

NOTICE OF DETERMINATION

Date of Hearing: 18 May 2018

Hearing Type: Application for a Premises Licence

Name of Applicant: Direct Dialog Visual Limited

Name of Premises: McDonalds Restaurants

Postal Address of Premises: 2/4 Hening Avenue, Ipswich, Suffolk, IP3 9QJ

Name of Responsible Authorities: Suffolk Constabulary

Name of Other Persons: Mr Atkinson
Ms Atkinson
Mr Barnes
Mr Borley
Mrs Eburne
Mr & Mrs Farnish
Mr Jones
Ms Kew
Mr Neale
Mr Picton
Ms Robson
Ms Waterworth
Ms Grey
Mr Manchester

Members of the Sub-Committee: Councillor S Connelly (Chair)
Councillor S Darwin
Councillor B Studd

Determination – The Sub-Committee’s decision and reasons

The Sub-Committee considered the application for a Premises Licence and the representations made by Other Persons. The Applicant, Direct Dialog Visual Limited, applied for a new Premises Licence for McDonald restaurants at 2/4 Hening Avenue, Ipswich to authorise the Provision of Late Night Refreshment licensable activity from 23:00 to 05:00 hours Monday to Sunday inclusive.

Written representations were received from Suffolk Constabulary, however, these were withdrawn before the hearing following successful mediation with agreed conditions. Representations were also received from Other Persons. There were 13 representations from Other Persons objecting to the grant of the application and one representation in support. The objections were based on the Prevention of Crime and Disorder and the Prevention of Public Nuisance licensing objectives. The objectors, made up of local residents, were concerned with various issues including noise, litter, anti-social behaviour and traffic.

The Applicant was represented by Mr Charalambides instructed by Shoosmiths Solicitors and was accompanied by Ms Rogersen, the franchisee. Mr Borley, Mrs Eburne and Ms Grey attended the hearing and made oral representation either by themselves or through a representative. Others were not present at the hearing but their written representations were taken into account by the Sub-Committee.

Decision and Reasons

In coming to its decision, the Sub-Committee considered the need to promote the 4 licensing objectives under the Licensing Act 2003, the Home Office Guidance and Ipswich Borough Council's Statement of Licensing Policy.

Having considered the representations made by all parties, the Sub-Committee determined to grant a licence to authorise the provision of late night refreshment licensable activity at the Premises between 23.00 and 05.00 hours Monday to Sunday. The Sub-Committee further determined to impose the conditions agreed between the Applicant and Suffolk Constabulary and two additional conditions stated below.

The Sub-Committee determined as follows:

"While we are sympathetic to the concerns raised by the residents and their representatives the decision of this Sub-Committee is that we grant this application as submitted subject to the conditions agreed with Suffolk Constabulary and two additional conditions.

Our decision can only relate to issues arising from the relevant licensing hours of 23.00 to 05.00.

We have listened to the concerns raised relating to the hours when the premises is not required to be licensed and are pleased to see that residents are taking a real interest in their community. We would encourage them to continue to monitor the situation and report incidents to the responsible authority as and when they occur.

We are encouraged to hear that the applicant is keen to engage with the local community and would ask that the applicant's offer to provide a litter pick map to the local residents group is accepted."

The Sub-Committee considers that the conditions imposed would help to ensure that the concerns raised by residents would not extend to the relevant licensing hours.

The Sub-Committee considers this decision to be an appropriate and proportionate response to the promotion of the licensing objectives.

Conditions Imposed

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police. All entry and exit points will be covered, as will all areas where licensable activities are happening, enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 30 days with date and time stamping.

- Recordings shall be made available immediately upon the request of Police or an authorised officer throughout the preceding 30 day period.
- A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member will be able to show a Police or Authorised Licensing Officer recent data or footage with the absolute minimum delay when requested and be able to download relevant footage onto a disc or memory stick.
- The Applicant shall liaise with Ipswich Borough Council's Environmental Protection Services to set a maximum acceptable level of noise coming from the intercom before carrying on the provision of late night refreshment licensable activity.
- The Applicant shall display signage in a prominent position on the premises requesting that their customers respect the local residents and leave the premises quietly before carrying on the provision of late night refreshment licensable activity.

Right of a Party to appeal against the determination of the Authority

For your information, applicants and any party who made a relevant representation, or submitted an objection notice, who is aggrieved by the decision, or the imposition of any term, condition or restriction, have a right of appeal to the Magistrates' Court within 21 days of the date on which they are notified of the decision.

Notification Date: 22 May 2018

