

LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 17 March 2021 remotely via Zoom at 10.00 am

Committee Dr P Bütikofer (Chairman) Mr N Lloyd
Members Present: Mr J Rest

Members also attending: Mr A Yiasimi (Cromer Town Ward) for Minute 4

Officers in Attendance: Licensing Enforcement Officer, Legal Assistant, Democratic Services & Governance Officer (Regulatory) and Democratic Services Manager

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 APPLICATION FOR A NEW PREMISES LICENCE - MCDONALDS RESTAURANTS LTD, MIDDLEBROOK WAY, CROMER, NORFOLK, NR27 9JR (10.00 AM)

Present (remotely):

Representing the Applicant: Mr P Robson, Mr M Gallant and Ms E Rayner

Objectors: Mr P Chapman, Mrs A Collison, Mr G Collison, Mr J Symonds, and Mrs J Symonds

The Chairman introduced the Members of the Panel and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She confirmed with the applicants that they had received a copy of the agenda papers. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the Applicant's right to a fair hearing under Article 6 of the Human Rights Act 1998. In the event of any participant leaving the hearing due to a technical issue, the hearing would not proceed until all parties were present. She drew attention to the lack of representation in the report from responsible authorities. The Licensing Enforcement Officer confirmed that no representations had been received from responsible authorities.

The Licensing Enforcement Officer presented the report, which related to an application for a new Premises Licence to which objections had been received from local residents.

Mr Robson presented the case on behalf of the Applicant. He drew attention to the

work that the Applicant would carry out with regard to the four licensing objectives. He stated that the Applicant had significant experience in managing over 700 premises and training was in place for managers and staff with regard to the licensing objectives. There were also physical and technological responses in place to meet those objectives, such as digital motion activated CCTV and the Staysafe system. He referred to concerns raised by an objector regarding Staysafe and explained that this was an industry standard system used by McDonalds and other fast food outlets all over the country. If an incident arose, management or staff could immediately alert a call centre based in Scotland, which took over the loudspeaker system in the restaurant to publicly identify the person concerned, with the intention of embarrassing them into stopping the behaviour. This method had been proven to de-escalate situations and if it did not have the desired effect, the Police would be called. In addition, all shift managers received training in how to de-escalate situations. He referred to the public safety objective and stated that safety systems were in place and the Applicant would work closely with Environmental Health and the local Fire Service. Staff training would be carried out and it was policy not to allow open alcohol containers. This policy would be policed by staff in a way that was non-confrontational and would reduce potential escalation to crime and disorder or public safety issues. With regard to public nuisance, the primary concern of residents related to litter. Litter picking teams would pick up all litter, regardless of its source, within a fairly wide radius of the site. Whilst the Applicant could not be responsible for individuals dropping litter, they would go beyond what would be expected of a licensed premises. The premises would be fitted with self-closing doors to reduce noise escape. Music would not be loud or brash, with classical music being played at busy times which had the effect of calming people down. Experience at other McDonalds outlets had shown that people were quieter when leaving the restaurant than arriving as they were full. The protection of children from harm was taken seriously by McDonalds. Children were a large part of the customer base, but it was expected that fewer children, particularly unaccompanied children, would use the premises during the licensed period between 11pm and midnight. Managers were trained in safeguarding and staff were trained to identify signs of a child in distress and take the necessary action. Mr Robson considered that the measures outlined and the Applicant's experience were part of the reason there were no objections from responsible authorities. The representations had been taken into account and he hoped that he had addressed many of the concerns. He referred to the review procedures available if there were any issues. He confirmed that the Applicant did not object to the draft conditions to be imposed if the licence were granted.

Councillor J Rest asked what time the last meal was served, whether or not the premises were cleared fully by midnight, and if signage would be displayed to make it clear when the last meal would be served.

Mr Robson explained that the last meal would be served at a time to allow the premises to be closed at midnight. Mr Gallant added that signage was not displayed but customers would be informed when they came into the premises. There was also a 15 minute warning system in place. Cars would also need to be stopped from entering the drive through.

For clarification, the Licensing Enforcement Officer explained that this application was not to extend the opening hours for the premises as these had already been set by the planning permission. The purpose of this application was to allow the sale of hot food and hot drink from 11pm, when this activity became licensable, until midnight.

Councillor N Lloyd asked how the Applicant would deal with a complaint from a neighbour regarding noisy people outside the premises.

Mr Gallant explained that neighbour concerns were taken seriously. The manager would investigate the source of the noise and ask the offenders to be quiet, and if necessary the manager would take it further. Number plate recognition was used in some car parks and in the case of persistent offenders, the manager would work with the Police to ban the person from the restaurant. A local franchisee would be responsible for the branch and would be part of the community, working with local people and authorities.

The Licensing Enforcement Officer gave a brief explanation of the review process for premises licences. In the event of complaints, a review could be called by responsible authorities or local residents. The Licensing Sub-Committee would review the evidence and decide whether to take no action, add conditions to the licence or revoke the licence. She advised that any issues should first be taken up with the premises, and if those issues were not resolved they could be escalated either through the Local Authority or the Police.

The Chairman requested clarification as to whether or not there would be recorded music as the relevant question on the application form had been ticked 'no'.

Ms Rayner explained that the question had been ticked 'no' as the music would be incidental background music, which was not licensable.

In response to a question by the Chairman, Mr Robson gave further details of the measures that would be employed to protect children. This included safeguarding training for managers, and training for other staff to enable them to recognise distress and understand the actions they should take. It was important to plan for the worst, and procedures were in place to work with the Police if necessary, but in most cases it would require the lowest intervention to check that a child was ok.

Councillor Rest asked if there would be prominent signage in place and advice given to customers to leave quietly and respect other people, particularly in the late hours.

Mr Gallant stated that signage would be erected if required at the entrance and in the car park, given the residential location.

Mrs Collison stated that her garden backed onto Middlebrook Way, which was the natural route for people leaving the restaurant to go to the caravan and camping sites that led off it. If people left McDonalds at midnight they would be walking past late in the evening. She referred to Mr Robson's comment about people being quieter when they had eaten, but was concerned that this would not be the case if they had purchased a takeaway to eat in their caravans. Their concerns were that they would be disturbed after midnight, and whether the car park would be locked after midnight.

Mr Robson referred to the submissions already made in terms of how noise would be controlled, with the addition of signage requested by Cllr Rest. McDonalds wished to minimise, and ideally completely eradicate, any disturbance and would strive to work with local residents to ensure there was no disruption between 11pm and midnight. He considered that the measures in terms of noise escape and messaging to customers would serve to minimise potential disturbance. The manager would always be happy to discuss any steps that needed to be taken. McDonalds sought to take an active role in the community and the business would

do better if there was a good relationship between the company, the franchisee and the neighbours.

Mrs Collison reiterated her question regarding the locking of the car park and expressed concern that it could be a magnet for antisocial behaviour and drug taking as it was a little out of town. Mr Collison added that people could play loud music in their cars while eating their takeaways after midnight if the car park was not secured.

Mr Gallant was unsure if there was a car park barrier at present, but he agreed with Mr and Mrs Collison's concerns and stated that a barrier could be installed if it would allay their fears. He added that the franchisee could add a 90 minute ANPR camera system to control the length of time cars could stay in the car park, and CCTV outside the building had night time visibility. The restaurant would also be occupied until 1.30 am approximately for cleaning.

Cllr A Yiasimi, local Member, was pleased with the approach taken by the applicant to the issues that had been raised. He considered that it was good that matters were addressed at this stage and that there was scope to work together to address any issues if they arose.

Mr Symonds stated that most of his concerns had been covered by Mr and Mrs Collison. He appreciated that McDonalds had no control over people outside their boundary, but his bedrooms backed onto the lane and it could be noisy even when people were trying to be quiet.

Cllr Rest asked Mr Robson if he could share the business case with the Sub-Committee in terms of the number of people who were expected to use the facility during the licensed hours.

Mr Robson stated that he had no instructions from his client with regard to the business case.

Mr Gallant explained that every location was different so it was not possible to say what would happen. It was intended to operate as fully as possible within the planning regime, but the franchisee could make the decision to close at an earlier time if it was not viable to stay open. Given the nature of Cromer as a summer holiday resort it was possible that the restaurant would open until midnight in the summer but close by 10 pm in the winter. However, this would not be known until the restaurant was in operation.

The Licensing Enforcement Officer reminded the Sub-Committee that this application related to the sale of hot food and hot drink from 11 pm until midnight, which was a licensable activity. The premises could remain open until midnight in accordance with its planning permission, and serve cold food and drink until that time as it was not a licensable activity.

There being no further questions or closing statements, the Sub-Committee retired at 10.58 am.

RESOLVED

That the Licence is granted subject to:

- 1. The mandatory conditions applicable under the Licensing Act 2003.**
- 2. The conditions consistent with the operating schedule [as detailed in the report].**

3. The following additional conditions considered by the Sub-Committee to be necessary and proportionate:

Condition 1

A barrier must be put in place at the entry and exit point of the premises to prevent vehicular access to the premises outside of opening hours.

Condition 2

Prominent and clear signage must be displayed at the entry and exit points of the premises requesting the co-operation of patrons and staff in leaving and entering area quietly and with consideration to the local residents.

5 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

6 (WK/210001731) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK (11.30 AM)

Present (remotely): Applicant and Applicant's Supporter

The Chairman introduced the Members of the Panel and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the Applicant's right to a fair hearing under Article 6 of the Human Rights Act 1998. In the event of any participant leaving the hearing due to a technical issue, the hearing would not proceed until all parties were present.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where the circumstances merited consideration by the Sub-Committee.

The Applicant's Supporter presented the case on behalf of the Applicant. He explained the circumstances in which the Applicant's offences had occurred. The Applicant realised the serious consequences that could result from drink driving, had learned her lesson and never wanted to repeat the experience.

The Chairman explained that the apparent discrepancy between the application form and DBS in respect of the length of driving ban was due to the Applicant having undertaken a drink awareness course, which had reduced the length of the ban, and was not an attempt by the Applicant to mislead the Sub-Committee.

At the request of Cllr J Rest, the Applicant clarified the medication noted on the medical report, the reason it had been prescribed and the current situation regarding it.

Cllr N Lloyd explained that the Sub-Committee had a duty to protect the public and asked the Applicant to provide further information with regard to her current circumstances that might enable the application to be approved. He asked what impact the drink awareness course had had on her.

The Applicant explained that she was normally a resilient person, but a number of issues had coincided that had pushed her to the edge. She was now in a much better place, had put the past behind her and wanted to do something good. She was an experienced driver and considered that taxi driving would be an ideal job. The drink awareness course had a big impact on her and she did not drink alcohol if she was driving.

The Chairman questioned the Applicant with regard to the details of the drink driving offence.

The Applicant explained that she had been quite a bit over the limit and had made a huge mistake. The Applicant's supporter gave more detail with regard to the circumstances surrounding the offence.

In response to questions from the Licensing Enforcement Officer, the Applicant gave further clarification with regard to her medical report.

In response to questions by the Sub-Committee, the Applicant explained the circumstances of an offence on her DBS that was not related to driving. She said that in the event of her application being rejected she would still like to be involved in the taxi industry as it involved people and she considered herself to be a sociable person. She reiterated that she was an experienced driver and considered that driving would be a good line of work for her.

The Chairman invited the Applicant's Supporter to present his closing statement.

The Applicant's Supporter stated that the Applicant had moved forward from the incidents that had occurred and she had been able to deal with subsequent emotional issues without any recurrence. She had a great deal of driving experience and wanted to return to her usual line of work when the Covid situation allowed. She had shown that she took drink driving seriously and he considered that she would continue to be a responsible person. Driving would give her more of a purpose while waiting for her industry to reopen. She had an offer of work if she gained her licence.

Before the Sub-Committee retired to make its decision, the Licensing Enforcement Officer reminded Members of the need to consider the fit and proper test of whether or not they would allow a family member to travel in a taxi driven by the Applicant.

The Sub-Committee retired at 12.10 pm.

RESOLVED

That the application be refused.

The meeting ended at 12.10 pm.

Chairman