

## TRAFFORD COUNCIL

**Report to:** Licensing Sub-Committee  
**Date:** 17<sup>th</sup> October 2022  
**Report for:** Decision: Determination of Application  
**Report of:** Head of Regulatory Services

### Report Title

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

### Summary

Under S35(3) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of McDonald's, Neary Way, Davyhulme, Manchester, M17 1FP having regard to representations received and the requirement to promote the four licensing objectives.

### Recommendation(s)

The following options are open to the Licensing Sub-Committee;

- (i) To grant the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions.
- (ii) To grant the application as above, modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or
- (iii) To reject the application.

### Contact person for access to background papers and further information:

**Name:** Jade Pickup, Senior Licensing Officer  
**Contact:** Licensing@trafford.gov.uk

**Background Papers:** None.

**Appendices:**  
A) Application for a New Premises Licence  
B) Blue Notice and Newspaper Advert  
C) Representations

## **1.0 APPLICATION**

1.1 A premises licence is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- The sale of alcohol
- The supply of alcohol (in respect of a club)
- Regulated entertainment
- The provision of late night refreshment

This application was submitted by Shoosmiths on behalf of Edge Restaurant's Limited, in respect of: McDonald's, Neary Way, Davyhulme, Manchester, M17 1FP.

1.2 The application has been properly made and all procedures correctly followed. The application including the operating schedule has been attached as **Appendix A**. Photographs of the blue notice in place and copy of newspaper advert are attached as **Appendix B**.

1.3 The licensable hours as applied for are:

### **Late Night Refreshment (Indoors and Outdoors)**

Monday - Sunday 23:00 - 02:00

### **Opening Hours**

Monday - Sunday 05:00 – 02:00

## **2.0 BACKGROUND AND HISTORY OF PREMISES**

2.1 The premises has not been licensed previously.

## **3.0 OPERATING SCHEDULE**

3.1 The conditions on the operating schedule are listed below:

### **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.

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.

#### **4.0 CONSULTATION**

- 4.1 The responsible authorities included in consultation are; Greater Manchester Police, Greater Manchester Fire & Rescue, Environmental Health & Pollution Control, Building Control, Health and Safety Team, Home Office Immigration Enforcement, Planning Department, Safeguarding Children Team, Trading Standards and Public Health.
- 4.2 Of those consultees identified in paragraph 4.1, no representations have been received.
- 4.3 Two representations have been received from local residents in relation to public nuisance. **Attached as Appendix C.**
- 4.4 Those that have made a representation have been informed of the time and date of the Licensing Sub-Committee meeting and have been informed of their right to attend.
- 4.5 A copy of the report and the representations received have been sent to the applicant.

#### **5.0 LEGAL CONSIDERATIONS**

- 5.1 Conditions may only be attached to a Premises Licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a refusal or the attachment of conditions must be given to the applicant.
- 5.2 The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probabilities and any decision should be based on the individual merits of the application.
- 5.3 The Sub-Committee, in arriving at its decision; must have regard to relevant provisions of national guidance and its own statement of licensing policy and reasons should be given for any departure.
- 5.4 There is a right of appeal to the Magistrates Court within 21 days from the date the Applicant is notified of the decision of the Licensing Sub-Committee.