



## **BIRMINGHAM CITY COUNCIL**

### **LICENSING SUB COMMITTEE B**

**TUESDAY 17 NOVEMBER 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 REFUSED.**

In reaching this decision, the Sub-Committee was mindful of the promotion of the licensing objectives in the Act, particularly the prevention of crime and disorder and also the prevention of public nuisance.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns expressed by West Midlands Police, the local Ward Councillor, and also by local residents, regarding the impact of the proposed operation on the particular locality of the premises, namely the residential area of Parsons Hill. Those who attended the meeting to make representations explained their doubts about whether the premises could uphold the licensing objectives if permitted to operate through the night. The detail of the current situation in and around Parsons Hill was as per the Report. The Sub-Committee found these representations persuasive.

The Sub-Committee carefully considered the operating schedule put forward by the applicant company, and the likely impact of the application, but were not persuaded that the proposed operation of the premises was satisfactory, particularly given the representations made by West Midlands Police. The Sub-Committee noted that the additional conditions proposed by the applicant company had not been approved by the Police as being sufficient to uphold the licensing objectives.

One local resident had submitted a letter in support of the application, and the Sub-Committee took that into account, but noted that this was rather outweighed by the numerous representations made against the application. All of these documents were in the Report.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence might be granted; however Members considered that an attempt to modify the conditions of the licence beyond those already suggested by the applicant company would still not mitigate the concerns raised by those making representations.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant company, its legal adviser and company director, and by those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.