



## Licensing Sub-Committee agenda

Date: Tuesday 26 January 2021

Time: 6.30 pm

Venue: via video conference

### Membership:

C Jackson (Chairman), J Rush and B Stanier Bt (Buckinghamshire Council)

S Renshell (Reserve)

### Webcasting notice

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If you have any queries regarding this, please contact the monitoring officer at [monitoringofficer@buckinghamshire.gov.uk](mailto:monitoringofficer@buckinghamshire.gov.uk).

### Agenda Item

### Page No

**1**      **Introductory remarks by the Chairman**

**2**      **Apologies for absence**

**3**      **Declarations of interest**

To receive any disclosure of disclosable pecuniary interests by Members relating to any items on the agenda. If any Member is

uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.

<b>4</b>	<b>Hearing Procedure Rules</b>	<b>3 - 16</b>
	To note the hearing procedure rules and virtual licensing sub-committee procedural rules.	
<b>5</b>	<b>Application for a new Premises Licence - McDonald's Restaurant, 37 Oxford Road, New Denham, Denham, Bucks UB9 4DA</b>	<b>17 - 26</b>
	To consider an application under s.17 of the Licensing Act 2003 for a new premises licence in respect of McDonald's Restaurant, 37 Oxford Road, New Denham, Denham, Bucks UB9 4DA (application and report attached).	
	<b>Appendix 1</b>	<b>27 - 28</b>
	<b>Appendix 2</b>	<b>29 - 48</b>
	<b>Appendix 3</b>	<b>49 - 50</b>
	<b>Appendix 4</b>	<b>51 - 52</b>
	<b>Appendix 5</b>	<b>53 - 54</b>
	<b>Appendix 6</b>	<b>55 - 56</b>

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Leslie Ashton on 01895 837227, email [leslie.ashton@buckinghamshire.gov.uk](mailto:leslie.ashton@buckinghamshire.gov.uk) .

**BUCKINGHAMSHIRE COUNCIL**

**LICENSING SUB-COMMITTEE HEARING PROCEDURE**

Procedure at Hearings before the Licensing Sub-Committee in relation to matters mainly under the Licensing Act 2003 as amended (“The 2003 Act”) **except** Interim Hearings (Summary Review of a Premises Licence) conducted pursuant to Section 53B of the Licensing Act 2003, as amended (separate Procedure).

Hearings for Gambling Premises are dealt with under the Gambling Act 2005 as amended.

**ADMINISTRATION IN RELATION TO A HEARING**

1. Prior written notice of the Hearing will have been given to the interested/relevant parties.
  - (a) Where a party has informed the Council that they will not be attending or represented the Hearing may proceed in their absence.
  - (b) Where a party has not replied to the notice, does not attend and is not represented then the Sub-Committee may proceed with the Hearing in that party’s absence or adjourn the Hearing if it is considered necessary in the public interest to do so.
  - (c) If a party has indicated they will attend but does not appear, that party must inform the Council of any delay – with reasons - and in consideration thereof the Sub-Committee can decide to proceed with the Hearing or adjourn to later the same day or another time. If a party is more than 15 minutes late and has not contacted the Council with details of any delay – the Sub-Committee can decide to proceed with the Hearing or adjourn to later the same day or to another time.

If the Hearing is held in a party’s absence, the Sub-Committee will still consider the application, representation or notice made by that party.

2. A Hearing can be dispensed with if all parties give notice that they consider a hearing unnecessary. If this is the case the application/notice will still be determined by the Sub-Committee in public – unless it is considered to be in the public interest that the determination should be in private - on the basis of the advance papers provided, with the Licensing Officer introducing his/her report and answering any queries the Sub-Committee may have before they make their determination.
3. Representations can be withdrawn by prior notice 1 working day before the Hearing or orally at the Hearing.
4. Hearings shall take place in public **except where** the Council considers that the public interest in excluding the public from all or part of the Hearing outweighs the public interest in it remaining public. The Council considers it to be in the public interest to exclude the public, including all parties, when the Sub-Committee are deliberating in order to reach their decision. Where facilities permit, public hearings will be available to be viewed and participated in online using the Councils webcast service. Members of the public who wish to record, photograph, film and report on public hearings are asked to advise the

Democratic Services Officers before the Hearing so that where possible all necessary practical arrangement can be made.

5. At the Hearing any party can be assisted or represented by any person whether or not that person is legally qualified.
6. The Hearing will be before the Licensing Sub-Committee which will be made up of three Members of the Buckinghamshire Council's Licensing Committee who will at the beginning of the session agree and identify which of them is to act as Chairman for the Hearing. Each matter/application will be dealt with individually and three Members **must** be able to participate in relation to each application for the Hearing to proceed and remain until the subject application/notice is determined.
7. The Chairman will address any issues of interests under the Council's Member Code of Conduct at the Hearing after the introductions have been made
8. Members of the Licensing Sub-Committee must consider beforehand if they need to declare any personal interests and whether their personal interest is also a prejudicial interest in which case they will not be able to attend the Hearing. Members who have any Disclosable Pecuniary Interests will not be able to attend the Hearing either. Members should also consider beforehand if they have or would be considered to have predetermined the matter in which case they should also distance themselves from the determination of the matter and not attend the Hearing.
9. Members of the Licensing Sub-Committee will have received in advance (5 clear days) in relation to each application/notice to be considered, the Licensing Officer's Report and associated papers and will come to the Hearing having read those papers.
10. Account can be taken of documentary or other information produced by a party in support of their application, representation or notice (as applicable) either 1 working day before the Hearing or - with the consent of all other parties - at the Hearing, in which case sufficient copies are required to be provided for all relevant parties. Any party wishing to call another person (other than a person representing them) to make oral representations must provide details of this to the Council within the time stated in the Notice of Hearing which the Council will serve on the Parties. At the beginning of the Hearing the Sub-Committee will consider any such requests and confirm whether permission is granted for that person to speak.
11. The Sub-Committee may disregard any information which is not considered relevant to the application/representation/notice and the promotion of the licensing objectives.
12. The purpose of a Hearing is to enable those with a right to appear to amplify their written application or representation and to test the case of their opponents. It is also to assist the Sub-Committee to gather evidence and understand the relevant issues. The parties (including other persons on their behalf) will be allowed an equal reasonable period of time to address the Hearing and ask questions – the Chairman may set such maximum period of time in the interests of the progress of the Hearing in the public interest. Where the representations made relate to the same or similar issues, a spokesperson should be

appointed where possible to speak on behalf of any person who has made a written representation.

13. Parties can ask questions of other parties in accordance with the procedure below. The Chairman can stop a party asking questions if they feel the questions are unnecessary. Parties are expected to treat other parties with respect and any form of harassment or excessive questioning will not be tolerated. In such cases the Chairman will ask the party to discontinue that type of questioning. The Chairman can require any person (including any of the parties) who is disrupting the proceedings to leave the Hearing.
14. The Decision of the Licensing Sub Committee will be made after the close of the Hearing for that matter and confirmed in writing to the Applicant and all parties who submitted relevant representations together with details of the right of appeal within the time limits set out in Legislation and Regulations. The date of formal notification for the purposes of any appeal against the Licensing Sub-Committee's decision will be the date the letter from the Licensing Officer enclosing the Decision Notice and confirming the rights of appeal and the timescales involved is deemed to have been served on the parties.
15. The Sub-Committee may depart from this procedure (as varied/amended from time to time based on changes to law and practice) if it considers it necessary and/or equitable to do so.

#### **AT THE HEARING**

1. The Chairman will open the Hearing and start the introductions of the Sub-Committee and Officers and ask each party to introduce themselves. The Chairman will confirm that if a party is not present their representations/application will have been read and will be considered in reaching the decision.
2. The Chairman will address any interest arising under the Code of Conduct.
3. The Chairman will consider any submitted requests from a party for permission for another person to appear at the Hearing. If necessary, the sub-committee will retire to deliberate before making a decision.
4. The Chairman will confirm that the Hearing will take the form of a round the table discussion led by the Sub-Committee in accordance with this procedure. If all parties present confirm that they have seen and understand the procedure to be followed at the Hearing and agree they are ready to proceed then the Hearing **shall commence as set out from para 9 below.**
5. The Chairman will remind everyone that the purpose of the Hearing should be borne in mind at all times i.e.
  - to enable those with a right to appear to advance their point of view and concerns and to test the case of their opponents and
  - to assist the Sub-Committee to gather evidence and understand the relevant issues.

6. The Chairman will confirm what advance papers have been received and that these have been read and therefore there is no need to repeat these matters.
7. The Chairman will make clear that parties should only address the Sub-Committee in relation to matters previously raised/submitted. Late evidence to be submitted at the Hearing will only be considered by the Licensing Sub-Committee with the consent of all parties present.
8. The Chairman will then outline the procedure to be followed by reading out points 9 to 15 below **unless** all parties present have confirmed that they have seen and understood the procedure and are ready to proceed with the Hearing.
9. The Chairman will ask the Applicants whether they wish to make any amendments to their application with a view to addressing issues raised by the representations.

#### 10. ORDER OF ORAL PRESENTATIONS

- a. The Licensing Officer will present their report outlining the details of the application/notice and representations received.
- b. Any party may question the Licensing Officer.
- c. The Members may question the Licensing Officer.
- d. The Responsible Authorities will present their case and call their witnesses\*.
- e. Any other party may question the Responsible Authorities.
- f. The Members may question the Responsible Authorities.
- g. Each Interested Party will present their case in turn and call their witnesses\*.
- h. Any other party may question the Interested Party.
- i. The Members may question the Interested Parties.
- j. The Applicant/Licence Holder will present their case and call their witnesses\*.
- k. The other parties may question the Applicant/Licence Holder.
- l. The Licensing Officer may question the Applicant/Licence Holder.
- m. The Members may question the Applicant/Licence Holder.

\* If permission has been given to do so.

11. Before moving onto the next party, the Chairman will check there are no further points the current party wishes to make or any further questions that need to be put to that party.
12. On a without prejudice basis, the Licensing Officer will present the schedule of proposed non mandatory Conditions to be imposed of any Licence if granted as set out in their report. Each party will be asked to address/give their views on those proposed conditions and suggest any other appropriate conditions to assist the Sub-Committee. If possible an agreed schedule of conditions will result. It will remain however for the Sub-Committee to determine what conditions will apply should the application be successful.
13. Each party will be invited to make closing submissions in the following order
  - a. Licensing Officer
  - b. Responsible Authorities
  - c. Interested Parties

d. the Applicant

14. The Chairman will then close the Hearing and the Sub-Committee will retire together with the Committee Clerk and the Sub-Committee Legal Advisor for the matter to be determined.

15. The Sub-Committee will come to a decision which will be sent to the Applicant and all other parties' who submitted relevant representations within the time limits set out in Regulations together with details of the right of appeal.

**NOTE**

IN PRODUCING THIS PROCEDURE, THE FOLLOWING HAVE BEEN CONSIDERED: -

- Licensing Act 2003 *as amended* - and Explanatory Notes
- National Guidance
- The Licensing Act 2003 (Hearings) Regulations 2005 as amended
- The Human Rights Act 1998.
- Local Government Act 1972 as amended.

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## Licensing and Regulatory Sub-Committee Virtual Procedural Rules

### Introduction

The Secretary of State for Housing, Communities and Local Government made [Regulations](#) (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020) to ensure local authorities can conduct business during the current public health emergency and this legislation was passed on 4 April 2020. The Regulations will apply to local authority meetings (full council, executive, joint committee, committee or sub-committee) held before 7 May 2021 from 4 April 2020. Councils can make standing orders in respect of virtual meetings, and will not be constrained by any existing restrictions. The Licensing Act 2003 and the Licensing Act 2003 (Hearing) Regulations 2005 provide flexibility to Licensing Authorities in determining their own hearing procedures.

Councils can make standing orders in respect of virtual meetings, and will not be constrained by any existing restrictions.

### Before the Hearing

#### Access to Information

The Council can hold and alter the frequency and occurrence of meetings without requirement for further notice.

The new 2020 Regulations make provision for local authority members and officers, and the public, to have access to documents without attending council buildings and it will be sufficient for local authorities to publish the documents on their website. This includes notices, agendas, reports, background papers and minutes. The Proper Officer will give the requisite notice to the public of the time of the meeting, and the agenda, together with details of how to join the meeting which will be available on the website.

The obligation under the old Regulations (Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 ) to supply copies of such documents in response to requests made by members of the public and on behalf of newspapers is disapplied.

The requirement in England for 5 clear days' notice to be given of principal council meetings, including annual meetings, still applies however notice can now be given on the council's website. However, it should be noted that Licensing is not subject to this but is bound by the Licensing Act 2003 and there may be occasional times when these requirements cannot be met.

#### Time and Place of Meetings

Meetings can be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming even if particular members of the public cannot access them. This Council will use Microsoft Teams to hold virtual

meetings and will invite external participants to virtual meetings, if any, via email or telephone. Where possible, virtual meetings will be webcast where the Hearing is held in public via a link published on the meeting webpage.

The Constitution states that when reasonably practical, a sub-committee meeting should be held at the Council facility which is closest to the premises or issue that is the subject of the meeting. However, this requirement cannot be met during this current period.

### **During the Hearing**

It is a requirement for such hearings that:

- a) proper notice is given, with all papers served timeously on the authority and published online;
- b) the actual parties to the hearing are able to participate;
- c) any member of the public can see or hear, albeit not participate in, the hearing.

Although held in a virtual format, Hearings dealing with new licences or variations to existing licences will follow the standard procedure. Panel Members may ask questions of any party at any time. Questions are usually taken after each person has spoken. It is helpful to undertake a document check at the start of the Hearing.

In terms of issues that may arise during the Hearing the following rules apply:-

#### **Quorum for Meetings**

The rules for quorum will still apply. This is 3 Councillors for a licensing or regulatory sub-committee. It is also considered good practice to have a reserve member, in case of interests. The constitution states that if a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chairman, the business of the meeting will be adjourned. The Chairman may allow for flexibility around the start time of the meeting where there are any technical issues.

In the event of any apparent failure of the technology the Chairman should immediately determine if the meeting is still quorate. The Chairman could adjourn for 10-15 minutes to allow the connection to be re-established. If an individual remote participation fails the Chairman may call a short adjournment. As the hearing must have 3 members present, the meeting will be reliant on the lost connection being re-established to ensure all members are present for the entire discussion in order to hear all of the facts and vote on the matter.

You can only have 3 members on the Licensing and Regulatory Sub-Committees (LSC) for each Hearing (as per Section 9 of the Licensing Act 2003 and the Constitution Terms of Reference for the LSC). The reserve member is only there in case an interest rises at the beginning of the Hearing or one of the 3 members identified as being on the LSC fails to turn up to the virtual meeting. It is only those 3 members who have been identified as being on the LSC for that Hearing who can ask questions of the other parties. A reserve member would not be able to participate if the technology fails for one of the members present as whilst they would be listening they will not have taken an active role nor been included in the process/asked to see if they have any questions etc.

## Attendance at meetings and webcasting

Once everyone is present at the start of the Hearing the 'room can be locked' unless the Chairman/Democratic Services Officer believe that additional persons need to be included during the Hearing.

A roll call or introductions will be made at the start of the meeting to record those present. There is no requirement for councillors to sign their names on the attendance sheets when attending a virtual meeting. The Democratic Services Officer will maintain a list of attendance throughout the meeting.

To be classified as a 'member in attendance' and attend a meeting remotely, the following conditions must be satisfied;

a) councillors must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other councillors in attendance at the meeting. This full requirement also extends to members of the public attending to exercise a right to speak at the meeting

b). All other members of the public must as a minimum be able to hear (but if practicable be seen as well)

In practice this means that if councillors and speaking members of the public can be heard and hear each other and other members of the public not speaking can hear, this would fulfil the requirements of holding a virtual meeting.

Members of the press and public may only be excluded from a meeting in accordance with the Access to Information Rules.

The Regulations state that meetings being open to the public include access by remote means. Such access includes (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person. For clarity, a meeting recorded and then posted online after the event would not satisfy this requirement.

The people on the Teams call who are present throughout the meeting are the Members 'round the table' and any officer supporting the meeting. The public gallery, where Members can sit and observe the meeting alongside members of the public, is the webcast version. It is important to keep numbers in the meeting (except for those allowed to be present as Members) to a minimum to enable the proper flow of the virtual meeting.

## Conflicts of interest

Councillors should consider if they have an interest, and, if required, seek advice from the Monitoring Office, or their deputy, before the meeting starts. If a Councillor appointed to a licensing hearing considers that their interest is prejudicial they should notify Democratic Services as soon as possible so that an alternative councillor can be appointed to the licensing hearing. Where a councillor has an interest they must declare their interest and

the nature of it at the start of the meeting. If the interest is 'personal' having declared a personal interest the councillor may continue to speak and vote on the item of business concerned. If the councillor has a prejudicial interest they will not be able to take part in the discussion or decision and must leave the meeting. A reserve councillor, if available, will then be called upon to serve on the hearing in their absence.

#### Minutes of meetings

The Minutes of meetings will be signed and kept by the Chairman until government guidance allows councillors and officers to return the signed copy to the office.

#### Questions

Questions will be asked in the normal way as set out in the Constitution.

#### Order of business (as normal)

1. The Chairman will open the Hearing and start the introductions of the Sub-Committee and Officers and ask each party to introduce themselves. The Chairman will confirm that if a party is not present their representations/application will have been read and will be considered in reaching the decision.
2. The Chairman will address any interest arising under the Code of Conduct.
3. The Chairman will consider any submitted requests from a party for permission for another person to appear at the virtual Hearing. If necessary, the sub-committee will retire to deliberate before making a decision.
4. The Chairman will confirm that the Hearing will take the form of a virtual round the table discussion led by the Sub-Committee in accordance with this procedure. If all parties present confirm that they have seen and understand the procedure to be followed at the virtual Hearing and agree they are ready to proceed then the Hearing **shall commence as set out from para 9 below.**
5. The Chairman will remind everyone that the purpose of the virtual Hearing should be borne in mind at all times i.e.
  - to enable those with a right to appear at the virtual meeting to advance their point of view and concerns and to test the case of their opponents and
  - to assist the Sub-Committee to gather evidence and understand the relevant issues.
6. The Chairman will confirm what advance papers have been received and that these have been read and therefore there is no need to repeat these matters.
7. The Chairman will make clear that parties should only address the Sub-Committee in relation to matters previously raised/submitted. Late evidence to be submitted at the Hearing will only be considered by the Licensing Sub-Committee with the consent of all parties present.

8. The Chairman will then outline the procedure to be followed by reading out the order of oral presentations **unless** all parties present have confirmed that they have seen and understood the procedure and are ready to proceed with the virtual Hearing.
9. The Chairman will ask the Applicants whether they wish to make any amendments to their application with a view to addressing issues raised by the representations.
10. Order of oral presentations
  - a. The Licensing Officer will present their report outlining the details of the application/notice and representations received.
  - b. Any party may question the Licensing Officer.
  - c. The Members may question the Licensing Officer.
  - d. The Responsible Authorities will present their case and call their witnesses\*.
  - e. Any other party may question the Responsible Authorities.
  - f. The Members may question the Responsible Authorities.
  - g. Each Interested Party will present their case in turn and call their witnesses\*.
  - h. Any other party may question the Interested Party.
  - i. The Members may question the Interested Parties.
  - j. The Applicant/Licence Holder will present their case and call their witnesses\*.
  - k. The other parties may question the Applicant/Licence Holder.
  - l. The Licensing Officer may question the Applicant/Licence Holder.
  - m. The Members may question the Applicant/Licence Holder.

\* If permission has been given to do so.

Once they have made their representations under the requirements of the constitution they will need to switch off their microphone and not participate any further in the meeting unless they are asking any questions or wish to sum up. No speaking is timed.

11. Before moving onto the next party, the Chairman will check there are no further points the current party wishes to make or any further questions that need to be put to that party.
12. On a without prejudice basis, the Licensing Officer will present the schedule of proposed non mandatory Conditions to be imposed of any Licence if granted as set out in their report. Each party will be asked to address/give their views on those proposed conditions and suggest any other appropriate conditions to assist the Sub-Committee. If possible an agreed schedule of conditions will result. It will remain however for the Sub-Committee to determine what conditions will apply should the application be successful.

13. Each party will be invited to make closing submissions in the following order

- a. Licensing Officer
- b. Responsible Authorities
- c. Interested Parties
- d. the Applicant

14. The Chairman will then close the Hearing and the Sub-Committee will meet virtually together with the Committee Clerk and the Sub-Committee Legal Advisor for the matter to be determined.

15. The Sub-Committee will come to a decision which will be sent to the Applicant and all other parties' who submitted relevant representations within the time limits set out in Regulations together with details of the right of appeal.

When can the Chairman be interrupted ?

There are circumstances allowed for in the Constitution where the Chairman can be interrupted such as:-

- Technology is not working effectively
- Officer needs to provide advice
- Point of order or personal explanation

or any other area where the Constitution or Chairman allows.

Disturbance during proceedings

The Constitution states that if anyone interrupts proceedings the Chairman will warn the person concerned and if they continue to interrupt the Chairman will order their removal from the virtual meeting room. There may be circumstances where the person needs to be removed immediately for example if they are being inappropriate and the Chairman can do this by muting their microphone. If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary.

Adjournments

People will remain on the call with mics muted and cameras off until the meeting starts again. The Chairman may also want to consider having a comfort (screen) break for longer meetings. If there is a problem with the technology the Chairman should adjourn the meeting. However, this does not stop a meeting going ahead because a person does not have access to the required technology in the first place. If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful which renders the whole meeting incapable of proceeding and therefore the Chairman should adjourn until the remote meeting can be restored within a reasonable period, or at a time and date fixed by the Chairman or until the next ordinary meeting. Any interested party eligible to speak who attends to exercise their right to speak

and is unable to do so renders only their item incapable of proceeding unless they are happy to submit their comments through a written representation.

The Council will try and achieve the best possible outcome.

### **Deliberations and Exclusion of the Press and the Public**

Under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the licensing authority may exclude the public from all or part of the hearing where it considers that the public interest in doing so outweighs the public interest in the Hearing or part of that Hearing taking place in public. In addition there may be information in the agenda pack pertaining to the hearing be exempt from publication or discussion in public under Schedule 12A of The Local Government Act 1972 as amended. In these circumstances the public will be excluded from part or the whole of the Hearing as appropriate.

At the conclusion of the Hearing, the Sub-Committee together with the Democratic Services Officer and Legal Advisor, will remain in a private virtual meeting in order to deliberate on the decision. Interested parties will then be notified of the outcome of the hearing in writing after the meeting in accordance with required timescales.

Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

The Sub-Committee may depart from this procedure (as varied/amended from time to time based on changes to law and practice) if it considers it necessary and/or equitable to do so.

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**Buckinghamshire Council**

**Licensing Sub-Committee Hearing Date:  
26th January 2021, 18.30 hours**

<b>SUBJECT:</b>	<b>APPLICATION FOR A NEW PREMISES LICENCE</b> <b>at:</b>  McDonald's Restaurant 37 Oxford Road New Denham Denham Buckinghamshire UB9 4DA
<b>REPORT OF:</b>	<b>Application under section 17, Licensing Act 2003</b>
<b>Responsible Officer</b>	<b>Martyn Bruver – Licensing Officer</b>
<b>Report Author</b>	<b>Martyn Bruver – Licensing Officer</b>
<b>Ward/s Affected</b>	<b>Denham ward</b>

**1. Purpose of Report**

To provide Members with information enabling the determination of an application for a new Premises Licence, in respect of which relevant representations have been received.

The Application has been submitted by APPT Corporation Limited (“the applicant”) in relation to McDonald's Restaurant, 37 Oxford Road, New Denham, Buckinghamshire, UB9 4DA, (“the premises”).

**2. Background**

The premises is located on the south west side of Oxford Road in New Denham within a developed area. There is a forecourt providing parking and a drive-through service running along the sides and rear of the building.

Local authority records indicate the existing restaurant has been at this location since 2001. Prior to this time the Wagon and Horse public house was situated at this site which was licensed under the previous legislation.

Since becoming a restaurant, the premises has not previously required a Premises Licence as it closed at 23.00 and Late Night Refreshment only becomes a licensable activity after this time.

A location plan showing the premises location is attached to this report marked **Appendix 1**

### 3. The Application

3.1 This application is for a new Premises Licence to commence with immediate effect upon any decision to grant by this licensing authority. The application is for the provision of Late Night Refreshment only between the hours of 23:00-05:00 via drive-through only. A copy of the application is attached to this Report marked **Appendix 2**.

3.2 The licensable activities sought are as follows:

<u>Proposed activity</u>	<u>Proposed hours</u>
<i>Late night refreshment</i>	Monday to Sunday - 23.00 – 05.00
<i>Hours premises are open to the public</i>	Monday to Sunday - 05.00 – 05.00

### 4. Relevant Representations

#### 4.1 Responsible Authorities:

4.1.1 **The Chief Officer of Police:** No objection

4.1.2 **The Licensing Authority:** No objection

4.1.3 **The Fire and Rescue Authority:** No objection

4.1.4 **The Local Planning Authority (Head of Sustainable Development):** No response received

4.1.5 **The Local Environmental Health Authority (Head of Environmental Health):** No objection

4.1.6 **Weights and Measures Authority (Trading Standards Officer):**  
No response received.

4.1.7 **The Safeguarding and Child Protection Unit:**  
No objection, comment made

4.1.8 **The Primary Care Trust:**  
No response received.

4.1.9 No responses were received from any other Responsible Authority.

4.2 **Any other persons:** Two (2) objections were received during the 28-day consultation period which ended on 24th December 2020. A copy of these are attached marked **Appendix 3**.

4.3 No letters of support were received.

## 5. Licensing Officer's Observations:

5.1 The Relevant Representations received raise the follows issues:

### The prevention of public nuisance

Two residents living nearby have expressed concerns in relation to extending the hours the restaurant operates. They say they already experience noise prior to 23:00 hours generated by McDonalds' customers who play loud music from their cars, sound their horns, shout loudly and rev their engines. They state this is particularly noticeable during summer months when windows are open.

One resident makes the point that it only takes one incident to interrupt sleep and create a nuisance. His property borders one side of the premises and there is also the potential to be disturbed by lights.

### The prevention of crime and disorder

It is suggested that the location would become a night time meeting point for undesirables and there is a potential for late night altercations.

### Public safety

One resident said that he and his wife have felt less safe since an attempted burglary where access to their property was apparently gained from McDonalds car park.

5.2 The Licensing Sub-Committee should consider the conditions proposed by the applicant and decide whether they are appropriate for the promotion of the licensing objectives and address any valid representations made. These conditions are contained in the Operating Schedule **Appendix 4** and further conditions were offered by the applicant's agent on 11th January 2021 and are attached at **Appendix 5**.

5.3 During the course of the application, negotiations have taken place between the agent, the Licensing department and one Responsible Authority; Child Safeguarding. Agreement was reached between the Responsible Authority and the agent. The amended Operating Schedule is attached at **Appendix 6**.

5.4 It is understood that negotiations have continued between one of the residents, the licensing agent and representative of the applicant. It has not been possible to contact one of the objectors since they made their representation.

## 6. Policy Considerations

6.1 Regard must be given to the Council's Licensing Policy (adopted 7th December 2004 and most recently published 10th December 2018) when determining this application. Of particular relevance (but not limited to) is section 3 which details the concept of attaching condition to licences and section 4 which details the Council's approach to licensing hours.

Section 1.8 references that Licensing is not the primary mechanism for the general control of anti-social behavior by individuals beyond the direct control the licensee of the premises concerned. There are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises.

Section 3.2 refers to conditions being imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions. Conditions may also be imposed requiring licensees to display signs at all exits of premises reminding customers to leave the premises quietly and to respect the rights of nearby residents.

In making decisions in respect of hours (section 4.4) consideration will be given to representations made by residents in the vicinity of the premises as well as the applicant.

The Council's Licensing Policy recognises that noise nuisance problems can sometimes affect residents living close to licensed premises. As such it will always try to balance the legitimate business aspirations of applicants and licensees, the leisure and cultural interests of customers and the reasonable expectation of local residents to a peaceful existence in their own homes and neighbourhoods.

## **7. Statutory Guidance**

7.1 Regard must also be had to relevant parts of the Statutory Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended.

### **In relation to the prevention of Crime and Disorder the statutory guidance states:**

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some

licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

Sections 2.4 and 2.5 are not relevant to Late Night Refreshment

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

**In relation to Prevention of Public Nuisance the Statutory Guidance states:**

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning.

It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16).

Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for

example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **8. Resources, Risk and Other Implications**

8.1 **Resource:** The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeals against the decision of the Licensing Sub-Committee this would result in legal fees to defend the appeal and further costs. In the event of a successful appeal the Council may also have to pay the applicant/other party's costs.

8.2 **Human Rights:** The Licensing Sub-Committee's decision regarding this application will have Human Rights implications in respect of both the Applicant and the persons making relevant representations which also need to be considered equally and fairly so that the decision is proportionate and the right balance is met.

The referral of this matter to the Sub-Committee is laid down in the Licensing Act 2003, as amended and is also in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. The Applicant and the persons making relevant representations have been notified of the Hearing and invited to make representations. A statutory right of appeal to the Magistrates Court and the right (if it arises) to challenge the

Sub-Committee's decision by way of Judicial Review to the High Court also ensure a fair hearing to both the Applicant and the persons making relevant representations.

- 8.3 Article 8 and Article 1 of the First Protocol - the right to respect for private/family life and peaceful enjoyment of property/possessions (including Licences) - also needs to be considered. The persons making relevant representations have a right to respect for their private and family life and their home. They are entitled not to be disturbed by unreasonable noise and/or nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.
- 8.4 Article 14 of the Human Rights Act 1998 - the right to freedom from discrimination (which is an absolute right) also needs to be considered. The human rights provided under the Human Rights Act 1998 must not be subject to discrimination under various headings, including race, national or social origins, association with a national minority group or other status.
- 8.5 Interference with these rights is acceptable within the terms of the Human Rights Act 1998 if it safeguards the rights of others, is legitimate, proportionate and balanced in that there is a need to find a fair balance between the protection of individual rights and the interests of the community at large – other than rights under Article 6 and 14 which are absolute rights and can not be interfered with.
- 8.6 Therefore if Members refuse to grant the application for a new Premises Licence in whole or part or grant it subject to additional conditions, this will be a breach of the rights of the Applicant unless such refusal (in full or part) is, and/or the conditions imposed are, appropriate, proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.
- 8.7 By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Licensing Sub-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998.
- 8.8 The Equality Act 2010, including the Council's Public Sector Equality Duty, must be taken into account when making decisions in relation to licensing applications.

## **9. Determination by the Licensing Sub-Committee**

- 9.1 The Sub Committee is obliged to determine applications in the light of the above and any other material considerations with a view to promoting the four licensing objectives. Which are:
  - The prevention of crime and disorder
  - Public safety

- Prevention of public nuisance
- Protection of children from harm

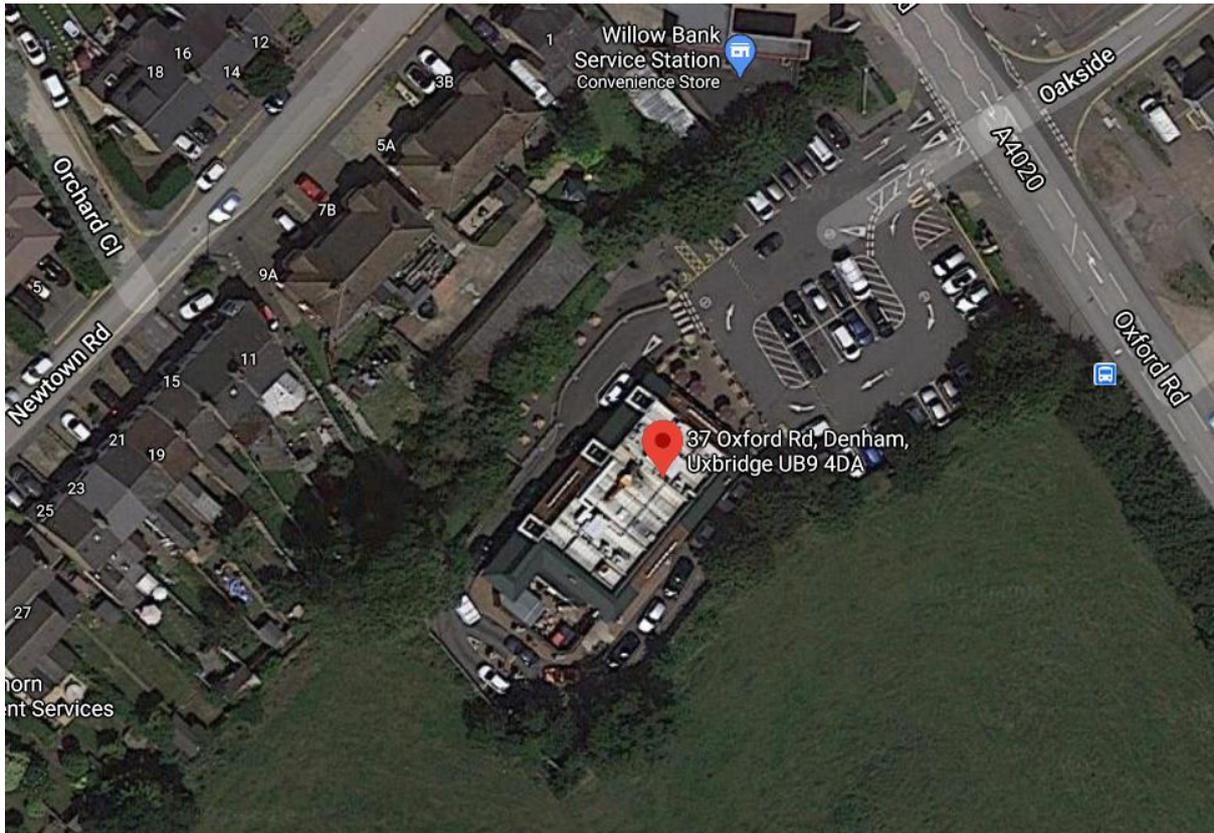
Regard must also be had to the Council's Licensing Policy, Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended, relevant representations received and the evidence presented at the Hearing.

- 9.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.
- 9.3 The Sub-Committee must avoid duplication of other legal requirements and should only impose conditions on a premises licence which are appropriate and proportionate for the promotion of the licensing objectives and where additional and/or supplementary measures are required in order to promote the licensing objectives.
- 9.4 The following options are available to the Licensing Sub Committee:
- 9.4.1 Grant the Premises Licence - subject to any conditions which are consistent with the Operating Schedule and which are considered appropriate and proportionate for the promotion of the four licensing objectives in response to relevant representations received - and any relevant mandatory conditions.
  - 9.4.2 Reject the whole of the Application.
  - 9.4.3 Grant the Premises Licence subject to different conditions for different parts of the premises or the different /reduced licensable activities if this is considered appropriate and proportionate to promote the four licensing objectives and in response to the representations received).
- 9.5 The Sub-Committee is asked to note that it may not reject the whole or part of the application or attach conditions merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the 4 licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committee's decision.

**Informative/s -**

<b>Officer Contact:</b>	<b>Martyn Bruver (01494 732258)</b> Email address: <a href="mailto:martyn.bruver@buckinghamshire.gov.uk">martyn.bruver@buckinghamshire.gov.uk</a>
<b>Background Papers:</b>	<b>Application Ref: 20/01161/LAPRE</b>  <b>Licensing Act 2003, as amended</b> <b>Licensing Policy - South Bucks District Council published December 2004</b> <b>Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended.</b>

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**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We APPT Corporation Limited

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

McDonald's 37 Oxford Road Denham			
<b>Post town</b>	Uxbridge	<b>Postcode</b>	UB9 4DA
Telephone number at premises (if any)		01895 238360	
Non-domestic rateable value of premises		£97000.00	

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
<b>Nationality</b>					
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name APPT Corporation Limited
Address MCDONALD'S UXBRIDGE ROAD IRON BRIDGE SOUTHALL MIDDLESEX UB1 3EG
Registered number (where applicable) <b>05812951</b>
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

2	5	1	2	2	0	2	0
---	---	---	---	---	---	---	---

If you wish the licence to be valid only for a limited period, when do you want it to end?

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Please give a general description of the premises (please read guidance note 1)

The premises is a restaurant serving food and non alcohol drinks for consumption on and off the premises.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- |   |                            |
|---|----------------------------|
| Provision of regulated entertainment (please read guidance note 2)  | Please tick all that apply |
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>   |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>   |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>   |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>   |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>   |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>   |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>   |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>   |

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <b>indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Wed			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b>Please give further details here</b> (please read guidance note 4)	Both
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon				<b>Please give further details here</b> (please read guidance note 4)	
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	
Mon				Outdoors	
				Both	
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	X
				Both	<input type="checkbox"/>
Mon	23:00	05:00	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	23:00	05:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed	23:00	05:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Thur	23:00	05:00			
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun	23:00	05:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <b>consumption – please tick</b> (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
				Both	
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Tue					
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	05:00	05:00	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)</p> <p>The instore restaurant will only be open from 05:00-23:00 each day but the drive thru will operate 24/7.</p>
Tue	05:00	05:00	
Wed	05:00	05:00	
Thur	05:00	05:00	
Fri	05:00	05:00	
Sat	05:00	05:00	
Sun	05:00	05:00	

M Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Please see attached operating schedule

**b) The prevention of crime and disorder**

Please see attached operating schedule

**c) Public safety**

Please see attached operating schedule

**d) The prevention of public nuisance**

Please see attached operating schedule

**e) The protection of children from harm**

Please see attached operating schedule

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- (Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships) I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• (Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
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Signature	
Date	26th November 2020
Capacity	Solicitor / Authorised Agent for the Applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Lorna Jolly Paralegal Shoosmiths LLP The Lakes			
Post town	Northampton	Postcode	NN4 7SH
Telephone number (if any)	03700 861954		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Lorna.Jolly@shoosmiths.co.uk			

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**From:** Len Rohde

**Sent:** 24 December 2020 01:03

**To:** Licensing <licensing.csb@buckinghamshire.gov.uk>

**Subject:** [EXTERNAL] Licensing application 20/01161/LAPRE - McDonalds Restaurant, 37 Oxford Road, UB9 4DA

I am affected because the McDonalds site borders one side of my property. Two bedrooms, the kitchen and utility room have windows facing the site. Noise/light impact both inside and outside. Other observations are based upon current experience of 24/7 premises on another boundary of my property.

I wish to object to the above licensing application for the following reasons:

**1. The prevention of crime and disorder**

*1.1 Greater risk of burglary.*

*1.2 Night time meeting point for undesirables*

*1.3 Drunken altercations after pub closing time.*

The evidence I give for this is a group of non-local undesirables congregated at a local 24/7 establishment and used the McDonalds car park to access and attempt a burglary on my property (Crime ref.20/00862/LAREVP). Loud shouting is often heard from the McDonalds car park late evenings.

**2. Public safety**

*2.1 Night time meeting point for undesirables*

The evidence is as in 1. Above. My wife and I feel less safe since the attempted burglary never sure that noises heard during the night are on our property or the adjoining properties.

**3. The prevention of public nuisance**

*3.1 Noise*

There is already an issue with inconsiderate McDonalds customers who play loud music and shout, rev their engines and use their car horns during the evening. It is particularly noticeable during summer months with the windows open. At night it just needs one incident to interrupt sleep to make it a nuisance. Further evidence for this comes from the car/people noise from the adjacent 24/7 service station.

*3.2 Light*

Two of my bedrooms overlook the site. These are currently illuminated by the site lighting in winter and the car park and reception areas are visible from the rooms. A third bedroom is already impacted by the 24/7 premise light pollution.

*3.3 Off-site nuisance*

McDonalds customers often drive into Newtown Road and park outside my house while consuming their food during the day so there is a concern that this behaviour would be continued during sleeping hours with associated noise and litter.

**Possible mitigations**

- Security guard (To deal with noise/altercations)
- 24/7 Site contact (To flag customer misbehaviour)
- Site security (boundary improvements to deter residential access)
- Light dimming after certain hours (to reduce light pollution)
- Encouragement to consume on site (to deter off-site parking)

Len Rohde  
1 Newtown Road

**From:** Sally Taylor  
**Sent:** 23 December 2020 08:47  
**To:** Licensing <licensing.csb@buckinghamshire.gov.uk>  
**Subject:** [EXTERNAL] Ref: 20/01161/LAPRE

I write to formally raise my objections to the proposal for extending licensing hours at McDonald's Restaurant on Oxford Road.

I am resident at 11 Newtown Road and am constantly experiencing the sound of horns from cars, car radios and customers shouting either amongst themselves or to staff. If I chose to go to bed before 11pm as last night for example I was woken by the thumping of a car radio followed by shouting aggressively at 10.55 pm!! I cannot imagine how the disturbance must be for young children trying to sleep in other residences nearby!! The thought of extending the hours to 24 hrs is unimaginable in a residential area and it would certainly not be local people that would be using such a service!!

I work for the NHS and this proposal is adding to the stress myself and my family are already experiencing at such a difficult time.

I hope these comments will be taken into serious consideration.

Sally Taylor  
11 Newtown Road

### Operating Schedule

#### General

The responsibility for this restaurant has been taken over by the Franchisee, Atul Pathak in 2018 who trades under the banner of Appt Corporation Limited.

Atul Pathak became a Franchisee in 2003 and is an experienced Franchisee with current responsibility for 42 restaurants across London and Berkshire. He currently employs over 3,000 members of staff, serving 18 million customers annually. 28 of Atul's restaurants currently trade late night refreshment under Premises Licences with 13 of them allowing the restaurants to trade 24/7.

The applicant is happy to arrange for any interested party to attend and witness overnight operations at any of the restaurants which already trade 24/7.

If this Application for a Premises Licence was deemed granted, it would create an additional 25 jobs at the restaurant / in the local area.

More information about Atul Pathak, Appt Corporation Limited and their current operations / training / trading / work ethics can be found on their website <https://www.apptcorp.com>

Appt Corporation Limited understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. It should be noted that no McDonald's restaurant within the United Kingdom serves alcohol and further none of our drinks or food are served to customers in glass receptacles.

Appt Corporation Limited are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives. We also seek to work with the local communities, whom we serve, in achieving a successful cohesion between our business operations and our neighbours.

#### Prevention of Crime and Disorder

This restaurant is keen to work in partnership with the local police service to prevent crime and disorder.

#### CCTV

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.

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.

Access to the CCTV system will be provided to Police Officers at their request.

#### Staffsafe

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. 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.

At this restaurant all shift managers have safety and security training; including Maybo SIA accredited Conflict Management Training.

### Public Safety

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

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.

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.

This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol into the in-store area.

### Public Nuisance

#### *Litter*

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. McDonald's is committed to carry out litter patrols collecting both McDonald's packaging and any other litter that has been carelessly discarded. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable.

All of McDonald's packaging displays 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>

#### *Noise*

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.

Signage is displayed at exits from the restaurant, drive-thru lane and the car park asking customers to leave the premises quietly.

### The Protection of Children from Harm

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.

**From:** Jolly, Lorna  
**Sent:** 11 January 2021 09:32  
**To:** len.rohde  
**Cc:** Martyn Bruver Selcuk Bir  
**Subject:** [EXTERNAL] McDonald's, 37 Oxford Road, Denham: Premises Licence Application  
**Importance:** High

Dear Mr Rhode,

I hope you are well and keeping safe during these difficult times.

I act on behalf of APPT Corporation Limited t/a McDonald's and I submitted the new licence application on their behalf for McDonald's at 37 Oxford Road, Denham.

I understand that you have spoken with my client to discuss potential agreements but are still not wanting to withdraw your representation at the moment. We would really like to reach an agreement with you and avoid taking the matter to a licensing sub-committee hearing.

Myself and my client have come up with the following conditions that we would be happy to put on the licence in order to help mitigate some of your concerns:

1. A trained shift manager will do a patrol of the car park once every hour after 11pm to ensure no anti-social behaviour is being carried out at the premises and ask people to keep the noise down where necessary;
2. Signage will be on display at the restaurant asking customers to keep noise to an absolute minimum;
3. The lighting at the back of the car park will be dimmed after 11pm to help mitigate any light pollution.

A few other things my client would like to offer to you are as follows:

1. McDonald's will keep the trees towards the back of the car park and near your house trimmed;
2. My client will provide you with the stores direct number and the business managers/shift managers mobile numbers so you can reach them at all times If you have any concerns;
3. McDonald's will only have lighting on where necessary and not near your house.

Please let me know your thoughts and confirm if you are happy to agree to the above. Please also feel free to give me a call on 03700861954 if you wish to discuss the application further.

I look forward to hearing from you.

Many thanks,  
Lorna

**Lorna Jolly**  
Accredited Paralegal

**SHOOSMITHS**



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All managers and staff at the restaurant will receive standard training on safeguarding and child sexual exploitation. The premises will also display posters advising people to look out for any exploitation and how they can report it.