



LICENSING SUB-COMMITTEE

Monday 25th March 2024

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:	120 Anson Road, Martlesham Heath, Martlesham Ipswich, Suffolk IP5 3TX
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:	Martlesham and Purdis Farm
Cabinet Member:	Councillor Jan Candy, Cabinet Member with responsibility for Community Health
Supporting Officer:	Jodie Fisher Licensing Officer 01394 444363 Jodie.Fisher@eastsuffolk.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 24 hours

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 copy of the application is attached as **Appendix A**.

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

4. REASON FOR HEARING

4.1 Nine representations against the application were received, including one from Suffolk Constabulary.

4.2 Following correspondence between Suffolk Constabulary and the applicant, the following conditions have been agreed and the police have now withdrawn their objection:

The premises licence holder, or their nominated representative or franchisee, shall, within 7 days of a written request from a Responsible Authority (including requests made by email) attend a meeting with the Responsible Authorities, including the Licensing Authority and Suffolk Constabulary, to discuss concerns relating to any anti-social behaviour thought to be linked to, or exacerbated by, the operation of the premises and to give further consideration to potential measures to prevent such behaviour.

This includes anti-social behaviour that occurs within both the licensed premises, the car park and encompasses the adjacent supermarket car park, if it can be reasonably inferred that the persons causing the anti-social behaviour are present due to the attraction of the licensed premises. These may include but are not limited to further enhancements to ANPR and CCTV camera systems, security arrangements, specific procedures for liaison with the landlord and their security provider and additional traffic calming and traffic flow management measures.

The premises licence holder shall produce and maintain, in conjunction with the landlord and operator of the adjacent supermarket car park, a procedure for liaison between staff working at the premises and security staff for the car park in order to identify and alert security to any anti-social behaviour taking place in the car park.

The premises licence holder shall document a record of all crime, disorder and anti-social behaviour incidents that occur within the premises and the car park.

The premises licence holder will work in partnership with Police and other statutory authorities to prevent crime and disorder, including anti-social behaviour, by using a range of measures to manage and mitigate concerns. Such measures may include but are not limited to: Wi-fi disconnection when required, conflict management and ASB training to defuse and manage incidents, regular patrols and monitoring outside of the premises, including the car park area, to disperse and ban individuals/groups when required.

Regular litter patrols will be carried out in the vicinity of the premises to collect both McDonald's packaging and any other litter that has been discarded. Should the Council's Environmental Protection Team suggest at a later date that the area should be extended, the premises licence holder will act upon the recommendation as far as reasonably practicable after a risk assessment of the area.

4.3 These agreed conditions were sent to the remaining eight objectors. At the time of submitting this report, one of the objectors has withdrawn their objection. Seven

representations remain.

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

4.4 No representations against the application were received from any other Responsible Authorities. The police objection has now been withdrawn.

4.5 Summary of grounds for representation:

A 24 hour licence would bring unnecessary vehicles from outside Martlesham Heath and the surrounding area, causing additional noise pollution, rubbish and attraction unnecessary attention to the area during anti-social areas. There aren't many businesses who operate 24 hours in and around Martlesham Heath and the majority of hospital staff or police have access to fast food outlets closer to them in Ipswich.

Already significant issues with anti-social behaviour (engine-revving, backfiring, loud music and screaming and shouting), especially later in the evening. Also, the A12 near us attracts a lot of fast/loud driving.

Accumulation of litter in surrounding streets. This is a known problem with fast food outlets, and given the anticipated size of this 'restaurant' the amount of discarded litter will increase.

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 19 March 2024 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	Application form
Appendix B	Plan of premises
Appendix C	Representations (for the Sub-Committee only)

BACKGROUND PAPERS	
None	