

**LICENSING PANEL
9 JANUARY 2019
2.00 - 3.10 PM**



Present:

Councillor Nick Allen
Councillor Clifton Thompson
Councillor Malcolm Tullett

Also Present:

Charlie Fletcher, Licensing Officer
Donald Adams, Legal Advisor
Lizzie Rich, Clerk
Area Manager, McDonalds
Hygiene, Safety and Security Consultant, McDonalds
Resident of Ferriby Court

51. Declarations of Interest

There were no declarations of interest.

52. The Procedure for Hearings at Licensing Panels

The application was for a Premises Licence to allow for the provision of Late Night Refreshment, namely the selling of food and non-alcoholic beverages, at the stated premises between the hours of 23:00 and 00:00 seven days a week. It was proposed that the premises would be open to the public from 06:00 to 00:00 seven days a week.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant,
- the Interested Parties;

At the conclusion of the proceedings, all participants present confirmed that they had been given the opportunity to say all they wished to say.

Ahead of reaching its decision with a view to promoting the four Licensing objectives under the Licensing Act 2003, the Panel took account of the provisions of that Act, the Home Office Guidance issued in respect of the same. The Panel also considered the Council's own Statement of Licensing Policy.

The Panel noted that there had been no representations made by the Police, Licensing Authority, Environmental Health or other statutory body in response to the application.

Bearing in mind promotion of the four Licensing objectives, the Panel noted that the representations received related primarily to two of those objectives, namely the prevention of crime and disorder and the prevention of public nuisance.

After careful consideration, the Panel decided that granting the Licence applied for would not have an adverse impact on the promotion of the four licensing objectives, and agreed to grant the Premises Licence for Late Night Refreshment.

Reasons

The reasons for the decision were that the Panel found no evidence in the written or oral submissions of the interested parties to suggest that incidents of anti-social behaviour would necessarily increase as a direct result of the grant of the Premises Licence for Late Night Refreshment. The Panel noted that no representation of such specific concerns had been received from the Police or, indeed, from them in respect any other concern of adverse impact that the granting of such a Licence might have on the promotion of the four Licensing objectives.

The Panel also noted that the Licensing regime does contain provision for the reviewing of a granted licence if there are asserted breaches of the Licence or complaint that the Licensing objectives are not being met. The Panel considered that the mechanism under the Licensing Act that allows for potential review of a granted licence was sufficient in this case and felt that such potential check and balance was appropriate in the circumstances as opposed to refusing the granting of this Premises Licence from the outset.

The Panel recognised that since the opening of The Lexicon, Bracknell town centre was increasingly promoting a night time economy which would encourage more people into the town centre in the evenings. There were a number of other food and leisure premises within The Lexicon that had been granted Late Night Refreshment or Premises Licences. Although the majority of these were on Eagle Lane and not the High Street, the Panel recognised that plans for development in the future near McDonald's, at The Deck, would eventually lead to further food and leisure facilities in the immediate area.

In reaching the decision that it did in the promotion of the Licensing objectives, the Panel sought to strike a balance between the legitimate business interests of the applicant and the concerns raised by nearby residents.

The Panel did note the incidents of anti-social behaviour which were reported by residents, and felt assured that these would be addressed outside of the Panel forum by McDonald's Restaurants Limited. The Panel did not agree that granting a Late Night Refreshment Licence would necessarily exacerbate any existing anti-social behaviour in the area. The Panel also felt that there was insufficient evidence in direct support of residents' assertions that anti-social behaviour has increased as a direct result of the applicant's business operations at this premises.

The Panel noted that the premises is in an urban environment with a mixture of business and residential use and that, as such, not all of the lighting, footfall and business related activity in the area can be directly attributable to the applicant's business.

The Panel, however, wished to remind residents of Ferriby Court of their right to request a review of the Licence, and proposed that if any issues do arise as a result of the Licenced activities, these should be logged and raised with the Licensing Officer.

The Panel received the proposed Operating Schedule from the applicant, and it was understood that this Operating Schedule would be translated into conditions on the granted Licence. The Panel were particularly keen to stress that the restaurant should work in partnership with Police and Lexicon security colleagues as much as possible.

The Panel noted the presence of CCTV throughout the premises, maintained both by McDonald's Restaurants Limited and The Lexicon.

There had been no representations from the responsible statutory authorities, which the Panel took to indicate that they held no concerns that a Late Night Refreshment Licence at this premises would cause or exacerbate existing anti-social behaviour.

In seeking to promote the Licensing Objectives, and in addition to applicable mandatory conditions, the Panel implemented additional conditions to the effect of the following:

- the upstairs area of the restaurant is to be closed to customers during the Late Night Refreshment period from 23:00, if not earlier, each night Monday to Sunday
- the lighting upstairs to be dimmed during the Late Night Refreshment period from 23:00, if not earlier, each night Monday to Sunday
- the outside seating area to the front of the premises is not to be used during the Late Night refreshment period and the loose tables and chairs there are to be stored away during the Late Night Refreshment period from 23:00, if not earlier, each night Monday to Sunday

The Panel hoped that these additional conditions would ensure that nearby residents would not be unduly or adversely impacted by the Late Night Refreshment licence. The panel also note that the measures identified within the applicant's operating schedule will be added to the licence as conditions.

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