



LICENSING ACT 2003

DECISION RELATING TO AN APPLICATION FOR A PREMISES LICENCE: MCDONALDS, DIMSDALE PARADE WEST, NEWCASTLE-UNDER-LYME, ST5 8HS

The Licensing Sub-Committee have taken into account the Licensing Act 2003, the guidance issued under Section 182 of the Act, the Councils Statement of Licensing Policy and also the fact that representations to the application have been received from other persons on the basis that to grant the application would undermine the objectives relating to the prevention of crime and disorder and the prevention of public nuisance.

The Licensing Sub-Committee have considered the licensing objectives in the light of what has been said and have listened to the arguments and are persuaded that it would not offend the licensing objectives to grant the application.

The Licensing Sub-Committee carefully considered the report and heard the submissions from local residents and then the applicant's representative.

The Environmental Health team had made written representations on the grounds of 'prevention of public nuisance' and 'the prevention of crime and disorder'. Agreements had been reached with proposed conditions and therefore their objection had been withdrawn. They attended the hearing.

The Staffordshire Police had agreed proposed conditions with the applicant before the meeting and their application was withdrawn. They did not attend the hearing.

The legal advisor reminded all parties that the licence was only being applied for between 23:00 hours and 05:00 hours and that events outside these times could not be considered.

Mrs Gibbons had a prepared statement to read out that was distributed to members with the consent of the applicant. The representations focused on public nuisance and crime and disorder.

She expressed concerns in relation to the bollards blocking off the bottom car park, she described them as ineffective as they were too wide and vehicles could pass through. Also there was a particular issue with her premises next door as the loading bay area was being used for parking next to her house causing noise as staff left the premises late at night. There was also a problem with the rear doors which were heavy and banged when staff went out to the rubbish and recycling as well as going to the smoking areas.

In response to questioning it was established the litter and recycling was not done during the licensable hours and the problems were ones of a private nuisance relating to the Gibbons neighbouring property rather than a public nuisance.

The Sub Committee deliberated and considered that the issues raised by the objectors could be met by the imposing of the conditions agreed with the responsible authorities.

They considered a lot of the representations were outside of their remit as they were planning issues or private nuisance. The committee also felt that the concerns of anti-social behaviour that

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was currently an issue would not occur or could be dealt with by the premises being open. There was a condition that had been agreed with environmental health that would address the issues of the bollards by using "suitably lockable bollards "

The committee resolved to grant the licence as per the application and with the agreed conditions, as detailed below, to be included within the licence.

Agreed with Staffordshire Police:

1. CCTV must be installed and cover all internal and external areas. The CCTV unit shall be positioned in a secure part of the licensed premise and not within any private area of the location. Access to the system should be allowed immediately to the Police, Trading Standards or Local Authority Officers in accordance with the Data Protection Act where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.
2. All images must be kept for a 28 day period and to be produced to the Police, Trading Standards or Local Authority Officers in relation to the investigation of crime and / or disorder issues and suspected licence breaches, upon request or within 24 hours of such request where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.
3. The CCTV system must be maintained so as to be fully operational and recording 24 hours every day.
4. The CCTV system clock must be set correctly and maintained (taking account of GMT and BST).
5. There will be notices displayed throughout the premises stating that CCTV is in operation.
6. There must be a competent member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Trading Standards or Local Authority Officers.
7. The Premises Licence Holder must ensure that all licensable activities at the premises, after 00:00 hours until 05:00 hours on permitted days, shall be conducted via the drive through service and that no customers are allowed into the restaurant.
8. The Premises will be an active member in the Business Crime Initiative. The Premises Licence Holder and the Designated Premises Supervisor or another nominee will attend all meetings relevant to the premises as organised by the initiative and will actively participate in the partnership scheme and fully adhere to all the rules and regulations of the scheme.
9. No open containers of alcohol will be permitted to be brought into the premises, no alcohol will be permitted to be consumed on the premises.

Agreed with Environmental Health:

1. Litter bins shall be provided externally to the premises and inside the restaurant dining area for customers to dispose of litter.
2. The premises shall operate daily litter patrols to ensure that litter within the premises, external areas and the vicinity of the area, is cleared.

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3. Signage shall be displayed at the entrance and exit of the Drive-Thru Lane as follows
“please enter and leave the premises in a quiet and orderly fashion”.
4. Signage shall be displayed at the exit of the restaurant area asking customers to “please enter and leave the premises in a quiet and orderly fashion”.
5. Access to the lower car park shall be restricted between 00:00 and 05:00 hours by using suitable lockable bollards in line with the planning condition.

22nd November 2018

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