

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 8 NOVEMBER 2019**

APPLICATION TO VARY A PREMISES LICENCE

Applicant: McDonalds Restaurants Limited

Ref.No. OL/19/01

Premises: Parkway Village, Dalby Way, Coulby Newham, Middlesbrough, TS8 0FA

Application received: 16 September 2019

Summary of Proposed Licensable Activities:

The premises currently have a Premises Licence which allows the provision of Late Night Refreshment on Mondays to Sundays from 11pm to 12 midnight. The application is to extend the opening hours and provision of Late Night Refreshment on Mondays to Sundays from 12 midnight to 5am.

Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.

1. Notification to Responsible Authorities:

The following Responsible Authorities have all received notification of the application:

Chief Constable	Planning Manager
Chief Fire Officer	Trading Standards Manager
Area Child Protection Group	Director of Public Health
Environmental Health Manager	Home Office (Immigration Enforcement)
(Public Safety and Public Nuisance)	

2. Application advertised by the applicant: Evening Gazette – 18 September 2019

3. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

4. Background

The premises operate as a fast food outlet and are located in the Parkway Village amongst a mixture of other commercial properties and licensed premises. There is a large residential estate opposite the premises, across Stainton Way, which is one of the main thoroughfares through Coulby Newham. A location map is attached at **Appendix 2**.

5. The Representation

On 14 October 2019 a representation was received from Coulby Newham Community Council objecting to the application with regard to the licensing objectives, particularly in respect of the prevention of crime and disorder, anti-social behaviour and the prevention of public nuisance and health issues. A copy of this representation is attached at **Appendix 3**.

Also in response to the application, concerns were raised by Cleveland Police in relation to the applicant's operating schedule in respect of the CCTV policy. Following discussions between the applicant and Cleveland Police the applicant agreed to amend the operating schedule to include the following condition:

McDonald's operate digital motion activated CCTV system where images are retained on a hard drive system for 31 days.

On the basis of this amendment Cleveland Police have no objections to the application.

6. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Crime and Disorder	Page 21
Public Safety	Page 26
Prevention of Public Nuisance	Page 28

And any other sections of the Policy which Members consider to be relevant.

7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Prevention of Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at para 2.7
Prevention of Public Nuisance	Starting at para 2.15

And any other sections of the Guidance which Members consider to be relevant.

8. Members' Options

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule modified to such extent as considered appropriate for the promotion of the licensing objectives.
2. To reject the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Sub-Committee to the Magistrates' Court.

Contact Officer: Sarah Morris
Senior Licensing Officer
Tel. 728716

APPENDIX 1

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

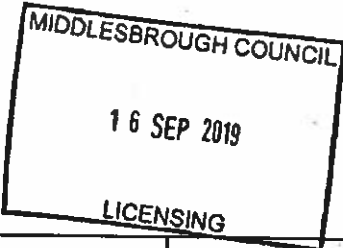
You may wish to keep a copy of the completed form for your records.

I/We **McDonald's Restaurants Limited**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
McDonald's Restaurants Parkway Village Dalby Way			
			
Post town	Coulby Newham	Postcode	TS8 0FA

Telephone number at premises (if any)	01642 591711
Non-domestic rateable value of premises	£101,000.00

Part 2 - Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	11/59 High Road East Finchley		
Post town	London	Postcode	N2 8AW

Ref. 716358

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 2) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The premises currently have a premises licence which allows the provision of late night refreshment on Mondays to Sundays from 23:00 until Midnight.

The proposed variation is to extend the opening hours and provision of late night refreshment on Mondays to Sundays from Midnight until 05:00.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)	
Mon				
Tue			State any seasonal variations for the exhibition of films (please read guidance note 6)	
Wed				
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)	
Fri				
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 5)			
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take <u>place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	23:00	05:00		<u>Please give further details here</u> (please read guidance note 5) The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises.	
Tue	23:00	05:00			
Wed	23:00	05:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	23:00	05:00			
Fri	23:00	05:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	23:00	05:00			
Sun	23:00	05:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

The premises will operate as an outlet of food and non-alcoholic drink and does not provide any adult entertainment or service that gives rise to a concern in respect of children.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	05:00	05:00	
Tue	05:00	05:00	
Wed	05:00	05:00	
Thur	05:00	05:00	
Fri	05:00	05:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Sat	05:00	05:00	
Sun	05:00	05:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence Please tick as appropriate
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Please see attached operating schedule

b) The prevention of crime and disorder

Please see attached operating schedule

c) Public safety

Please see attached operating schedule

d) The prevention of public nuisance

Please see attached operating schedule

e) The protection of children from harm


Please see attached operating schedule

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	13th September 2019
Capacity	Solicitor / Authorised Agent for the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Elaine Rayner
Licensing Team Leader
McDonald's Licensing Team at
Shoosmiths LLP
The Lakes

Post town	Northampton	Postcode	NN4 7SH
Telephone number (if any)	03700 863086		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Elaine.Rayner@shoosmiths.co.uk			

Operating Schedule

General

This restaurant understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. It should be noted that no McDonald's restaurant within the United Kingdom serves alcohol and further none of our drinks or food are served to customers in glass receptacles.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives. We also seek to work with the local communities, whom we serve, in achieving a successful cohesion between our business operations and our neighbours.

Prevention of Crime and Disorder

This restaurant is keen to work in partnership with the local police service to prevent crime and disorder.

CCTV

McDonald's operates a robust CCTV Policy to ensure compliance with Data Protection Legislation and to assist the Police with the prevention and detection of crime. At all stores where CCTV is in operation appropriate signage reflecting this information is displayed.

McDonald's operate digital motion activated CCTV systems where images are retained on a hard drive system. All CCTV equipment is of a standard suitable to record images of a proper quality, it meets the industry standard and has LGC Forensics or Kalagate Certification. As part of the digital system an alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene. The CCTV system is regularly serviced by qualified maintenance technicians.

Access to the CCTV system will be provided to Police Officers at their request.

Staffsafe

A Staffsafe™ system with both audio and visual monitoring capability will be installed in the restaurant, this system, can be activated by either fixed or mobile panic buttons. Once activated the system links the restaurant to an external monitoring centre capable of intervening to resolve crime and disorder issues and/or provide the appropriate advice or instruction to support and protect the restaurant's staff and customers.

At this restaurant all shift managers have safety and security training; including Maybo SIA accredited Conflict Management Training.

Public Safety

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

This restaurant has safety systems in place to protect the safety of customers and staff at all times (such as Staffsafe). We work with the local Environmental Health Office and local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. This restaurant is also subject to inspections from our own safety and security teams to ensure our systems are being maintained.

All of our restaurant staff receive comprehensive safety training to ensure that safe working methods are adopted and all staff are trained on the restaurant's evacuation procedure in the event of a fire or other dangerous occurrence.

This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol into the in-store area.

Public Nuisance

Litter

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. McDonald's is committed to carry out litter patrols collecting both McDonald's packaging and any other litter that has been carelessly discarded. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable.

All of McDonald's packaging displays the "Bin It" symbol to encourage our customers to deal with their waste responsibly. Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World" section of the McDonald's website:
<http://www.mcdonalds.co.uk/ourworld/environment/policy.shtml>

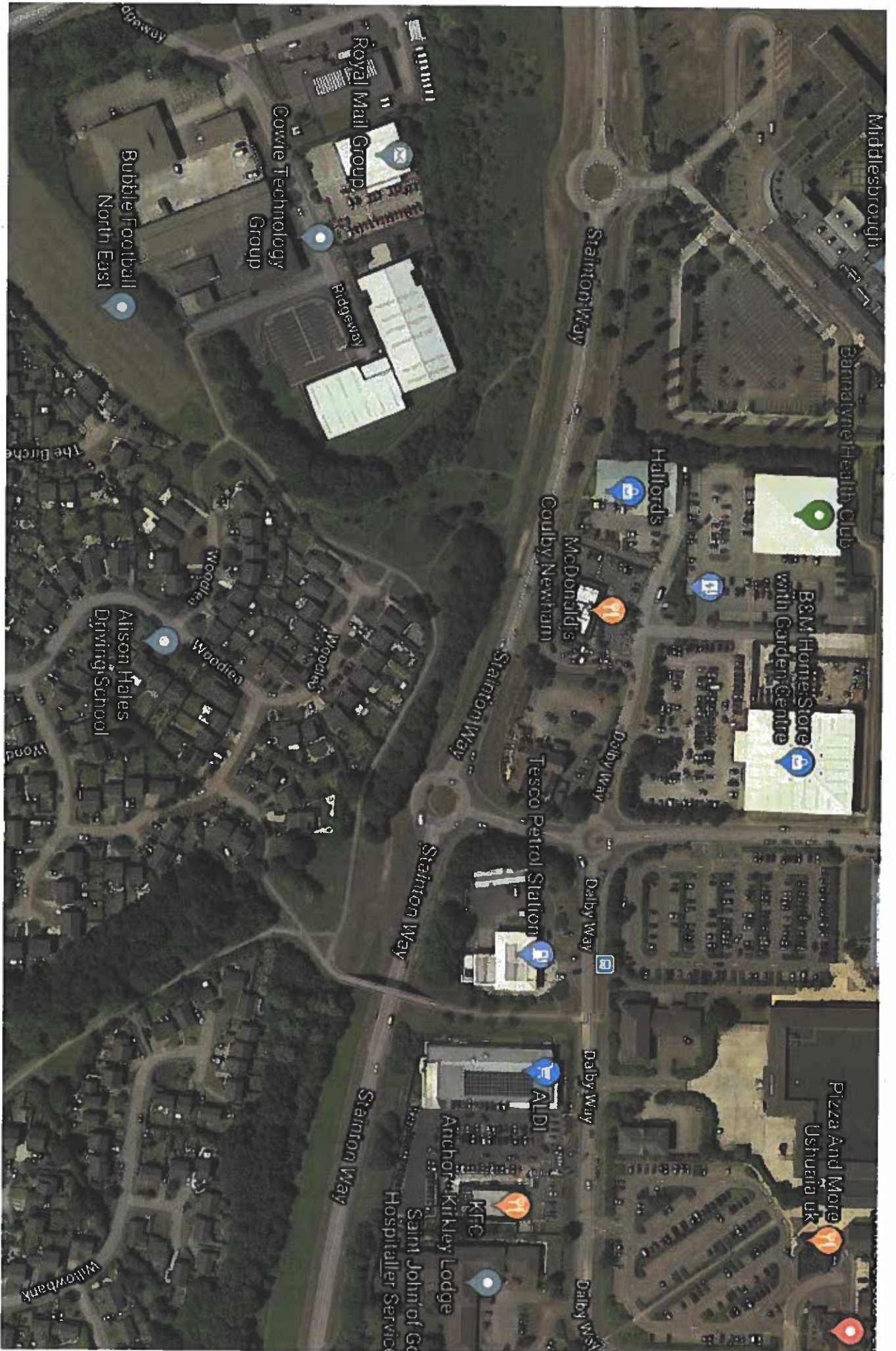
Noise

Where it is practical to do so we are content to put measures in place to limit noise. All McDonald's restaurant doors are self-closing and we try to encourage our customers to be considerate to our neighbours and to limit noise both when ordering their food and on leaving the local area.

The Protection of Children from Harm

McDonald's do not anticipate that unaccompanied children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

APPENDIX 2

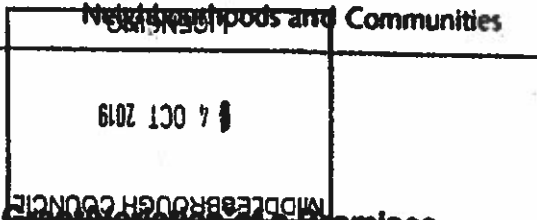




Community Protection

Tel: (01642) 245432

Neighbourhoods and Communities



Representations On A Current Application For A Grant/Variation of a Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

Before completing this form please read the guidance notes at the end of the form

Please note that a full copy of your representation (including your personal details) will be sent to the Applicant and will be a public document at any hearing of this matter. Reports to the Licensing Committee and accompanying documentation will be published on the Council's website.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I (insert name)

David John Branson

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description
 Mc Donalds Restaurant, Parkway Court,
 Coulby Newham

Post Town
 Middlesbrough

Post Code
 TS8 0FA

Name of premises licence holder or club holding club premises certificate (if known)

McDonalds

Number of premises licence or club premise certificate (if known)

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

Please Tick

- 1) Individual (please complete (a) below)
- Representative of Residents Association (please complete (b) below)
- Ward Councillor (please complete (b) below)
- Parish Council (please complete (b) below)
- MP (please complete (b) below)
- Trade Association (please complete (b) below)
- Other (please specify and complete (b) below) _____

Please supply details of those you represent e.g. residents of The Grove
 Coulby Newham Community Council

- 2) Responsible Authority (please complete (c) below)

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over

Yes Please Tick

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)

Name and Address Coulby Newham Community Council Secretary David Branson
--

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	david.branson@ntlworld.com

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address
Telephone Number (If any)
E-Mail address (optional)

PART 3 - REPRESENTATION

This representation relates to the following licensing objective(s)

Please Tick

- | | | |
|----|--------------------------------------|--------------------------|
| 1. | the prevention of crime and disorder | <input type="checkbox"/> |
| 2. | public safety | <input type="checkbox"/> |
| 3. | the prevention of public nuisance | <input type="checkbox"/> |
| 4. | the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for representation. (Please read guidance note 5)

The grounds are as follows;

1. The noise and disturbance caused by the late opening of these premises
2. The likelihood that the premises at these hours will become as magnet for anti social behaviour involving young people
3. Concerns that the premises will be used as a base for so called 'county lines' drug operations with young people being groomed for carrying out drug related crimes
4. The health issues involved with the provision of virtual 24/7 opening hours for a fast food operation

Please provide as much information as possible to support the representation. (Please read guidance note 5)

The reasons for our concerns are based on the experience of regular problems with anti social behaviour in the area of this fast food outlet over several years. There is clear national evidence of such food outlets being a recruiting place for drug gangs seeking young people for drug running operations. This is more likely to happen if the premises are open late when there are few other customers around.

Longer opening hours are also likely to lead to more problems with litter as well as increased noise levels, at a time when most people are asleep. The increased availability of fast food is seen as a reason for the doubling of obesity levels in young people. Such outlets are regularly visited by young people and longer opening hours is only likely add to the problem.

Have you made any representation relating to these premises before?

YES/NO

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premise please state what they were and when you made them.

I believe similar representations have been made in the past by the Community Council but I do not have specific details

PART 4 – SIGNATURES

Signature		Date	11.10.19
Capacity	Secretary Coulby Newham Community Council		