



LICENSING SUB-COMMITTEE

Friday 6th September 2023

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	McDonalds Restaurant Ltd
Address of Applicant(s):	11/59 High Road, East Finchley, London, N2 8AW
Type of applicant (Premises Only):	Company
Name of Premises:	McDonalds Restaurant
Address of premises:	Leisure Way, Lowestoft, NR32 4TZ
Description of Premises:	Fast food restaurant and takeaway

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Late Night Refreshment for both indoors and outdoors.

Is the report Open or Exempt?	Open
Wards Affected:	Gunton & St Margarets
Cabinet Member:	Councillor Mike Ninnmey, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Houlton Licensing Officer 01502 523624 Leonie.Houlton@eastsoffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Late night refreshment – both indoors and outdoors

Monday to Sunday 23:00 to 05:00

2. PROPOSED OPENING HOURS

Monday to Sunday 24hours

3. OPERATING SCHEDULE

- 3.1 The following steps have been proposed in order to promote the four licensing objectives. These are proposals offered by the applicant and in their own words. Some submissions may already form part of the licence, as mandatory conditions; others may be re-worded by officers to form meaningful, enforceable conditions on the licence.

General

This restaurant understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. It should be noted that no McDonalds restaurant within the United Kingdom serves alcohol and further none of our drinks or food are served to customers in glass receptables.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives. We also seek to work with the local communities, whom we serve, in achieving a successful cohesion between our business operations and our neighbours.

Prevention of crime and disorder

This restaurant is keen to work in partnership with the local police service to prevent crime and disorder.

CCTV

McDonald's operates a robust CCTV Policy to ensure compliance with Data Protection Legislation and to assist the Police with the prevention and detection of crime. At all stores where CCTV is in operation appropriate signage reflecting this information is displayed.

McDonalds operate digital motion activated CCTV systems where images are retained on a hard drive system. All CCTV equipment is of a standard suitable to record images of a proper quality, it meets the industry standard and has LGC Forensics or Kalagate Certification. As part of the digital system an alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene. The CCTV system is regularly serviced by qualified maintenance technicians.

Access to the CCTV system will be provided to Police Officers at their request where reasonable.

Staffsafe

A Staffsafe system with both audio and visual monitoring capability will be installed in the restaurant, this system, can be activated by either fixed or mobile panic buttons. Once

activated the system links the restaurant to an external monitoring centre capable of intervening to resolve crime and disorder issues and/or provide the appropriate advice or instruction to support and protect the restaurants staff and customers.

At this restaurant all shift managers have safety and security training; including Maybo SIA accredited Conflict Management Training.

Public safety

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

This restaurant has safety systems in place to protect the safety of customers and staff at all times (such as Staffsafe). We work with the local Environmental Health Office and local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health & Safety and Fire Safety Legislation. This restaurant is also subject to inspections from our own safety and security teams to ensure our systems are being maintained.

All of our restaurant staff receive comprehensive safety training to ensure that safe working methods are adopted and all staff are trained on the restaurants evacuation procedure in the event of a fire or other dangerous occurrence.

This store operates a 'No Open Alcohol Containers' policy to prevent persons carrying open alcohol into the in-store area.

Prevention of public nuisance

Litter

McDonalds were the first company in our sector to introduce litter patrols in the early 1980's. McDonalds is committed to carry out litter patrols collecting both McDonalds packaging and any other litter that has been carelessly discarded. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as reasonably practicable.

All of McDonald's packing displays the recycle symbol to encourage our customers to deal with their waste responsibly. Further details regarding McDonalds commitment to reducing waste and litter nuisance can be found at the 'Our World' section of the McDonalds website: <https://www.mcdonalds.com/gb/en-gb/our-plan-for-change.html>

Noise

Where it is practical to do so we are content to put measures in place to limit noise. All McDonalds restaurant doors are self-closing and we try to encourage our customers to be considerate to our neighbours and to limit noise both when ordering their food and on leaving the local area.

Protection of children from harm

McDonalds do not anticipate that unaccompanied children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

A plan of the premises is attached as **Appendix A**.

4. REASON FOR HEARING

4.1 Seventeen representations against the application have been received from other persons.

4.2 A representation against the application has also been received from Suffolk Constabulary.

4.3 The applicant has been provided with a copy of the representations and these are attached as **Appendix B & C** for members of the Sub-Committee.

4.4 No representations against the application were received from any of the other responsible authorities.

4.5 Summary of grounds for representation:

Potential for anti-social behaviour from customers of the premises. The probability that there would be an increase in litter in the local area. There is already an issue with 'Boy Racers' and this premises would likely only make this worse. The 24-hour opening would have a detrimental effect to local residents as there would be an increase in the noise, especially late at night not only from the cars coming and going but from customers at the restaurant and if they remain in the local area. Concerns were also raised about the lights from the premises disturbing residents, especially at night.

The police raised concerns as the local car park at Tesco's is frequently used as an area where certain groups of people take their cars (often fitted with loud exhausts) to engage in wheel spinning, racing, skidding and loud revving of engines. A 24-hour venue would likely attract these 'Boy Racers'. Another local McDonalds (not in our district) already is a meeting point for these groups meeting in the early hours of the morning and as many of these drivers live locally, they would likely frequent this new premises instead. The police were also concerned that the applicant had not consulted with them before submitting the application and had not appeared to consider the local issues of the area. The Police are of the opinion that the premises should have a terminal hour of 23:00 and that this could be revisited once the premises had been open for a while and a new application could be submitted.

5. POINTS FOR CONSIDERATION

5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

5.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above, it is asked to give full reasons for so doing.

- b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 5.3 The relevant notices about this hearing have been served on the applicant and other persons and they have until 29th September 2023 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

6. CONCLUSION

6.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the other persons before the hearing in order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

6.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal to the Magistrates Court.

6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES	
Appendix A	A plan of the premises
Appendix B	Representations (private document for the Sub-Committee only)
Appendix C	Police Representation (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	