

**Minutes of the Licensing Sub-Committee 3
Tuesday, 10th March, 2020 at 10.00 am
In the Council Chamber, the Council House, Dudley**

Present:

Councillor A Taylor (Chair)
Councillors S Greenaway and E Taylor

Officers:-

B Hughes – Assistant Team Manager Waste and Fleet Care (Directorate of Public Realm), R Clark – Principal Solicitor and K Buckle – Democratic Services Officer (Both Directorate of Finance and Legal).

1. **Apology for Absence**

An apology for absence from the meeting was received on behalf Councillor K Finch.

2. **Appointment of Substitute Member**

It was reported that Councillor E Taylor had been appointed as a substitute Member for Councillor K Finch for this meeting of the Sub-Committee only.

3. **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

4. **Minutes**

Resolved

That the minutes of the meeting held on 1st May, 2018, be approved as a correct record and signed.



5. **Application for Grant of a New Premises Licence – McDonald’s Restaurant, Birmingham New Road/Ivy House Lane, Bilston**

A report of the Director of Public Realm was submitted on an application for the grant of a new premises licence in respect of McDonald’s Restaurant, Birmingham New Road/Ivy House Lane, Bilston.

The following persons were in attendance at the meeting:

K Turley, D Jenkins and S Moore of West Midlands Police – Observers
Councillor P Drake and three local residents – Objectors
L Chambrydes – Barrister representing McDonald’s Restaurant
C Perry – McDonald’s Restaurant Operations Manager
R Beckett – McDonald’s Restaurant Franchisee

Following introductions the Assistant Team Manager (Waste and Fleet Care) presented the report on behalf of the Council.

A local resident on Birmingham New Road made representations and asserted that opening the restaurant for 24 hours, 7 days each week, would increase crime in the immediate area, based on the crime UK website for the last two years, particularly offences had been committed in relation to 24 recorded cases of anti-social behaviour and 68 theft cases from the garage opposite, as well as other more serious offences. It was accepted that there had been only a few crimes reported from the McDonald’s site. It was also asserted that the McDonald’s Restaurant was closely linked to the possibility of an increase in public nuisance including litter and light and smell pollution as well as the possible noise from cars all night, in a residential area.

A local resident who resided within close proximity to the premises made representations, stating that her objections were based on vehicle and people noise from the car park, as well as litter nuisance. She particularly highlighted problems with McDonald’s litter as opposed to litter from other local takeaways. Questions were asked on the availability of Closed Circuit Television (CCTV) for the car park and Automatic Number Plate Recognition technology (ANPR). The effectiveness of the anti-social behaviour to address those issues was referred to.

Another local resident also expressed similar concerns to those outlined above, and made particular reference to the fact that the Council’s Development Control Committee who had refused the planning application following the objection of 25 local residents, however it was noted that the decision had been subsequently overturned on Appeal. Mention was made of the extremely bright lighting that was reflected from the business premises into the homes of local residents during night time and in some cases that light disturbed sleep.

Members considered further objections similar to those above from a local Ward



Councillor. A break for the residents from all forms of pollution was requested as it was stated that this would be increased from 11.00pm with the sale of refreshments after that time.

It was asserted that there was a local problem with young children becoming inebriated in two local parks, and that should McDonald's opening times be extended to those requested that would provide those youths with further night time facilities. It was asserted that a closure time of 11pm would be more suitable for the area in question.

Mr Chambrydes Barrister for the Applicant then presented the case, on the applicants behalf, stating that he welcomed the local residents comments and their passion for their area.

Reference was made to the Licensing Act Guidance that advised Councils to be guided by all responsible Authorities including the Police, Environmental Health, the Licencing Authority and Public Health.

The fact that the Environmental Health Officer specifically stated that he had no objections to the Application were alluded to and a noise expert had also been commissioned for the Appeal to the Planning Inspectorate, and found no discernible impact on the local noise from the premises in question.

It was also noted that the police had raised no objections, however there were three Officers present merely observing the proceedings.

It was asserted that the area was not exclusively residential, but was situated on a dual carriageway adjacent to a petrol station and other restaurants and shops.

It was stated that there were 20 cameras on the premises, internal and external, and that those were monitored by a "staff safe system" that allowed operators to use a tannoy to the premises should inappropriate behaviour be observed. Support was triggered by local staff pressing a panic button. Staff were also trained to engage should customers behave inappropriately. It was also stated that staff had a specific litter pick system on their premises, and noise assessments had been carried out on the machinery in the premises.

Mr Chambrydes also stated that the local risk assessment of the premises had identified that the hours of 5pm to 9pm were the peak times for young people to access the premises, and there were Security Industry Authority (SIA) registered door staff present between those times on Fridays and Saturdays. In terms of security, the premises operated an ongoing risk assessment that was flexible and would be willing for a condition to be included on the licence that the premises would maintain an active and ongoing risk assessment, with a view to reviewing the SIA door staff on the premises.

Feedback on the extent of the litter pick route was also welcomed from local residents.



In response those objectors present stated that the staff do not engage with local residents, that the tannoy was very loud and neighbours had complained about this, that the lights were frequently left on after 11pm despite complaints and that litter was not picked up from the road opposite the premises. The fact that the vicinity was predominantly a residential area was noted together with the fact that the retail facilities nearby closed during the night.

Following summing up the parties then withdrew from the meeting to enable the Sub-Committee to determine the Application.

The Sub-Committee having made their decision invited the parties to return and the Principal Solicitor outlined the decision.

Resolved

That, following consideration of the information contained in the report and presented at the meeting, the application for grant of a new Premises Licence in respect of McDonald's Restaurant, Birmingham New Road/Ivy House Lane, Bilston be granted in the following terms:-

Late Night Refreshment.

Monday to Sunday inclusive 23.00 – 05.00

Hours Premises are open to the public

Monday to Sunday inclusive 05.00 – 05.00

Additional Condition

An active risk assessment of the premises shall be regular and ongoing with a view to reviewing the safety of staff and customers, and specifically the use of SIA registered door staff on the premises.

Amended Condition

The Sub Committee also amends the operating schedule to change the condition relating to CCTV in order that the provision of CCTV shall be to officers of all responsible authorities (not just the police) at their request.

The meeting ended at 12pm

CHAIR



LSBC/4