

## Brighton & Hove City Council

For general release

**Meeting:** Licensing Sub-Committee

**Date:** 21<sup>st</sup> October 2005

**Report of:** Assistant Director – Public Safety

**Subject:** Application for a premises licence under the Licensing Act 2003 –

**Applicant:** McDonalds Restaurant Limited

**Premises:** McDonalds Restaurant, 157-162 Western Road, Brighton BN1 2BB

**Ward(s) affected:** Regency

### 1. Purpose of the report

1.1 To determine an application for a premises licence.

### 2. Summary of application

2.1 The application is for:

A premises licence for the provision of late night refreshment.

Case Officer: Martin New

### 2.2 Summary table of existing and proposed activities

	Existing	Proposed
<b>A Plays</b>	None	None
<b>B Films</b>	None	None
<b>C Indoor sporting Events</b>	None	None
<b>D Boxing or Wrestling</b>	None	None
<b>E Live music</b>	None	None
<b>F Recorded Music</b>	None	None
<b>G Performance of Dance</b>	None	None

<b>H Anything of a similar description within e, f ,or g</b>	None	None
<b>I Provision of facilities for making music</b>	None	None
<b>J Provision of facilities for dancing</b>	None	None
<b>K Provision of facilities for entertainment of a similar description to that falling with in i or J</b>	None	None
<b>L Late Night Refreshment</b>	None	Friday and Saturday 23.00 – 00.00 The premises will operate as a restaurant selling food and non- alcoholic drinks for consumption on and off the premises
<b>M Supply of Alcohol</b>	None	None
<b>O Hours premises are open to public</b>	1	Sunday – Thursday 06.30 – 23.00 Friday & Saturday 06.30 – 00.00
<b>P Conditions removed as a consequence of the proposed Variation</b>	None	

### 3. Representations received

3.1 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

- a) One representation has been received relating to anticipated negative impact of extended opening hours on prevention of crime and disorder, public safety and prevention of public nuisance.
- b) Comments from pollution team no current involvement

#### **4. Commentary on licensing policy**

- 4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

##### **General**

- 1.2 The licensing objectives are:-
- (a) prevention of crime and disorder;
  - (b) public safety;
  - (c) prevention of public nuisance;
  - (d) protection of children from harm.

1.4 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act

1.14 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

- c) Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the

premises, close circuit television, help points, lighting and security staff.  
The Police

may ask for conditions which support such measures to be imposed  
when planning  
or licensing applications are granted, e.g. type of licence, capacity,  
opening time  
restrictions.

Following the grant of a licence the management and supervision of the  
premises, in

so far as it might impact on crime and disorder, will continue to be  
monitored.

Particular attention will be paid to any licensed premises where there is  
evidence of

criminal activity or any association with racist or homophobic crime. The  
licensing

authority will keep itself well briefed on the nature, location and type of  
premises

where alcohol related violence and disorder are occurring so it can take  
full account

of the facts and avoid exacerbating problems as required by the  
Community Safety

Strategy. Where licensed premises are found to cause nuisance or be  
associated with

disorder or unreasonable disturbance, powers of revocation or the  
imposition of

conditions may be considered. Conditions include use of close circuit  
television,

licensed door supervisors and earlier closing times. Such action to restrict  
the

operation may be taken for trial periods to allow businesses an  
opportunity to

remedy existing disorder, nuisance or disturbance.

This policy recognises the use of registered Door Supervisors as members  
of the

extended police family. Door Supervisors registered under the Brighton &  
Hove

City Council scheme will need to renew their licences when the relevant  
parts of the

Private Security Industry Act 2001 take effect; current licence holders will  
be

permitted to continue until such time and any Door Supervisors newly  
licensed will

also meet the required standards.

( Note these parts of the Private Security Industry Act 2001 are now in  
effect).

## In respect of Public Safety

3.2 Conditions will be imposed in accordance with operating schedules to protect public safety including where justified:-

- (a) provision of close circuit television and panic buttons.
- (b) use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic (recognised by Community Safety Strategy).
- (c) use of security personnel, such as door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).
- (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- (e) occupant capacity conditions will be applied where appropriate.
- (f) the provision of designated and suitably trained first aiders

In order to minimise disputes and the necessity for hearings, it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.

3.3 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers as recognised by the Community Safety Strategy and Policing Strategy. Applicants may be required to consult local transport operators

## In respect of the prevention of public nuisance

4.2 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises.

4.7 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

