

LICENSING SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 4 JANUARY 2012

Councillors Present: Peter Argyle, Paul Bryant (Chairman) and Mollie Lock

Substitute: Geoff Mayes

Also Present: Sarah Clarke (Solicitor), Emilia Matheou (Licensing Officer) and Denise Anns (Clerk).

PART I

1. Declarations of Interest

There were no declarations of interest received.

2. Application No. 11/01803/LQN - McDonalds 63 Northbrook Street, Newbury RG14 1AE

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 11/01803/LQN in respect of MacDonald's, 63 Northbrook Street, Newbury RG14 1AE.

In accordance with the Council's Constitution, Emilia Matheou (Licensing Officer, West Berkshire Council) and Rebecca Clutten solicitor for the applicant addressed the Sub-Committee on this application.

Ms Matheou, in addressing the Sub-Committee, raised the following points:

On 02 November 2011 West Berkshire Council's Licensing Team received an application for a premises licence to be granted under the Licensing Act 2003 from McDonald's Restaurants Limited, 63 Northbrook Street, Newbury Berks RG14 1AE.

The application was made for the licensable activity – provision of late night refreshment Monday – Sunday 23.00 to 0500hours. The consultation period ran from 02 November 2011 to 30 November 2011.

Representation on the ground of prevention of public nuisance, crime and disorder was received from Mr Graham Hunt Chief Executive Officer, Newbury Town Council.

No mediation had taken place.

Rebecca Clutten (Shoosmiths), in addressing the Sub-Committee, raised the following points:

Currently McDonald's traded for 18hours per day in the high street location and in the last two years had received no objections. It was a well managed store with no existing problems. It was sited near to a Domino's Pizza outlet which operates until 02.00am. All the applicant was asking for was a six hour extension to their existing hours of business. They were not proposing to sell alcohol and no drinks would be supplied in glass containers. No representations had been received from relevant authorities such as the Police or Environmental Health, and there had been no representations received from any businesses or residential groups in near proximity to the restaurant. The only representation received was from Newbury Town Council who claimed to be acting on behalf of their constituents although no evidence had been provided to that effect.

LICENSING SUB-COMMITTEE - 4 JANUARY 2012 - MINUTES

The issue of possible additional noise disturbance would not be a problem as the restaurant was fitted with self closing doors and it was not a high noise generating activity as the majority of their custom was eat in, hence the significant number of seats in the restaurant. The restaurant was in a town centre location and was 100 metres from the nearest residential property.

Regarding the issue of customers being intoxicated, the intoxication was outside the control of the applicant as McDonald's do not serve alcohol. Late night food provision might help with this problem and what people chose to do after they had left the premises was also outside the control of the applicant. All staff were trained in safety and security and there was extensive CCTV coverage within the restaurant with a radio link to the police.

There were no existing problems regarding litter and the applicant provided extensive litter patrols that also included them picking up litter other than that originating from the restaurant. There were 2 – 3 litter patrols throughout the day with waste bins supplied within the restaurant. Northbrook Street also had a number of litter bins. To conclude there appeared to be no realistic risk and no real concern to approving this application.

Councillor Paul Bryant the Chairman asked if the members of the Sub-Committee had any questions.

Councillor Peter Argyle as for clarification of the restaurant's current opening hours, were they 5.00am until 11.00pm at night. Ms Clutten replied to say that they were.

Councillor Mollie Lock asked the extent of the litter patrols. A map was produced by Mr Gareth Crampton (Restaurant Manager) that showed the area covered. As the information was submitted outside of the required five days it was shown with agreement of Councillor David Allen (representing the objector Newbury Town Council) to the Sub-Committee.

Councillor Paul Bryant asked what time the litter patrols stopped. Ms Clutten responded to say that they stopped at 7.00pm. Councillor Paul Bryant went on to ask if the applicant had considered extending the hours for litter collection. Ms Clutten replied that it was a personal safety issue between the hours of 11.00pm to 5.00am for individuals to be out on their own collecting litter.

Mr Andrew Holtrop (Area Manager) advised that the Shift Manager could make a decision regarding additional patrols, but that the immediate area surrounding the restaurant was constantly patrolled and cleared.

Councillor David Allen drew attention to the fact that the map did not extend into Park Way and asked if the applicant was going to extend the coverage of the litter patrols to cover that area. Mr Crampton (Restaurant Manager) responded to advise that that had not been considered at the present time, and was not sure if it was appropriate.

No further questions were raised.

3. Representations

Councillor David Allen who was representing Newbury Town Council advised that Newbury Town Council's Planning and Highways Committee had discussed the application and had taken the following views:

The later opening hours would cause noise disturbance to local residents. The Town Centre is becoming more and more residential. Planning applications for flats were increasing and conversions from shops and offices to living accommodation were on the increase. For instance the Newbury Town Council had recently considered applications for flats in Northbrook Street and West Street, all within a very short distance of the restaurant.

LICENSING SUB-COMMITTEE - 4 JANUARY 2012 - MINUTES

In addition, the Parkway development had opened and 147 apartments would shortly be ready for occupation. The Parkway site was very close to the restaurant and Newbury Town Council believed that residents would be disturbed by the extension of the opening hours.

The later opening hours of what was primarily a take-away restaurant would mean that more people, possibly in an intoxicated state, would remain in the town and on the streets for a longer period thereby increasing the possibility of public disorder incidents. It would also generate more litter and the time window for clearance of the litter would be reduced. It had been noted that the applicant had not agreed in the application to additional litter patrols or that the patrols would include the Parkway area.

Were the application approved, Newbury Town Council would urge the applicant to ensure that regular cleaning patrols took place and that notices were displayed asking customers to respect the fact that they were in a residential area and should keep noise to a minimum. The Town Council would also ask that any CCTV system in place should be operating 24 hours a day.

Councillor Paul Bryant, the Chairman, asked if the members of the Sub-Committee had any questions. The Sub-Committee responded to advise that they had no questions.

The Sub-Committee retired at 10.50am to make its decision.

Having taken the representation into account, the Licensing Sub-Committee **RESOLVED** that Application 11/01803/LQN be granted 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 10.00 am and closed at 10.50 am)

Name

Date of Signature

Name

Date of Signature

Name

Date of Signature