

MINUTES OF A MEETING OF A LICENSING SUB-COMMITTEE
02 August 2007 (10.30am – 11.50am)

Present:

COUNCILLORS:

Conservative Melvin Wallace (Chairman)

Labour Tom Binding
Resident's Linda Vandenhende

Mr G Bryne and Fraser Simpson, his legal representative were present. Mr Greg Mullins who is a resident objecting the application was also present. Also present were the LB Havering Licensing Officer, the legal advisor to the Panel and the clerk to the Panel.

The Chairman advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

The Sub-Committee adjourned at the end of the hearing to consider its decision, and reconvened to announce it.

The application was of the existing premises licence. for a Premises Licence under section 17 of the Licensing Act 2003 ("the Act") and was a major variation of the existing premises licence.

The Sub-Committee considered the application for a licence for the above premises as follows.

PREMISES

McDonalds
Bryant Avenue
Southend Arterial Road
Romford
RM3 0AP

DETAILS OF APPLICATION

Application for a Premises Licence under section 17 of the Licensing Act 2003 ("the Act") for the premises referred to in part 1 of the application.

1. Details of existing licensable activities

The applicant currently does not have a license.

Hours premises open to the public:

Day	Start	Finish
Monday	06:30 hours	23:00 hours
Tuesday	06:30 hours	23:00 hours

Wednesday	06:30 hours	23:00 hours
Thursday	06:30 hours	23:00 hours
Friday	06:30 hours	23:30 hours
Saturday	06:30 hours	23:00 hours
Sunday	06:30 hours	23:00 hours

2. Details of requested variations

An application is in respect of the drive through facility only. The applicant originally applied for the following hours:

Late night refreshments		
Day	Start	Finish
Monday	23:00 hours	05:00 hours
Tuesday	23:00 hours	0500 hours
Wednesday	23:00 hours	0500 hours
Thursday	23:00 hours	0500 hours
Friday	23:00 hours	0500 hours
Saturday	23:00 hours	0500 hours
Sunday	23:00 hours	0500 hours

However, the Licensing Officer notified the Sub Committee that the applicant had modified the hours it wish to apply, which are as follows:

Late night refreshments		
Day	Start	Finish
Monday	23:00 hours	01:00 hours
Tuesday	23:00 hours	01:00 hours
Wednesday	23:00 hours	01:00 hours
Thursday	23:00 hours	01:00 hours
Friday	23:00 hours	03:00 hours
Saturday	23:00 hours	03:00 hours
Sunday	23:00 hours	01:00 hours

3. Promotion of the Licensing Objectives

The applicant has completed the operating schedule, which forms part of his application, that he will take the steps set out to promote the four licensing objectives:

4. Details of Representations

Representations Objecting to the Application from “Interested Parties”

Four written representation were received from members of the public who

lived in the vicinity of the premises or on a transitory route from the premises.

The written representations related to the prevention of public nuisance. Residents contended that the level of noise at nights as cars leave the premises and of noise from customers trying to enter the restaurant. Anti social behaviour is mentioned with complaints of rubbish thrown from cars in the surrounding area, youths congregating, light nuisance and car horns. Their concern is that if the hours are extended at the restaurant this disturbance is likely to continue until a later hour.

Responsible Authorities

Planning Control & Enforcement:

The Planning Control & Enforcement has made representation under the Licensing objective of Public Nuisance caused to residents of noise from vehicles using the restaurant at night. The premises currently do not have planning permission to operate during the hours requested, Planning cannot be considered under the Licensing regime but noise and disturbance can.

Noise Control Officer:

The Noise Control have made a representation under the Licensing Objective of Public Nuisance. The Loud noise of car stereos, shouting and customers congregating in the car park.

It has made recommendations relating to the opening hours to the Sub Committee.

Chief Officer of Metropolitan Police (“the Police”): None

London Fire & Emergency Planning Authority (“LFEPA”): None

Health & Safety Enforcing Authority: None.

Public Health: None

Children & Families Service: None.

Trading Standards Service: None

The Magistrates Court: None

5. Determination of Application

Consequent upon the hearing held on 02 August 2007, the Sub-Committee’s decision regarding the application for a Premises Licence for the McDonalds was as set out below, for the reasons shown:

The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Havering's Licensing Policy.

In addition the Sub Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 and 8 of the First Protocol of the Human Rights Act 1998.

Decision

Agreed Facts	
Facts/Issues	
Issue 1	Whether the granting of the premise licence would undermine the prevention of public nuisance objective.
Issue 1	<p>Public Nuisance</p> <p>The Committee received an oral representations from a member of the public who referred to the level of disturbance caused by loud noise of vehicles using the restaurant at night. The noise of car stereos, shouting and customer congregating in the car park. Strong smells of cooking was also mentioned. References were also made to anti social behaviour as customers throwing rubbish from cars into the surrounding areas of residential properties and people urinating in the streets. Mention is also made of rats attracted to the rubbish. The lack of public notices asking customers to respect residents and leave quietly was also stated.</p>
Issue 2	Whether the granting of the premise licence would undermine the protection of public Safety objective.
	<p>Public Safety</p> <p>It was stated that children crossing the A127 and climbing the safety barrier to get to the restaurant and of possible road traffic accidents.</p>
Issue 3	Whether the granting of the premise licence would undermine the protection of Children from Harm objective.

	<p>Protection of Children from Harm</p> <p>It was stated that children crossing the A127 and climbing the safety barrier to get to the restaurant and of possible road traffic accidents.</p>
Issue 4	<p>Whether the granting of the premise licence would undermine the prevention of Crime and Disorder objective.</p>
	<p>Crime & Disorder</p> <p>A resident mentioned in written representation that Police being called to the restaurant due to fighting between customers.</p>
Response of the Applicant for the License	<p>The applicant for the License addressed the issues raised in the representations to the Sub Committee:</p> <ol style="list-style-type: none"> 1. A complaints log book will be kept at the premises to record complaints and incidents. 2. A direct telephone number of the restaurant will be available 3. Increase the number of external CCTV's. Three new CCTV cameras to be fitted in the car park for wider coverage. Signs advising customers that their vehicle registration plates is being recorded via CCTV will be put up. 4. Signs asking customers to request residents and leave quietly will be put up. 5. Regular litter patrols to will be arranged seven days a week 6. It was also offered to block off sections of the car park (at the Bryant Avenue end of the car park) at the applied hours for drive through. 7. The applicant offered to put a 6ft fence on the Bryant Avenue side of the premises. 8. It was offered to pick restaurant litter from all residential properties (at the permission of residents) when a complaint is made by the residents. 9. The hours the license applied for will not take place until planning permission have been received.

Having considered the oral and written submissions on behalf of the applicant, objectors and the licensing officer, the Sub-Committee granted the application but with the following conditions to be attached to the license:

1. A complaints log book will be kept at the premises to record complaints and incidents.
2. A direct telephone number of the restaurant will be available
3. Increase the number of external CCTV's. Three new CCTV cameras to be fitted in the car park for wider coverage. Signs advising customers that their vehicle registration plates is being recorded via CCTV will be put up.
4. Signs asking customers to request residents and leave quietly will be put up.
5. Regular litter patrols to will be arranged seven days a week

6. It was also offered to block off sections of the car park (at the Bryant Avenue end of the car park) at the applied hours for drive through.

The Sub Committee noted the following offers made by the applicant and stated for the avoidance of doubt that they are not a condition for granting the license. These are:

7. The applicant offered to put a 6ft fence at the Bryant Avenue side of the premises.

8. It was offered to pick restaurant litter from all residential properties (at the permission of residents) when a complaint is made by the residents.

9. The hours the license applied for will not take place until planning permission have been received.

Licensable Activities : For the drive through facility only.

Late Night Refreshment

Day	Start	Finish
Monday	23:00 hours	01:00 hours
Tuesday	23:00 hours	01:00 hours
Wednesday	23:00 hours	01:00 hours
Thursday	23:00 hours	01:00 hours
Friday	23:00 hours	03:00 hours
Saturday	23:00 hours	03:00 hours
Sunday	23:00 hours	01:00 hours

.....

CHAIRMAN

Date: 2007