

# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## LICENSING SUB-COMMITTEE

### MINUTES OF THE MEETING HELD ON MONDAY, 20 AUGUST 2012

**Councillors Present:** Peter Argyle, Paul Bryant (Chairman) and Geoff Mayes

**Substitute:** Manohar Gopal

**Also Present:** Sharon Armour (Solicitor) and Emilia Matheou (Technical Officer), Moira Fraser (Democratic Services Manager)

#### PART I

##### 1. **Declarations of Interest**

There were no declarations of interest received.

##### 2. **Application No. 12/01110/LQN - McDonalds Restaurant Pinchington Lane**

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 12/01110/LQN in respect of McDonalds Restaurant, Pinchington Lane, Newbury, RG14 7HU.

In accordance with the Council's Constitution, Emilia Matheou (Licensing Officer, West Berkshire Council) and Annabel Graham-Paul (Barrister), Andy Holtorp (Operations Manager) and Aran Warsfold (Business Manager) (Applicant) addressed the Sub-Committee on this application.

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

- Under section 34 of the Licensing Act 2003 an application to vary the existing premise licence (09/01622/LQN) had been received on the 26 June 2012 from McDonald's Restaurants Limited;
- The application to vary the licence related to licensable activity as set out in section L of the application form which related to the provision of late night refreshment and section O which related to the hours the premises were open to the public.
- The application sought to remove condition 1 of the existing premise licence thereby permitting the sale of refreshments on the premises between 23h00 and 05h00;
- The exiting premise licence only permitted the sale of refreshments at these times through the drive through operation;
- Within the prescribed 28 day consulting period the Licensing Department had received one representation and this had been an objection from Newbury Town Council;
- No mediation had taken place on this application.

Annabel Graham – Paul and Andy Holtorp, in addressing the Sub-Committee, raised the following points:

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- Ms Graham –Paul was acting as the legal representative on behalf of McDonald's Restaurants Limited, The Business Manager for the unit Mr Aran Warsfold was present to answer any specific questions relating to the premise and Mr Andy Holtorp would also be addressing the Sub-Committee.
- The applicant's were seeking to remove Condition 1 in Annex 3 of licence number 09/01622/LQN. In the event that Members were minded to agree to the removal of Condition 1 it would also seem appropriate to amend Condition 2 to ensure that it pertained to the drive through element of the business only;
- The application also sought to amend the internal layout of the premise following the refurbishment of the site that had recently taken place;
- The applicants had undertaken informal consultation with the Sgt David Milson of Thames Valley Police in relation to the removal of the Condition restricting operation to the drive through section of the restaurant during the hours of 23h00 to 05h00;
- The applicants had explained how the business would operate and the safeguards that were in place to Sgt Milson;
- His favourable reaction to the consultation had led to the submission of this application;
- The applicants hoped that this informal consultation process would allay Newbury Town Council's concerns relating to the police;
- In respect of the location of the site it was noted that surrounding residential developments were located some distance from the premise and that in many cases they were separated from the site by the A339 which was a busy road;
- The premise was located in a retail park and in addition there was a Tesco Superstore (24 hour opening) and Petrol Station in close proximity;
- Customers using the drive through were likely to consume their refreshments in the car park which could generate additional noise and litter; opening the restaurant was likely to reduce noise and litter levels;
- No noise complaints had been received from the drive through but three of Mr Holtorp's other seven outlets had recently adopted similar operations which had assisted with reducing noise and litter levels;
- There was no price incentive to eating in the restaurant;
- The premise had recently been refurbished which was likely to make it more attractive to customers than using the drive through;
- The store was fitted with a CCTV system (Staff Safe) which was linked to a remote monitoring station. In the event of any incident an alarm would be triggered by the manager or staff and the incident could then be watched and recorded by the offsite CCTV operators. The audio system would be taken over by the CCTV operators who would inform the perpetrators that the incident was being recorded on an evidentiary quality system that could be used to prosecute them. The new system had not been used at this site but appeared to be effective elsewhere;
- All managers, in addition to hospitality training, were also required to undertake conflict resolution training;
- If it would be considered to be beneficial McDonalds would be happy to place signage on this site requesting patrons to keep the noise levels down when exiting the premise;

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- No objections had been received from the police, environment health or any residents.

Councillor Peter Argyle noted the assertion that making use of the restaurant was likely to reduce litter levels and queried whether there were any plans to reduce the number of litter patrols already in operation. The applicant confirmed that they had no intentions to reduce the number of litter patrols and would be happy to increase them should this be required.

The Sub-Committee then took into account the representations of the objectors Newbury Town Council who did not attend the hearing.

*Concern at removing a condition that was originally requested by the police.* It was noted that the amendments had been discussed with Sgt Milson of Thames Valley Police and that he had not raised any objections to the application to vary the premise licence.

*Concern that McDonalds have stated in the past that the police have not objected.* was noted that the amendments had been discussed with Sgt Milson of Thames Valley Police after being consulted directly had not raised any objections to the application to vary the premise licence.

*Concern at the creeping extension of the licence over time.* The Sub-Committee was not able to explore this further as no objectors present.

*Concern that McDonalds have stated that there are no issues but local residents' views are different.* No objections had been received from local residents and there was therefore no information to uphold this statement.

*Concern that any further late night encouragement will lead to noise and disturbance to local residents at antisocial hours.* The Sub-Committee took into account the assertion made by the applicants that there was less likely to be a disturbance to local residents if the patrons were consuming the refreshments on the premises.

The Sub-Committee retired at 10.25am to make its decision.

Having taken the representations into account, including the written representations made by Newbury Town Council, the Licensing Sub-Committee **RESOLVED** that Application 12/0110/LQN be granted, subject to the following amendments to the conditions:

1. Condition 1 as set out in Annex 3 of the Premise Licence dated the 11 June 2012 'Late night refreshment shall not be available for consumption on the premise' to be removed.

REASON: the prevention of public nuisance

2. Condition 2 as set out in Annex 3 of the Premise Licence dated the 11 June 2012 'No late night refreshment will be provided to patrons visiting the premises on foot during the hours when late night refreshment is provided from the premises' to be amended by the inclusion of 'through the drive through lane' at the end of the condition.

REASON: the prevention of public nuisance

3. Notices requesting consideration from the public in respect of noise levels to be placed inside the premises

REASON: the prevention of public nuisance

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*(The meeting commenced at 10.00 am and closed at 10.25 am)*

**Name** .....

**Date of Signature** .....

**Name** .....

**Date of Signature** .....

**Name** .....

**Date of Signature** .....