

**Aylesbury Vale District Council**

**DECISION OF THE LICENSING AND GAMBLING ACTS SUB-COMMITTEE  
FOLLOWING A HEARING ON 18 MAY 2010 HELD AT THE COUNCIL'S  
GATEWAY OFFICES, GATEHOUSE ROAD, AYLESBURY**

**Application by McDonald's Restaurants Ltd for a premises licence for  
McDonald's, 24 High Street, Aylesbury, Buckinghamshire.**

**Members of the Sub-Committee**

Cllr Terry Jones (Chairman)  
Cllr Jackie Phipps  
Cllr Corrie Cashman

**Declarations of interest**

None.

**The application**

The Sub-Committee has given careful consideration to the application before it, namely, to grant a premises licence for McDonald's, 24 High Street, Aylesbury, Buckinghamshire.

The application seeks permission to provide late night refreshment only on Thursdays, Fridays and Saturdays until 03.00 hours.

The application received one representation from Aylesbury Town Council (ATC), acting in its capacity as an interested party. ATC objected to the application on the grounds of protecting children from harm and preventing public nuisance. The representation stated that the application "will encourage youngsters to 'hang out' in the early hours" and questioned whether the predominantly young staff would "be able to police unruly behaviour late at night". ATC also complained about more litter and asserted that it would "set a precedent for all other take-away premises in the town centre".

At the hearing, the applicant was represented by counsel, namely, Mr Cain Ormondroyd and Mr Bruce Souster (First Assistant Manager) and Mr Mike Harris (Security Manager) gave evidence in support of the applicant.

ATC were represented by Cllr Steven Mitchell.

During the course of the hearing, Mr Ormondroyd volunteered the following conditions:

1. Litter resulting from the operation of the business shall be collected from within 100m of the store at 7.00am on each morning following trading in the licensable hours the night before.

2. All members of staff working between 11.00pm and closing time shall be over 18 years of age.

### **The decision**

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We confirm that in making our decision we have sought to promote the licensing objectives.

Under the Licensing Act, we cannot modify the conditions or reject the whole or part of the application merely because of unsubstantiated concerns or because we consider it desirable to do so. Any regulation we impose must actually be necessary in order to promote the licensing objectives and must be supported by real evidence that it was required in the circumstances of the case.

We are satisfied that in all the circumstances, the impact of the grant of the premises licence on the licensing objectives does not necessitate a rejection of the application.

In response to a question we asked, Cllr Mitchell confirmed that ATC had no problems with how McDonald's currently operate until 23.00 hours and confirmed that their main concern about children could not be proved.

By their own admission, therefore, ATC's representation was based entirely on speculation without reference to any actual incidents. The representation was unsubstantiated and not supported by any of the responsible authorities and thus could not justify a refusal of the application.

In granting the application, we noted the good systems, procedures and practices McDonald's have in place to deal with the type of concerns expressed by ATC and it is important that they are fully and properly complied with. Not least of all because ATC, amongst others, have the right to ask for the licence to be reviewed if problems relating to one or more of the licensing objectives arise in the future.

### **Conditions**

Having regard to the representations made, we are satisfied that no further conditions are necessary in order to promote the licensing objectives.

The mandatory conditions and the conditions volunteered by the applicant (i.e. the details of the amended operating schedule) have not been reproduced in this decision notice but will be set out in the licence document itself.

### **The effective date of this decision**

This decision will take effect when the licence (or a certified copy) is kept at the premises and a summary of that licence (or a certified copy) is displayed at the premises. These documents will be issued by Licensing Services as soon as possible.

### **Right of Appeal**

ATC have a right of appeal to Aylesbury Magistrates' Court against this decision. ATC can appeal against the grant of the application or on the grounds that different or additional conditions should have been imposed.

If you wish to appeal you must notify Aylesbury Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

7 June 2010