



Regulatory Committee

**Thursday, 21 June 2012 6.30 p.m.
Council Chamber, Town Hall, Runcorn**



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Kath Loftus (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Frank Fraser
Councillor Mike Fry
Councillor Pauline Hignett
Councillor Harry Howard
Councillor Darren Lea
Councillor Alan Lowe
Councillor Tony McDermott
Councillor Stef Nelson
Councillor Gareth Stockton

*Please contact Gill Ferguson on 0151 5118059 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Friday, 29 June 2012*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
3. APPLICATION TO VARY A PREMISES LICENCE - MCDONALDS RESTAURANT WEST LANE SHOPPING CITY RUNCORN	1 - 4

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT: Regulatory Committee

DATE: 21 June 2012

REPORTING OFFICER: Chief Executive

SUBJECT: Application to vary a premises Licence –
McDonalds Restaurant West Lane Shopping
City Runcorn

WARDS: Halton Lea

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application to vary a premises licence in respect of McDonalds Restaurant West Lane Shopping City Runcorn.

2. RECOMMENDATION: That the Committee considers the relevant representations and makes a determination on the application.

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 34 Licensing Act 2003 (“the 2003 Act”)
- 3.2** This hearing is held in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.3** The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 3.4** The hearing is solely concerned with those aspects of the application, which have been the subject of relevant representations as defined in the 2003 Act.

4 THE APPLICATION

- 4.1** McDonalds Restaurants Limited has applied to vary a premises licence in respect of McDonalds Restaurant West Lane Shopping City Runcorn
- 4.2** The application by McDonalds is as follows:-

**The variation application relates to the removal of condition ‘C’
“All sales from midnight to the time of closure are to be made by
way of the Drive Thru facility only”**

**The section headed “times the Licence authorises the carrying out
of licensable activities” should therefore read “L Late night
refreshment (both indoors and outdoors)” on both the Premises
Licence and the Premises Licence Summary.**

- 4.3** The effect of the application would if granted be to allow late night refreshment after midnight to be dealt with in the same way as before midnight: namely, to allow people to make purchases from inside the premises as well as via the drive thru facility. At present after midnight patrons may only use the drive thru facility.

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

The following responsible authority has made relevant representations

5.1.1 CHESHIRE CONSTABULARY

This venue is part of a busy leisure and shopping-orientated complex and, as such, has many of the demographic characteristics of a city centre. Whilst the Police have no desire to restrict trade and development by objecting outright to the application, the recent history there bears examination.

In the past 17 months there have been 18 reported relevant incidents at this site. These are incidents that are restricted to the evening hours only and do not include any disputes or other calls that have occurred during the day. Neither do they include any incidents that are simply 'landmarks' nor incidents that are related just to the general area of the retail park, whether these mention Macdonalds or not.

They are purely violent and anti-social behaviour incidents directly related to the venue.

These incidents break down into 8 incidents during the year 2011 and 10 incidents in the part so far of 2012: this represents **a 25% increase** on the previous year in just the first 5 months of this year.

It is not, therefore, unreasonable to expect any extension in trading hours to result in an increase in demand for police interventions

It must also be pointed out that of these 18 incidents, 15 were calls made to the Police by the staff at the venue; 9 in 2012 and 6 in 2011. Whilst we would not discourage staff from making such calls it must be recognised that there should come a point where they should take some responsibility for providing their own security measures.

Redacted copies of these incidents can be viewed on request.

In October 2007 a Variation was submitted requesting an extension of trading hours to 2am. Representations were submitted to this seeking that sales be restricted to the Drive-Through facility or the employment

of Door Supervisors. The Drive-Through facility was the preferred option.

Given the above information, if this Condition is to be removed, I would suggest that it is incumbent on the operators to take appropriate steps to promote the Crime and Disorder Licensing Objective. I therefore seek the following:-

Condition:

There shall be provided at the premises door supervisors who are registered with the Security Industry Authority to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity.

- 5.1.1.1** Should members wish to impose a condition such as recommended by Cheshire Constabulary the above words would have to be amended as follows to reflect the fact that the variation requested applies only from midnight:

Condition:

Between the hours of Midnight and 05.00 on any day that the premises are open to the public there shall be provided at the premises door supervisors who are registered with the Security Industry Authority to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity.

5.1.2 ANY OTHER PERSON

None

6. OPTIONS

- 6.1** The Committee has the following options under section 34 of the 2003 Act:

6.1.1 It must Grant the application (where properly made) unless it considers that for the promotion of the licensing objectives it considers it necessary to take any of the following steps, namely -

6.1.2 Impose relevant conditions on the licence;

6.1.3 Reject the whole or part of the application.

- 6.2** The Committee must act with a view to promoting the licensing objectives, namely:

(a) the prevention of crime and disorder;

(b) public safety;

(c) the prevention of public nuisance; and

(d) the protection of children from harm.

The Committee must also have regard to-

- (a) the Council's Statement of Licensing Policy, and
- (b) the Statutory Guidance issued by the Secretary of State

7. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/Kay Cleary