

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Tuesday 17th November 2020
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	McDonalds, Parsons Hill, Kings Norton, Birmingham, B30 3PN
Ward affected:	Kings Norton North
Contact Officer:	Shaïd Yasser, Senior Licensing Officer licensing@birmingham.gov.uk

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the provision of Late Night Refreshment, to operate both indoors and outdoors, 24hours (Monday to Sunday)

Premises to remain open to the public 24hours (Monday to Sunday).

2. Recommendation:

To consider the representations that have been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 7th September 2020 in respect of McDonalds, Parsons Hill, Kings Norton, Birmingham, B30 3PN.

Representations have been received from West Midlands Police, as a responsible authority, and from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

McClean Restaurants Ltd applied on 7th September 2020 for the grant of a Premises Licence for McDonalds, Parsons Hill, Kings Norton, Birmingham, B30 3PN.

A representation has been received in support of the application, which is attached at Appendix 1.

A representation has been received from West Midlands Police as a responsible authority. See appendix 2.

Representations have been received from other persons. See Appendices 3 - 26.

The application is attached at Appendix 27.

The Hearing was initially scheduled before Licensing Sub-Committee B on Tuesday 27th October 2020. However, West Midlands Police requested that the hearing be adjourned due to extenuating circumstances. On Tuesday 27th October 2020, Licensing Sub-Committee B resolved to adjourn the hearing until Tuesday 17th November 2020.

A copy of the determination is attached at Appendix 28.

Site Location Plans at Appendix 29.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

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

6. List of background documents:

Copies of the representations as detailed in Appendices 1 – 26

Application Form, Appendix 27

Licensing Sub-Committee determination of Tuesday 27th October 2020, Appendix 28

Site Location Plans, Appendix 29

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate.

Exclude from the licence any of the licensable activities to which the application relates.

Appendix 1

From:

Sent: 14 September 2020 11:40

To: Licensing

Subject: APPLICATION FOR NEW LICENCE MCDONALD'S

Good Morning,

I have been today and viewed the application for a new licence at McDonald's King's Norton, Parsons Hill, Birmingham, B30 3PN.

I just want to put to you that I think it is a very good idea. Not only will it help the local community with the litter walks they do but they will help during the night time. I live on the houses behind the shop and during the night the store is closed but there are still kids hanging around on the car park. This is no fault to the mcdonalds but having them open during the night can help control this better.

There are a lot of factors to consider here but I know that going forward this will be a good decision as it will definly help my road in antisocial behaviour.

Regards,

Appendix 2

From: bw licensing

Sent: 05 October 2020 12:57

To: Licensing Online

Cc:

Subject: RE: [External]: GRANT - MCDONALDS, PARSONS HILL, KINGS NORTON, BIRMINGHAM, B30 3PN

Good Afternoon Licensing,

West Midlands Police have reviewed this application and have taken advice from the local neighbourhood policing team and wish to object to this application on the grounds of public nuisance and crime & disorder.

Concerns have been raised by the local policing team that by granting this application there will be an increase in public nuisance and crime & disorder. They believe if granted it would be detrimental to the local community with implications of noise, anti-social behaviour and litter.

A late night food venue will encourage people from the wider area, creating a higher volume of traffic and noise at a time when local residents are trying to sleep. Also that it is highly likely as a result of this West Midlands Police would be required to respond to incidents at a time when resources are already stretched.

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police

Preventing crime, protecting the public and helping those in need.

Appendix 3

From: Councillor Julien Pritchard
Sent: 05 October 2020 21:06
To: Licensing
Subject: Representation Regarding Parson's Hill MacDonald's Application for 24 Hour Opening Reference 117222

Hello,

I am writing to make representation and outline my concerns regarding the Application by Parson's Hill MacDonald's for 24 hour opening licensing application reference 117222. These concerns mainly come under the licensing objectives of preventing crime and disorder and preventing public nuisance.

The premises is close to residential housing not only the ward in which it is situated (Kings Norton North) but also in neighbouring Kings Norton South, and my own ward of Druids Heath & Monyhull, where it is close to residential properties on Broadmeadow Lane, Broadmeadow Close and on the Monyhull Hall Road. This means a higher threshold needs to be reached as to whether something does not constitute a public nuisance. The closest properties in my ward to the premises are literally the other side of the road.

The premises and the car park are already known to be location and draw for anti-social behaviour particularly in the evenings. I have reports from residents regarding fights and cars playing loud music during the current opening hours. It would likely also be a draw for anti-social behaviour through the 6 hours it is not open currently, and this would exacerbate the situation in the evenings at the moment.

There is currently no reason to go there between midnight and 6am. This limits the amount of people travelling and gathering there, and the times people can go there, and therefore limiting the possibility of noise and anti-social behaviour and crime and disorder by anyone visiting the premises.

There may enough noise from surrounding roads and traffic during the day for the premises not to make much difference in terms of noise nuisance and any anti-social behaviour. However, during the night there is very little traffic, therefore the impact of the premises will be all the greater. There is already a West Midlands Police sign on leaving the car park asking guests to keep noise to a minimum, demonstrating there is already an issue with the premises' current opening hours.

A few years ago (I believe it was in 2010) there was a similar application, which was rejected by Birmingham City Council Licensing Committee. This was on the basis of similar concerns about crime nuisance and anti-social behaviour. I would argue what has changed since then to now make this licence application no longer a concern for nuisance anti-social behaviour and crime.

I have also sought the views of my residents in the surrounding area, and in my ward at large. From the feedback I have not had one comment in favour of the 24 hour opening. I have however several residents write to me to express their concerns. These have mainly been about noise, anti-social behaviour and crime. It is on their behalf that I make this representation and outline these concerns about this application.

Many thanks

Julien Pritchard
Green Party Councillor - Druids Heath & Monyhull

Appendix 4

From:

Sent: 20 September 2020 13:42

To: Licensing

Subject: Application number 117222 - Objection to McDonalds Parsons Hill opening 24/7

Dear Sir or Madam,

Myself and my wife wish to object to McDonalds, Parsons Hill, Kings Norton opening 24/7.

We have had to live in Walkers Heath Road since this restaurant has opened and have had to live with the noise, litter and anti-social behaviour it generates.

We would like to object on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

Does this restaurant really need to be open 24/7 in a residential area?

I suspect this and many other emails will be ignored and this license still be granted as McDonalds is a powerful company with expensive legal teams who are able to convince local councils of all the benefits while dismissing local residents' concerns.

Yours faithfully

Appendix 5

From:

Sent: 20 September 2020 14:58

To: Licensing

Subject: Application 117222 - A formal objection to Mcdonalds 24/7 opening kings norton

To the licencing application team,

This email is a formal objection to the application that has been made by Sarah Mclean to open Mcdonalds kings Norton, Parsons Hill B30 3PN for 24 hours , 7 days a week.

I am a resident directly behind Mcdonalds in Parsons Mews. I strongly object to the proposal and I have also been in touch with my local MP regarding this matter . the objection is as below:-

(i) The prevention of crime & Disorder : the anti social behaviour is already an issue for the police& residents (see the crime statistics on the police website) , there are individuals (possibly gangs) on bikes shouting, fighting , and knife crime that has been reported. Drug dealing is known to take place on the Mcdonalds car park.

The customers park on double yellow lines all the time which blocks the residents in and makes it more dangerous to pull out onto the road. People drive too fast and do not look both ways, there have been near misses for road traffic accidents on the site.

(ii) Public Safety :- Extended opening times will increase the traffic into the car park. Cars think there is an exit into where the residents live (there is not). they turn into the residents parking and then reverse back out, there have been issues where cars have been damaged (paint scraped , bumpers taken off and wing mirrors taken off) . If residents are leaving it is dangerous to walk down to your car as there are cars from Mcdonalds going into where the residents cars are parked.

There are huge oil tankers that come to pick up used fat - this blocks the main entrance and we can not get out onto the main road .

(iii) The prevention of public nuisance :- People eating Mcdonalds come into where the residents live and sit on the grass , they talk loud and shout.

For the residents well being in this time hearing the cars , the tannoy from the mcdonalds car park constantly taking orders through the middle of the night is an absolute nuisance . It is not necessary for it to be open all the time. We only have 6hrs when Mcdonalds is closed a day - it is unreasonable to expect the residents to put up with the noise, pollution and additional public nuisance of the drive through all hours.

Mcdonalds management have told the residents that the application will definately go through and the residents will not influence the council to stop it - I dont know why they believe this?

I hope that this complaint will be heard and the application is stopped.

If you need any further information you may call me on

Thank you

Appendix 6

From:
Sent: 21 September 2020 17:46
To: Licensing
Subject: Application no. 117222

I would like to object to the 24/7 application for McDonalds kings Norton

I object on the grounds of increase noise nuisance, litter. Potential anti social behaviour of the youth who regularly gather outside this restaurant, We have noise issues from the cars and from the very loud intercom systems that they use, we are 80 meters away and can clearly hear the orders been taken.

This would be an issue during the night time opening

These are my objections

Regards

Parson hill
Kings Norton
Birmingham
B30

From:
Sent: 21 September 2020 18:37
To: Licensing
Cc:
Subject: Licensing Act 2003 Application No. 117222.

To whom it may concern,
To Gary Sambrook MP this cc is for your information.

‘We’ refers to Mr and Mrs of Bells Lane, B14 .
We wish to make a representation and object against the application being granted in regard to the above application number.

Under Objective 1: The Prevention of Crime and Disorder.

We feel that some users will use the fact that they can legitimately be at this restaurant and car park to use it as cover to carry out illegal activities and anti-social behaviour, predominantly but not limited to, the dealing of drugs.

It should be noted the main car park for the restaurant is not openly visible from the main roads at the front of this location.

Under Objective 2: Public Safety.

We feel that with the current trend for street racing the surrounding main roads and large traffic roundabout outside the restaurant location may be used for this illegal act as the restaurant and car park may become the meeting and start point for such activities.

Again it should be noted the main car park for the restaurant is not openly visible from the main roads at the front of this location.

Under Objective 3: The Prevention of Public Nuisance.

We feel that there will be a general increase in Public Nuisance to the immediate surrounding area.

Including, but not limited to,

Noise from vehicles and their occupants.

Litter, which is an issue now but we feel will increase giving the potential for health issues including an increase in rodents.

To conclude, we actually find it difficult to understand why this particular restaurant even necessitates to open 24/7? It is surrounded by predominantly residential areas of which we would suspect most residents would not wish to visit this restaurant during the night.

With the government quite rightly highlighting the need for us as a nation to address the obesity crisis is this indeed giving out the wrong signals?

We trust this email and it's contents will be subject to the relevant data protection laws and is limited to only those who have a legitimate reason to view it.

Regards,

Appendix 8

From:

Sent: 22 September 2020 09:52

To: Licensing

Subject: McDonalds Kingsnorton Application Number 117222 Objection Mclean Restuarants

Parsons Mews
Kings Norton
Birmingham
B30
22/09/2020

License Application Number 117222

Applicant Sarah McLean - Mclean Restaurants - McDonald's- Parsons Hill - B30 3PN

Dear Licencing,

We are writing to you today to lodge an objection and a complaint with reference to 24/7 licence application 117222 for McDonald's on Parsons Hill, Kings Norton.

In 2010, we had this attempted then and it got declined and since then the McDonalds has got busier and worst in so many antisocial disorder ways including a new layout to the drive-through which planning was granted to the peril of the residents of Parsons Mews.

We wish to object to the application for all the following reasons

The prevention of public nuisance

The Prevention of Crime and Disorder

Public Safety

The Protection of Children and Harm

1- Our homes are approx. within 15- 20 metres perimeter of the car park and the drive-through lanes, with the increased traffic, this has raised the noise levels, with general noise, Mcdonalds Customers **blasting car radio music, Horn beeping, fighting and shouting** due to the new drive-through which goes from a double lane to a single lane causing **aggression** and customers pushing in front of one and another. We are also seeing more deliveries to McDonald's with artic HGV arriving around 6 pm and leaving the site at times at 8 pm. Their engines are these arctics are very loud and left running whilst delivering and unloading. We also have youths hanging around in the car park blasting music, beeping at each other, loud motorbikes and car engines it is an unacceptable noise nuisance which needs looking into and 24hr monitoring Mcdonalds do not police this and cannot control their customers so to have this 24/7 would be a huge deterioration to well-being and could not cope with it 24/7

2- It is our opinion that McDonald's have outgrown this site to an extent that with Just Eat vehicles and evening delivery and this is more noticeable over Friday, Saturday and Sunday. Also, during school holidays, we have single road access into our home which is constantly blocked due to vehicles being parked on the double yellow lines or on the pavement. Also, this is a public nuisance as this then causes a back of vehicles on the road and we can wait up to 20 minutes to gain access to our homes. This also causes a huge public nuisance with increased aggression with people trying to overtake to get entrance whilst risking head-on vehicles as you are forced on to the wrong side of the road. We raised this with McDonald's, and they will not police this as they don't want to tell customers they can't park in certain areas however this is a health and safety issue

3- There is an issue with **gangs, drugs, swapping of drugs** in cars, thugs just sitting in their cars and using it as a meeting place. Loud music which Mcdonalds have signage but it makes no difference at all. This McDonalds is a magnet for Antisocial behaviour.

4- Litter - We have litter constantly blowing into Parsons Mews. They do Litter pick the parameter a few times a day but in the last month, they have been into parsons' mews approx. twice. This is in violation of their current licence as it should be every hour and it is not. I work from home and have a front of house office where I can see exactly what and when happens within Parsons Mews.

5- McDonald's Customers eating food in Parsons Mews - As the car especially over Friday, Saturday and Sunday is full we have McDonald's overflow eating their food within Parsons Mews, dumping rubbish and taking up residents parking spaces

6- Vans and trucks - After eating their food and if they haven't already parked in Parsons Mews we are experiencing as there is no room for these vehicles to turn in Mcdonalds driving into parsons Mews and turning in small spaces just avoiding hitting residents cars.

We have lived at Parsons Mews since 2007 and we already have had to fight this application in 2010. We object strongly to this with this site already now opening from 5:30am till 11:am from 7:30am till 10:00am they have already had extended hour, we ask you to reject this application due to close proximity of our homes and all the antisocial behaviour as listed above. We also wish to request, not a partial acceptance would also not be accepted as the situation worsens over Friday, Saturday and Sunday and School Holidays.

We look forward to hearing from you and please can you confirm my objection has been received logged on the application file.

Yours Sincerely,

Appendix 9

From:
Sent: 22 September 2020 10:48
To: Licensing
Subject: Application number 117222

Morning

I am objecting to the 24/7 trading application that McDonalds parsons hill kings norton Birmingham b30 3pn has applied for

The reason for my objection is

- 1) The prevention of public nuisance
- 2) The prevention of crime and disorder
- 3) Public safety

You only need to come and see especially on evenings and weekends, the congregation of vehicles youths and the noise nuisance, horn beeping, loud music antisocial behaviour. Which would be worse if it was to be a 24/7 .

My property backs on to the car park .

Many thanks

woodmeadow rd
Kings norton
Birmingham
B30

Appendix 10

From:
Sent: 22 September 2020 11:42
To: Licensing
Subject: Application no. 117222

I wish to to object to the application for McDonald's parsons hill, kings Norton , Birmingham, B303PN to trade 24/7 .

I feel this falls under all of the licensing objectives

- 1) The prevention of crime and Disorder
- 2) public Safety
- 3)The prevention of public nuisance
- 4)The protection of children from harm

Loud music, horn beeping , late night congregation of cars , and total disregard for the residents in the area is a problem already. My garden backs onto the car park and I only see further problems if this is approved .

Regards

woodmeadow rd
Kings Norton
Birmingham B30

Appendix 11

From:

Sent: 22 September 2020 14:11

To: Licensing

Subject: Objection to the 24/7 Licensing of McDonalds- Parson's Hill, Kings Norton

To whom it may concern,

I am writing in response to the application that has been made by McDonalds (Parsons Hill Kings Norton; Application Number: 117222).

It is with great concern, that I would like to object to the proposed application that has been made by McDonalds.

I am a resident of Parson Mews, the set of houses behind the McDonald's.

Over the years that I have lived in this neighborhood, there has been constant disruption and noise made by the cars going through the drive through, loud people laughing and shouting, people making orders and people driving in and out of the McDonalds drive through, and the conversation via the speakers when people make orders etc.

This constant disruption continues through the night and interrupts sleep as the loud noise causes disturbance.

There has also been cases of antisocial behaviour, people/young teenagers coming into our drive and causing disruption, leaving litter and I have even had my car broken into and items stolen as a result. There is constant noise, anti-social behaviour and much more. Not to mention the McDonalds closing late means that our sleep gets disturbed.

I would be concerned for our safety and noise disturbance if the McDonalds is open 24 hours. As a result of this, I am against the McDonalds being open for 24 hours as it would cause much disruption to us the residents that live in this neighbourhood (directly behind the McDonalds).

I hope you will take my concerns into consideration.

Regards,

Appendix 12

From:
Sent: 22 September 2020 17:15
To: Licensing
Subject: Application 117222

To whom it may concern.

In response to the McDonald LS application to open 24/7.

I happen to live behind the car park in Woodmeadow Rd so I am already enduring cars at all hours parking up with their boom boxes on full with the car lights on blaring into my bedroom window and having to deal with being woken up first thing in the morning by the loud noise that the refrigerated lorries makes when delivering.

I have invested in blackout curtains due to the light pollution issue and paid nearly £800 to have a fence built to stop customers coming into my garden and home late at night as the boundary fence is in poor repair.

Living behind McDonalds has been unpleasant due to the above and also the smell of the food cooking.

Due to public nuisance and prevention. Of crime and disorder I oppose very strongly against the restaurant opening 24 hours as I am already struggling to sleep due to the noise and groups of cars that park up. Also due to the nuisance of the noise from the refrigerated delivery vehicles being so noisy.

Also I have wrappers daily arrive in my drive as I'm in the walking path is customers.

I am sorry that this email is so negative and not supportive but it has not been a positive experience.

When the restaurant was closed due to the Covid-19 situation it was so lovely and quiet again I could sit in my garden without dealing with the constant boom boxes and noise pollution as well as sleep longer without being woken up by the noise of the vehicles.

Please do not hesitate to contact me further on this matter.

Regards.

Appendix 13

From:

Sent: 23 September 2020 10:45

To: Licensing

Subject: McDonalds Application Parsons Hill, Kings Norton, Birmingham

Dear Sir/Madam

I am writing to object against the application for 24/7 trading at McDonalds, Parsons Hill.

I live very close to this business and it already causes litter in my road and nearby roads. When they first opened this was a local concern and we were told they would clean up litter in nearby roads but this does not, and never has happened. There are houses adjoining McDonalds which would be disturbed by an increased flow of traffic. I am often travelling past McDonalds during the night and see youths hanging around. This area has enough petty crime, house break ins and car theft, we do not want to encourage undesirables hanging around. McDonalds already has long opening hours, from 5am to 11pm and there really is no need for people to eat all through the night. If this application is approved it could lead to increased crime in the area, increased litter problem and a general public nuisance.

Kind regards

Details

Good afternoon,

Please can you help.

I speak on behalf of the residents of Parsons Mews who live in very close proximity of McDonalds, Parsons Hill, Kings Norton, Birmingham, B30 3NP

We have huge concerns from an application to Licencing for this site to open 24 hours a day and we wanted to speak to environmental health as if this gets granted it is going to cause antisocial behaviour, noise nuisance, crime we have huge concerns.

The residents at parsons mews are in distress as our property's are very close within 15 metres of the boundary and we already put up with gangs, loud music, antisocial behaviour, access in a form of public safety as we have vehicles blocking the road entrance to our homes.

If this get accepted its going to affect our way of life and antisocial behaviour on the evenings and during busy times.

I have attached the details, we would be grateful if you could lodge a complaint to help us. We need as much help as we can get as many people in the area are not aware of the application as the signs had been removed, bit now have appeared again,

Please can you help.

Kind regards

Parsons Mews
Kings Norton
B30

From:

Sent: 23 September 2020 20:34

To: Licensing

Subject: Application number 117222

Hi

I am a resident at Parsons Mews by McDonalds, I would like to make my objection to making the McDonalds at Parsons Hill 24/7

A number of times we have witnessed crimes and noise nuisance happen at McDonald even when the McDonald it's closed. We are kept awake at night by cars beeping, people shouting and loud music. There a gangs that gather outside the McDonald's that sit and smoke cannabis.

I am very concerned and against the McDonalds as I fear the safety of our property, cars and personal safety.

From:
Sent: 25 September 2020 14:43
To: 'licensing
Subject: Objection re: 117222

To whom it may concern,

Please find attached objection for application 117222.

Please provide with receipt of delivery.

Kind regards,

Parsons Mews,
Kings Norton,
Birmingham.
B30 .
25.09.2020.

Re: Notice application of McDonalds 24/7 opening times. 117222

To whom it may concern;

I am writing to lodge my objection regarding the application by Sarah McLean to extend the opening hours of the McDonalds restaurant adjacent to our home address. 24hour opening. I find it almost unconceivable that this is even being a matter for consideration. I was under the impression that Birmingham City Councils priorities as stated in the health profile of 2019 were:

- Child Health
- Working age adults
- Ageing well
- Health environments

Just by listing these Council priorities there is obviously a conflict between what the council proposes to do by letting the 24 hour opening commence with regard to said priorities. Therefore I can only think that if this proposal was to go ahead that the decision was based on who stands to make the most financially from the decision, rather than the well-being and welfare of the local residents and wider community. I am left wondering how McDonalds supports the city council by achieving their intended goals?

You have provided us with the categories under which we may object to this restaurant becoming 24 hour and therefore please find my partner and I's objections.

1. **The prevention of crime and disorder:** Unfortunately Sarah Mclean does not live beside her business. We have on a regular basis been subjected to inappropriate language, aggressive behaviour by customers and Uber drivers frequenting and using her establishment. As a local resident why should I have to protect or explain to my children why other adults are shouting at us for trying to get to our home. Countless time in the last 3 years that I have lived at the property my children have been

woken up before the close of business by cars that are revving their engines, playing music too loud or groups of people shouting. This is all anti-social behaviour which will only extend with longer opening hours. Regularly customers will park in our mews grounds, consume their food and throw their litter in our shared garden.

2. **Public Safety:** There is a constant stream of traffic from opening to closing time which regularly causes traffic to be backed into the main road. This in turn causes hold ups and there have been occasions where emergency vehicles have not been able to gain access or struggled to get to our mews. The introduction of Uber eats has caused yet another layer of traffic, pollution and anxiety for us as residents. Considering the financial cost of obesity amounts to £2.6 billion a year, is increasing the opportunity to access and consume more fast food in line with the council priorities? Birmingham has one of the highest childhood obesity rates on the UK. 24.4% at the start of school age which rises to 40% by the time children reach the end of Key Stage2 (10/11 years old). Our local area along with the country is fighting this problem and therefore I cannot see how extending opening hours and therefore opportunity to consume can be considered anything less than irresponsible!
3. **Prevention of Public Nuisance:** As mentioned above the introduction of Uber eats has caused yet more stress and anxiety. Uber drivers regularly put their prayer mats out on the ground of our entrance to the mews to pray thus blocking it. Whilst I have no objection to an individual's right to exercise their faith I do object to Sarah McLean's extended staff using our facilities without consultation. Will she be asking these staff to be mindful of the local residents, contribute to the cost of maintaining the grounds and clearing McDonalds litter away? My family and I should be able to walk the grounds of our mews in safety and not have to face or be subjected to sights and practices that should be confined to a person's indoor environment. On numerous occasions we have witnessed the congregation of Uber drivers parking on the path forcing pedestrians into the road, swearing and spitting on the floor. The amount of road rage and use of horns is absolutely appalling. The driver of this registration plate () continuously pulls out into traffic and when I flashed my lights at him for pulling out on me, behaved in such an aggressive and rude manner it upset by my young sons and step daughter. In the middle of a pandemic who in their right mind could possibly think that opening this restaurant 24 hours a day would not negatively impact the local residents?
4. **Protection of children from harm:** As I have mentioned previously during the last three years my children have suffered from interrupted sleep due to traffic noise (car horns, lights) and the noise generated by delivery lorries. Everyday without fail cars are parked on double red lines or the path ensuring that pedestrians are forced to walk in the road. The speed at which cars enter and exit provides constant anxiety and stress walking by the sight couple with the lack of respect for the rule of the road (stopping at a junction, giving way indicated). My children are unable to play on the drive to our house as my partner and I don't deem it safe enough with the speed

and frequency of McDonalds traffic entering our mews. There have been multiple occasions during my last three years of residence where a car exiting McDonalds car park has not observed the highway code and almost caused an accident. Added to this is then that verbal assault that ensues and even threats of physical assault. All for just trying to get home after a day's work.

Fundamentally, this is our home, we live here 24/7 and already have to tolerate behaviours and experiences as stated in this letter, that other home owners do not. Our life is not a business as it is for Sarah McLean therefore we completely object to this McDonald's being open for 24 hours and further disrupting and negatively impacting on our home life and other local residents.

Yours Sincerely,

From:

Sent: 28 September 2020 14:25

To: Licensing

Subject: MacDonald's Opening hours - address, the top of Parsons Hill, Kings Norton.

With Reference to an application number 117222 for MacDonald's 24 hour Opening time request

I object to the increase in opening times for MacDonald's to a 24 hour Opening service on the grounds of:-

The Prevention of Crime in as much of groups of people converging in that area throughout the night time, creating noise and disturbance to the local neighbourhood

Public Safety, Groups of youths that already congregate until late at night relocating to MacDonald's instead.

The prevention of public nuisance, We already have groups of young people hanging about at Lindsworth Shops in the evening, and also another group hang around outside the Shops at Broad Lane, not to mention the youths that access from Druids Heath Estate via Bells Lane, Druids Lane and Keynell Covert. There is a possibility of all moving to MacDonald's if it is available for food throughout the night time. Not to mention the increase in traffic throughout the night and as I live on Monyhull Hall Rd we need some peace from the amount of traffic we already have to content with during the day.

The protection of young children. There are already a small group of youngsters that are out late at night without encouraging more.

There are a number of these youths and young people who have pedal bikes who already have total disregard to the traffic using Monyhull Hall Rd, and as the MacDonald's building is located on an already very busy traffic island I dread to think of the mayhem that could be caused.

Adults Who could visit the venue all through the night with the use of vehicles creating disturbance to the neighbourhood.

Litter The local residents already have to contend with MacDonald's paper packaging that accumulates along the roads as well as our front gardens. Yes, this establishment does clear up the roads of litter through an arrangement with Lifford Lane Refuge Centre, but not our front gardens, we would therefore have to live with increased litter on our premises, this I strongly object to. If a person purchases a take away item they have just about eaten their purchase when reaching my home, so they just throw their empty cartons and paper cups on the roadway for the wind or traffic to blow it into our gardens.

I oppose this application most strongly.

Appendix 18

From:
Sent: 28 September 2020 22:59
To: Licensing
Subject: Ref : 117222

To Whom it may concern

I am writing this letter as I am a resident near to the McDonald's that has put in an application for 24/7 trading hours , I am objecting to this application ref 117222 for a number of reasons :

- 1: The noise would be a problem from cars coming and going , revving engines, opening and shutting doors , delivery drivers hanging around chatting .
- 2: I fear the safety of myself and family as 24/7 opening will encourage drunk, rowdy and disruptive clientele after the hours of 11pm which will blight the area and make it more dangerous for residents .
- 3: Litter would also be an extra problem as it is already just thrown out of car windows , on the floor from passer byes .
- 4: Anti Social behaviour is already a problem in the area and this would increase with the anti social opening times.

Kind Regards

McDonalds Restaurant:
Application 117222

24/9/20 11:36 17831 BCGADHKN

Walkers Heath Road,
Kings Norton
Birmingham.
B38

21st September, 2020.

The Manager,
The Licencing Authority
Birmingham City Council.

Dear Sir

With reference to Mrs McLean's extension to the opening hours to Twenty four hours a day of her McDonalds Restaurant at Parsons Hill Kings Norton (Application 117222), I feel I must ask you to reject her application on following grounds.

1) Litter.

Cans and drink containers are already just discarded outside my house from careless people. With opening hours extended, Late night clubbers are likely to discard more.

2. Noise.

Customers will park their cars at my end of the cul-de-sac rather than join the queue at McDonalds, disturbing the peace with slamming doors, loud chatter and driving away. At the moment this is a minimum and not really disturbing.

Customers coming home from a night out would talk and argue in loud voices. Sometimes shouting in an alarming way. I have heard this happening now, but at least it is only during late evening. When this does occur, I am nervous that things will lose control and property damage and vandalism of cars will occur.

Safety.

Should these folk become argumentative and unruly, any

24/9/20 11:36 17831 BCCADHRN

pedestrian might find himself involved in the conflict accidentally.
In conclusion I have no axe to grind against the restaurant,
I occasionally use it myself.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.

Appendix 20

From:
Sent: 29 September 2020 15:44
To: Licensing
Subject: Ref 117222

MacDonalds Parsons Hill

I wish to oppose the granting of the requested 24 hour license.

It will cause noise, litter, traffic congestion and increase the likelihood of more criminality and anti social behaviour.

Regards

From:

Sent: 30 September 2020 16:35

To: Licensing

Subject: 117222

Hi

My concerns as a resident are the following

Increase in rubbish dumped by cars parking on broadmeadow close, when mcdonalds was shut during lock down the amount of rubbish decreased as people were not littering.

Increase in cars parking in broadmeadow close while eating their food

Traffic noise during unsociable hours

Increase in gangs of youngsters hanging around, they already hang around till 11pm, this will cause issues with the disruption to the local neighbourhood

Thanks

Regards

From:
Sent: 03 October 2020 13:21
To: Licensing
Subject: ref: 117222

Hi,
ref: 117222

I live in Kings Norton B30 3QW area and oppose the plans for McDonalds 24 hour opening. I don't want people hanging around outside there at all hours of the night as I'm concerned for public safety and crime - my parents are elderly as are many others living in the area. It would potentially attract drunk people looking for late night food who could make a public nuisance of themselves with violence and shouting etc. It could also attract a gangs etc, It is just not a good idea at all.

There is enough crime in the area already.

Regards,

From:

Sent: 03 October 2020 18:42

To: Licensing

Subject: Licensing application 117222 McDonalds Broadmeadow Lane

We have objections to the application of McDonalds being open 24/7 . This is a residential area and there is no need for them to be open past midnight.

The prevention of public nuisance/crime and disorder

Being open later will only encourage youths to hang around the area and others to call in after pubs/clubs closing times, which presumably is part of the trade they are hoping to attract (when we return to normal) , increasing traffic and noise. There are already problems with this area being cited as a high crime area. Road bollards are smashed on a weekly basis up and down Broadmeadow Lane. If people are lurking about looking for criminal opportunities if there is a McDonalds open they can just say they are going there.

The public nuisance that McDonalds customers also cause is littering the area right the way down Broadmeadow Lane to Lifford Lane and throwing their cups and bags over the bridge into the canal. There are always litter picks being arranged and requests to BCC for clearing up of littering (although they very rarely happen). There are also many local residents, including myself, who litter pick largely McDonalds rubbish out the hedges and public space areas around the canal where it has been dumped once finished with. I am sure this situation is the same along the other roads leading away from McDonalds on Parsons Hill. Their customers also seem to find it ok to throw their finished meal cartons and cups out of car windows. **The council refuse to reinstate 1 bin or put in any more.** Perhaps McDonalds could sponsor litter bins in the area!!!

During lock down the rubbish/litter situation improved dramatically. Lifford Lane and Broadmeadow Lane is already used as a race track with cars speeding up there at night once the road is quieter from the normal residential traffic. If these people have somewhere to head for the situation could get worse.

Please do not accept this request for licensing.

Local residents

Appendix 24

From:
Sent: 04 October 2020 15:41
To:
Cc: Licensing
Subject: Please help our situation

Hi everyone we have lived at parsons mews B30 for the last 2years when we purchase our down wishing to dawn size both of us now into our 69 and 74 birthdays we was aware of the McDonald's and thought it would really not effect our life style we could of been more wrong It starts at 5am in the morning with the staff arriving the public start to turn up at 5.15 onwards that when the tannoy starts taking orders the drive through horns blasting shouting etc car stereo booming That's for 18 hours of a day The carpark has meany unsavoury characters and there are regular we think drug dealers doing there trades all night We are queuing on the main road to get to the carpark were we live on so meany occasion cars parking on yellow lines and when we ask can we get past please we again are shouted at We now understand the is an application for a new licence to trade 24/7 application number is 117222 We need someone to look at this in depth is 18 hours a day not long enough we get a max of 6 hours sleep per day on a good day is there any need to have yet another one open 24/7 There has been lots of issues with fighting the police attending insults to all of us who have to live hear I have been personally verbally abused on many occasions from fast food people who are not getting there food fast This is a residential area and we find this application unbelievable do we not have rights I would be most grateful if someone could please comeback to me Regards

From:

Sent: 04 October 2020 01:31

To: Licensing

Cc:

Subject: 117222

To Whom It May Concern

I live near Parson's Hill and object to the MacDonald's there having twenty-four hour licensing as I believe it would result in crime, disorder, public nuisance and a threat to public safety particularly children and vulnerable adults.

Thank you.

Flat Lindsworth Court, Monyhull Hall Road, Kings Norton, Birmingham, B30

From:

Sent: 05 October 2020 06:41

To: Licensing

Subject: Concerns about reference 117222

Dear Sir/Madam,

I am writing to raise my concerns about lichens application reference 117222, namely the request by the McDonald's restaurant at the top of Parsons Hill to open 24 hours. My concern is about the public nuisance of large amount of litter. Already the streets and gardens of residents on Lindsworth Road, and all along Lifford Lane are blighted with litter from that restaurant. My worry would be that people using the restaurant late at night might be even less careful and the amount of litter would get even worse.

I hope you take these concerns into consideration when making your decision about the application.

Yours faithfully

(resident of Lindsworth Road B30)



Birmingham
Application for a premises licence
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

Contact Details

E-mail
Telephone number
Other telephone number
* Date of birth

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The application is for a McDonald's quick service restaurant providing hot and cold food and soft drinks to eat in and take out. The restaurant will serve customers inside the building as well as through the drive-thru. The proposal is to be able to trade 24/7.

<p><i>Continued from previous page...</i></p> <p>If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend</p> <div style="border: 1px solid black; width: 80px; height: 20px; margin-left: 100px;"></div>
Section 6 of 21
PROVISION OF PLAYS
<p>See guidance on regulated entertainment</p> <p>Will you be providing plays?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 7 of 21
PROVISION OF FILMS
<p>See guidance on regulated entertainment</p> <p>Will you be providing films?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 8 of 21
PROVISION OF INDOOR SPORTING EVENTS
<p>See guidance on regulated entertainment</p> <p>Will you be providing indoor sporting events?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 9 of 21
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
<p>See guidance on regulated entertainment</p> <p>Will you be providing boxing or wrestling entertainments?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 10 of 21
PROVISION OF LIVE MUSIC
<p>See guidance on regulated entertainment</p> <p>Will you be providing live music?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 11 of 21
PROVISION OF RECORDED MUSIC
<p>See guidance on regulated entertainment</p> <p>Will you be providing recorded music?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 12 of 21
PROVISION OF PERFORMANCES OF DANCE
<p>See guidance on regulated entertainment</p> <p>Will you be providing performances of dance?</p>

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The restaurant will serve customers hot and cold food and soft drinks inside the building as well as through the drive-thru.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes

☒ No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☒ Electronically, by the proposed designated premises supervisor

☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

N/A

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. Only experienced managers will oversee these shifts. These managers have been trained in conflict resolution.
2. A minimum of 2 managers are to work between 23:00-05:00.
3. There are good links with the local police that will help with communication of any issues.
4. CCTV coverage includes 20 cameras inside and outside the building.
5. All managers are trained to operate the CCTV system and record the information on to a USB should it be required by the police.
6. Travel paths are completed by the management every hour.
7. Litter patrols are completed every hour by a member of staff supervised by management.
8. All the managers are trained to be able to save CCTV footage to a memory stick on request from the police if the need arises.

b) The prevention of crime and disorder

Only experienced managers will oversee these shifts. These managers have been trained in conflict resolution.
A minimum of 2 managers are to work between 23:00-05:00.
There are good links with the local police that will help with communication of any issues.
The restaurant will be risk assessed over this period and the outcome of the assessments incorporated into the shift patterns and responsibilities as appropriate.

c) Public safety

There is a CCTV monitor on the front counter as an aid to making customers aware they are being recorded.
CCTV records are kept for 30 days.

d) The prevention of public nuisance

Managers complete external hourly travel paths and would pick up litter but equally there is a hourly litter patrol completed by a member of staff and supervised by a manager.
The litter patrol extends to the neighboring businesses' car parks and 100 meters either side of the restaurant along the highway.
There are notices on the side of the building making customer aware of the need to keep noise levels to a minimum.

Continued from previous page...

e) The protection of children from harm

Local police station details are kept on display in the managers office.

All managers and key staff on shift are first aid trained.

(As a general rule children are not being served at this time of day/night and if they are they are with their parents/guardians)

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) It takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

450.00

DECLARATION

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE
* ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS
* PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B

TUESDAY 27 OCTOBER 2020

McDONALDS, PARSONS HILL, KINGS NORTON,
BIRMINGHAM, B30 3PN

That the application by McLean Restaurants Ltd for a premises licence in respect of McDonalds, Parsons Hill, Kings Norton, Birmingham B30 3PN, be adjourned.

The Sub-Committee decided, having heard carefully the request for an adjournment from West Midlands Police, that the hearing shall be adjourned to:

Tuesday 17th November 2020, at 10.00 hours. This will be an online meeting conducted via Microsoft Teams.

The solicitor for the applicant did not object to the application for an adjournment. The Sub-Committee was advised by the Committee Lawyer of its discretionary powers to adjourn the matter under Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

Members determined that an adjournment was necessary in the public interest, and in view of the principles of natural justice. As decision-makers, the Sub-Committee had a duty to conduct a proper examination of the submissions, arguments and evidence adduced by both the applicant and West Midlands Police in order to reach a proper determination.



