



# Agenda

## Licensing/Appeals Sub-Committee

Thursday, 24 September 2015 at 10.00 am  
Council Chamber - Town Hall

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### Membership (Quorum – 10)

Cllrs Newberry, Reed and Wiles

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Agenda Item	Item	Wards(s) Affected	Page No
1.	<b>Appointment of Chair</b>		
2.	<b>Administrative Function</b> Members are respectfully reminded that, in determining the matters listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.		
3.	<b>Licensing Act 2003 - Application for Premises Licence: McColls - 4 The Keys, Eagle Way, Warley, Brentwood, CM13 3BP</b>	Warley	5 - 68

Head of Paid Service

Town Hall  
Brentwood, Essex

16.09.2015

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### Information for Members

#### Substitutes

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The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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#### Rights to Attend and Speak

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Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

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#### Point of Order/ Personal explanation/ Point of Information

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##### Point of Order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the point of order will be final.

##### Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Chair on the admissibility of a personal explanation will be final.

##### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Chair. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Chair gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Chair on the admissibility of a point of information or clarification will be final.

## Information for Members of the Public

### **Access to Information and Meetings**

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

### **Webcasts**

All of the Council's meetings are webcast, except where it is necessary for the items of business to be considered in private session (please see below).

If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

### **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

### **modern.gov app**

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### **Access**

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

### **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.

24 September 2015

Licensing and Appeals Committee

**Licensing Sub-Committee Hearing in respect of an  
Application for a Premises Licence – Licensing Act 2003**

**McCOLLS, 4 THE KEYS, EAGLE WAY, GREAT WARLEY CM13 3BP**

**Report of:** Ashley Culverwell – Head of Borough Health, Safety & Localism

**Wards Affected:** Warley

**This report is:** Public

## 1. Executive Summary

- 1.1 This report provides information of an application for a premises licence in respect of **McColls, 4 The Keys, Eagle Way, Great Warley CM13 3BP**.
- 1.2 Members are requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

## 2. Recommendation

- 2.1 Each application must be considered on its individual merits and, therefore, no recommendations may be made. However, the available options are:
  - i) To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;
  - ii) To grant the application, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives; or
  - iii) To reject the application

## 3. Introduction and Background

- 3.1 An authorisation is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late Night Refreshment

3.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.

3.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued. Those pertaining to this particular application are reproduced in paragraph 5 of this report.

3.4 The four licensing objectives are;

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

No objective carries any more weight than any other.

3.5 Any representation must be able to demonstrate that on the balance of Probability the application in its current form will fail to adequately promote one or more of the licensing objectives. No other matters may be considered.

#### **4. The Application**

4.1 This application was received on 5 August 2015 from Martin McColl Limited in respect of **McColls, 4 The Keys, Eagle Way, Great Warley, Brentwood CM13 3BP.**

A copy of the application is attached at ***appendix 1.***

4.2 The premises is a newsagents and general convenience store.  
A site map of the location is also attached at ***appendix 3.***

4.3 The applicant seeks a premises licence for the provision of the sale of alcohol for the following hours;  
**06:00hrs-23:00hrs daily**

## 5. Reasons for Recommendation

If Members are minded to grant the application:

5.1 The applicant has, 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 takes 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 premise: 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 such proposals will be converted into conditions on a licence if granted.

## 6. Consultation

6. The regulations of the Licensing Act 2003 outline the requirements for the advertising of applications. These require the applicant to advertise the application:
- (b) For a period of no less than 28 consecutive days starting on the day after the day on which the application is given to the relevant licensing authority or display a notice ... prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises...
  - (c) By publishing a notice in a local newspaper ... on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant licensing authority.
- 6.2 Regulations also require that the applicant give a copy of the application to each responsible authority on the same day upon which it is given to the licensing authority.
- 6.3 There are no other statutory requirements for advertising of any application, however, the relevant Ward Councillors are notified and details of all applications received along with the time limit for receipt of representations is posted on the Council website.
- 6.4 Officers from the licensing authority have made checks on the display of notices on several occasions. On each visit three blue advertising notices were displayed in clear view. Images of this are attached at **appendix 4**.
- 6.5 No representations have been received from the Responsible Authorities although the police did raise a concern over security that was subsequently resolved and agreement reached with the applicant. The correspondence and resolution are attached at **appendix 2**.
- 6.6 One valid representation has been received from an interested party. A local resident of many years claims there have been a number of serious assaults carried out on staff in the past and granting a licence to sell alcohol may exacerbate the situation and put staff and customers at risk. The premises is often solely manned from 2pm until it closes at 8pm. The additional opening hours until 11pm daily increases the chances of anti-social behaviour in a residential area. This representation, together with the applicant's response, is attached at **appendix 3**.
- 6.7 Three representations were received that were deemed invalid as they did not address the promotion of the four licensing objectives.
- 6.8 An OS Street Map and frontage images are attached at **Appendix 4**



## **7. Statement of Licensing Policy**

7.1 There are no specific issues arising from this application in relation to the Councils' Statement of Licensing Policy.

7.2 The following extracts from the Councils' Statement of Licensing Policy are brought to the general attention of Members:

*(1.4) Nothing in this Statement of Policy should be regarded or interpreted as an indication that any requirement of law may be overridden; each application will be considered and treated on its own merits.*

*(7.1) When considering applications, the Licensing Authority will have regard to:-*

- (a) The Licensing Act 2003, as amended and the licensing objectives.*
- (b) Government guidance issued under Section 182 of the Licensing Act 2003, as amended.*
- (c) Any supporting regulations.*
- (d) This Statement of Licensing Policy.*

*(9.1) Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgments as to whether conditions may need to be attached to various authorisations in order to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned. These conditions will cover matters that are within the control of individual licensees and others with relevant responsibilities.*

*(9.2) The Licensing Authority acknowledges that the licensing function cannot be used for the general control of nuisance or the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:*

- (a) Planning controls.*
- (b) Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other services within the Local Authority.*
- (c) The provision of CCTV surveillance in town centres, ample taxi ranks, street cleaning and litter patrols.*

*(d) Powers of Local Authorities to restrict consumption of intoxicating liquor in designated public places other than Premises licensed for 'on' sales.*

*(e) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.*

*(f) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.*

*(g) The confiscation of alcohol from children and adults in designated areas.*

*(h) The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.*

*(i) Action under the Violent Crime Reduction Act 2006.*

(11.1) There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its Statement of Licensing Policy.

*(16.6) The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant’s operating schedule.***

## **8. Relevant Sections of the Secretary of State’s Guidance**

8.1 The following extract of the section 182 guidance as published by the Secretary of State are brought to the attention of Members.

*(9.41) Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.*

*(9.42) The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.*

*(9.43) Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as*

*the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.*

## **9. Legal Considerations**

- 9.1 Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.
- 9.2 The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.
- 9.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

### **Appendices to this report**

- Appendix 1 - Application Form
- Appendix 2 - Representation (Police) & Resolution
- Appendix 3 - Representation (Haywood Biles) & Response
- Appendix 4 - OS Street Plan & frontage images

### **Report Author Contact Details:**

**Name:** Dave Leonard

**Telephone:** 01277 312523

**E-mail:** dave.leonard@brentwood.gov.uk



McCOLLS, 4 THE KEYS, EAGLE WAY, GT. WARLEY, BRENTWOOD CM13 3BP

# APPENDIX 1

## APPLICATION FORM

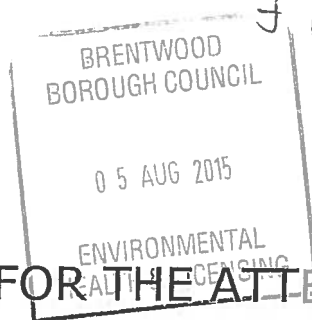
24 SEPTEMBER 2015





Cheq 707877

f 190.00

4<sup>th</sup> August 2015

## FOR THE ATTENTION OF THE LICENSING OFFICER

Dear Sir/Madam

### Re: Licensing Act 2003 – Premises Licence Application

We enclose our client's application for a new premises licence for your department's attention and trust that you will find everything in order.

**Please note that the date of service is as stated on the Notices.**

We confirm that copies of the application have been served on the responsible authorities and a notice of the application has been placed in a local newspaper with the notices displayed at the site in the required manner.

**We would also like to confirm that the DPS named on this application is not the proposed DPS but a nominee only. This site will not trade until a DPS variation has been submitted in the name of permanent DPS who holds a personal licence.**

Should you have any queries with regard to this matter would you please contact us in the first instance rather than reject or return the application. It may be that we can speedily resolve any query for you by this method.

Thank you for your assistance in this matter.

Yours faithfully,

*Lockett & Co*

cc. Responsible Authorities

Enclosures:

Application for a Premises Licence

Consent Form for DPS

Plan

Fee

Lockett House  
 13 Church Street  
 Kidderminster  
 Worcestershire  
 DY10 2AH

Local Rate 0845 2305625  
 Telephone 01562 864488  
 Facsimile 01562 863539

E-mail [info@lockett.uk.com](mailto:info@lockett.uk.com)  
 Web site [www.lockett.uk.com](http://www.lockett.uk.com)

**General description supplementary to the premises licence application  
for:**

***Martin McColl***

**4 THE KEYS, EAGLE WAY  
GREAT WARLEY, BRENTWOOD  
ESSEX, CM13 3BP**

**Contents:**

- **Convenience Store overview.**



**PUBLIC NOTICE OF AN APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003**

Notice is hereby given that an application was made to **BRENTWOOD BOROUGH COUNCIL** for a premises licence under the above Act on the **5<sup>TH</sup> AUGUST 2015**

Applicant: **MARTIN MCCOLL LIMITED**  
Address of premises: **MCCOLLS  
4 THE KEYS, EAGLE WAY  
GREAT WARLEY, BRENTWOOD  
ESSEX  
CM13 3BP**

Proposed licensable activities:

**SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES**

Proposed days and hours of licensable activity:

**EVERY DAY**

**ALCOHOL SALES**

**06:00 TO 23:00**

The postal address of the Licensing Authority where the register is kept and the application may be inspected is:

**\*LICENSING TEAM, BRENTWOOD BOROUGH COUNCIL,  
TOWN HALL, INGRAVE ROAD, BRENTWOOD, ESSEX, CM15  
8AY.**

Any person wishing to make representations on this matter shall give notice, in writing, stating the nature and grounds for making such representations to The Licensing Officer at the above address\* within 28 days of the date of this notice – by the **2<sup>ND</sup> SEPTEMBER 2015**. Further information is available by visiting the web site [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in or in connection with an application and the maximum fine on summary conviction of such an offence is £5000.

**Lockett & Co – duly authorised agents**

## **Convenience Store Overview:**

### **Convenience Store:**

This is a well-established convenience store site traded by Martin McColl Limited. This convenience store has been designed to serve both the local community and those from further a-field. The convenience store provides a range of fresh foods, groceries and other products. The off-licence is an important part of the service that the store will be expected to provide. The convenience store has a retail area of approximately 1101 sq. ft.

### **Security:**

The digital CCTV system benefits from a recorder with image retention. Recordings can be made available to Police and other enforcement agencies upon reasonable request.

### **The Operation:**

The store is to be operated by the manager, assisted by a team of staff. The designated premises supervisor is trained and certified through the APLH training scheme. The premises licence holder and/or designated premises supervisor will be responsible for training all staff and keeping and maintaining ongoing training records.

The **Challenge 25** trading initiative will also be used supported by the refusals system the store has in place. Refusal records will be kept in an electronic refusal log. The till/scanning system has an age restricted till prompt for all age restricted products. Challenge 25 signage will be displayed throughout the store to advise customers of the Challenge 25 Policy that is in place at the store.



**Lockett & Co**  
Retail, Licensing & Training Consultants



**McColl's Martin's RSMc Coll**

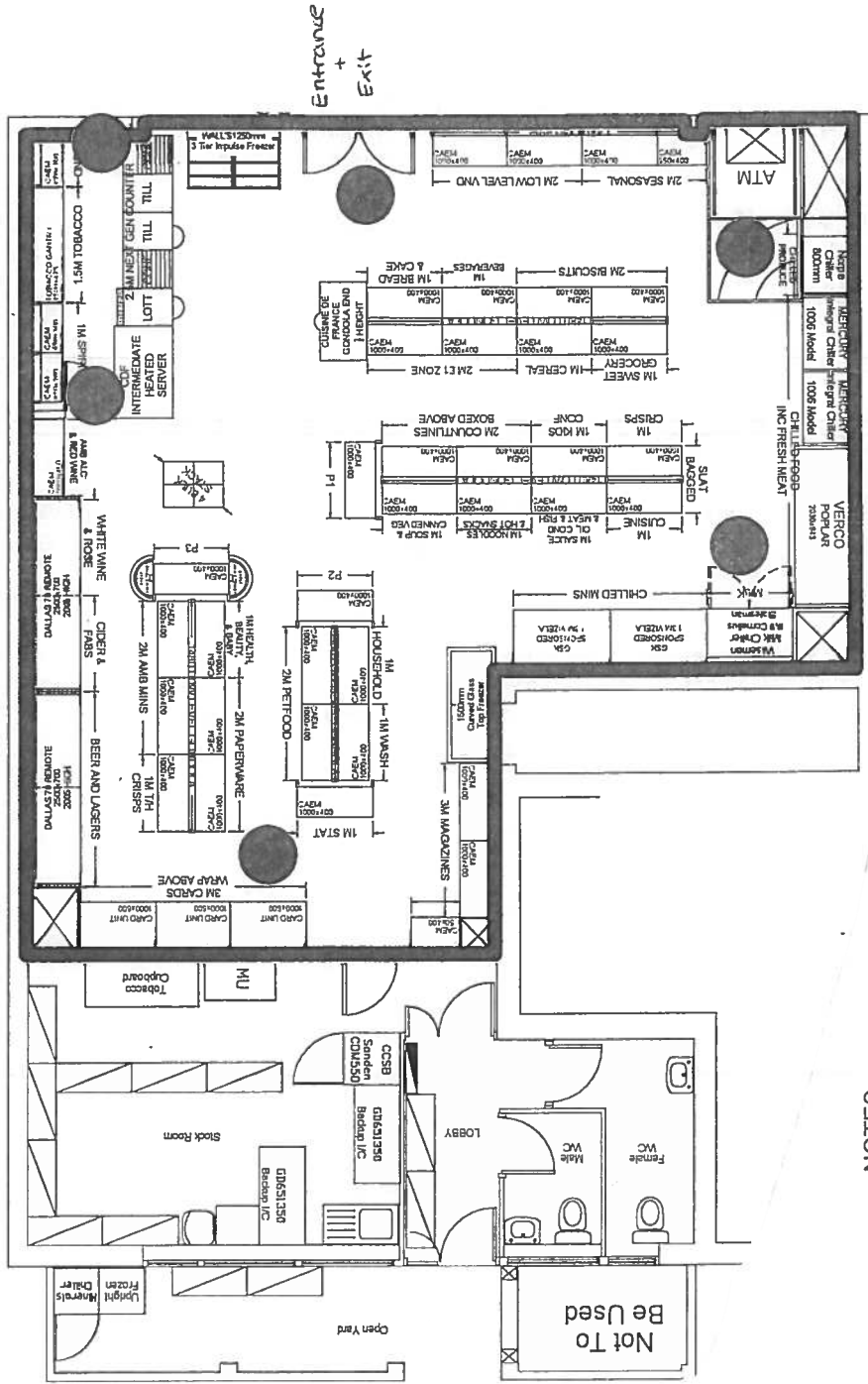
MCCOLLS RETAIL GROUP LTD  
ASHWELLS ROAD  
BRENTWOOD  
ESSEX  
CM15 9ST  
TEL: 01277 372916 FAX: 01277 372151

PROJECT TYPE/DETAILS  
ALCOHOL LICENCE APPLICATION

Revision Details  
PROPOSED-PT-04/08/2015

DRAWN BY  
Jenny Douglas

**McColls**  
**4 The Keys, Eagle Way**  
**Great Warley, Brentwood, Essex**  
**CM13 3BP**



**NOTES:**

1. FIRE FIGHTING EQUIPMENT & ALL OF THE REQUIREMENTS OF THE FIRE SERVICE WILL BE INCORPORATED & WILL BE PROVIDED TO COMPLY WITH THE EUROPEAN STANDARDS
2. ALL WALL/PERIMETER FIXTURES TO A HEIGHT OF 2.1M
3. ALL FLOOR DISPLAYS TO A HEIGHT OF 1.5M
4. COUNTER HEIGHT 965MM

**FIRE STANDARDS:**

1. FIRE SAFETY RELATED SIGNS AND NOTICES ARE TO THE HEALTH AND SAFETY (SAFETY SIGNS & SIGNALS) REGULATIONS ACT 1996, THOSE THAT COMPLY TO BS 5499, PART 1, 1990 ALSO COMPLY
2. ILLUMINATED "EXIT" SIGNS ARE TO CONFORM TO BS2560
3. FIRE FIGHTING EQUIPMENT IS TO COMPLY WITH EUROPEAN STANDARDS BS EN3 AND BS 7863

Date: August 2015  
Scale: 1:100

**Key:**

- Fire Extinguishers
- CCTV.
- Area to be licenced for the sale of alcohol for consumption off the premise.

**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 MARTIN MCCOLL LIMITED

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
MCCOLLS 4 THE KEYS EAGLE WAY GREAT WARLEY			
<b>Post town</b>	BRENTWOOD, ESSEX	<b>Postcode</b>	CM13 3BP

<b>Telephone number at premises (if any)</b>	01277 230854
<b>Non-domestic rateable value of premises</b>	£14,750.00

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)

- f) a health service body  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:

Please tick yes

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

**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)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(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.

<b>Name</b> MARTIN MCCOLL LIMITED
<b>Address</b>  MARTIN MCCOLL HOUSE ASHWELLS ROAD BRENTWOOD ESSEX CM15 9ST
<b>Registered number (where applicable)</b> 298945
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> PRIVATE LIMITED COMPANY
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
03	09	2015

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

PLEASE SEE ATTACHED OVERVIEW.

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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 (e), (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 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed			<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 5)		
Thur					
Fri					
Sat					
Sun					



**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>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</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><u>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</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
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 5)		
Fri					
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Tue					
			<b><u>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</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed					
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
			<b><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></b> (please read guidance note 5)		
Fri					
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 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>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</u></b> (please read guidance note 5)		
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur			<b><u>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</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	06:00	23:00						
Tue	06:00	23:00						
Wed	06:00	23:00						
Thur	06:00	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 5)		
Fri	06:00	23:00						
Sat	06:00	23:00						
Sun	06:00	23:00						

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

<b>Name:</b> DAVID HAROLD DAVENPORT
<b>Personal licence number (if known):</b> P1484
<b>Issuing licensing authority (if known):</b> BRAINTREE DISTRICT COUNCIL

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 8).**

NONE

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon	06:00	23:00	<b><u>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</u></b> (please read guidance note 5)
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	
Fri	06:00	23:00	
Sat	06:00	23:00	
Sun	06:00	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 9)**

PLEASE SEE PROPOSED CONDITIONS – ATTACHED.

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

PLEASE SEE PROPOSED CONDITIONS – ATTACHED.

**c) Public safety**

PLEASE SEE PROPOSED CONDITIONS – ATTACHED.

**d) The prevention of public nuisance**

PLEASE SEE PROPOSED CONDITIONS – ATTACHED.

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

PLEASE SEE PROPOSED CONDITIONS – ATTACHED.

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

**a) General-all four licensing objectives (b, c, d, e)**

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

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 premise; forms of identification that will be accepted are a valid passport, photo card driving licence and 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.

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

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Spirits will be located behind the counter.

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.

**c) Public Safety.**

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

**d) Prevention of public nuisance.**

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.

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

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 premise; forms of identification that will be accepted are a valid passport, photo card driving licence and 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.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- 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.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>M. J. P. Lockett &amp; Co.</i>
Date	4 <sup>TH</sup> AUGUST 2015
Capacity	DULY AUTHORISED AGENTS

**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 12). **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 13)**

MELISSA ZAFFINO  
 LOCKETT & CO  
 13 CHURCH STREET

<b>Post town</b>	KIDDERMINSTER	<b>Postcode</b>	DY10 2AH
------------------	---------------	-----------------	----------

<b>Telephone number (if any)</b>	01562 864488
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**If you would prefer us to correspond with you by e-mail, your e-mail address (optional)**  
 melissa@lockett.uk.com

## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I, **DAVID HAROLD DAVENPORT**

*[full name of prospective premises supervisor]*

  
*[home address of prospective premises supervisor]*

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

**NEW PREMISES LICENCE APPLICATION FOR THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES**

*[type of application]*

by **MARTIN MCCOLL LIMITED**

*[name of applicant]*

relating to a premises licence: **N/A** *[number of existing licence, if any]*

or MCCOLL'S, 4 The Keys, Eagle Way, Great Warley, Brentwood, Essex, CM13 3BF  
*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by: **MARTIN MCCOLL LIMITED**

*[name of applicant]*

concerning the supply of alcohol at:

MCCOLL'S, 4 The Keys, Eagle Way, Great Warley, Brentwood, Essex, CM13 3BF  
*[name and address of premises to which application relates]*

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number: **P1484** *[insert personal licence number, if any]*

Personal licence issuing authority: **BRAINTREE DISTRICT COUNCIL, LICENSING SERVICES, CAUSEWAY HOUSE, BRAintree, ESSEX, CM7 9HB**  
**TEL: 01376 552525**

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

Signed 

Name (please print) **DAVID HAROLD DAVENPORT**

Dated 04/08/2015

Date of Birth **07/07/1961**

Place of Birth **BRIDGWATER, SOMERSET**



McCOLLS, 4 THE KEYS, EAGLE WAY, GT. WARLEY, BRENTWOOD CM13 3BP

# APPENDIX 2

Representation & Resolution

Responsible Authority

Police

*Peter Jones*

*Licensing Officer, Essex Police*

24 SEPTEMBER 2015



Mr G O'Shea  
Licensing Department  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
CM15 8AY



Licensing Department  
Loughton Police Station  
158 High Road  
Loughton  
IG10 4BE  
Tel: 01279 625 405  
Email: [7706@essex.pnn.police.uk](mailto:7706@essex.pnn.police.uk)

25 August 2015

Dear Mr O'Shea,

**LICENSING ACT 2003 – GRANT OF PREMISES LICENCE SECTION 17**

**NEW PREMISE: McColls, 4 The Keys, Eagle Way, Great Warley, CM13 3BP**

**DPS: David Davenport**

**APPLICANT: Martin McColl Limited via Lockett & Co**

Further to the above application for the Grant of a Premises Licence received on 5 August 2015. I can now confirm that all my checks have been carried out and can confirm that subject to the condition agreed in the attached correspondence being inserted on the Premises Licence; Essex Police will not be making any representations or objections to this application in respect of the licensing objectives.

I trust the aforementioned will assist and look forward to receiving a copy of the Licence, if/when processed, in due course.

Yours sincerely,

Mr Peter Jones ABII  
Epping & Brentwood Licensing Officer  
West LPA

Enc.

**Cc. Melissa Zaffino  
Lockett & Co  
13 Church Street  
Kidderminster  
DY10 2AH**

## Peter Jones 42007706

---

**From:** Peter Jones 42007706  
**Sent:** 24 August 2015 12:41  
**To:** 'Melissa Zaffino'  
**Cc:** 'dave leonard'; 'BBC Licensing (licensing@brentwood.gov.uk)'; 'corrigan@lockett.uk.com'  
**Subject:** RE: Premises Licence Application - McColl's, 4 The Keys, Eagle Way, Brentwood, CM133QP

Good Afternoon Melissa,

I have read through the amendment and reasoning, and feel this meets the same standard as my proposals, with more specifics as you identified. For that reason I am happy to agree this wording.

I will formally respond to the consultation in due course, quoting this agreed condition, and including this correspondence.

Kind regards,

**Peter Jones MIOL, ABII (7706)**

Epping & Brentwood Licensing Officer  
Epping Forest & Brentwood Local Policing Hub  
West LPA  
☎ Tel. 101 (Ext. 313604) or 01279 625405

---

**From:** Melissa Zaffino [mailto:melissa@lockett.uk.com]  
**Sent:** 24 August 2015 12:30  
**To:** Peter Jones 42007706  
**Cc:** 'dave leonard'; 'BBC Licensing (licensing@brentwood.gov.uk)'; Corrigan Lockett  
**Subject:** RE: Premises Licence Application - McColl's, 4 The Keys, Eagle Way, Brentwood, CM133QP  
**Importance:** High

Dear Peter,

Thank you for your e-mail.

Can you please advise if you would be happy with the below amended condition:

- 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 takes 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 24 hours) to the police when investigating allegations of offences or criminal activity. Any requests for images can be downloaded and provided to the Police or other responsible authority 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.

The reason we have asked for the amended condition is due to how Martin McColl Limited operate. Only key staff are trained in the use of the CCTV system (to prevent crime & disorder), and these members of

staff may not be at the premises at all times it is open. This is why we have asked for within 24 hours of the request and stipulated which staff members will be trained in the use of the system. Additionally, only certain staff members have the ability to download the images via Head Office, therefore, this is why we have put within 48 hours. These conditions have been used on other premises licences that they hold and have been granted in the last couple of months as well.

Please let me know if you would be happy with the above amended condition? Should you have any questions, please do not hesitate to contact me.

Kind Regards

Melissa Zaffino

For and on behalf of



Tel: 01562-864488

Fax: 01562-863539

Lockett House, 13 Church Street, Kidderminster, Worcestershire. DY10 2AH

[www.lockett.uk.com](http://www.lockett.uk.com)

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**From:** Peter Jones 42007706 [mailto:Peter.Jones@essex.pnn.police.uk]  
**Sent:** 20 August 2015 12:34  
**To:** Melissa Zaffino <melissa@lockett.uk.com>  
**Cc:** 'dave leonard' <dave.leonard@brentwood.gov.uk>; 'BBC Licensing (licensing@brentwood.gov.uk)' <licensing@brentwood.gov.uk>  
**Subject:** Premises Licence Application - McColl's, 4 The Keys, Eagle Way, Brentwood, CM133QP

Good Afternoon Melissa,

I am currently dealing with the above application.

In relation to the Licensing Objectives and in particular CCTV, I would like to seek the agreement of your client to amend the wording to the following:

The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less than 28 days with time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.

A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Essex Police or other Responsible Authority recent data or footage with the absolute minimum of delay.

I look forward to hearing from you,

Kind Regards,

**Peter Jones MIOL, ABII (7706)**

Epping & Brentwood Licensing Officer  
Epping Forest & Brentwood Local Policing Hub  
West LPA

Tel. 101 (Ext. 313604) or 01279 625405

[Peter.Jones@essex.pnn.police.uk](mailto:Peter.Jones@essex.pnn.police.uk)

[www.essex.police.uk](http://www.essex.police.uk)

Loughton Police Station, 158 High Road, Loughton, Essex, IG10 4BE

To find out what is happening in your neighbourhood and all about your local neighbourhood policing team visit [www.essex.police.uk/yourarea](http://www.essex.police.uk/yourarea) and enter your postcode.



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McCULLS, 4 THE KEYS, EAGLE WAY, GT. WARLEY, BRENTWOOD CM13 3BP

# APPENDIX 3

Representation & Response

Interested Party

*Anthony Haywood Biles*

24 SEPTEMBER 2015



Martin McColl Limited  
McColls  
4 The Keys  
Eagle Way  
Great Warley  
CM13 3BP

**Application for a new premises licence to sell alcohol (off sales only):-**

**06:00hrs to 23:00hrs daily**

**Last day for representation: 02/09/2015**

**OBJECTION by e-mail 28.08.2015 14.41**

This shop has been the subject of a number of serious assaults (GBH) on staff, to grant an alcoholic licence would only go to exacerbate the situation and put staff at a greater risk.

In the event of such an assault this may well put other customer(s) at risk.

This shop sells pocket money items suitable for minors, and it will be to their detriment should a licence be granted, children should be protected from such activity, and possible harm.

The area in which this shop is situated is deemed a 'No drinking area - in the street' a licence being granted will serve to aggravate such activity.

The shop's current trading hours are 0600-2000hrs, clearly for a licence to be granted will only increase chances of anti-social behaviour in an otherwise residential area.

Furthermore, there is a well managed and stocked off-licence at no 3 The Keys, there can be no justification for additional sales of this type.

**Mr Anthony Haywood Biles  
6 Birchwood Close  
Brentwood  
CM13 3BD**





11<sup>th</sup> September 2015

Anthony Biles  
6 Birchwood Close  
Brentwood  
CM13 3BD

**BY E-MAIL**

Dear Mr. Biles,

**Mediation Statement – Premises licence application – McColls, 4 They Keys, Eagle Way, Great Warley, Brentwood, Essex, CM13 3BP**

Thank you for your correspondence in respect of the above matter which has been forwarded to Lockett & Co by Brentwood Borough Council.

Lockett & Co are Licensing Consultants acting on behalf of Martin McColl Limited (the applicant) with regard to the premises licence application.

The store is owned and operated by Martin McColl Limited. There is currently an off licence at '3 The Keys' which holds a premises license until 23:00 hours. Martin McColl Limited will be purchasing the good will of '3 The Keys' business which means there will only be one off licence in the area. Additionally, Martin McColl Limited are investing in their own store to renovate its appearance which will benefit the local community and all residents offering a wider range of services.

The operator has strict staff training in respect of age restricted products and this will also be extended to alcohol sales (subject to the premises licence being granted) using a comprehensive system with documented records and regular refresher training. Moreover, the operator will have two members of staff on duty at the same time working at the store.

Within the operating schedule of the premises licence application a number of conditions have been volunteered by the applicant which promote the Licensing Objectives and also demonstrate responsible retailing, a copy of the conditions are included for information.

Additionally, during the consultation period, the applicant has agreed further conditions with the Police which will form part of the licence should it be granted. I have also attached these for your reference. These conditions agreed with the Police help to ensure that the Licensing Objective in regards to Crime & Disorder is supported. We would also like to stress that breach of any such conditions can result in enforcement action being taken and/or large fines having to be paid by the licence holder.

Lockett House  
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Worcestershire  
DY10 2AH

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Web site [www.lockett.uk.com](http://www.lockett.uk.com)

It is not in the interest of our clients or that of the business to allow anti-social behaviour or public nuisance to manifest itself or for it to become an issue. We would also like to advise that residents have the option to bring a review of the premises licence should there be persistent problems at the site.

The issue of need is not an area that can be considered under the Licensing Act 2003.

We hope that the further information provided in regards to the application allays your concern and allows you to reconsider your position. Should you wish to withdraw your representation, please would you be able to notify the Licensing Department at Brentwood Borough Council directly?

Should you have any queries or require further information, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Zaffino', with a long horizontal flourish extending to the right.

Melissa Zaffino

McColls Licensing - Business Manager

Tel: 01562 864488

E-mail: [melissa@lockett.uk.com](mailto:melissa@lockett.uk.com)

cc. Licensing Department – Brentwood Borough Council.

**Conditions offered by applicant at the time of application:**

1. A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.
2. 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.
3. A till prompt system will be in operation at the store and used for the refusal of all age restricted products.
4. 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.
5. A Challenge 25 policy will be operated at the premise; forms of identification that will be accepted are a valid passport, photo card driving licence and PASS accredited identification card.
6. The licence holder shall display prominent signage confirming the company's Challenge 25 policy.
7. Spirits will be located behind the counter.

**Conditions agreed with Police during consultation period:**

**The below condition replaces condition number 1 above that was offered at the time of the application. The below condition has been agreed between Martin McColl Limited and Epping Forest & Brentwood Local Policing Hub.**

1. 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 takes 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 24 hours) to the police when investigating allegations of offences or criminal activity. Any requests for images can be downloaded and provided to the Police or other responsible authority 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.



*McCOLLS, 4 THE KEYS, EAGLE WAY, GT. WARLEY, BRENTWOOD CM13 3BP*

# *APPENDIX 4*

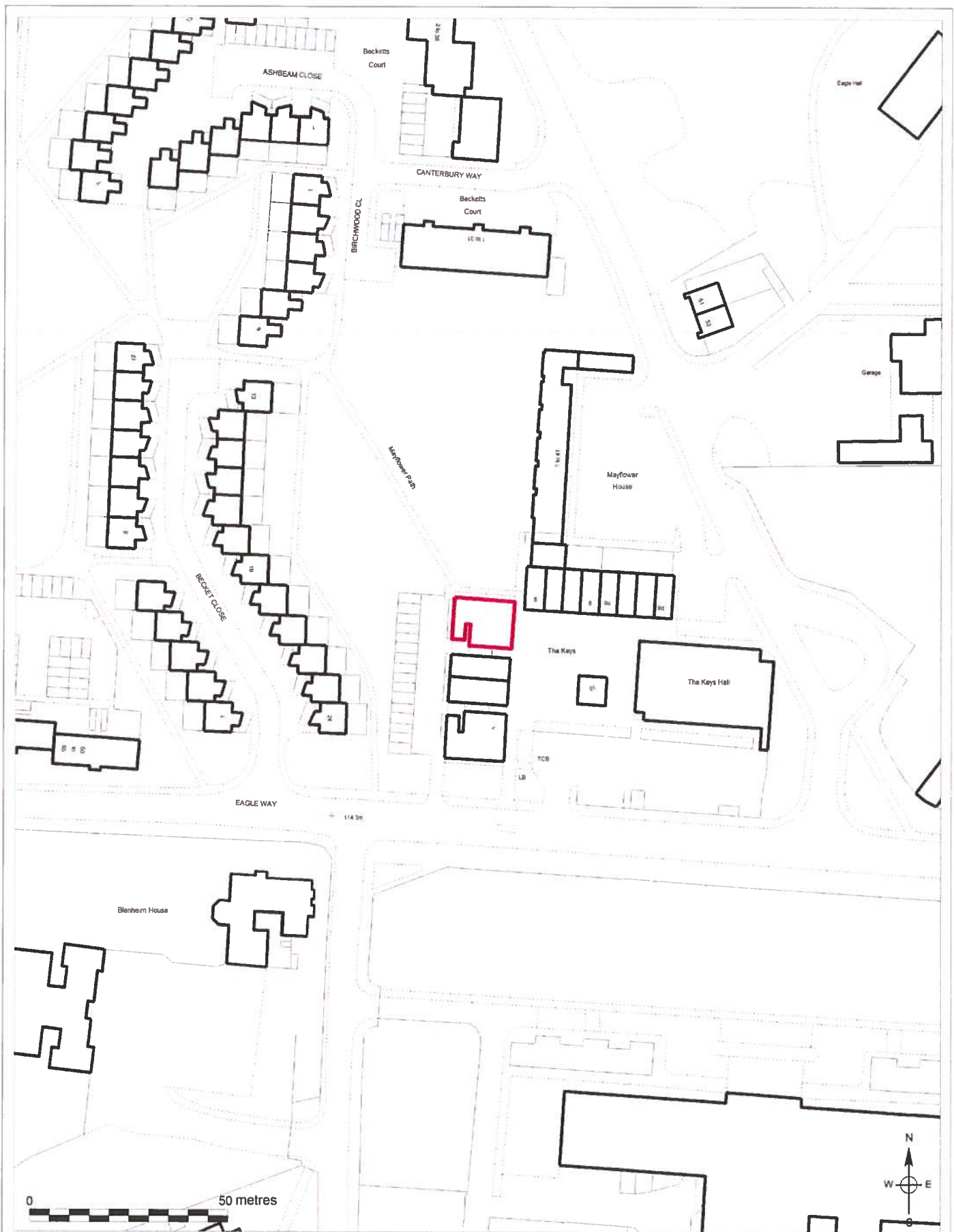
## *McColls*

*OS Map*

*Frontage Images*

24 SEPTEMBER 2015





McColls, 4 The Keys

Service ICT

Scale 1:1250 at A4

Drawn by OSJ

Date 9th September 2015





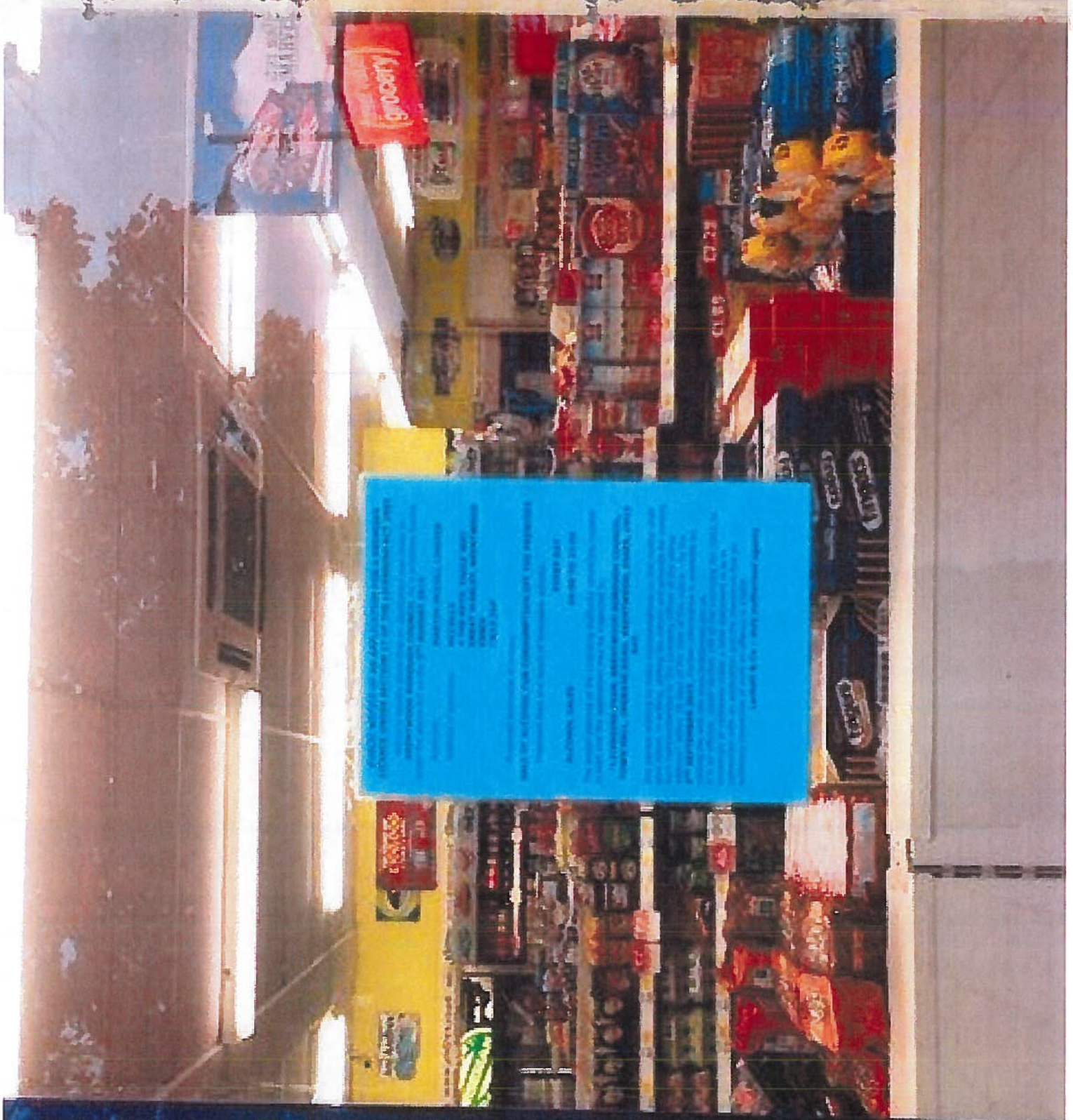
# McColl's



Pay Point



Your 'local' shop













# COPPERFIELD WINES





## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Licensing Sub-Committees**

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

### **Licensing Act 2003 and Gambling Act 2005**

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

### **Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:**

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

### **Scrap Metal Dealing**

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements.

### **Street Collections and House to House Collections**

- (a) Appeals against refusal to grant or renew a license

### **Licensing of sex establishments**

- (a) Determination of all applications, revocations and appeals.

### **Street Trading**

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

**Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis**

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

**Animal Welfare and Security, except for the following:**

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

**Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:**

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers).

**Mobile Homes**

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.