

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 18th October 2016
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	McDonald's, School Road, Yardley Wood, Birmingham, B14 4BJ
Ward affected:	Billesley
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider the relevant representations that have been made in respect of an application for a premises licence to permit the provision of late night refreshment, both indoors and outdoors, to operate from 11:00pm until 11:30pm (Monday to Sunday).

Premises to remain open to the public from 05:00am until 11:30pm (Monday to Sunday).

Following discussions with Planning the applicant has modified their application and the premises is to remain open to the public from 06:00am until 11:30pm (Monday to Sunday), which is in line with their current planning consent.

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 26th August 2016 in respect of McDonald's, School Road, Yardley Wood, Birmingham, B14 4BJ.

Representations have been received 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:

Robert Holdcroft Limited applied on 26th August 2016 for the grant of a Premises Licence for McDonald's, School Road, Yardley Wood, Birmingham, B14 4BJ.

Representations have been received from other persons, see Appendices 1 & 2.

The application is attached at Appendix 3.

The applicant's agreement with Planning to reduce their opening hours, in line with their current planning permission, is attached at Appendix 4.

Site Location Plans at Appendix 5.

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:

Copy of the representations as detailed in Appendices 1 & 2
Application Form, Appendix 3
Agreement with Planning to reduce the opening hours, Appendix 4
Site Location Plans, Appendix 5

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.

Appendix 1

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 05 SEP 2016 ENTERED BY
Planning Department
Re: McDonalds Restaurant

Crest View
Warstock
Birmingham B14

5th Sept 2016

School Rd Yardley Wood B14 4BJ

To the licensing Team, I live
Wood Birmingham B14 4BJ.

to McDonalds Fast food Restaurant School Rd Yardley

It has been bought to my attention by a notice stuck on a rubbish bin (see enclosed picture) in the carpark of McDonalds Restaurant that they are seeking planning permission to extend their opening hours to 11.30pm which I do believe they are operating already I also believe that this was a temporary arrangement given to them last year, never the less they are operating these hours now!

Crest View my home is to McDonalds there are 8 other family homes in Crest View, I think the way of informing people simply by sticking a letter to a rubbish bin is a very poor standard of communication and letters should be sent to all the local residents! Even so the problems that we have from McDonald's really only effect our family house, I live here with my wife and we are both senior citizens. We have lived here for over thirty years long before McDonald's arrived, we also have raised our family here, we are both now retired. One of the problems, and we have many with McDonalds, is the fact we go to bed at about 10 pm we are often woken at night by cars flashing their headlights/sounding their horns and gatherings on the carpark well into the night and early hours of the morning although this does not happen every night it does happen, and then at 6am in the morning we are often woken again by the sounds of cars and some are sounding their horns for attention at the drive in part of McDonalds, there are other problems too with noisy deliveries three times a week, but that's in the morning, we often have food stuff thrown over the fence and with all the other leftovers often encourages rats, we do have the rat catcher in every so often. It's also no surprise to see people/taxi drivers urinating on the car park and in front of my house, the car park is open without security for 24hrs seven days a week, all sorts of stuff goes on there which I don't really want to talk about. Most people park in the road to eat their fast food and often leave their left overs there too.

I am asking you please do not allow McDonalds to open any later than they do now, we think 6am is too early and certainly 11.30pm far too late when there are people living just a few yards from McDonalds we have simply had more than enough problems as it is....this area used to be so quiet in days gone by!

Thank you,



LICENSING ACT 2003

NOTICE OF APPLICATION FOR A PREMISES LICENCE

NOTICE IS GIVEN THAT Robert Holdcroft Limited t/a McDonald's has applied to Birmingham City Council on 26th August 2016 for the grant of a premises licence to use the premises at School Road, Yardley Wood, Birmingham, B14 4BJ, for provision of late night refreshment for the sale of hot food and drink from 23:00 until 23:30 on Mondays to Sundays.

Any person who wishes to make a representation in relation to this application must give notice in writing of his/her representation by 23rd September 2016 stating the grounds for making said representation to the:

**Birmingham City Council, Licensing Team, Units 1-3 Ashted Lock,
Dartmouth Middleway, Birmingham B7 4AZ**

A record of the application can be inspected at the above address during office hours.

Representations must be received by the Licensing Authority by the date given above. The Licensing Authority will have regard to any representation in considering the application that complies with the requirements of the Licensing Act 2003, the Regulations made thereunder and relates to at least one of the licensing objectives, being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in or in connection with an application for a premises licence and the maximum fine on being convicted of such an offence is £5,000.

Dated: 25th August 2016

Shoosmiths LLP

Appendix 2

, Crest View
Warstock,
Birmingham
B14

Monday 20th September 2016

Application reference: 26th August 2016

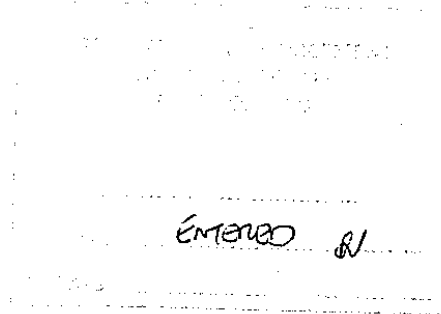
Dear Sir,

Re: Changes to the trading hours at McDonalds from 1100 – 2330 hours daily.

1. Access to our property
 - a. Access up and down our road is already compromised due to persistent parking on the road by employees and customers of McDonalds.
 - b. We have had to go into McDonalds and ask owners to move their vehicles so that we can use the road to get to and from our property.
2. Noise
 - a. The microphone system used to take the drive-through orders can be heard from our property and that of our neighbours.
 - b. Further noise pollution from car and motorbike engines ticking over and being revved up.
 - c. The sound of extremely raised voices whilst occupying the car park.
 - d. Radios excessively loud whilst occupants consume their meals; these noises already disturb us throughout the working day – particularly early morning and late evenings.
3. Light pollution
 - a. Further light invasion into our bedrooms due to the car park requiring illumination for a greater number of hours each day.
4. Litter
 - a. The staff at McDonalds do a sterling job trying to keep on top of the litter, however we have a continual problem with litter and unfinished meals being left in the road.
 - b. Birds, foxes, cats and rats often dine out on the rubbish left by the customers. Extended opening hours could well exasperate these issues.

We wish these views to be considered regarding this planning application.

Yours faithfully



Appendix 3

The Licensing Act 2003 (Forms and Notices) (Amendment) Regulations 2012 - Schedule 1, Regulation 3

Insert name and address
of relevant licensing
authority and its
reference number
(optional)

Birmingham City Council
P.O. Box 17013
Birmingham
B6 9ES

LIC2
REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED

REF NO

37 4801 £315

INITIALS

TD

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

XWe Robert Holdcroft Limited
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and We are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description McDonald's Restaurants School Road Yardley Wood	
Post town Birmingham	Post code B14 4BJ
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 65,500.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals*
- b) a person other than an individual*
 - i as a limited company
 - ii as a partnership
 - iii as an unincorporated association or
 - iv other (for example a statutory corporation)
- c) a recognised club
- d) a charity
- e) the proprietor of an educational establishment

- ☐ please complete section (A)
- ☒ / please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)

- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over		<input type="checkbox"/>	Please tick yes	
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over		<input type="checkbox"/>		Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

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

Name Robert Holdcroft Limited
Address Bromwich Lane Stourbridge West Midlands DY9 0Qz
Registered number (where applicable) 02969279
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
2	4	0	9	2	0	1	6

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Please give a general description of the premises (please read guidance note 1)

The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick any that apply

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Provision of late night refreshment (if ticking yes, fill in box I)

☒

Supply of alcohol (if ticking yes, fill in box J)

☐

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both - please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both - please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors <input type="checkbox"/>	
Mon				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon	23:00	23:30	Please give further details here (please read guidance note 3) The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises.	
Tue	23:00	23:30		
Wed	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur	23:00	23:30		
Fri	23:00	23:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)	
Sat	23:00	23:30		
Sun	23:00	23:30		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Tue				
Wed			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Thur				
Fri				
Sat				
Sun				

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	
Address	
Post code	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
The premises will operate as an outlet of food and non-alcoholic drink and does not provide any adult entertainment or service that gives rise to a concern in respect of children.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	05:00	23:30	
Tue	05:00	23:30	
Wed	05:00	23:30	
Thur	05:00	23:30	
Fri	05:00	23:30	Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat	05:00	23:30	
Sun	05:00	23:30	

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

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

Please see attached Operating Schedule.

b) The prevention of crime and disorder

Please see attached Operating Schedule.

Operating Schedule

General

This restaurant understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. It should be noted that no McDonald's restaurant within the United Kingdom serves alcohol and further none of our drinks or food are served to customers in glass receptacles.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives. We also seek to work with the local communities, whom we serve, in achieving a successful cohesion between our business operations and our neighbours.

Prevention of Crime and Disorder

This restaurant is keen to work in partnership with the local police service to prevent crime and disorder.

CCTV

McDonald's operates a robust CCTV Policy to ensure compliance with Data Protection Legislation and to assist the Police with the prevention and detection of crime. At all stores where CCTV is in operation appropriate signage reflecting this information is displayed.

McDonald's operate digital motion activated CCTV systems where images are retained on a hard drive system. All CCTV equipment is of a standard suitable to record images of a proper quality, it meets the industry standard and has LGC Forensics or Kalagate Certification. As part of the digital system an alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene. The CCTV system is regularly serviced by qualified maintenance technicians.

Access to the CCTV system will be provided to Police Officers at their request.

Staffsafe

A Staffsafe™ system with both audio and visual monitoring capability will be installed in the restaurant, this system, can be activated by either fixed or mobile panic buttons. Once activated the system links the restaurant to an external monitoring centre capable of intervening to resolve crime and disorder issues and/or provide the appropriate advice or instruction to support and protect the restaurant's staff and customers.

At this restaurant all shift managers have safety and security training; including Maybo SIA accredited Conflict Management Training.

Public Safety

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

This restaurant has safety systems in place to protect the safety of customers and staff at all times (such as Staffsafe). We work with the local Environmental Health Office and local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. This restaurant is also subject to inspections from our own safety and security teams to ensure our systems are being maintained.

All of our restaurant staff receive comprehensive safety training to ensure that safe working methods are adopted and all staff are trained on the restaurant's evacuation procedure in the event of a fire or other dangerous occurrence.

This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol into the in-store area.

Public Nuisance

Litter

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. McDonald's is committed to carry out litter patrols collecting both McDonald's packaging and any other litter that has been carelessly discarded. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable.

All of McDonald's packaging displays the "Bin It" symbol to encourage our customers to deal with their waste responsibly. Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World" section of the McDonald's website:
<http://www.mcdonalds.co.uk/ourworld/environment/policy.shtml>

Noise

Where it is practical to do so we are content to put measures in place to limit noise. All McDonald's restaurant doors are self-closing and we try to encourage our customers to be considerate to our neighbours and to limit noise both when ordering their food and on leaving the local area.

The Protection of Children from Harm

McDonald's do not anticipate that unaccompanied children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

c) Public safety

Please see attached Operating Schedule.

d) The prevention of public nuisance

Please see attached Operating Schedule.

e) The protection of children from harm

Please see attached Operating Schedule.

Checklist:

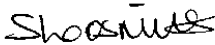
Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☐
- I have enclosed the plan of the premises. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☐

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	25th August 2016
Capacity	Solicitor / Authorised Agent for the Applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature			
Date			
Capacity			
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Shoosmiths LLP The Lakes			
Post town Northampton		Post code NN4 7SH	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



FIRE SAFETY EQUIPMENT:

- | | |
|---|--------------------|
|  | Fire Alarm Light |
|  | Fire Alarm Siren |
|  | Fire Break Glass |
|  | Fire Alarm |
|  | Fire Blanket |
|  | Fire Control Panel |
|  | Fire Detector |
|  | Fire Extinguisher |
|  | Fire Siren |
|  | Fire Switch |
|  | Alarm Siren |
|  | Smoke Alarm |
|  | CO2 Detector |

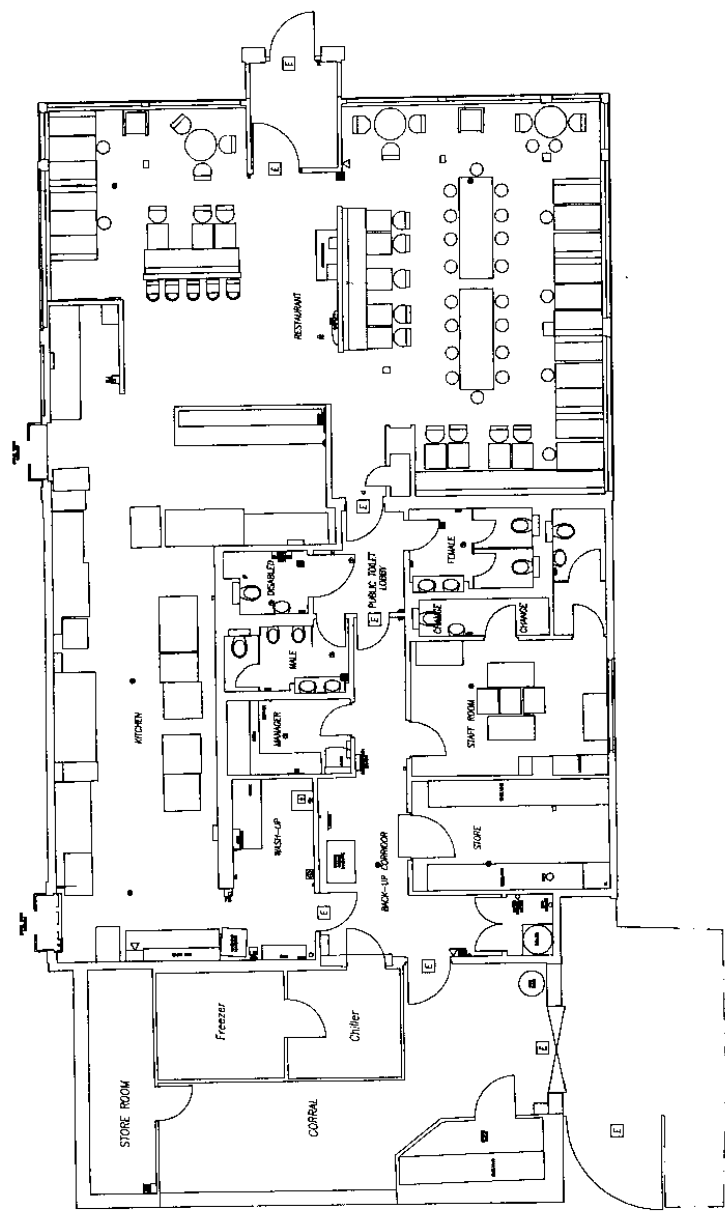
Note:
All fry stations have automatic
fire suppression devices fitted.

Licensable activity:
Sale of Hot food & Drink
after 11pm.

1275 Yardley Wood
School Rd,
Birmingham
B14 4BJ,
United Kingdom
Phone: +44 121 4304

**Ground floor plan
(For Licencing)**

Date	Aug 2016	Drawn	C.T.S.G.	Designed	Arch
Sheet	5/1002/A3	Type	EX/1275/001	Rev.	00



Appendix 4

From: John Richardson
Sent: 05 September 2016 14:46
To: Licensing
Subject: FW: Licence Application - Macdonald's, School Road B14 4BJ
Importance: High

Dear Licensing Service

In light of the comments below regarding a revision of the operating times to 06:00 to 23:30 hours daily. The revised start time would bring the opening times in line with those approved by Condition 9 of 2014/05606/PA. Providing the later start is retained the LPA would have no issues with this application for a closing time of 23:30 hours.

Regards

John Richardson

John Richardson MRTPI | Senior Development Planning Officer | Planning and Regeneration (South) | Economy Directorate

Visit 1 Lancaster Circus | Queensway | Birmingham | B4 7DJ

Post PO Box 28 | Birmingham | B1 1TU

planningportal.gov.uk | Check if you need planning permission | make planning applications online
birmingham.gov.uk/planningonline | Comment on planning applications | search for planning applications and appeals | submit a pre application enquiry | policy information | Regeneration in Birmingham
birminghambeheard.org.uk | Please participate in Be Heard | All current local consultations at the click of a button | Have Your Say!

 Please consider the environment before printing this email



From: Rayner, Elaine [mailto:elaine.rayner@birmingham.gov.uk]
Sent: Monday, September 05, 2016 2:29 PM
To: John Richardson
Subject: RE: Licence Application - Macdonald's, School Road B14 4BJ
Importance: High

John

Many thanks for your e-mail, the contents of which are noted.

I have discussed the opening times stated on the application form with the Licensing Team and they have asked me to e-mail them confirming the amendment of the same to state 06:00 instead of 05:00 as previously suggested. This change does not affect the Notices displayed at the premises or the Notice advertised in the local press and they have confirmed this within our discussion.

Many thanks for your assistance in respect of this matter.

If you have any queries or require anything further, please do not hesitate to contact me.

Elaine

Elaine Rayner
Licensing Team Leader

SHOOSMITHS LLP

al

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www.shoosmiths.co.uk

From: John Richardson
Sent: 05 September 2016 10:16
To: Rayner, Elaine
Cc: Licensing
Subject: Licence Application - Macdonald's, School Road B14 4BJ

Our Ref 2016/003125/ENQ

Dear Elaine

Thank you for your enquiry regarding your Licence Application for an extension of hours for light night operation from 23:00 to 23:30 7 days a week on behalf of McDonald's Restaurants Ltd, School Road, Yardley Wood, Birmingham .

As the Local Planning Authority we would note that this application seeks to extend the late night opening hours in line with a Planning Approval 2014/05606/PA granted on 30th September 2014 and would therefore be acceptable. However, I would point out that your application states (in section L) that the proposed hours of operation would be from 05:00 to 23:30 hours 7 days a week. I therefore draw your attention to Condition 9 of the attached condition notice (for 2014/05606/PA a variation of the original approval 2002/00001/PA) which restricts trading hours to 06:00 to 23:30 7 days a week. Can you please clarify whether this is a clerical error.

Should your client commence trading at 05:00 (I note from the McDonald's website that the current opening is at 06:00) then this would place them in breach of their Planning Permission and leave them open to Enforcement action. Looking at the planning history for the site there have been two applications for early morning opening at 05:00 in 2008 (Mon to Sat) and in 2012 (7 days) both of these applications were refused on the grounds that the proposed development would adversely affect the amenities of occupiers of dwellings/premises in the vicinity by reason of noise and general disturbance. Given the close proximity of residential development to the site I consider it unlikely that any further planning application to extend the opening hours from 06:00 to 23:30 would be successful.

I look forward to your reply

Regards

John

Please note that any view expressed in this email constitutes an informal officer opinion only and is given without prejudice to the determination of any future planning application or to the views of the Planning Committee. You should also be aware that under the Freedom of Information Act 2000, information you provide may be made available for public inspection.

DECISION DOCUMENT

APPLICATION NUMBER: 2014/05606/PA**TOWN AND COUNTRY PLANNING ACT 1990****APPLICANT**McDonald's Restaurants Ltd
c/o Agent**AGENT (if used)**Savills (UK) Limited
Belvedere
12 Booth Street
Manchester
M2 4AW

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Variation of condition number C8 attached to approval 2002/00001/PA to allow for extended trading hours from 0600 - 2330 hours daily.

at

McDonald's Restaurant, School Road, Yardley Wood, Birmingham, B14 4BJ

Conditions that affect this development or use

- 1 Requires parking and vehicular circulation areas to be suitably paved.
Parking and vehicular circulation areas shall be paved with a suitable material and drained, such areas to be provided and maintained for the lifetime of the development.
Reason: In order to safeguard the visual amenity of the area in accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 2 Requires details of entry and exit signs to be maintained.
The entry only and exit only signs at the points indicated in the application are to be provided and maintained in the approved.
Reason: In order to prevent interference with the free flow of traffic in the adjoining highway in accordance with Paragraphs 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 3 Requires the details of any trees to be removed.
Details of the location, size and species of any tree and shrubs that are to be removed are to be submitted to and approved in writing by the Local Planning Authority.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 4 Restricts the use of the car park to car parking only.
The areas allocated for car parking and vehicle circulation shall only be used for those purposes.
Reason: In order to prevent interference with the free flow of traffic in the adjoining highways in accordance with Paragraphs 3.8, 3.10 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 5 Restricts the entry and exit points for use for those purposes only.
The entrance and exit points shall only be used for the purpose indicated.
Reason: In order to prevent interference with the free flow of traffic in the adjoining highways in accordance with Paragraphs 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 6 Requires the agreed mobility access to be maintained
Adequate facilities are to be maintained to ensure inclusive access for people with mobility and sensory disabilities in accordance with details on the approved plans.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.10 and 3.16 of the Birmingham UDP 2005, Places for All SPD, Access for People with Disabilities SPD and the National Planning Policy Framework.
-
- 7 Facilities for cyclists to be maintained.
Adequate facilities for cyclists using the application site are to be maintained in accordance with the details indicated on the approved plans.
Reason: In order to secure the satisfactory provision of facilities for cyclists using the premises/site, in accordance with the standards adopted by the Local Planning Authority.
-
- 8 Limits delivery time of goods to or from the site
No deliveries shall be taken at or dispatched from the site outside the hours of 09:00 and 17:00 daily.
Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 9 Limits the hours of use
The premises shall only be open for customers between the hours of 06:00 and 23:30 daily.
Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 10 Requires details of any plant and machinery to be submitted.
No plant or machinery shall be installed at the said premises without the prior written consent of the Local Planning Authority.
Reason: In order to safeguard the amenities of occupiers of dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Date: Tuesday 30th September 2014

Waheed Nazir, Director of Planning and Regeneration

P.O. BOX 28, Birmingham B1 1TU

**Please note
This is not a building regulation approval**

INFORMATIVE NOTE

Water supplies for fire fighting should be in accordance with the "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK

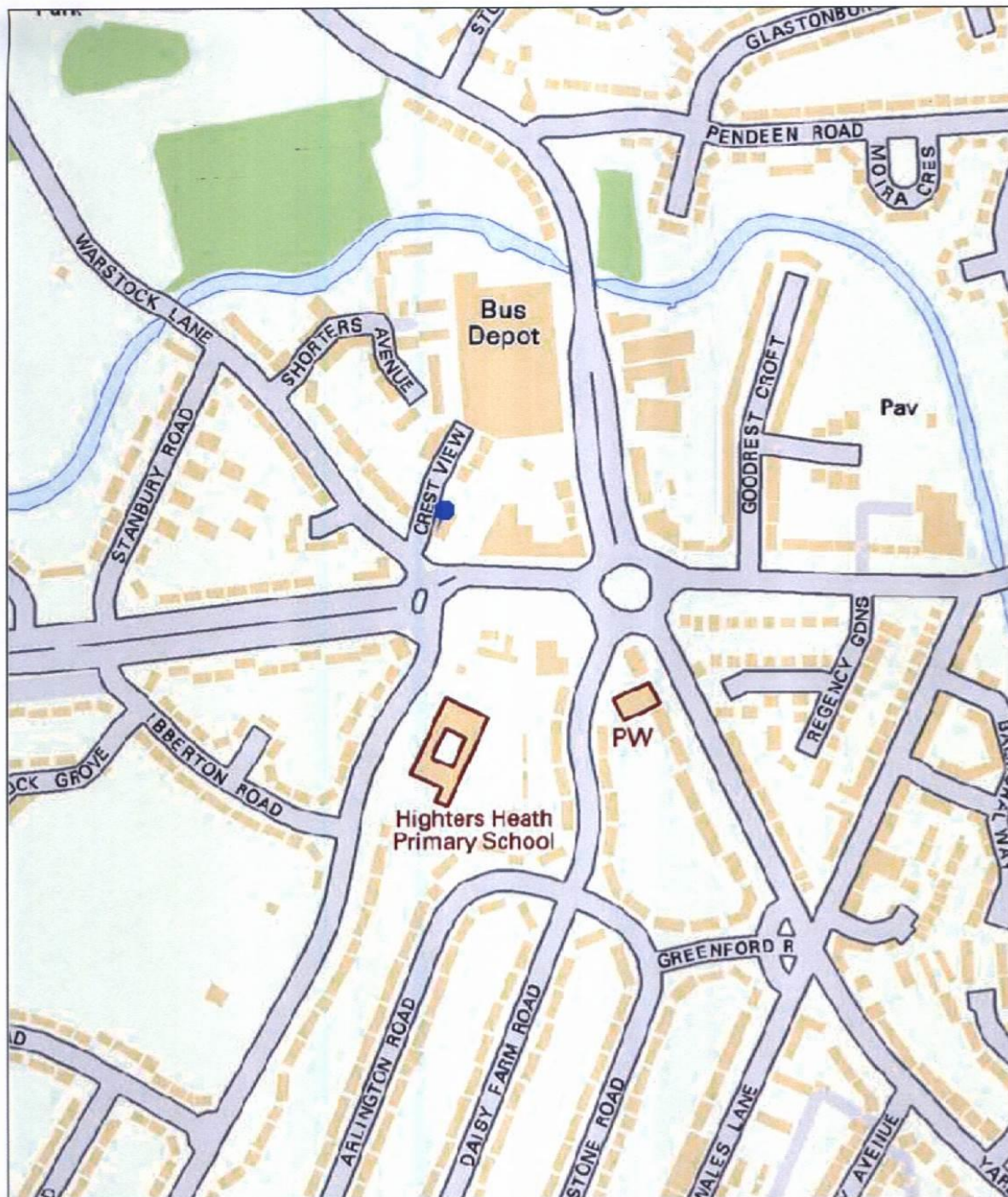
Please ensure that you visit the following link before commencing any development:
<http://www.water.org.uk/home/policy/publications/archive/industry-guidance/national-guidance-document/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the West Midlands Fire Service Water Office at
water.officer@wmfs.net

In reaching this decision Birmingham City Council have made the decision in a positive way to foster the delivery of sustainable development, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The decision has been taken having regard to the impact of the development, and in particular to the policies and proposals in the adopted Development Plan, and to all relevant material considerations, including the National Planning Policy Framework, the City Council's draft Birmingham Development Plan and Supplementary Planning Documents/Guidance. The City Council have worked in a seamless and timely manner to undertake the necessary liaison and negotiation with the applicant, third parties and statutory consultees (at the application and pre-application stages) to look for solutions which seek only high quality sustainable development.

APPROVED

Appendix 5



Map Created By:

Date of Map Creation: 08/09/2016

Notes



Scale:
1:4,000

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Map Created By:

Date of Map Creation: 08/09/2016

Notes



Scale:
1:1,250

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