

BABERGH DISTRICT COUNCIL

<u>FROM:</u> Head of Natural and Built Environment	<u>REPORT NUMBER:</u> L1
<u>TO:</u> LICENSING SUB-COMMITTEE	<u>DATE OF MEETING:</u> 20 May 2011

LICENSING ACT 2003 - HEARING REPORT

1. PURPOSE OF REPORT

- 1.1 To report information to assist with the determination of an application under the Licensing Act 2003 made by:

Mardi Foods Limited

In respect of:

**McDonald's Restaurants, Northern Road, Chilton Industrial Estate, SUDBURY
Suffolk CO10 2XQ**

The hearing is to determine an application for the grant of a NEW premises licence (application ref: LA03/006497) made under section 17 of the Licensing Act 2003. A complete copy of the application papers is attached as **Appendix A**.

- 1.2 Generally, the application is seeking a premises licence authorisation for a single hour of late night refreshment activity (from 23:00hrs until midnight) for Monday to Sunday trading. Hot food and/or hot drink would be provided for consumption on the premises or for takeaway. Currently the premises are not licensed as the operation carries on no licensable activity under the Licensing Act 2003.

2. RECOMMENDATIONS

- 2.1 The sub-committee must, having regard to relevant representations made, take such of the steps below (if any) as it considers necessary for the promotion of the licensing objectives:

- to GRANT the licence subject to conditions which are consistent with the operating schedule accompanying the application - modified to such extent as the authority considers necessary for promotion of the licensing objectives - and subject to any mandatory condition(s) which must be included in the licence;
- to EXCLUDE from the scope of the licence any of the licensable activities to which the application relates; or
- to REJECT the application.

For these purposes conditions of the licence are *modified* if any of them are altered or omitted or any new condition is added.

The sub-committee is able to determine this application.

3. FINANCIAL IMPLICATIONS

- 3.1 Statutory fees as prescribed by Regulation apply to Licensing Act 2003 processes. Any party may appeal a decision taken by the Licensing Authority, which carries a potential cost/resource impact.

4. RISK MANAGEMENT

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions.

5. CONSULTATIONS

- 5.1 Statutory consultation requirements apply to individual licence applications – see 'Key Information' paragraph 8.7 below.

6. EQUALITY AND DIVERSITY IMPACT

- 6.1 None.

7. SHARED SERVICE / PARTNERSHIP IMPLICATIONS

- 7.1 None.

8. KEY INFORMATION

- 8.1 This hearing is necessary to determine an application following receipt of relevant representations which have not been withdrawn. The licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm

- 8.2 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182.

- 8.3 The sub-committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 for the applicant and Articles 8 and 1 of Protocol 1 for those raising representations - when determining applications for the grant of a new licence.

APPLICATION DETAIL

- 8.4 This application (ref:LA03/006497) is made under section 17 of the Licensing Act 2003 Act and is seeking the GRANT of a NEW premises licence for McDonalds Restaurant, Northern Road, Chilton Industrial Estate, SUDBURY CO10 2XQ.

- 8.5 The application proposes to carry on one hour of late night refreshment activity for each day of the week Monday to Sunday. For the avoidance of doubt this is the ONLY licensable activity being proposed by the application, with no alcohol permission proposals or personal licence holder/designated premises supervisor (DPS) requirements applying in this instance.
- 8.6 The licence applicants, Mardi Foods Limited T/A McDonalds, are proposing various steps in their operating schedule to promote the licensing objectives, and in general terms these steps are:
- (a) CCTV policy - digital system with hard drive retention
 - (b) Shift managers trained in safety and security
 - (c) All staff trained including on evacuation/emergency procedures
 - (d) Compliance with separate H&S requirements
 - (e) No open alcohol containers permitted on the premises
 - (f) Emergency contact phone numbers available
 - (g) Litter patrols, 'Bin It' branding on fast-food packaging and voluntary DEFRA code compliance
 - (h) Self-closing doors to limit noise outbreak

The full application is attached as **Appendix A**.

- 8.7 The statutory advertisements required under the Act have been published and displayed. The newspaper advertisement of the application appeared in the Mercury publication on 31 March 2011. The following consultees, as Responsible Authorities under the 2003 Act, have each been served with a copy of the application and any supporting documentation:

RESPONSIBLE AUTHORITY:	RESPONSE:
1. Chief Officer of Police	REPRESENTATION RECEIVED 12.04.2011
2. Local Fire Authority	No representation or comments received
3. Health and Safety Executive/Local Authority for enforcing Health and Safety at Work etc. Act 1974	No representation or comments received
4. Environmental Protection	REPRESENTATION RECEIVED 19.04.2011
5. Local Planning Authority	No representation or comments received
6. Area Child Protection Committee	AS PER CHIEF OFFICER OF POLICE. REPRESENTATION RECEIVED 12.04.2011
7. Any other Licensing Authority	Not applicable
8. Trading Standards	No representation or comments received
9. Environmental Agency/British Waterways Board/Maritime and Coastguard Agency	Not applicable

- 8.8 Representations have been received during the statutory period from 'interested parties' as defined by the 2003 Act:

- Sally Moggridge, 27 Spire Chase, SUDBURY CO10 1PZ
- Ann Parkes, 1 Hilltop, Waldingfield Road, SUDBURY CO10 0GN
- Ian Felstead, Ingleside, Waldingfield Road, SUDBURY CO10 0PP
- Homebase Limited, c/o Arthur Houseden (Estates Manager), Home Retail Group PLC, 489-499 Avebury Boulevard, MILTON KEYNES MK9 2NW
- Richard Morris, Orchard View, Waldingfield Road, SUDBURY CO10 0PP
- Peter Clifford, Grange Farm, Newton Road, SUDBURY CO10 0PY

It should be noted that a further representation was received in time from a Mandy McCallum via email, but no address was disclosed to verify whether she is an interested party or not (i.e. *in the vicinity* of the relevant premises). For this reason the comments have been excluded.

A copy of each representation is attached at **Appendix B**.

9. APPENDICES

Title	Location
(A) New premises licence application 006497	Attached
(B) Representations	Attached
(C) Site plan (showing <i>approximate</i> location of Interested parties)	Attached

10. BACKGROUND DOCUMENTS

10.1 None

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