

LICENSING SUB-COMMITTEE

17 OCTOBER 2022

PRESENT

Councillor D. Jarman (in the Chair).
Councillor S. Taylor

In attendance

L. Grimshaw	Lawyer,
J. Boyle	Licensing Team Leader,
N. Owen	Governance Officer.

14. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S34 LICENSING ACT 2003 AT MCDONALD'S, NEARY WAY, DAVYHULME, MANCHESTER, M17 1FP

The Head of Regulatory Services submitted a report informing Members of an application for the grant of a new premises licence for McDonald's, Neary Way, Davyhulme, M17 1FP which had attracted representations from local residents. All parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application by Mr. Williams, Counsel and Ms Jones, Franchisee Supervisor.

RESOLVED –

- 1) That the application by Shoosmiths Ltd, on behalf of Edge Restaurant's Limited in respect of McDonald's for the grant of a new premises licence for McDonald's, Neary Way, Davyhulme be granted subject to compliance with the conditions outlined in the decision notice.
- 2) That the issue of the Licence be delegated to the Head of Regulatory Services.

LICENSING SUB-COMMITTEE DECISION NOTICE

Sub Committee Members: Councillor D. Jarman (Chairperson)
Councillor S. Taylor

Applicant: Shoosmiths on behalf of Edge Restaurant's Limited

Type of Licence: Grant of a new Premises Licence: McDonald's, Neary Way, Davyhulme, M17 1FP

Representors: Local Residents – not in attendance
Mrs. S Robertson
Mr. P Robertson

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Parties Present: On behalf of Applicant – in attendance
Mr. B Williams, Counsel
Ms Z Jones, Franchisee Supervisor

Officers

Lisa Grimshaw - Lawyer
Joanne Boyle – Licensing Team Leader
Natalie Owen – Governance Officer

Date of Hearing: 17 October 2022

Time Commence: 6.30 p.m.

Time Terminated: 7.55 p.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee decided that the representations received from local residents were valid representations as they related to public nuisance.

To grant a full variation of the premises licence as follows:-

Late Night Refreshment (Indoors and Outdoors)

Monday - Sunday 23:00 – 02:00

Opening Hours

Monday – Sunday 05:00 – 02:00

CONDITIONS

Any mandatory conditions which must be included under the Licensing Act 2003.

CCTV

1. 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.

2. McDonald's 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.

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

Staffsafe

4. 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.

5. 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 restaurant's staff and customers.

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

7. 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 and 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.

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

9. This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol.

10. All of McDonald's packaging will display the "Bin It" symbol to encourage our customers to deal with their waste responsibly. Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World" section of the McDonald's website:

<http://www.mcdonalds.co.uk/ourworld/environment/policy.shtml>

11. Where it is practical to do so we are content to put measures in place to limit noise. All McDonald's 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.

12. McDonald's 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 into the in-store area.

13. The provision of late night refreshment will take place from 23:00-00:00 indoors and from 23:00-02:00 via the drive thru and deliveries every day.

LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION

The Sub-Committee considered the Licensing Act 2003 and regulations, the Guidance and the Council's Licensing Policy and the application, together with the information provided by all parties at the hearing.

The Sub-Committee heard from the Licensing Officer who presented her report.

The Sub-Committee was satisfied that the statutory requirements regarding notices, advertisements and time limits had been complied with.

The Sub-Committee heard from the applicant's representatives.

The applicant's addressed the nature of the application and concerns raised by the representors. The main concerns were increased noise nuisance and anti-social behaviour which could be caused by granting the licence, Counsel commented that had there been a clear risk there would have been concerns from the Police and other agencies. The Sub-Committee heard that this site is owned by a franchise that has 17 restaurants in Manchester and a number have premise licence, none have caused any issues, there is proven track record in the management of this site.

The Sub-Committee heard from the Applicant on the steps taken to address concerns such as the restaurant will close at midnight and will be drive through only until 2am. There are also 17 CCTV cameras around the building and car park to monitor any potential noise and anti-social behavior. The Applicant also advised there is an intercom system which is manned and will disperse people if required.

The Applicant also advised the Sub-Committee of the litter patrol conducted 3 times daily in the immediate and extended area and this is not just limited to McDonalds litter but anything in the area.

The Sub-Committee considered the written representations which had been submitted by local residents with regard to concerns over noise pollution, anti-social behaviour and litter problems. The Sub-Committee felt that the Applicant had addressed these concerns satisfactorily.

The Sub-Committee considered the submissions from all parties present and granted the premises licence.

The meeting commenced at 6.53 pm and finished at 7.55 pm