



Licensing Sub-Committee minutes

Minutes of the meeting of the Licensing Sub-Committee held on Thursday 4 November 2021 in Via Video Conference, commencing at 10:30am and concluding at 12.10pm.

Members present

P Griffin, J Rush and A Wood

Others in attendance

K Ashton, L Hornby, S Mahmood and K Farooqi

Agenda Item

1 Introductory remarks by the Chairman

The Chairman welcomed everyone to the meeting. Members and officers who were assisting the members were introduced.

Also in attendance were the following:

Mr Leo Charalambides
Councillor Caroline Cornell
Mr Simon Mallett
Ms Sheena McMurtrie
Ms Elaine Rayner

2 Apologies for absence

Apologies were received from Lorna Jolly an agent for the applicant.

3 Declarations of interest

There were none.

4 Hearing Procedure Rules

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

5 McDonald's Restaurants Ltd, McDonald's, London Road, Buckingham, MK18 1SR

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 McDonald's Restaurant Ltd ("The Applicant") in relation to London Road, Buckingham, MK18 1SR ("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.

Prevention of Crime and Disorder

- A colour CCTV system shall 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 shall be retained for a period of 31 days and stored during that time in a suitable and secure facility and shall be made available to an authorised officer or the police when requested. A sign advising patrons that CCTV is in operation shall be positioned in a prominent position on the Licensed Premises.
- A Staffsafe™ system with both audio and visual monitoring capability shall be installed in the restaurant which can be activated by either fixed or mobile panic buttons.
- All shift managers shall be trained in relation to safety and security; including Maybo SIA accredited Conflict Management Training. Records of this training shall be maintained for a minimum period of 12 months and shall be made available to an authorised officer or the police on request.

Public Safety

- All staff will receive safety training (including the evacuation procedure) to ensure that safe working methods are adopted.
- No open alcohol container shall be permitted on the licenced premises.

Prevention of Public Nuisance

- The licence holder shall carry out daily litter patrols, collecting both McDonald's packaging and any other litter that has been carelessly discarded.
- All doors are to be fitted with self-closing mechanism.
- Signage shall be displayed at the exits to the restaurant asking customers to leave the area quietly.

SCHEDULE 3

Conditions necessary to promote the Licensing objectives and agreed in response to the representations made

None.

Reasons for the Panel's Decision

In reaching their decision the panel took into account the representation made by two local residents, both written and oral, and the representations made on behalf of the Applicant.

The Panel noted that there had been no representations from other responsible authorities, in particular, the Chief of Police in respect of the licensing objective of prevention of crime and disorder and the Environmental Health Department in respect of the licensing object of the prevention of public nuisance.

The Panel were sympathetic to and understanding of the concerns raised by the application, namely that the licensing objectives of prevention of public nuisance and crime and disorder would be undermined by anti-social behaviour. However, the Panel was mindful that no evidence was presented to suggest that the Applicant's premises has been a source of anti-social behaviour which would breach the licensing objectives of prevention of public nuisance and crime and disorder. The Panel noted the Applicant could not be held responsible for wider issues of anti-social behaviour beyond the immediate vicinity of the premises.

Taking all the evidence into account and in the absence of representations from responsible bodies the Panel found that there was no evidence to suggest that the proposed grant of premises licence would undermine the licensing objectives.

The Panel considered carefully the Buckingham Terminal Hours Policy which forms part of the Aylesbury Vale Area Licensing Policy Statement. However, the Panel decided to depart from the policy and agree to grant the premises licence for the following reasons:

- The statutory guidance states that a licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. This is reflected in the 2015 Policy at paras 1.10 and 1.11 which provides discretion to depart from the Policy.
- The Panel noted that The Aylesbury Vale Policy was introduced in 2015 and was based on historic evidence of ASB which had occurred in 2013. In addition, no evidence of ASB was presented in support of the concerns raised by the persons who made relevant representations would undermine the licensing objectives. Section 5 of the Licensing Act 2003 states "During each five-year period a Licensing Authority must keep its policy under review and make such revisions to it at such times as it considers appropriate".
- The Panel noted that new Licensing Policy for Buckinghamshire Council was agreed at the meeting of the Licensing Committee on 20th October 2021 which removed the Buckingham Terminal Hours Policy as it was no longer deemed necessary. It was noted that the new Licensing Policy has yet to be formally approved and adopted by the Full Council.

In making their decision, the Panel also took into account the legislation, the statutory guidance and the Council's own licensing policy.

The Panel also took 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.

The Panel considered that, in all the circumstances the application and the proposed conditions offered by the applicant as part of the operating schedule, were reasonable and proportionate, sufficiently promoting the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.

INFORMATIVE: The Panel noted that should issues of public nuisance and crime and disorder occur following the grant of the premises licence any party is able to request for a review of the premises licence under Section 51 Licensing Act 2003.

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.

Clerk to the Licensing Sub-Committee



Date: 10.11.21