

Decisions of the Licensing Sub-Committee

18 August 2014

Sub-Committee:
Councillor Jim Tierney (Chairman)
Councillor Maureen Braun
Councillor Claire Farrier

Officers to the Panel
Bob Huffam – Legal Services
Faith Mwende – Governance Service

Licensing Officer
Daniel Pattenden

Applicant
Mr Panayiotis Pannyaotou – Operations Consultant for K&G Restaurants Ltd
Mr Ken Macleay – Applicants Representative

1. **APPOINTMENT OF CHAIRMAN:**

Councillor Jim Tierney was appointed Chairman.

2. **ABSENCE OF MEMBERS (IF ANY):**

There were none.

3. **DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY):**

There were none.

4. **LICENSING SUB-COMMITTEE HEARING PROCEDURE:**

The Chairman introduced the sub-Committee Members and explained the procedure that would be followed at the meeting.

5. **NEW PREMISES LICENCE, MCDONALDS, 154 STONE GROVE, EDGWARE, HA8 8AF:**

The Sub-Committee considered an application for a new Premises Licence, under section 17 of the Licensing Act 2003.

The Sub-Committee heard oral representations from the Licensing Officer, the Applicant(s) and Mr David Morgale (HA8), an objector.

6. **MOTION TO EXCLUDE THE PRESS AND PUBLIC:**

RESOLVED – That, under Regulation 14(2) of the Licensing Act 2003 (Hearings Regulations 2005), the parties be excluded from the meeting.

7. **DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION:**

The Sub-Committee deliberated in private session.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE:

RESOLVED – That the press and public be re-admitted.

The Sub-Committee, having considered the application and all verbal and written representations received, unanimously **RESOLVED** –

This is an application by McDonalds 154 Stonegrove, Edgware, HA8 8AF for a new premises licence. The premises already hold a licence and in effect are asking for two extra hours late night refreshment for its drive through service between 03.00 and 05.00 hours, an indoor service from 23.00 hours until midnight Sunday to Thursday, and until 01.00 Friday and Saturday. Finally it asks for 24 hour opening.

Following discussions with the Police, the application has been amended to include further conditions, and neither the Police nor any other responsible authority has made an objection.

The only objection has come from Rymer Properties Ltd on behalf of the 60 or so residents of London House, a block opposite the McDonalds premises. The objections relate to the prevention of public nuisance, and can be summarized as being:-

1. The period between 03.00 and 05.00 hours is the only break at present from the sound of engines revving, doors slamming, and horns sounding. If the application is granted that noise would be constant.
2. The extra hours would mean an increase in litter in the area.
3. There would be light pollution for more hours.
4. The area would be a magnet for anti-social elements to congregate.
5. The cooking smells would go on for longer.

The applicant states in response that:

1. McDonalds has been in contact with the residents and clearly has tried to listen to their concerns. Various actions have been carried out such as the relaying of the driveway surface. It will have signage clearly visible asking customers to be quiet and to respect local residents. It would also seem that there have not been any complaints received by the Environmental Health team about the noise. In order to shorten queues there will now be two order points instead of one. Mr Morgale did refer to cars honking their horns waiting to be served or while chatting in the car park while consuming their food. The applicant stated that the conflict manager remained inside the building and did not challenge such behaviour. We think this unfortunate and that a condition that the conflict manager also patrols outside is appropriate. We hope that this will help to keep down any noise.

The applicant will be aware of the possibility of a review of the licence should there be too much noise in these hours.

2. The layout of the premises will be changed to encourage customers to consume food within the curtilage of the premises rather than neighbouring premises such as London House. It is hoped that this will have some effect. In addition it is difficult to

see why there should be any particular increase in litter. The additional hours for indoor service should not involve litter, while the condition requiring bins and litter patrols should contain any problems in this respect as any overnight litter would be cleared early in the morning.

3. The applicant proposes using a vinyl which it seems would reduce the light from the roof sign. In addition the new LED lights in the car park will reduce light pollution. These conditions are accepted by the Panel. The panel considers this to be important and will make it a condition of the licence.
4. The applicant has not referred to anti-social behaviour but the objection did not state that there was any particular problem with anti-social elements congregating in the area, and there is no evidence that such groups would congregate between 03.00 and 05.00 rather than beforehand. Had this been the case the Police would no doubt have objected.
5. Finally the applicant states that the extraction system is cleaned in accordance with current statutory requirements and that an extra service will take place annually. We consider that this should keep down any additional smell from the premises.

We therefore grant the application with the added conditions that:-

- a) An 80 micron diffusing vinyl be applied to the roof sign and thereafter properly maintained.
- b) The conflict manager shall when necessary patrol outside the building, but within the curtilage of the McDonalds premises in order to encourage customers to be quiet and respect the local residents.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT:

There were none.

The meeting finished at 12.00 pm