



Buckinghamshire Council

Licensing Sub-Committee

Minutes

Minutes of the meeting of the Licensing Sub-Committee held on Tuesday 26 January 2021 via video conference, commencing at 6.30 pm and concluding at 7.40 pm

Members present

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

Agenda Item

1 Introductory remarks by the Chairman

The Chairman welcomed everyone to the meeting and members and officers assisting the members were introduced. Also in attendance were the applicant, the applicants legal representative and an interested party who had submitted representations on this application.

2 Apologies for absence

There were no apologies for absence.

3 Declarations of interest

There were no declarations of interest.

4 Hearing Procedure Rules

All present confirmed that they had understood the procedure rules that applied to this hearing.

5 Application for a new Premises Licence - McDonald's Restaurant, 37 Oxford Road, New Denham, Denham, Bucks UB9 4DA

Members were asked to determine an application for a new premises licence, in respect of which relevant representations had been received. The Application had been submitted by APPT Corporation Limited ("the applicant") in relation to McDonald's Restaurant, 37 Oxford Road, New Denham, Buckinghamshire, UB9 4DA, ("the premises").

Following a detailed discussion all parties present confirmed that they were satisfied that they had received a fair hearing and had nothing further to add. The Sub-Committee retired to make its decision which can be seen in the attached decision notice.

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LICENSING ACT 2003

Sections 17, 18(3), and (4), 19, 19A, 23(1)(a), (2) and (4) and Regulation 9 Licensing Act 2003 (Hearings) Regulations 2005/44

NOTIFICATION OF GRANT OF APPLICATION FOR A PREMISES LICENCE WHERE RELEVANT REPRESENTATIONS WERE MADE

Premises: McDonald's Restaurant, 37 Oxford Road New Denham, Denham, Buckinghamshire UB9 4DA

To:

The Applicant: APPT Corporation Limited, Company Registration No: 05812951

Any Persons who made Relevant Representations

The Chief Constable - Thames Valley Police

Take Notice

THAT following a hearing of the Licensing Sub-Committee

ON 26th January 2021

BUCKINGHAMSHIRE COUNCIL as the Licensing Authority for the Premises

HAS AGREED TO GRANT A PREMISES LICENCE SUBJECT TO the conditions set out in Schedules 1, 2 and 3 below.

SCHEDULE 1

Mandatory Conditions

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003

None

SCHEDULE 2

Operating Schedule submitted by the Applicant

Late Night Refreshment Monday to Sunday: 23:00 to 05:00

Hours premises are open to the public Monday to Sunday: 05:00 to 05:00

Prevention of Crime and Disorder

- A colour CCTV system will be maintained and operated at the Licensed Premises for the duration of all licensable activities The CCTV coverage shall include the entry/exit points to the Licensed

Premises and shall record every person who enters the premises. The recordings from the system whether installed in digital or other format will be retained for a period of 31 days and stored during that time in a suitable and secure facility and will be made available to Buckinghamshire Council and/or the Police when requested. A sign advising patrons that CCTV is in operation will be positioned in a prominent position on the Licensed Premises.

- A Staffsafe™ system with both audio and visual monitoring capability will be installed in the restaurant which can be activated by either fixed or mobile panic buttons.
- All shift managers will be trained in relation to safety and security; including Maybo SIA accredited Conflict Management Training. Records of this training will be maintained for a minimum period of 12 months and will be made available to an authorised officer on request.

Public Safety

- All staff will receive safety training (including the evacuation procedure) to ensure that safe working methods are adopted.
- A "No Open Alcohol Containers" policy is in force at all times to prevent persons carrying open alcohol into the in-store area.

Prevention of Public Nuisance

- All restaurant doors are self-closing and customers are requested 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.

SCHEDULE 3

Prevention of Public Nuisance

- Signage shall be prominently displayed at the restaurant asking customers to respect the needs of local residents and to leave the premises and area quietly.
- The licence holder shall ensure that a trained shift manager shall patrol the car park to the restaurant every hour after 11pm to ensure that there is no anti-social behaviour being carried out at the licensed premises
- The lighting at the rear of the car park shall be dimmed after 11pm to mitigate any light pollution
- The licence holder shall provide local residents with the store's direct line telephone number together with the business manager's/shift manger's mobile telephone numbers so that they can contact them at all times to raise any concerns or issues.

- The licence holder shall carry out daily litter patrols both on site and within a 250m radius of the premises, collecting both McDonald's packaging and any other litter that has been carelessly discarded.

The Protection of Children from Harm

- All managers and staff at the restaurant will receive standard training on safeguarding and child sexual exploitation. Training records will be maintained for a period of at least 12 months and will be provided to an authorised officer on request. Posters will be displayed at the premises advising people to look out for any exploitation and how they can report it.

In reaching their decision the panel took into account the representation made by two local residents. It was agreed that the above conditions offered by the licence holder and amended to ensure they are enforceable should be included in the licence to meet concerns of these residents. It was noted that the licence holder would actively engage with the local community and the residents to ensure that the business operated in harmony with them.

The panel noted that the conditions offered by the Applicant went some way to address the representations made by one of the Interested Parties who attended the hearing remotely.

The panel considered the comments made by the applicant during the hearing in relation to litter patrols and were impressed by the measures that were being proposed. The panel felt the operating schedule lacked specific detail in terms of the frequency and extent of such litter patrols. The panel decided that an enforceable condition should be attached to the premises licence at schedule 3. This is considered to be proportionate to the promotion of the licensing objective in respect of public nuisance.

The panel were pleased to note the co-operation during the consultation period between the applicant and one of the responsible authorities - Safeguarding and Child Protection. Agreement was reached that all managers and staff at the restaurant will receive standard training on safeguarding and child sexual exploitation. The panel felt that it is important that a record of such training should be maintained and provided to an authorised officer on request. An enforceable condition is therefore attached to the premises licence at schedule 3 which is considered to be proportionate to the promotion of the licensing objective in respect of The protection of Children from Harm.

It was pleasing to note that in support of the promotion of the Crime and Disorder objective, the applicant already operates a robust CCTV Policy. The panel felt that more detail was required in respect of how long CCTV footage will be retained, access to local authority officers and signage advising patrons that CCTV is in operation at the premises. An enforceable condition is attached to the premises licence at schedule 2 which is considered to be proportionate to the promotion of the licensing objective in respect of The Crime and Disorder objective.

The panel agreed that in all the circumstances the conditions were appropriate and proportionate in promoting the licensing objectives.

The panel noted that there had been no representations from other Relevant Authorities.

In making their decision, the panel also took into account the legislation, the statutory guidance issued by the Home Office pursuant to section 182 of the Licensing Act 2003 and the Council's own licensing policy.

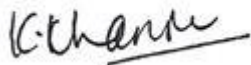
The panel has taken into account the relevant provisions of the Human Rights Act 1998, namely:

Article 6 – the right to a fair hearing

Article 8 – respect for private and family life

Article 1, First Protocol – peaceful enjoyment of possessions.

Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire MK9 2AJ.

A handwritten signature in black ink, appearing to read 'K. Chanu', with a horizontal line underneath.

Clerk to the Licensing Sub-Committee

Date: 2nd February 2021