

10 September 2015

Licensing and Appeals Committee

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

CHARLIE'S DELI, 88 HIGH STREET, BRENTWOOD CM14 4AP

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

Wards Affected: Brentwood South / Brentwood North

This report is: Public

1. Executive Summary

- 1.1 This report provides information of an application for a variation to the premises licence in respect of **Charlie's Deli, 88 High Street, Brentwood CM14 4AP**
- 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 Mr Charlie Sims in respect of Charlie's Deli, 88 High Street, Brentwood CM14 4AP. A copy of the application is attached at ***appendix 1.***

4.2 The premises is a delicatessen and provides food and non-alcoholic beverages. 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;
10:00hrs-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 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.
- **Alcohol sales shall only be ancillary to a table meal.**
- Reasonable and adequate staff training to be carried out and properly documented in relation to;
 - a) dealing with incidents and prevention of crime and disorder
 - b) sale of alcohol prior to being allowed to sell alcohol.
- All training record will be retained for 12 months and made available to Essex Police or other Responsible Authority upon reasonable request.
- No drinks or glassware shall be permitted outside the premises after 20:00hrs.
- no persons under the age of 18 will be permitted to remain on the premises after 22:00hrs
- The premises shall operate a Challenge 25 age verification policy. Failure to produce will result in service being refused. Acceptable forms of photographic identification include;
 - a) Passport
 - b) Photo card Driving Licence
 - c) Photographic ID bearing the 'PASS' hologram.

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 a single blue advertising notice was displayed in the front window.

6.5 No representations have been received from the Responsible Authorities.

6.6 There have been 2 valid representations received from interested parties. Both reside in flats directly above the premises and their representations, whilst making reference to all four licensing objectives, relate to potential public nuisance concerns emanating from the additional hours the applicant is intending to operate. At present, the premises closes at 7pm and the additional opening hours until 11pm daily raises noise concerns from poor sound insulation in an old property and nuisance issues associated with the operating of the kitchen. These representations, together with a response from the applicant are attached at **appendix 2**.

6.7 An OS Street Map and frontage images to better identify the location are attached at **Appendix 3**.

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 over-riden; 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 - Representations (Edkins & Lobendhan)
plus the Applicant's Response
- Appendix 3 - OS Street Plan & frontage images

Report Author Contact Details:

Name: Dave Leonard
Telephone: 01277 312523
E-mail: dave.leonard@brentwood.gov.uk

CHARLIE'S DELI, 88 HIGH STREET, BRENTWOOD CM14 4AP

APPENDIX 1

APPLICATION FORM

10 SEPTEMBER 2015

Reference: PrL88761

Application for a Premises Licence to be granted under the Licensing Act 2003

Please note: You must provide online payment for this licence after completing the form. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or a debit card.

Before completing this form, please read the guidance notes:

Premises Licence Application Guidance Notes

You should keep a copy of the completed application for your records, this will be attached (PDF format) to your acknowledgement email which you will receive upon completion of this application. By completing this application online, you will automatically be notifying the Responsible Authorities.

Cost of licence

The fee you pay for your licence is based on the rateable value of the premises and if the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises. If you do not know what the rateable value of your premises is, you can find this on the [Valuation Office Agency](#) website.

What is the Non-domestic rateable value of the premises?*

4301-33000

Cost of licence:

190.00

I/we (name of applicant)*

charlie sims

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

Does the premises have a postal address, or would you like to enter Ordnance Survey map references, or a description of its location?*

Yes, it has a postal address.

Premises Address

Flat Number (if any)

House / Building Name or Number*

88

Road Name*

HIGH STREET

Town

BRENTWOOD

County

Post Code*

CM14 4AP

Daytime contact telephone number (if any):

07881273816

Premises email address (optional)

Email address

charlesantonymsims@yahoo.co.uk

Re-enter email address

charlesantonymsims@yahoo.co.uk

Please state whether you are applying for a Premises Licence as*

(a) an individual or individuals

I am*

carrying on or proposing to carry on a business which involves the use of premises for licensable activities

Individual Applicants

Title*

Mr

First name(s)*

charlie

Surname*

sims

I am 18 years old or older*

Yes

Applicant Address

Flat Number (if any)
House / Building Name or Number* 10
Road Name* lakeside crescent
Town brentwood
County essex
Post Code* cm14 4jb
Daytime contact telephone number* 07881273816
Applicant email address (optional)
Email address
Re-enter email address

Second individual applicant (if applicable)

Title Nothing selected
First name(s)
Surname

I am 18 years old or older Nothing selected
Applicant address

Flat Number (if any)
House / Building Name or Number
Road Name
Town
County
Post Code
Daytime contact telephone number
Applicant email address
Email address
Re-enter email address

Part 3 - Operating Schedule

When do you want the premises licence to start?* 03 Aug 2015

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

Please give a general description of the premises. (Please read guidance note 1):* delicatessen, serving coffee and pastries during daytime. looking to serve bistro type food into the evening, with the availability to alcohol. premises is situated in high street area with limited residential accommodation in the vicinity.

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 [section 1](#) and [section 14](#) of the Licensing Act 2003 and [Schedule 1](#) and [Schedule 2](#) to the Licensing Act 2003)

Provision of regulated entertainment:

- (a) plays
- (b) films
- (c) indoor sporting events
- (d) boxing or wrestling entertainment
- (e) live music
- (f) recorded music
- (g) performances of dance
- (h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

Supply of alcohol

(j) Supply of alcohol

Will the supply of alcohol be for consumption on the premises or off the premises or both? (please read guidance note 2).*

On the premises

Standard days and timings (Please read guidance note 6)

Day	Start	Finish
Monday	10:00:00	23:00:00
Tuesday	10:00:00	23:00:00
Wednesday	10:00:00	23:00:00
Thursday	10:00:00	23:00:00
Friday	10:00:00	23:00:00
Saturday	10:00:00	23:00:00
Sunday	10:00:00	23:00:00

Please give further details here (please read guidance note 3)*

mainly beers and wine. occasional cocktails and spirits. to be sold to customers usually with food although responsible customers will not be turned away just looking to have a drink.

State any seasonal variations for the supply of alcohol (please read guidance note 4)*

2am on new years eve into new years day.

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed above, please list (please read guidance note 5)*

none.

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

Name*

charlie sims

Address

House / Flat Name or Number*

10

Road Name*

lakeside crescent

Town

brentwood

County

essex

Post Code

cm14 4jb

Personal licence number (if known)

Issuing licensing authority (if known)

(n) Adult entertainment and services

Please highlight any adult entertainment or services, none.
activities, or 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)*

(l) Hours premises are open to the public

Standard days and timings (Please read guidance note 6)

Day	Start	Finish
Monday	08:00:00	23:30:00
Tuesday	08:00:00	23:30:00
Wednesday	08:00:00	23:30:00
Thursday	08:00:00	23:30:00
Friday	08:00:00	23:30:00
Saturday	08:00:00	23:30:00
Sunday	08:00:00	23:30:00

State any seasonal variations (please read guidance note until 2.30am new years eve into new years day.
4)*

Non-standard timings. Where you intend to use the none
premises to be open to the public at different times to
those listed above, please list (please read guidance note
5)*

(o) Promoting licensing objectives

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

a) General – all four licensing objectives (b, c, d, e)
(please read guidance note 9)*

cctv system will be operated during in all hours in the
premises when open to the public. recordings can be
kept for minimum 30 days and made available to police or
officers of the council upon request.

in accordance with the mandatory condition ensuring
that no sales are made to minors we will adopt a policy
of asking for photo graphic I.D from any person looking
to be under the age of 25

b) The prevention of crime and disorder*

cctv as above. staff will be trained to exercise diligence
relating to non service to drunks.

- | | |
|--|---|
| c) Public safety* | cctv as above. |
| d) The prevention of public nuisance* | a notice will be erected in the premises asking patrons to leave quietly. |
| e) The protection of children from harm* | staff training will be given in relation to non service of minors. |

Declaration

I agree to submit a plan of the premises* I agree
Please attach a plan of the premises

Alternatively, these should be sent by post to: Licensing, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY. Please include the reference number for this form, which will be produced when you submit it.

I will send copies of this application and the plan to the relevant authorities and others where applicable* I agree

I will submit a consent form completed by the individual I wish to be designated premises supervisor, if applicable (available as a separate online form on our website)* I agree

I understand that I must now advertise my application* I agree
A copy of the Prescribed Form of Notice is available here:
[Public Notice of Application](#)

I understand that if I do not comply with the above requirements my application will be rejected* I agree

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 (Print name):* charlie sims

Date* 08 Jul 2015

Capacity: owner

For joint applications, signature of 2nd applicant or 2nd 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 (Print name)

Date 08 Jul 2015

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Correspondence name

Telephone number

Mobile telephone number

To receive email acknowledgement of your application and confirmation of your payment, please provide a correspond

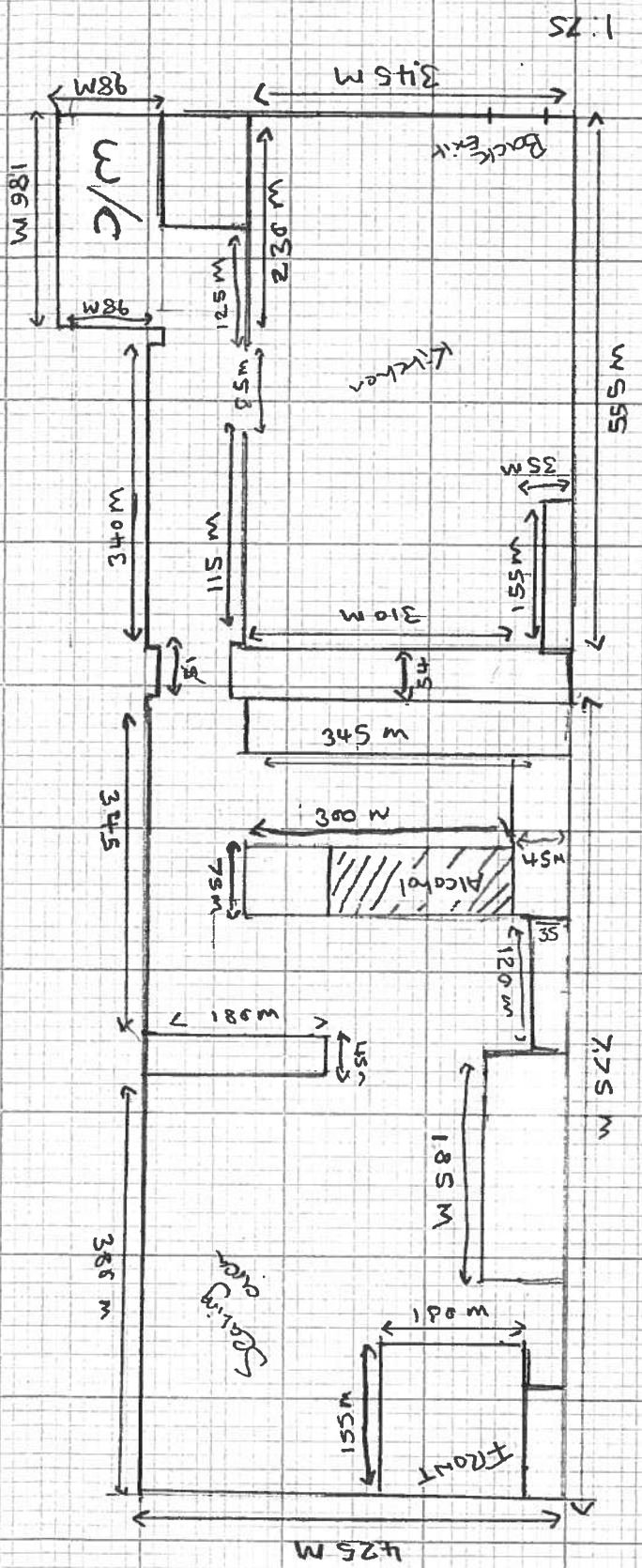
Email address*

charlesantonymsims@yahoo.co.uk

Re-enter email address*

charlesantonymsims@yahoo.co.uk

Charles Deli



BRENTWOOD
BOROUGH COUNCIL
16 JUL 2015
ENVIRONMENTAL
HEALTH & LICENSING

BRENTWOOD B.C.
15 JUL 2015
Received

CHARLIE'S DELI, 88 HIGH STREET, BRENTWOOD CM14 4AP

APPENDIX 2

Representations

Interested Parties

Christopher Edkins

Jessica Lobendhan

10 SEPTEMBER 2015

CHARLIE'S DELI – 15/00025/LAPRE – REPRESENTATION (EDKINS)

From: Christopher Edkins
Sent: 04 August 2015 10:53
To: Licensing
Cc: Dave Leonard
Subject: Charlie's Deli - Alcohol Licence Application Rejection

To whom it may concern,

Address: Flat 1, 88 High Street, Brentwood Essex, CM144AP

It has been brought to my attention that an Alcohol License has been applied for at Charlie's Deli, which is directly below my property. I have been informed that an Alcohol License to turn the Deli into a late night bar has already been rejected by the local police and an alternative option is now being considered, being bar table service.

I have the following concerns:

1) Adverse effect on crime and disorder

I have lived in Brentwood/Shenfield my entire life and know it to be a busy high-street, both during the day and at night. Whenever I have seen anything untoward, it has been dealt with suitably and professionally, but from what you read in the newspaper, that is evidently not always the case. Should Charlie's Deli be granted an Alcohol Licence, this only increases the possibility of problems, especially being squeezed between a bar (Suite 104) and a pub (O'Neill's), both of which are within four or five doors of the Deli. Would extra police be allocated to the high-street, with additional bouncers on the door of Charlie's Deli going forward, should the application be successful?

2) Public Safety

The floor space in the Deli is extremely small, and currently only has four or five dining tables in it. Should this become a table service bar/restaurant, I would assume a lot more people would be inside and therefore could lead to potential fire hazards and safety to the public. With the additional people inside, this could lead to an "overspill" of people either onto the street, increasing the number of people on the pavement or round the back of the property, which is where I enter my flat. Will this be a smoking area too? I can imagine this would lead to left over rubbish and bottles left everywhere. The garden upkeep is something I partly pay for and would not appreciate the garden being littered with broken glass, cigarette butts, etc. With all the people that could be outside and the excess food/rubbish, this would cause a safety hazard, as this is the only exit from my property in an emergency.

3) Safety of Children

A number of my friends and family with young children regularly come to visit. Should there be a loud, lively bar making lots of noise, this could make them extremely unsettled and uncomfortable, which would cause great annoyance to both them and me.

4) Public Nuisance

When leaving for work on some mornings, the floor space at the bottom of the stairs and by the back door of the Deli is full of fresh food and drink. Should this become a restaurant, I would

assume that much more produce would need to be delivered and on a more regular basis. This may well lead to a build up of boxes and food at the bottom of the stairs, preventing me from entering my property safely. In addition, the increase of food will no doubt attract unwanted pests if not stored or disposed of properly.

From my property I am already disturbed by the alcohol delivery for The Gardner's Arms pub early in the mornings, which is a fair way down the road and I can only assume the disturbance will be much worse for a delivery directly underneath my property. The Deli staff can be heard from 7.30am, seven days a week, which can lead to me being woken up early in the morning and if this application was successful, I would also have this problem up until midnight each night - this is not acceptable for a residential property. The live bands from O'Neill's can be heard on a Sunday night and can cause me trouble sleeping as they regularly over-run into the early hours of Monday morning. If Charlie's Deli was to start playing live music too, this would cause large amounts of noise pollution directly underneath my property. I am also concerned about the residual smells arising from the kitchen and any obtrusive fume extraction equipment necessary to handle these smells, such as flues.

Charlie's Deli is a relatively new venture and when purchasing the property I was a little apprehensive about the business. Once I found out it was a Deli I was slightly more comfortable, knowing that this would not cause too much late night disturbance. Obviously, this would all change should the license be successful.

I strongly reject any change to the current situation and will seek the advice of my local MP if it's necessary.

Many thanks,
Chris Edkins
Flat 1, 88 Highstreet

CHARLIE'S DELI – 15/00025/LAPRE – REPRESENTATION (LOBENDHAN)

From: jessica lobendhan
Sent: 03 August 2015 10:55
To: Licensing
Cc: Dave Leonard
Subject: Rejection to licence application: Charlie's Deli

To whom it may concern,

RE: Flat 2, 88 High Street, Brentwood Essex, CM144AP

I'm currently living at the above address and I'm writing to you to reject an application that's been put in by Charlie's Deli for an alcohol licence.

From my understanding, Charlie's Deli applied for a licence to transform the deli into a wine bar serving alcohol and a later opening hours, but this has been rejected by Brentwood Police and instead they've compromised on serving alcohol at table service. I have a number of concerns which I will outline below.

1) Adverse effect on crime and disorder

Brentwood is already a very busy high street with numerous bars and restaurants. Crime is controlled well by Brentwood police, but there *has* been a level of crime and anti-social behaviour in and around the town. I feel that should Charlie's Deli be granted an alcohol licence, it's only going to add to this, putting my property at its belongings at risk.

2) Public Safety

Should this licence be granted, it will put my safety and that of others at risk. Currently, we have a private and almost hidden entrance to the flats and I feel that this will be exposed should Charlie's Deli be granted this licence. Where will the smoking area be? There isn't room at the front of the shop, so I'm assuming it'll be out the back? This is the entrance to my property and it makes me nervous and anxious to think that the smoking area will be where I currently walk into my property. Also, how will people dispose of their cigarette butts? As I have the largest size property in this building, I pay the bigger sum for the garden that's currently outside. I do not want people dropping their cigarette ends and leaving empty bottles in my garden. I do not feel comfortable or safe as a young woman living by myself, having a commercial property downstairs that serves alcohol because of drunken and anti-social behaviour this causes.

3) Safety of Children

Having friends with children, I often have them around to stay the night. Should Charlie's Deli be granted this application, it will be extremely noisy with the music playing until late hours for the children to sleep. This will cause great disturbance to them and me.

4) Public Nuisance

Should Charlie's Deli be granted this licence, how will they deliver and remove all the alcohol bottles? This will make it noisy at certain times of the morning, causing me great disturbance. My bedroom is directly above Charlie's kitchen and it's already very noisy - they start preparing for their day at 7am (Mon-Sun) which causes me to be woken up early in the morning and if this application is granted, I will also have to put up with this at night time as well - this is totally unacceptable for a residential property. The smells from cooking, the late night music and the rubbish will all have huge impacts of the quality of life I lead here. From my understanding,

Charlie has the cooking facilities to cook deli food only - should this turn into a restaurant, how will he cook restaurant food?

My property is an old property and is not sound proof - in fact the windows are only single glazed, so noise travels and as it stands, I can already hear conversations the staff have downstairs, so with the addition of music, this will cause even more distress.

Charlie's Deli was never intended for this kind of use. Up until Charlie's Deli opened it was a florist. I had my reservations around a deli and some of these fears have already been outlined in the comments above; the thought of extending the opening hours with the addition of alcohol (in an already busy high street - O'Neil music next door, Sugarhut opposite, Slug and Lettuce and Suite 104 a few doors down all competing) it's going to make my home very difficult to live in. Although I appreciate I live in a high street, when I bought my property, I did inquire to what could be below and I was told fundamentally by the council that there was never any drink licence granted, I bought my property in true faith so I'd ask Brentwood council to uphold its decision. I strongly reject any change to the current provision and will seek the advice of my local MP if it's necessary.

Many thanks,
Jessica Lobendhan

Dave Leonard

From: Charles Sims [charlesantonysims@yahoo.co.uk]
Sent: 11 August 2015 14:11
To: Dave Leonard
Subject: Re: CHARLIE'S DELI, 88 HIGH STREET, BRENTWOOD CM14 4AP - APPLICATION FOR A NEW PREMISES LICENCE - REPRESENTATIONS

Hi Dave, thank you for sending me the representation queries. I have read through both representations and i want to reassure the two representations that i believe we can compromise on all points before heading towards a committee, as it would be a lot of time out of all of our schedules.

firstly i would like to add that this has been a long and thought out process, this is not a spontaneous application and for my interests it will be a big financial push for a small independent shop on the high street. but i have to take into consideration that there are over two hundred residential homes in and around the high street, and even more to my importance above the shop. But just to bring to everyones attention i have only received two representations, and those being the residents above the shop, and proving valid enough points and quires, but in my opinion nothing that cannot be compromised and answered on both representations as the queries are almost identical.

below i have stated every possible way of comprising and taking into consideration any fears the above representations may have, and i believe after reading these points stated that we can move forward with a happy business relationship.

1) Adverse effect on crime and disorder

Brentwood is already a very busy high street with numerous bars and restaurants. Crime is controlled well by Brentwood police, but there *has* been a level of crime and anti-social behaviour in and around the town. I feel that should Charlie's Deli be granted an alcohol licence, it's only going to add to this, putting my property at its belongings at risk.

I take into consideration that the high street can be very busy and previously has had a level of crime, but as it stands to my knowledge brentwood crime levels have dropped very low, i believe this has a lot to do with how hot the police are in and around town, i have spoken to the police since this application and have answered their queries and compromised with their points for helping keep the crime and anti social behaviour down, i have installed cctv inside and outside of the premises and i no longer have an application for a wine bar licence, as that was a mistake. I only have a licence to serve alcohol with a table meal. I don't believe if there were to be crime and anti social behaviour problems in the high street it would come through us. Also to add, previously there has been no problems to my property or your property and your belongings, considering we are both next door to a very busy pub, and surrounding restaurants, your property has a very private gateway from the back of the high street, and charlies deli operates mainly from the front. so there is no way any members of the public or my customers could enter into your private property or belongings with out breaking an entry.

2) Public Safety

Should this licence be granted, it will put my safety and that of others at risk. Currently, we have a private and almost hidden entrance to the flats and I feel that this will be exposed should Charlie's Deli be granted this licence. Where will the smoking area be? There isn't room at the front of the shop, so I'm assuming it'll be out the back? This is the entrance to my property and it makes me nervous and anxious to think that the smoking area will be where I currently walk into my property. Also, how will people dispose of their cigarette butts? As I have the largest size property in this building, I pay the bigger sum for the garden that's currently outside. I do not want people dropping their cigarette ends and leaving empty bottles in my garden. I do not feel comfortable or safe as a young woman living by myself, having a commercial property downstairs that serves alcohol because of drunken and anti-social behaviour this causes.

Again addressing the "private entrance" into your property which i mentioned above. i have no intentions of letting any member of the public or customers from charlie's deli walk through private property let alone smoke on private property, letting members of the public into the gated area would also mean i have to let them walk through my kitchen area, and as far as any catering premises stands it would be against health and safety to let customers or members of the public walk through that area. again i feel we are addressing charlie's deli as a wine bar with queries such as a smoking area? there is plenty of room out the front for the odd smokers dining with us, and a very modern wall mounted smokers disposal will be put directly outside to avoid any butts, this disposal will be cleaned and emptied regularly.

3) Safety of Children

Having friends with children, I often have them around to stay the night. Should Charlie's Deli be granted this application, it will be extremely noisy with the music playing until late hours for the children to sleep. This will cause great disturbance to them and me.

Having stated you have children to stay over, i have to take this into consideration that it would affect you also. but again i have taken this into consideration that loud music could be a disturbance, but as i'm already aware of that i would like to add that it would barely be background music from a small speaker which will be monitored and used accordingly and only played until the premises licence finishes for that day, late night loud music is not something we are looking for here at charlies deli.

4) Public Nuisance

Should Charlie's Deli be granted this licence, how will they deliver and remove all the alcohol bottles? This will make it noisy at certain times of the morning, causing me great disturbance. My bedroom is directly above Charlie's kitchen and it's already very noisy - they start preparing for their day at 7am (Mon-Sun) which causes me to be woken up early in the morning and if this application is granted, I will also have to put up with this at night time as well - this is totally unacceptable for a residential property. The smells from cooking, the late night music and the rubbish will all have huge impacts of the quality of life I lead here. From my understanding, Charlie has the cooking facilities to cook deli food only - should this turn into a restaurant, how will he cook restaurant food?

My property is an old property and is not sound proof - in fact the windows are only single glazed, so noise travels and as it stands, I can already hear conversations the staff have downstairs, so with the addition of music, this will cause even more distress.

Alcohol deliveries would turn up with the same delivery as my food, we are not using any drafts just bottles, so no lorries loads of barrels will be rolled in and out of the shop, my delivery for food arrives on a monday midday, causing no one in the area to be disturbed as far as i'm aware everybody living above the premises is working monday to friday, so i don't believe it would be a problem. also to add, disposal of bottles, i recycle all of my glass, i use an independent waste disposal service who would be picking up regularly to avoid any build up of waste. I have also been in contact with noise and pollution services from brentwood council who have kindly advised me on this application verbally and i have taken all points into consideration. we are a business who operates everyday, but we have moved our preparation hours to start at 9am every morning and have done this for the last 3 months. and 10am on sundays. again addressing mon-fri i believe all the residents above are working during those days, saturday is a natural busy day for any shop on the high street, and 10am start time on a sunday is very reasonable in my opinion. i believe that stating this kind of working environment is unacceptable on a busy high street, also living next door to oneils, a stone throw away from suite 104, the gardeners arms, slug and lettuce and sugar hut all of which have been around way before both tenants moved in is fairly harsh to say that a small independent business like charlies deli, would make such a big impact on which seems to be already a busy high street. also to add regarding restaurant food, i will be working closely with the council on pollution and smells, we have already discussed that i would need a commercial extraction system one of which i am prepared to buy and install and have written permission from the council to do so.

Charlie's Deli was never intended for this kind of use. Up until Charlie's Deli opened it was a florist. I had my reservations around a deli and some of these fears have already been outlined in the comments above; the thought of extending the opening hours with the addition of alcohol (in an already busy high street - O'Neil music next door, Sugarhut opposite, Slug and Lettuce and Suite 104 a few doors down all competing) it's going to make my home very difficult to live in. Although I appreciate I live in a high street, when I bought my property, I did inquire to what could be below and I was told fundamentally by the council that there was never any drink licence granted, I bought my property in true faith so I'd ask Brentwood council to uphold its decision. I strongly reject any change to the current provision and will seek the advice of my local MP if it's necessary. **Again i have to appreciate your concerns, but unfortunately you have answered a lot of your own questions in this last statement, before either of the new tenants moved in charlies deli was already operating and in a busy high street with a lot of of busy restaurant and bars, i believe it is unfair to say charlies deli couldn't have a alcohol licence because there are to many places on the high street serving alcohol (as you mentioned the above names), as far as i'm aware this kind of objection is against the law, and is in fact invalid. I believe i have answered all the above queries and have answered them all with a compromising and measured value of consideration.**

i would like both parties of representation to understand that this has be a thought out process and has fully taken into consideration exactly what needs are to be met, and what needs to be done in order for everyone to be happy moving forward, i am a business man and a very understanding one at that, and i am ready to compromise in order for everyone to be happy.

in regards to the second representation i believe i have answered a lot of their queries in my answers to representation one. as they are almost identical, but for the odd point i am happy to point out and answer comfortably to put any questions or queries to an end.

with additional bouncers on the door of Charlie's Deli going forward, should the application be successful?

Charlies deli has already been in contact with the police and both the police and charlies deli have compromised, this is not a wine bar, this is a small independent diner, that doesn't need professional control like slug and lettuce or sugar hut or suite 104, as its intentions are to be met primarily with food served with a glass of wine or bottled beer. the same as nandos, prezzos, zizzi, for example. and the police feel that this is a reasonable and fair application.

4) Public Nuisance

When leaving for work on some mornings, the floor space at the bottom of the stairs and by the back door of the Deli is full of fresh food and drink. Should this become a restaurant, I would assume that much more produce would need to be delivered and on a more regular basis. This may well lead to a build up of boxes and food at the bottom of the stairs, preventing me from entering my property safely. In addition, the increase of food will no doubt attract unwanted pests if not stored or disposed of properly.

indeed when food is deliver it comes in cardboard boxes to help carry into the shop, but again with a very similar question asked from representation one, we have a waste disposal area and a recycling area at the back of our shared garden where all waste and recycling is moved to once the boxes have been emptied at the end of the day. i know this because i make sure and do it personally with my staff. again to answer a smiular question above, i have regular pick ups from an independent waste company, which helps prevent any build up of waste and recycling.

From my property I am already disturbed by the alcohol delivery for The Gardner's Arms pub early in the mornings, which is a fair way down the road and I can only assume the disturbance will be much worse for a delivery directly underneath my property. The Deli staff can be heard from 7.30am, seven days a week, which can lead to me being woken up early in the morning and if this application was successful, I would also have this problem up until midnight each night - this is not acceptable for a residential property. The live bands from O'Neill's can be heard on a Sunday night and can cause me trouble sleeping as they regularly over-run into the early hours of Monday morning. If Charlie's Deli was to start playing live music too, this would cause large amounts of noise pollution directly underneath my property. I am also concerned about the residual smells arising from the kitchen and any obtrusive fume extraction equipment necessary to handle these smells, such as flues.

Again a very similar point from the first representation, but i am happy to answer fully, and point out that we start work at 9am in the shop monday-sat and 10am sundays. As most shops on the high street, including the barber shop and florist and yaya milkshakes next door who both have weekly deliveries on products and stock. unfortunately i cannot help compromise with live music from gardeners, suite 104 and oneils, but i can say we at charlies deli have no intentions of live or loud music just light background music for diners, which will only be played up till our premises license allows us to, not as late as midnight or early hours in the morning. also stated about in representation one, noise and smell pollutions have both been approached and asked for advice from the brentwood council by my self, i have in writing that we have permission to put in a extraction system and have agreed to put in a commecial system to take out on smells of food being cooked from below. This will set me back financially as the system i require is a good system, but again something i am willing to compromise with moving forward.

i really hope i have answered all questions fully and with a measured view on compromising and moving forward with this application.

thank you
Charlie Sims

On 10 Aug 2015, at 18:18, Dave Leonard <dave.leonard@brentwood.gov.uk> wrote:

Dear Charlie,

In confirmation of our conversation this afternoon, the Licensing Office has to date received two valid representations in response to your application for a premises licence. This means that a Licensing Sub-Committee Hearing will be convened at a later date to be confirmed to determine the outcome of your application.

One of the roles of the licensing authority under the Licensing Act 2003 is to act as mediator in cases where there is a possibility of compromise. This matter must by law proceed to hearing unless a) a compromise is reached and all parties agree that no hearing is necessary or b) the application or representation(s) is withdrawn.

Please see below the contents of the two representations. In cases where there are few representations, the Council will, without prejudice to the statutory process, assess under its mediation powers whether there is any common ground for compromise.

REPRESENTATION 1

I'm currently living at the above address and I'm writing to you to reject an application that's been put in by Charlie's Deli for an alcohol licence.

From my understanding, Charlie's Deli applied for a licence to transform the deli into a wine bar serving alcohol and a later opening hours, but this has been rejected by Brentwood Police and instead they've compromised on serving alcohol at table service. I have a number of concerns which I will outline below.

1) Adverse effect on crime and disorder

Brentwood is already a very busy high street with numerous bars and restaurants. Crime is controlled well by Brentwood police, but there *has* been a level of crime and anti-social behaviour in and around the town. I feel that should Charlie's Deli be granted an alcohol licence, it's only going to add to this, putting my property at its belongings at risk.

2) Public Safety

Should this licence be granted, it will put my safety and that of others at risk. Currently, we have a private and almost hidden entrance to the flats and I feel that this will be exposed should Charlie's Deli be granted this licence. Where will the smoking area be? There isn't room at the front of the shop, so I'm assuming it'll be out the back? This is the entrance to my property and it makes me nervous and anxious to think that the smoking area will be where I currently walk into my property. Also, how will people dispose of their cigarette butts? As I have the largest size property in this building, I pay the bigger sum for the garden that's currently outside. I do not want people dropping their cigarette ends and leaving empty bottles in my garden. I do not feel comfortable or safe as a young woman living by myself, having a commercial property downstairs that serves alcohol because of drunken and anti-social behaviour this causes.

3) Safety of Children

Having friends with children, I often have them around to stay the night. Should Charlie's Deli be granted this application, it will be extremely noisy with the music playing until late hours for the children to sleep. This will cause great disturbance to them and me.

4) Public Nuisance

Should Charlie's Deli be granted this licence, how will they deliver and remove all the alcohol bottles? This will make it noisy at certain times of the morning, causing me great disturbance. My bedroom is directly above Charlie's kitchen and it's already very noisy - they start preparing for their day at 7am (Mon-Sun) which causes me to be woken up early in the morning and if this application is granted, I will also have to put up with this at night time as well - this is totally unacceptable for a residential property. The smells from cooking, the late night music and the rubbish will all have huge impacts of the quality of life I lead here. From my understanding, Charlie has the cooking facilities to cook deli food only - should this turn into a restaurant, how will he cook restaurant food?

My property is an old property and is not sound proof - in fact the windows are only single glazed, so noise travels and as it stands, I can already hear conversations the staff have downstairs, so with the addition of music, this will cause even more distress.

Charlie's Deli was never intended for this kind of use. Up until Charlie's Deli opened it was a florist. I had my reservations around a deli and some of these fears have already been outlined in the comments above; the thought of extending the opening hours with the addition of alcohol (in an already busy high street - O'Neil music next door, Sugarhut opposite, Slug and Lettuce and Suite 104 a few doors down all competing) it's going to make my home very difficult to live in. Although I appreciate I live in a high street, when I bought my property, I did inquire to what could be below and I was told fundamentally by the council that there was never any drink licence granted, I bought my property in true faith so I'd ask Brentwood council to uphold its decision. I strongly reject any change to the current provision and will seek the advice of my local MP if it's necessary.

REPRESENTATION 2

It has been brought to my attention that an Alcohol License has been applied for at Charlie's Deli, which is directly below my property. I have been informed that an Alcohol License to turn the Deli into a late night bar has already been rejected by the local police and an alternative option is now being considered, being bar table service.

I have the following concerns:

1) Adverse effect on crime and disorder

I have lived in Brentwood/Shenfield my entire life and know it to be a busy high-street, both during the day and at night. Whenever I have seen anything untoward, it has been dealt with suitably and professionally, but from what you read in the newspaper, that is evidently not always the case. Should Charlie's Deli be granted an Alcohol Licence, this only increases the possibility of problems, especially being squeezed between a bar (Suite 104) and a pub (O'Neill's), both of which are within four or five doors of the Deli. Would extra police be allocated to the high-street, with additional bouncers on the door of Charlie's Deli going forward, should the application be successful?

2) Public Safety

The floor space in the Deli is extremely small, and currently only has four or five dining tables in it. Should this become a table service bar/restaurant, I would assume a lot more people would be inside and therefore could lead to potential fire hazards and safety to the public. With the additional people inside, this could lead to an "overspill" of people either onto the street, increasing the number of people on the pavement or round the back of the property, which is where I enter my flat. Will this be a smoking area too? I can imagine this would lead to left over rubbish and bottles left everywhere. The garden upkeep is something I partly pay for and would not appreciate the garden being littered with broken glass, cigarette butts, etc. With all the people that could be outside and the excess food/rubbish, this would cause a safety hazard, as this is the only exit from my property in an emergency.

3) Safety of Children

A number of my friends and family with young children regularly come to visit. Should there be a loud, lively bar making lots of noise, this could make them extremely unsettled and uncomfortable, which would cause great annoyance to both them and me.

4) Public Nuisance

When leaving for work on some mornings, the floor space at the bottom of the stairs and by the back door of the Deli is full of fresh food and drink. Should this become a restaurant, I would assume that much more produce would need to be delivered and on a more regular basis. This may well lead to a build up of boxes and food at the bottom of the stairs, preventing me from entering my property safely. In addition, the increase of food will no doubt attract unwanted pests if not stored or disposed of properly.

From my property I am already disturbed by the alcohol delivery for The Gardner's Arms pub early in the mornings, which is a fair way down the road and I can only assume the disturbance will be much worse for a delivery directly underneath my property. The Deli staff can be heard from 7.30am, seven days a week, which can lead to me being woken up early in the morning and if this application was successful, I would also have this problem up until midnight each night - this is not acceptable for a residential property. The live bands from O'Neill's can be heard on a Sunday night and can cause me trouble sleeping as they regularly over-run into the early hours of Monday morning. If Charlie's Deli was to start playing live music too, this would cause large amounts of noise pollution directly underneath my property. I am also

concerned about the residual smells arising from the kitchen and any obtrusive fume extraction equipment necessary to handle these smells, such as flues.

Charlie's Deli is a relatively new venture and when purchasing the property I was a little apprehensive about the business. Once I found out it was a Deli I was slightly more comfortable, knowing that this would not cause too much late night disturbance. Obviously, this would all change should the license be successful.

I strongly reject any change to the current situation and will seek the advice of my local MP if it's necessary.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on **01277 312523**.

Kind regards,

Dave Leonard

Licensing Officer
Brentwood Borough Council
dave.leonard@brentwood.gov.uk
01277 312523

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Dave Leonard

From: Christopher Edkins [christopher.edkins@rkhspecialty.com]
Sent: 11 August 2015 17:21
To: Dave Leonard
Subject: RE: CHARLIE'S DELI, 88 HIGH STREET, BRENTWOOD CM14 4AP - APPLICATION FOR A NEW PREMISES LICENCE - APPLICANT'S RESPONSE TO REPRESENTATIONS

Dave,

Many thanks for the letter.

Would note that the probable reason there was only two representations submitted from "200+ residents" would be that no-one is aware of what is going on.

If it wasn't for your (or a colleague's) visit to the flat, we would not have been aware either. Jess kindly passed on the message to me and I then noticed the very small sign on the front window of Charlie's Deli after investigating further.

Neither Jess or I received letters advising this change, which I believe we should have?

Best Regards

Chris

From: Dave Leonard [mailto:dave.leonard@brentwood.gov.uk]
Sent: 11 August 2015 16:19
To: Christopher Edkins
Subject: CHARLIE'S DELI, 88 HIGH STREET, BRENTWOOD CM14 4AP - APPLICATION FOR A NEW PREMISES LICENCE - APPLICANT'S RESPONSE TO REPRESENTATIONS

Dear Chris,

I provided a copy of your representation to the applicant, Mr. Charlie Sims. The content of his response is in the attached document.

I trust that this *may* go some way towards allaying your concerns. However, your representation remains validated and registered with the Licensing Office and a Licensing Sub-Committee hearing will be convened to determine this application unless I receive a withdrawal notification from you in writing.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on **01277 312523**.

Kind regards,

Dave Leonard

Licensing Officer
Brentwood Borough Council
dave.leonard@brentwood.gov.uk
01277 312523

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CHARLIE'S DELI, 88 HIGH STREET, BRENTWOOD CM14 4AP

APPENDIX 3

CHARLIE'S DELI

OS Street Map

Frontage Images

10 SEPTEMBER 2015



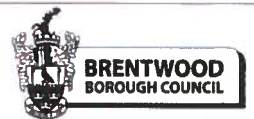
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Service ICT

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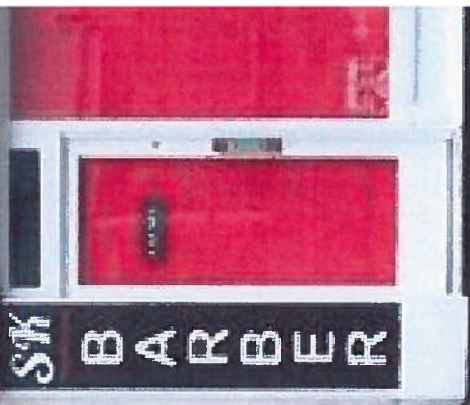
CHARLIE'S
COFFEE & BAKERY

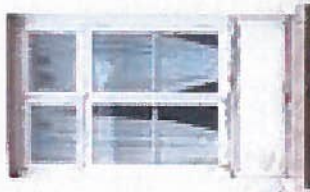
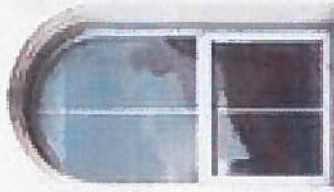
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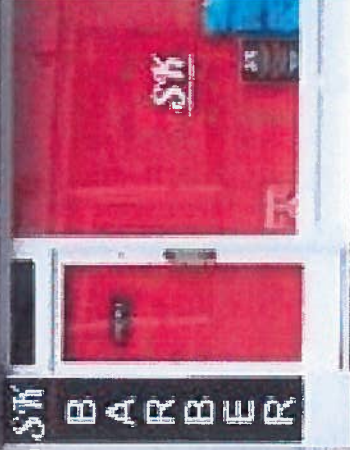
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