

# Minutes

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## Licensing/Appeals Sub-Committee Thursday, 24th September, 2015

### Attendance

Cllr Newberry  
Cllr Reed

Cllr Wiles

### Officers Present

Dave Leonard	- Licensing Officer
Karen O'Shea	- Governance and Member Support Officer
Adam Rulewski	- Barrister – BDT Legal
Jean Sharp	- Governance and Member Support Officer

### 163. Appointment of Chair

Councillor Newberry was appointed Chair of the Sub Committee.

### 164. Administrative Function

Members were respectfully reminded that, in determining the matter listed under Minute 166 they were exercising an administrative function with the civil burden of proof, that the matter would be determined on the facts before the Sub-Committee and the rules of natural justice applied.

### 165. Declarations of Interest

No declarations of interest were made, however, Cllr Reed advised that he was a personal license holder on behalf of Brentwood Theatre.

### 166. Licensing Act 2003 - Application for Premises Licence: McColls - 4 The Keys, Eagle Way, Great Warley, Brentwood, CM13 3BP

The report before Members provided information relating to the application for a premises license at McColls, 4 The Keys, Eagle Way, Great Warley CM13 3BP.

The Licensing Act 2003 established a single integrated scheme for licensing premises used for the supply of alcohol, regulated entertainment or provision of late night refreshment.

The purpose of the licensing system was the promotion of four licensing objectives:

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

The sub committee took those objectives into account in determining the matters before it together with the following:

- Guidance Notes on the Conduct of Hearings before the Licensing /Appeals Committee
- Brentwood Borough Council's Statement of Licensing Policy
- The statutory guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

The application for a premises licence was received on 5 August 2015 in respect of McColls, 4 The Keys, Eagle Way, Great Warley Brentwood CM13 3BP and was put before Members.

The premises was a newsagents and general convenience store and the application was for a premises license for the provision of the sale of alcohol for the following hours; 06:00hrs-2300hrs daily.

The application had been advertised in accordance with the Licensing Act 2003 regulations.

One valid representation had been made which related to a number of serious assaults that been carried out on staff in the past and a concern that granting a licence to sell alcohol may exacerbate the situation and put staff and customers at risk.

The sub committee was addressed by the applicant. There was no objector present at the meeting.

The applicant advised that the additional financial turnover following the purchase of the goodwill and stock from the neighbouring off licence would allow for two members of staff to be on the premises at all times.

The applicant also confirmed the store manager had now obtained a personal license and was the Designated Premises Supervisor.

The sub-committee considered the reports presented to it and the representation for and against the application. Upon consideration, the sub-committee

## **RESOLVED UNANIMOUSLY**

to grant the application as applied for with the following amendment to the agreed conditions set out in full below.

*That two members of staff shall be on the premises at all times during which the premises license permits the applicant to carry out licensable activities.*

Members took the view that the above additional condition was necessary in order to meet the licensing objectives.

In addition to the above condition and as outlined in 5.1 of the report, the applicant had after consultation with the Police stated that:

- The premises shall have sufficient cameras located within the premises to cover all public areas including the entrance and exit and where the sale of alcohol take place.
- The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation. All recorded footage must be securely retained for a minimum of 28 days.
- The manager, supervisor and DPS will be trained in the use of the CCTV system and can play the CCTV recordings on the system at the premises upon reasonable request (meaning within 48 hours of the request).
- The downloaded images must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.
- Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.
- A till prompt system will be in operation at the store and used for the refusal of all age restricted products.
- An electronic refusal log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request.
- A Challenge 25 policy will be operated at the premises: forms of identification that will be accepted are;
  - a) A Valid Passport
  - b) Photo card Driving Licence
  - c) 'PASS' accredited identification card.
- The licence holder shall display prominent signage confirming the company's Challenge 25 policy.
- Spirits will be located behind the counter

All of the recommendations listed in 5.1 of the report of the report (set out above) and the amendment made at the hearing would be converted into conditions on the license granted.

All parties were reminded that they had a right to appeal to the Magistrates' Court.