

LICENSING ACT 2003

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

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

PREMISES: McDonald's Restaurants, Unit 7, The Bishop Centre, Bath Road, Taplow, Maidenhead, SL6 0NY

To:

The Applicant – McDonald's Restaurants Limited
Any Responsible Authority who made Relevant Representations
The Chief Constable of Thames Valley Police

Take Notice

THAT following a hearing of the Licensing Sub-Committee

ON 11th October 2023

BUCKINGHAMSHIRE COUNCIL as the Licensing Authority for the Premises

HAS AGREED

TO GRANT A PREMISES LICENCE SUBJECT TO the mandatory and other conditions set out in Schedules 1 and 2 below.

SCHEDULE 1

Mandatory Conditions

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003

For the purposes of this schedule:

“the Act” means the Licensing Act 2003

“Disability” has the meaning given in section 6 of the Equality Act 2010

“Relevant Premises” has the meaning given in paragraphs (a) and (b) of the definition in section 159 of the Act

“Responsible Person” has the meaning given in paragraphs (a) and (b) of the definition in section 153(4) of the Act (the relevant parts of which are attached to this licence)

SCHEDULE 2

Conditions consistent with the Operating Schedule submitted by the Applicant.

Licensable Activity	Hours
The provision of late-night refreshment (Both on and off the premises)	Every Day 23:00 – 05:00
Hours premises are open to the public	Every day 24 hours

The Prevention of Crime and Disorder

1. The premises licence holder must work in partnership with the local Police with a view preventing crime and disorder arising from the premises.
2. The premises shall install and maintain a comprehensive CCTV system in accordance with any minimum requirements of Thames Valley Police.

The restaurant floor and all entry/exit points will be covered enabling frontal identification of every person entering in any light condition.

The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.

All recordings shall be stored for a minimum period of 30 days with date and time stamping.

Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 30-day period.

A written log shall be maintained of routine checks and maintenance to the CCTV system. Routine checks shall include ensuring the date and time are correct, all cameras are recording, and the minimum period of required storage is being maintained.

3. Signage must be displayed prominently at the premises advising that CCTV is in operation.
4. The premises licence holder will ensure a suitable safety system is installed and maintained on the licensed premises. The system shall have both audio and visual monitoring capability which will be activated by panic button to allow intervention in resolving crime and disorder issues and provide direct support and advice to staff.
5. All shift managers shall undergo safety and security training, including Maybo SIA accredited Conflict Management Training or equivalent.

Public Safety

1. The premises licence holder must work in partnership with the local Fire Service and Environmental Health Officer with a view to ensure public safety.
2. No food or drink to be served to customers in glass receptacles.
3. Restaurant staff shall receive comprehensive safety training to ensure that safe working methods are adopted.
4. No persons carrying open alcohol containers will be permitted inside the premises.
5. All staff must be trained in evacuation procedure in the event of a fire or other dangerous occurrence.
6. The premises licence holder shall ensure that the premises are also subject to inspections from their own safety and security teams to ensure systems are maintained.

The Prevention of Public Nuisance

1. The premises licence holder shall ensure that staff carry out litter patrols collecting both McDonald's packaging and any other litter that has been discarded in the area outside the premises.
2. The premises must act on recommendations from the Environmental Health Officer regarding extending their litter patrols to a nearby area, if so advised, as far as this is reasonably practicable.
3. All McDonald's packaging must display the recycle symbol to encourage customers to deal with their waste responsibly.
4. Doors to the premises must be self-closing and staff shall encourage customers to be considerate to neighbours and limit noise both when ordering their food and on leaving the local area.
5. Notices, at least A4 in size, shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

The Protection of Children from Harm

1. All shift managers shall undergo training which covers the practices to ensure that children are protected from harm at all times when visiting the restaurant.

Reasons for the Panel's Decision

In reaching their decision the Panel carefully considered the written representations and oral submissions from the Parties who made Relevant Representations together with oral submissions from the Applicant's representative made at the hearing. Equal weight was given to the written representations from the Parties who made Relevant Representations who were unable to attend the hearing as to those in attendance.

In response to concerns regarding publicity of the application, the Panel noted that the Licensing Officer confirmed that the relevant legal provisions, namely Section 17(5) Licensing Act 2003 and Regulations 25 and 26 of The Licensing Act 2003 (Premises Licences and Club Licensing Certificates) Regulations 2005, had been complied with.

In making their decision, the Panel took into account the legislation, the statutory guidance and the Council's licensing policy, in particular:

Buckinghamshire Council Alcohol and Entertainment Licensing Policy Statement

- Para 2.36 - licensing is not the primary mechanism for controlling anti-social behaviour away from the premises and beyond the direct control of operators.
- Para 3.26 and 3.28 – the Licensing Authority will look to the police as the main source of advice on crime and disorder.
- Para 3.27– Applicants are expected to demonstrate in their operating schedule how they intend to promote the crime prevention objective in relation to the licensable activities provided and should also consider local circumstances.
- Para 3.79-The Licensing Authority will not consider the issue of commercial “need” in determining any licence application, as this is a matter for planning control and the market. Therefore, the Licensing Authority will not seek to impose quotas of premises, licences or certificates. It was noted that the Council has not adopted a cumulative impact policy.

Statutory Guidance issued under Section 182 Licensing Act 2003:

- Para 2.1 – licensing authorities should look to the police as the main source of advice on crime and disorder.
- Para 2.20 to 2.26 – in relation to the imposition of conditions and the broad meaning to be applied to the term public nuisance. In addition it states that beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law.
- Para 14.19- There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.
- Para 9.22 and 9.39 - health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. This objective

not only concerns the physical safety of children, but also their moral and psychological well-being. Any additional conditions imposed must be appropriate for the promotion of the licensing objectives. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

- Para 9.43 - the decision should be “evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.”

Each application must be considered on its own merits and whilst the Panel was sympathetic to and understanding of the concerns raised by the Persons who made Relevant Representations, they were mindful that no evidence was presented to suggest that the Applicant’s premises would breach the four licensing objectives.

The Panel noted that the Police, as the experts in the prevention of crime and disorder and the Environmental Health Authority, as the experts in the prevention of public nuisance in respect of noise complaints had raised no objection to the application. In addition, no responses had been received from the Local Planning Authority and the Safeguarding and Child Protection Unit.

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 existing and proposed conditions offered by the applicant 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 concerns relating to the premises occur following the grant of the premises licence any party is able to request a review of the 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.

A handwritten signature in black ink, appearing to be a stylized 'J' followed by a horizontal line.

Clerk to the Licensing Sub-Committee

Date: 17th October 2023