

**LICENSING
SUB COMMITTEE**

26th April 2012

**APPLICATION FOR A PREMISES LICENCE – MCDONALDS, CLEWS
ROAD, OAKENSHAW**

Relevant Portfolio Holder	Councillor Juliet Brunner, (Community Safety & Regulatory Services)
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services.
Wards Affected	Headless Cross & Oakenshaw

1. SUMMARY OF PROPOSALS

- 1.1 To consider an application for a premises licence for McDonald's, Clews Road, Oakenshaw, Redditch, Worcestershire, B98 7ST.
- 1.2 The application is brought before the Sub-Committee in view of relevant objections received from an interested party.

2. RECOMMENDATIONS

The Sub-Committee is asked to RESOLVE

whether or not, having regard to the licensing objectives, the Guidance issued under section 182 of the Licensing Act 2003, the Borough Council's Statement of Licensing Policy, the applicant's proposed Operating Schedule, and relevant representations made by an interested party

- 1) **to grant the premises licence, as shown in the application form attached at Appendix 1 to the report; and**
- 2) **if the Sub-Committee is minded to approve the application,**
 - a) **to attach relevant Mandatory conditions; and**
 - b) **to consider, with due regard to the statutory licensing objectives and the relevant representations received, whether to attach any appropriate conditions.**

3. KEY ISSUES

Financial Implications

- 3.1 The statutory fee of £450.00 has been paid.

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Legal Implications

3.2 The statutory framework is set by the Licensing Act 2003 ("The Act").

(Decisions to approve applications for Premises Licences are delegated to Officers where no representations are made but Member decision is required where the application has triggered relevant representations as in this case.)

3.3 The Licensing Authority will have a view to promoting the four licensing objectives contained in the Act: -

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

3.4 The Human Rights Act 1998 incorporates human rights under the European Convention into English law. Article 6 provides that, in the determination of a person's civil rights, everyone is entitled to a fair and public hearing. In this respect, third parties whose property rights may be adversely affected and, of course, applicants themselves, should be allowed to address the Sub-Committee if they wish to do so.

3.5 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to exercise their functions with due regard to the likely effect of the exercise of those functions on, and the need to do all they can to prevent, crime and disorder in their area.

Service/Operational Implications

3.6 The application requested is as follows:

Late Night Refreshment
23:00hrs to 00:00hrs Sunday to Thursday

23:00hrs to 02:00hrs Friday and Saturday

as shown in the application attached at Appendix 1.

3.7 Hours premises are open to the public.

Sunday to Thursday 06:00 – 00:00
Friday and Saturday 06:00 – 02:00

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- 3.8 All the required consultations were completed and, in accordance with the requirements of the Act, an advertisement was placed in the Public Notices of the local press and a notice was placed on the premises.
- 3.9 A representation has been received from a Local Councillor, a copy of which is attached at Appendix 2.
- 3.10 The premises are situated in a commercial area as shown on the location plan at Appendix 3.
- 3.11 The main comments relate to potential issues under:-
The prevention of public nuisance
- 3.12 No representations have been received from the Responsible Authorities which include the:
Police, Environmental Health, Fire Safety, Local Residents, Borough Planning, County Trading Standards and Child Protection Agency.

Customer / Equalities and Diversity Implications

- 3.13 The Licensing Sub-Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity. Applications received will be treated in accordance with Redditch Borough Council's Equal Opportunities policy.

4. RISK MANAGEMENT

See paragraph 3.3 above regarding the four licensing objectives, which seek to reduce the likely risks in the areas stated.

5. APPENDICES

- Appendix 1 Relevant extracts from Application form / Schedule of Operation.
Appendix 2 Representations received.
Appendix 3 Map of the area showing the premises.

6. BACKGROUND PAPERS

Guidance under section 182 Licensing Act 2003.

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