOR OF DEVELOPMENT AND ENVIRONMENT**

**KEY DECISION: NO**

## **RECOMMENDATIONS**

That the sub committee determines the application for the grant of the Premises Licence.

### **1. SUMMARY OF REPORT**

1.1 An application has been received for the grant of a premises licence for Mix Store, 44 Meadow Street, Weston super Mare. Consultations have been carried out and an objection was received from Avon & Somerset Constabulary. The principle concern raised is that the applicant: Mr Bestoon Mustafa was previously the sole director and owner of 'Eurozone' located at 51-53 Meadow Street, Weston super Mare, BS23 1QH which had its licence revoked at a review hearing in July 2018. As a result, the Police believe that the applicant may not promote the licensing objectives and is not fit and proper to hold the licence.

### **2. POLICY**

2.1 The Council's statement of Licensing Policy applies to this application.

2.2 The Licensing Act 2003 requires licensing authorities to carry out their functions with a view to promoting the following four licensing objectives:

- a) The Prevention of Crime and Disorder.
- b) Public Safety.
- c) The Prevention of Public Nuisance, and
- d) The Protection of Children from Harm.

2.3 The Licensing Authority should have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003, and the provisions of the Licensing Act itself.

### 3. DETAILS

- 3.1 An application was received on the 15 October 2018 from JMC Licensing Consultants on behalf of Mr Bestoon Mustafa for the grant of a Premises Licence under the Licensing Act 2003, in respect of Mix Store, 44 Meadow Street, Weston super Mare. A copy of the application that has been made is shown at **Appendix A**.
- 3.2 An email was received from the agent on 24 October 2018 to advise that the application had not been advertised in a local paper within the correct legal timeframe, so the 28-day consultation period needed to be started again. This resulted in the new closing date for representations being 22 November 2018.
- 3.3 The premise is a two-storey building of which only the ground floor is subject to the premises licence.
- 3.4 Mix Store has commercial and residential properties within 100 metres of the licensed premises.
- 3.5 A copy of a location plan of the premises is shown at **Appendix B**.
- 3.6 The licensable activities and opening times of the premises to members of the public being sought are as follows:

Licensable Activity	Hours Sought	Non –standard timings
Supply of alcohol	Monday to Sunday 08:00 to 23:00	None
Hours premises will be open to the public	Monday to Sunday 08:00 to 23:00	None

### 4. Consultations

4.1 In accordance with the requirements of the Act the applicant has:

- (a) Served copies of the application to the Responsible Authorities.
- (b) Advertised the submission of the application in a local newspaper.
- (c) Placed a notice at the property detailing the application made.

4.5 In relation to the four licensing objectives set out in the Licensing Act 2003, the following matters have been raised:

<b>Licensing Objective</b>	<b>Responsible Authority</b>	<b>Interested Party</b>
The Prevention of Crime and Disorder	The Police have made representations in relation to the applicant's previous involvement with Eurozone which had its licence revoked by Licensing Committee	No representations have been received
Public Safety	Avon Fire and Rescue Service/Environmental Health have not made any representations	No representations have been received
Public Nuisance	The Environmental Protection team have not made any representations	No representations have been received
The Protection of Children from Harm	Children and Young People's Services have not made any representations.	No representations have been received

4.2 A copy of the representation which has been received is shown at **Appendix C**.

4.3 A copy of the representation received to the application to transfer the Premises Licence for Eurozone to Mr Mustafa is shown at **Appendix D**.

4.4 A copy of the decision letter from the review hearing for Eurozone is shown at **Appendix E**.

## **5. FINANCIAL IMPLICATIONS**

**Costs** - None.

**Funding** - None.

## **6. LEGAL POWERS AND IMPLICATIONS**

6.1 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the service. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships and the Vehicle and Vehicle Standards Agency (DVSA) towards the promotion of any licensing objectives.

6.2 In undertaking its licensing function, the Licensing Authority has regard to the following legislation:

- Town and Police Clauses Act 1847
- Transport Act 1980 & 1985
- Road Traffic Act
- The Local Government (Miscellaneous Provisions) Acts 1976, 1982 as amended
- Environmental Protection Act 1990

- Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- The Equality Act 2010
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
- Licensing Act 2003
- Gambling Act 2005

6.3 The Licensing Authority also has regard to any other relevant legislation, strategies, policies and guidance in its decision-making.

## **7. RISK MANAGEMENT**

7.1 Regularly reviewing licensing policies and practices and using a risk-rated approach to both proactive and reactive enforcement reduces the risk to the Authority. Ensuring MoU agreements are in place with external partner agencies will also help strengthen roles and responsibilities surrounding Licensing work.

## **8. EQUALITY IMPLICATIONS**

None

## **9. CORPORATE IMPLICATIONS**

9.1 If the application is refused or amended the applicant may appeal within 21 days of the notification of the Committee's decision to the Magistrate's Court. If the application is granted a person making a relevant representation may also appeal within 21 days of the notification to the Magistrates' Court.

## **10. OPTIONS CONSIDERED**

The Committee may after hearing the application:

- a) Grant the application as applied for, or
- b) Grant the application with modifications to the dates or timing of licensable activities or conditions to be attached to the licence.
- c) Refuse the application.

For the purpose of sub section 8(b) above conditions are modified if any of them are altered or omitted or any new condition is added.

**AUTHOR**

Kellie Trego, Licensing Officer

Tel: 01934 426 800

**BACKGROUND PAPERS**

Licensing Act 2003.

Guidance to the Licensing Act issued under section 182 of the 'Act'.

Statement of Licensing Policy for North Somerset Council.

S3424

# North Somerset Council

(Weston Super Mare)

Application for a premises licence to be granted 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/We **Mr Bestoon Mustafa**

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <b>Mix Store</b> <b>44 Meadow Street</b>			
Post town	<b>Weston Super Mare</b>	Postcode	<b>BS23 1QH</b>
Telephone number at premises (if any)		<b>07732 536 571</b>	
Non-domestic rateable value of premises		<b>£ 6.800</b>	

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/>            | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment    | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body                             | <input type="checkbox"/>            | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>MUSTAFA</b>			First names <b>Bestoon</b>		
Date of birth: <b>4<sup>th</sup> July 1985</b>		I am 18 years old or over		Please tick yes <input checked="" type="checkbox"/>	
Nationality: <b>British</b>					
Current residential address if different from premises address		<b>35 Perrymead</b>			
Post town	<b>Weston Super Mare</b>			Postcode	<b>BS22 7FB</b>
Daytime contact telephone number			<b>07732 536 571</b>		
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes <input type="checkbox"/>	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					

<b>E-mail address (optional)</b>	
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**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start? 13.11.2018

DD	M	YYY
1 3	1 1	2 0 1 8

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

<p>Please give a general description of the premises (please read guidance note 1)</p> <p><b>Small grocery store situated on the main road in the town.</b></p>
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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)





Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (c), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					



# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

**I**

<b>Late night refreshment Standard days and timings (please read guidance note 7)</b>			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption –</b> <b>please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)					
Mon	08.00	23.00						
Tue	08.00	23.00						
Wed	08.00	23.00						
Thur	08.00	23.00						
Fri	08.00	23.00						
Sat	08.00	23.00						
Sun	08.00	23.00						
						<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name <b>Mr Bestoon Mustafa</b>	
Date of birth: <b>4<sup>th</sup> July 1985</b>	
Address <b>35 Perrymead Weston Super Mare</b>	
Postcode	<b>BS22 7FB</b>
Personal licence number (if known) <b>NSC/053055</b>	
Issuing licensing authority (if known) <b>North Somerset Council</b>	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

**None**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	08.00		<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
		23.00	
Tue	08.00		
		23.00	
Wed	08.00		
		23.00	
Thur	08.00		
		23.00	
Fri	08.00		
		23.00	
Sat	08.00		
		23.00	
Sun	08.00		
		23.00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

A tamper-proof digital colour CCTV system must be installed and maintained at the premises. CCTV cameras will monitor the front of the premises.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage.

Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every month by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date.

A written record of these checks must be kept, including a signature of the person carrying out the check.

This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

The premises are secured with roller shutters at the front and back when closed. There are wrought iron bars on the side windows.

**b) The prevention of crime and disorder**

Spirits of high ABV will be sold behind the counter.

When the DPS is not on duty a contact telephone number will be available at all times.

**Incident Book**

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises
- (ii) Any other crime or criminal activity on the premises
- (iii) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)
- (iv) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- (v) Any call for police assistance to the premises
- (vi) Any ejection from the premises
- (vii) Any first aid/other care given to a customer

**Refusals Book**

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of i.d. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

**c) Public safety**

No risk has been assessed under the Licensing Act 2003

**d) The prevention of public nuisance**

The Management will monitor the exterior of the premises with the CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises.

**e) The protection of children from harm**

A "Challenge 25" policy shall be operated at the premises at all times. The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo I.D. that is approved for acceptance by the Police or other Authorised Officers.

Signage for "Challenge 25" scheme shall be displayed at the premises. A documented training programme shall be introduced for all staff in a position to sell, serve alcohol.

The programme shall be made available for inspection at the request of Trading Standards, Licensing Authority Officers and Police. A written record shall be kept of the content of training.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). X

**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.**

**It is an offence under section 24b of the immigration act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the immigration, asylum and nationality act 2006 and pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.**

**Part 4 – Signatures** (please read guidance note 11)

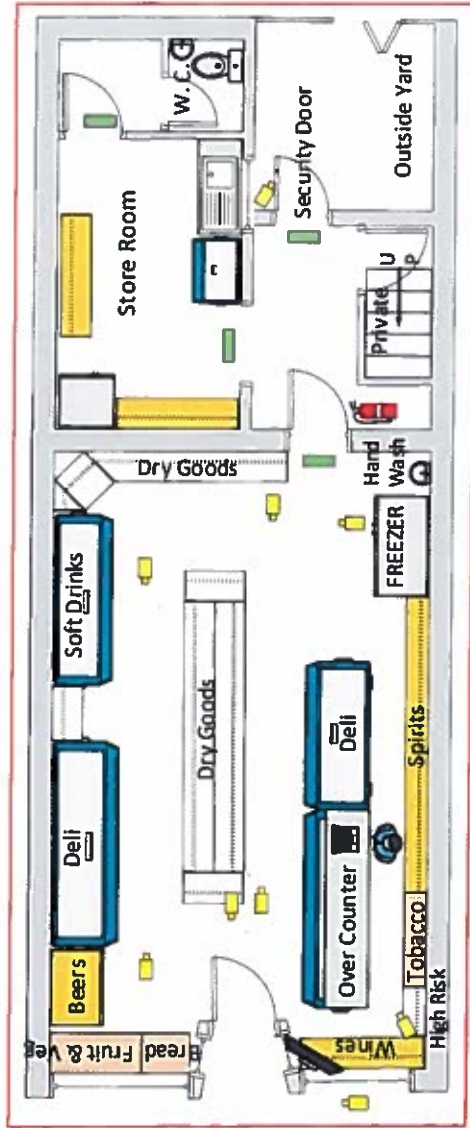
**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	<i>J. Clarke</i>
Date	15.10.2018
Capacity	Agent on behalf of the applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) <b>June Clarke</b> <b>JMC Licensing Consultants</b> <b>Warrington Business Park</b> <b>Long Lane,</b>			
Post town	Warrington	Postcode	WA2 8TX
Telephone number (if any)	07834 529 712		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  <b>info@licensinghouse.co.uk</b>			



<b>LEGEND</b>	
Licensed Area	
Camera	
Fire Ext	
Monitor	
Fire Exit	
Licensed Goods	
<b>SCALE</b>	
	1:100

<b>Drawing Purpose</b>	<b>PREMISES LICENCE APPLICATION</b>	<b>Name of Premises</b>	<b>MIX STORE</b>	<b>Premises Address</b> 44 Meadow Street Weston Super Mare BS23 1QH
<b>Drawing Details</b>	The purpose of this drawing is for the submission of a Premises Licence Application. All Measurements have been drawn in millimeters. This drawing is not to be used for the intention of any building, shop fitting or construction purposes.			



**Consent of individual to being specified as premises supervisor**

I: *[name of prospective premises supervisor]* Mr Bestoon MUSTAFA

*[home address of prospective supervisor]* .....

of: 35 Perrymead, Weston Super Mare, BS23 1QH

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Application for a Premises Licence under s17 of the Licensing Act 2003

*[type of application]*

by

*[name of applicant]*

Mr Bestoon MUSTAFA

relating to a premises licence

Tba

*[number of existing licence, if any]*

for

*[name and address of premises to which the application relates]*

Mix Store, 44 Meadow Street, Weston-Super-Mare, BS23 1QH

and any premises licence to be granted or varied in respect of this application made by

Mr Bestoon MUSTAFA

*[name of applicant]*

concerning the supply of alcohol at

Mix Store, 44 Meadow Street, Weston-Super-Mare, BS23 1QH

*[name and address of premises to which application relates]*

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

**Personal licence number**

NSC/053055

*[insert personal licence number, if any]*

**Personal licence issuing authority**

North Somerset Council

*[insert name and address and telephone number of personal licence issuing authority, if any]*

**Signed**

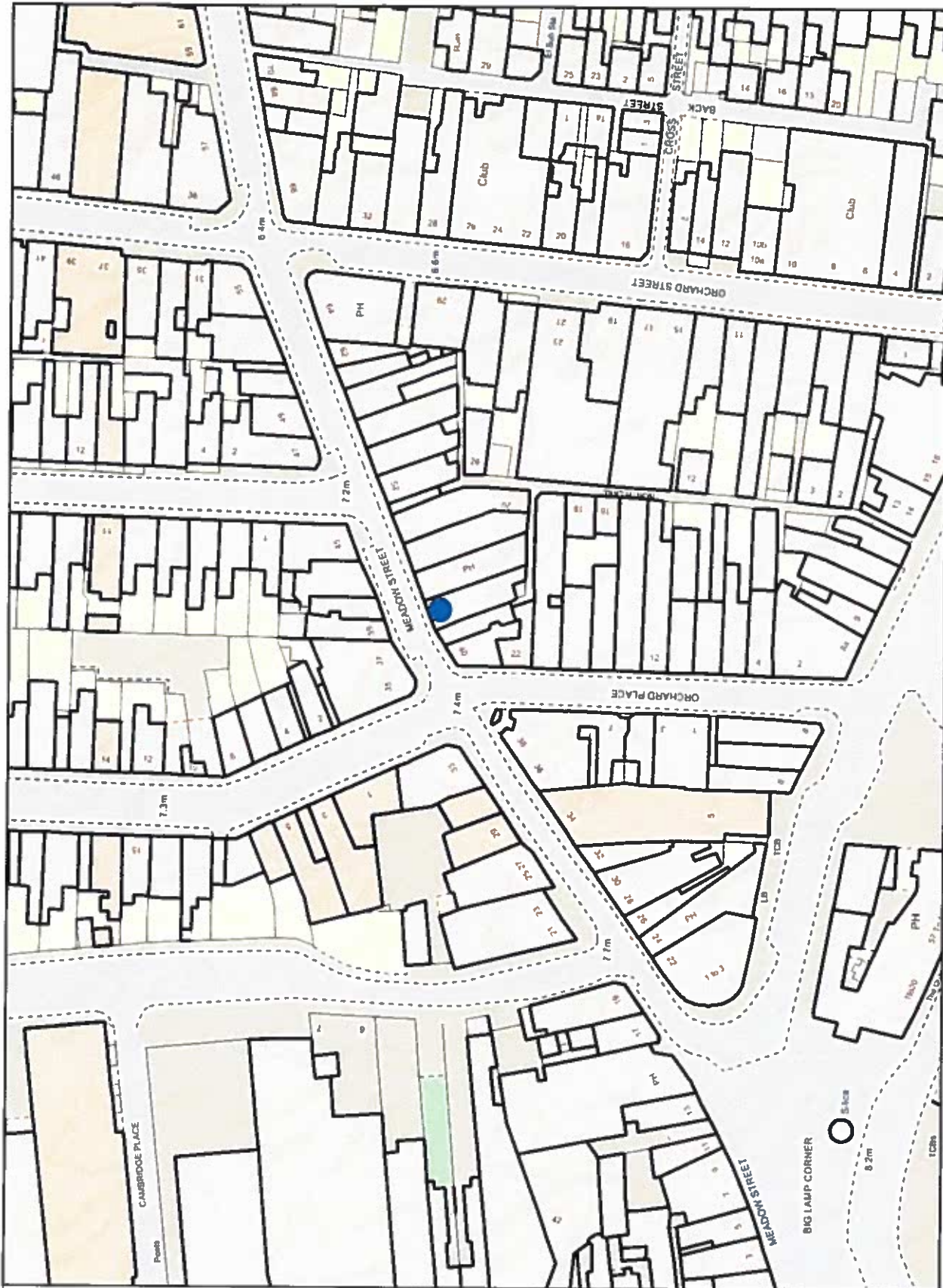


**Name (please print)**

Mr Bestoon MUSTAFA

**Date**

08/10/18



Scale: 1:1000  
 Drawn by: Kellie Trego  
 Date: 26 November 2018  
 Time: 10:45:42

Land and property  
 Infrastructure  
 Street lighting

**Mix Store**  
 44 Meadow Street



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## Representations Licensing Act 2003.



Your Name	Andy Jones / Andy Manhire
Job Title	Police Licensing Officer
Postal address	Weston Gateway North Somerset Police Centre Filers way Weston super Mare BS24 7JP
Contact telephone number	01278 648289 / 01278 648235

Name and address of the premises you are making representations about.	Application for Premises Licence  Mix Store 44 Meadow street Weston super Mare BS23 1QH
--	--

Reason for objection	<p>The Police as a Responsible Authority make relevant representations to the Premises Licence application for the premises of 'Mix' store located at 44 Meadow Street, WSM BS23 1QH.</p> <p>The applicant Mr Bestoon Mustafa was previously the owner and sole director of 'Eurozone' located at 51-53 Meadow street, WSM BS23 1QH.</p> <p>In May 2018 North Somerset Trading Standards called a review of the Premises Licence of 'Eurozone' and during this process the Police received a Licence Transfer application to Mr Bestoon Mustafa who had been previously involved with the business.</p> <p>During the Transfer process the Police Licensing Officers visited the premises and found Mr Bestoon to be uncooperative and obstructive with compliance of the licensing laws. Police representations were made (copy attached) to the Licence Transfer application, which was later withdrawn by the applicant's agent.</p> <p>On Tuesday the 3rd of July 2018 the premises of 'Eurozone' was subject of a review hearing - following representations from both North Somerset Trading Standards and Avon and Somerset Constabulary.</p>
----------------------	--

Following the review hearing the Licensing Committee revoked the Premises Licence of the store, for the reasons recorded within the committee report, which makes reference to the applicant and his associations and the review decision letter, which a copy is attached.

A further Premises Licence application was submitted for the premises to be called 'WSM market' formerly 'Eurozone' located at 51-53 Meadow street, WSM BS23 1QH.

This Premises Licence was granted following consultation with the agent where comprehensive and robust conditions were agreed.

I wish to highlight one of the these conditions as follows;

The previous Premises Licence Holder(s) or Designated Premises Supervisor(s) namely Ari Abdullah and Bestoon Mustafa, shall have no active part in the management of the premises, or any business operating from the premises and are excluded from these premises.

-----  
The premises of 44 Meadow street, WSM was previously granted a premises Licence with the name of 'Swojak' which was a Polish convenience store.

In July 2018 - according to Companies House records the company of 'Sklep Zoska' involved with 44 Meadow Street was dissolved making the Premises Licence invalid.

Since July 2018 the applicant Mr Bestoon has registered the business of 'Mix store' 44 Meadow street WSM with Companies House but had not contacted the Licensing Authority to make basic enquiries regarding the Premises Licence or inform them of his responsibilities even though he received his Personal Licence from North Somerset Council that month.

On 12 September 2018 the store was visited by North Somerset Council Senior Licensing Officers Sioux Isherwood and Kelly Trego and found that alcohol was on display and being sold without a Premises Licence being in force.

The applicant was advised to remove all alcohol from sale and it was clear that alcohol sales had continued at the premises without a licence since taking over the new store, believing a Premises Licence was in existence.

On Wednesday 21 November 2018 – a site meeting was held at the store with the applicant and his appointed

agent to consult with the Police Licensing Officer Andy Jones and Kelly Trego the Senior Council Licensing Officer.

During the meeting the Police expressed concerns with the submitted application which were discussed, the applicant stated that during July he was involved in a road collision, which resulted in hospital treatment which is the reason why any consultation with the Licensing Authority lapsed.

The Police reinforced the fact that as a business owner and Personal Licence holder he has responsibilities for understanding this important role and any concerns or issues should have been directed to his agent to act on his behalf for appropriate action.

To conclude the Police are concerned that no reference or acknowledgement has been made within the application, that the premises is located within a Cumulative Impact area.

There has been no consultation with the Licensing Authority or Police Licensing prior to the submission of the Premises Licence application.

The hours for sale of alcohol on the previous 'Swojak' 44 Meadow Street Premises Licence was 09:00 to 21:00 and on Sundays 10:00 to 19:00.

The hours requested for alcohol sales within the application for the 'Mix store' 44 Meadow Street are considerably longer - being 08:00 to 23:00 seven days a week.

These hours appear to be aligned to the applicant's previous store located nearby on the opposite side of the road in Meadow street and now known as 'WSM Market' previously 'Eurozone'

The Police are concerned that the applicant is wishing to locate his new premises within such a short distance of his previous premises and with the history of associations and issues that had previously been reported by North Somerset Trading Standards and the condition that currently exist as detailed with the 'WSM Market' store.

The Police also have concerns that the applicant also wishes to be the Designated Premises Supervisor of the premises and has previously demonstrated and shown limited cooperation with the Responsible Authorities to either support or even comply with the licensing objectives as highlighted in this report.

As a result the Police believe that the applicant is not a responsible person and wish to oppose this application

		for the reasons detailed.
The Prevention of harm to children	Yes	See above.
To prevent Public Nuisance	Yes	See above.
To prevent crime and disorder	Yes	See above.
Public Safety	Yes	.
Would this be suitable for resolution without a hearing if all parties agree?	No	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	N/A
--	-----

N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed:

Date: 22/11/18

**This form must be returned within the Statutory Period. (With supporting evidence).**

Representations Licensing Act 2003



Your Name	Andrew MANHIRE/Andrew JONES
Job Title	Police Liquor Licensing Officer
Postal and e-mail address	North Somerset Police Centre Weston Gateway Business Park Filers Way Weston-super-Mare North Somerset BS24 7JP
Contact telephone number	01278 648235 / 01278 648289
Reason for objection	Re application to transfer premises licence

Name and address of the premises you are making representations about.	Eurozone 51-53 Meadow Street Weston-Super-Mare North Somerset BS23 1QJ
--	--

Which of the four licensing objectives does your representation relate to? Please state yes or no		
The prevention of harm to children	Yes	
To prevent public nuisance	Yes	
To prevent crime and disorder	Yes	
Public safety	Yes	
Would this be suitable for resolution without a hearing if all parties agree?	No	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the licensing sub-committee to take into account. Please use separate	None
---	------

sheets where necessary and refer to checklist

The police as a responsible authority oppose the transfer of the premise license for Eurozone, 51-53 Meadow Street, Weston-Super-Mare from Mr Ari Omar ABDULLA to New Euro Zone Market Limited. The premise is currently subject of a review of its premise license following submission by North Somerset Trading Standards Department.

The review is due to the current license holder Mr ABDULLA who had already been convicted of a counterfeit tobacco offence back in 2014 and is currently subject of court proceedings for the same offence and for an offence related to the seizure of non-duty paid alcohol at the premise back in September 2017. The premise was owned by Mr ABDULLA until October 2017 shortly after the raid by F-IMRC/Trading Standards when ownership changed to New Euro Zone Market Limited which was incorporated on the 2 October 2018 with a sole director of Mustaffa BESTOON. Police records show that Mr BESTOON has actually been connected with the business for at least the last two years.

Following notification of the review Police Licensing Officer Andrew MANHIRE visited the premise in company with Kellie TREGO from North Somerset Council Licensing Team to carry out an inspection. They approached the premise from the seafront end of Meadow Street and on doing so he saw a male appearing to leave the premise walking towards them. It was quickly apparent that this male was extremely unsteady on his feet and his eyes were glazed and he smelt of intoxicating liquor. He was seen to be carrying a small plain white carrier bag containing a pack of 4 large cans and the name PERLA could be seen across the can through the thin white carrier bag. We initially stopped a short distance from the premise on the opposite side of the road to the premise and this male stopped nearby to speak to another male. I could hear their conversation and noticed that the male carrying the carrier bag spoke with a slurred voice, I formed the opinion he was drunk.

On entering the premise the owner and sole director of the company applying for the licence Mustafa BESTOON was stood directly behind the counter by the till. We introduced ourselves and asked for the premise license holder Mr ABDULLA. We were informed he had just left so Mr BESTOON proceeded to contact him by phone. Whilst he was doing this I looked around the shop and saw cans of PERLA beer in the refrigerated unit and saw that it had an alcohol content of 7.6%. In addition on looking behind the counter I saw a pack of identical plain white carrier bags hanging just below the till area. Within about 2 minutes Mr ABDULLA returned to the shop. He was asked about the age related policy on his licence and he indicated a challenge 21 policy although the premise license says a challenge 25 policy. He was then asked for the required refusal register but he indicated that they did not have one.

They were then asked to demonstrate that the CCTV system recorded for the required 31 days. At this point Mr BESTOON indicated that he was not prepared to do this without a warrant and it was only after showing them the actual condition on the premises license and forcefully pointing out the possible offences that Mr BESTOON reluctantly agreed to do so. It was noticeable that at this point, despite the shop being quite limited in space several people gathered closely around us which made me feel somewhat uncomfortable. He was unable or unwilling to show us recordings



back the required 31 days and stated that the system had only been formulated last week. He did however show that it was recording the previous midnight but again when he was asked to show us recordings 15 minutes previously by Kellie TREGO in order that we could confirm or not that the drunken male had purchased alcohol again he was unable or unwilling to show us the recordings. I also saw that there was no CCTV sign at the entrance of the premise, again another requirement of the premise license.

Whilst clearly under the Licensing Act it is the responsibility of the Premise License Holder to ensure compliance the police would expect any responsible business owner also to ensure that the licensing law is being upheld.

On leaving the premise Mr BESTOON followed us out to discuss the review process and it was noticeable that in his absence MR ABDULLA immediately took over behind the till to serve customers so it is apparent that he is still part of the business.

On receipt of this transfer request on the afternoon of Thursday 24th May 2018 Police Licensing Officers Andrew MANHIRE and Andrew JONES attended the premise to speak to Mr BESTOON. We asked him when he purchased the business and he indicated October last year, when requested he indicated that he had been involved in the business for a year prior to this.

He was asked if he could show us an authority to serve alcohol list but indicated that he did not have one. He was also asked about training records for his staff in relation to age and suitability to serve but indicated he only had training records in relation to food handing. He was then asked what connection his proposed DPS Mr Rezhwan KHADER had with the business and he indicated he works a few hours behind the till. We then left the premise.

It is clearly of concern that his proposed DPS Mr KHADER has two relevant offences recorded against him in particular one in relation to counterfeit tobacco the same sort of offence which has led up to this transfer and DPS variation.

In addition the other offence relates to an assault on a Civil Enforcement Officer. Enquires with the Council Enforcement Team reveals that both Mr KHADER and Mr ABDULLA the current premise license holder and one of his staff are well known to them and they have found them to be non-cooperative and threatening.

Considering all the above facts the police do not feel that Mr Mustafa BESTOON is a fit and responsible person to hold a premise license and therefore object to this transfer application.

N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed:  Andrew Manhire

Date: 30/5/18

**This form must be returned within the Statutory Period (With supporting evidence).**

**Date:** Tuesday 3<sup>rd</sup> July 2018  
**My Ref:** SAS  
**Contact:** Sara Saunders  
**Direct Dial:** 01275 884180  
**Email:** sara.saunders@n-somerset.gov.uk

Nick Semper  
 c/o June Clarke, JMC Licensing Consultants  
 Unit 5e Delta Industrial Estate, Delta Road  
 St Helens WA9 2EQ  
 REF: EUROZONE

Dear Mr Semper,

**Application for the Review of the Premises Licence of Eurozone, 61-53 Meadow Street, Weston-super-Mare.**

I refer to the meeting of the Licensing Sub-Committee held on Tuesday 3<sup>rd</sup> July 2018 to consider the above application. The Sub-Committee heard the application to determine a review of the Premises Licence at the above premises.

An application was received from North Council Trading Standards, a Responsible Authority under the Licensing Act 2003, requesting a review of the Premises Licence at Eurozone, 51-53 Meadow Street, Weston-super-Mare.

The Licensing Sub-Committee heard from Mr. Howard from the Trading Standards of North Somerset Council who told the Sub-Committee that Test purchases were made covertly over a period of a few weeks and counterfeit or non-duty paid tobacco was found and subsequently seized. White goods (contraband goods) were also found. A multi-agency raid took place in 2014 and a large quantity of illegal/counterfeit and non-duty tobacco was seized and the Premises Licence holder, Mr. Abdulla was arrested and subsequently charged and was convicted in the Magistrates Court. The Sub-committee heard that illegal tobacco has serious consumer safety concerns. Illegal tobacco is often for sale at a much cheaper price, thus making it more attractive to children. A second raid was carried out in September 2017. This resulted in further tobacco and cigarettes being seized and non-duty paid alcohol. Legal action is proceeding in relation this raid. Mr. Abdulla sold the business and from October 2017 the business has been operating as a limited company, namely New Eurozone Market Ltd. Mr. Abdulla is not a director of the new company, but is still the only named licence holder and DPS for the premises. As a result of the investigations by Trading Standards, Mr. Howard told the Sub-Committee Mr. Abdulla's criminal activities in regard to illegal tobacco and non-duty paid alcohol, makes him not a fit and proper person to hold a licence. In addition, they have no confidence that the premises are being run safely.

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 Town Hall, Weston-super-Mare BS23 1UJ

The Licensing Sub-Committee heard from Mr. Sherman a Substance Misuse Manager for North Somerset Council. Mr. Sherman was very concerned for Public Safety and Protection of Children from Harm in that illegal tobacco can have high levels of dangerous chemicals added to it, and is often for sale cheaper and thus more attractive to children and other vulnerable members of society. Mr. Sherman also felt there was no reason to have confidence in the premises being run in a safe and responsible manner.

The Committee heard submissions from Andy Manhire, Police Licensing Liaison Officer of Avon & Somerset Constabulary who is a Responsible Authority, who made representations to this review. Mr. Manhire told the Sub-Committee that himself and Kellie Trego, a Licensing Officer visited the premises on the 16th May 2018. They witnessed a male leaving the premises and believed him to be drunk, and to have been served at the premises. The man was carrying alcohol which was purchased at the premises. Mr. Manhire and Ms Trego questioned the person who was serving at the premises, and he was unable to specify the condition on age-related sales, and did not know there should be a Refusal Register kept and referred to. On questioning of the owner in relation to CCTV, he could not operate it, nor could he show the officers any CCTV recordings for the previous 30 days as per the conditions on the Premises Licence. Mr. Manhire stated that in his opinion, he could not be sure that the premises would be run in accordance with the Licensing Objectives of the Licensing Act 2003.

The Sub-Committee then heard from Mr. Semper, Licensing Consultant, representing Mr. Ibrahim who has applied to be the DPS of the premises. He is in the process of formalising the legal transfer of the business from Mr. Bestoon, who is the legal owner of the premises, to himself. He is also purchasing the lease. Mr. Semper admitted the premises had not been well run in the past, but he stated that his client was determined to start the business afresh and if allowed, will run the business correctly and make it a thriving business and an asset to the town. Mr. Ibrahim, who is an experienced shop keeper from Nottingham, has found temporary accommodation in Weston-super-Mare and intends to move his family to the town when the business is up and running.

Ms June Clark also addressed the Sub-Committee and explained that in her role as Licensing Consultant she has been hired by Mr. Ibrahim to advise him as to the legal processes of being a DPS and Premises Licence Holder, and the documentation that is necessary to comply with the legislation. Ms Clark evidenced copy booklets that she produces to help Premises Licence Holders and their employees to ensure the mechanisms are in place for full compliance.

Mr. Ibrahim also addressed the Sub-committee and responded to questions. He stated that he loved Weston-super-Mare and wanted to bring his family to the town. He told the Sub-Committee that he has lived in the UK for last 16 years, and has a family including a 5yr old son who would be starting school in Weston-super-Mare in September. He used to have other shops, but now has only this one; Eurozone. When questioned Mr. Ibrahim initially denied knowing Mr. Abdulla and Mr. Bestoon, even though they are from the same Iraqi-Kurdish community in Nottingham. He then admitted that they used to work together in the same factory a few years ago. Mr. Abdulla originally owned the premises, and then sold it to Mr. Bestoon. Mr. Bestoon still owed Mr. Abdulla money from the business, which is why Mr. Abdulla was serving in the premises when the police and licensing officer made the visit on the 16<sup>th</sup> May 2018.

Having heard all the evidence, and considered all the documentation produced for the hearing, the Sub-Committee decided to revoke the Premises Licence. The Sub-Committee considered Mr. Abdulla's criminal activities rendered him not a fit and proper person to hold a licence, and his connection, still with the premises was of great concern, and they were disturbed to hear that Trading Standards and Public Health Officers had no confidence that the premises would be run safely. The Sub-Committee were also very concerned on hearing the Police's representation that the Licensing Objectives under the Licensing Act 2003 would not be complied with.

The Licensing Sub-Committee considered the recent past history of Eurozone, particularly following multi agency raids, and subsequent legal proceedings, as well as the two incidents referred to by the Police which had been annotated on Mr. Ibrahim's DBS, were so serious that only revocation of the licence was appropriate.

The Sub-Committee determined the application on its own merits, and in accordance with their function as a Licensing Committee under the Licensing Act 2003; to promote the Council's Licensing Policy and to promote the Licensing Objectives in The Licensing Act 2003. The Licensing Sub-Committee took into account North Somerset's Licensing Policy, The Licensing Act 2003, The Amended Guidance issued under Section 182 of the Licensing Act 2003, and the Human Rights Act.

You have the right of appeal against this decision. That appeal must be made within 21 days of the date of this letter to the Justice's Chief Executive, North Somerset Court House, The Hedges, St Georges, Weston-super-Mare, BS22 7BB (Tel: 01934 528500/528700).

Yours sincerely,

**Sara Saunders (Mrs) Solicitor**  
**Legal Advisor to the Licensing Sub-Committee**

**Copy for Information:**

**The Director of Development and Environment (Licensing Team)**  
**Avon & Somerset Constabulary**  
**Trading Standards**  
**Public Health**  
**Mr. Semper & Ms Clark**