

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 9 MARCH 2011

Councillors Present: Peter Argyle (Chairman), Jeff Beck (substitute), Manohar Gopal and Mollie Lock

Also Present: Alison Beynon (Solicitor) and Alan Lovegrove (Licensing Officer), Jessica Broom (Clerk)

PART I

1. Declarations of Interest

There were no declarations of interest received.

2. Schedule of Licensing Applications

3. Application No. and Ward: 09/01622/LQN McDonald's Restaurants Limited, Newbury Retail Park, Greenham.

The Sub-Committee considered a Report (Agenda Item 1) concerning the Application for Premises Licence No. 11/00074/LQN under section 17 of the Licensing Act 2003.

In accordance with the Council's constitution, Alan Lovegrove (Licensing Officer, West Berkshire Council), Jeremy Phillips (on behalf of the Applicant) and Alan Aguttr from Greenham Parish Council (Objector) addressed the Sub-Committee.

Alan Lovegrove, Licensing Officer, outlined his report in relation to the application for McDonalds Restaurants Ltd. Newbury Retail Park, Pinchington Lane, Newbury RG14 7HU.

On 12th January 2011 West Berkshire Council's Licensing Department received an application to vary a premises licence to be granted under the Licensing Act 2003 from McDonalds Restaurants Limited to vary the existing opening hours and provision of late night refreshment on Sundays to Thursdays from 23:00 until 05:00 the following morning.

If this variation were to be granted this would mean the premises would be open 24hrs. The consultation period for the above named premises ran from 13th January 2011 to 9th February 2011. Within the prescribed 28 day consulting period the Licensing Department received one representation objecting to the application, from John Boston Clerk to Greenham Parish Council

The nature of the representation concerned:

- 1) Prevention of Crime and Disorder and
- 2) Prevention of Public Nuisance

Mr Lovegrove stated that no mediation had taken place.

Jeremy Phillips addressed the meeting on behalf of the Applicant, making the following points:

- The application was to extend what McDonalds had been doing on Fridays and Saturdays for the last year and a half to rest of the week for anyone using their drive through facility.
- Currently the license was subject to conditions which prohibited them selling food within the premises or to those walking by on foot. The licence also stated that they

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should have 2 cameras outside the premises, contact numbers displayed on the door and litter patrols. All of these would conditions would continue to apply.

- These conditions had been imposed in July 2009 when the previous application had been submitted. There had been significant objections to that application at time, now the only remaining objector was the Parish Council. The Parish Council had written a letter in 2009 which was almost identical to the letter received in objection of this amendment.
- There was now no objection from the police. They had written to the Police on 3 occasions regarding this amendment, with no response. There was not a problem with crime and disorder around the retail park - the dispersal order from 2007 had not been repeated. In terms of public nuisance, the same comments again were made by the Parish Council, but there were no objections from the public this time.
- The other retail premises were not a matter for this hearing.
- The Premise had been running well, no complaints had been received and this application was simply seeking to extend what already happened to quieter nights of the week.

The Objector, Alan Aguttr from Greenham Parish Council then addressed the hearing, making the following points:

- McDonalds agreed that after 11pm all drive in customers would not be allowed to park and stay in the car park. This was where all the anti-social behaviour had been happening. This included drug taking.
- McDonalds said there was CCTV outside, but it was only on the inside and did not show the car park.
- McDonalds had done very little in helping the community or police in sorting out these problems, and did not prosecute.
- The Parish had had to push them to display the numbers on their door –which were now no longer there.
- Another objection was to the problem of litter. Residents had to undertake a daily clear up for 3 months. McDonalds had now conceded to occasional litter picking, but only on their site, which was not where the main problem was. They had also been abusive to residents who were clearing the litter. The litter patrols that were currently happening were not adequate.
- McDonalds were not interested in working with Police, community or wardens in sorting these anti-social issues out.
- There were now large numbers of HGVs going through this area and a 24hr McDonalds would provide a good stop off point and as McDonalds did not ask people to leave their car park, it would cause issues.
- The Police department dealing with Licensing had been reduced from four to one member of staff, so the workload might be too great for them to make a representation, however, they had informed the Parish that anti-social behaviour was a problem.

In response to questions from Councillors, Alan Aguttr stated that:

- Members of the public had complained to him about issues relating to litter and anti-social behaviour and he had taken it up as their representative.
- He had personally reported problems with drug taking to the police and had also picked up litter and drug paraphernalia himself. He had brought in a bag of the

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forementioned to the meeting. He also stated that shoplifting had increased by 200% in the area. Councillor Peter Argyle responded that issues occurring on other retail premises were irrelevant to this application.

- When vehicles had gone through drive through they should move on but they were not doing so and were congregating in the car park. Boy racers also used the area and came around the roundabout and down Pinchington lane in the early hours of the morning.

Councillor Peter Argyle requested that the Applicant address any of the concerns or points raised, in particular regarding CCTV. The Applicant, Mr Manwani, responded, making the following points:

- Parking was not a condition of the current license – cars were allowed to drive through and then park up in the car park.
- They had three external cameras, two showed the car park and one showed the drive through.
- He had sent three letters to PCSOs to invite them in to discuss improvements in the area and had had no response. He also attended the retail park tenants meeting every three months. He had never been approached by anyone to prosecute regarding any of the trouble. Mr Manwani had been approached once, by the police, following the receipt of forged bank notes, for which they did prosecute. He had not had any contact from the Police regarding boy racers.
- McDonalds had an employee purely for litter patrols who worked Tuesdays and Thursdays for 3.5 hours each day to clear the neighbouring areas, not just premises. Also a person was employed from 11-8pm every day to maintain the premises and neighbouring roads. At the most recent tenants’ meeting an issue was raised regarding the retail park bins which were not being emptied. Mr Manwani offered to help and asked for keys.
- He had not seen any HGVs parking up as yet, even if they were not open 24hrs, HGVs could still park in the car park if open or not, but they could not get through the drive through anyway.
- He had had three signs with a phone number, for the windows which did peel off, there was since a new number which has just been displayed with permanent fixings.

Councillor Peter Argyle asked Alan Aguttr if he had any further questions. Mr Aguttr asked why McDonalds staff had been abusive to residents and had taken photos of residents bringing back litter. Mr Manwani stated he was not aware of this incident.

Resolution:

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that Application 11/00074/LQN be amended with immediate effect subject to the conditions as in the operating schedule and any relevant mandatory conditions in ss19-21 of the Licensing Act 2003.

(The meeting commenced at 2.00 pm and closed at 3.00 pm)

CHAIRMAN

Date of Signature