

Final Submissions on behalf of Sarah McLean, Applicant
in relation to an Application for a Premises Licence in relation to
McDonalds, Parsons Hill, Kings Norton B30 3PN

Sarah McLean is the Managing Director of McLean Restaurants Limited and holds the franchise for these premises as well as for over 20 other premises, some of which are open 24 hours a day, and some of which are also in residential areas similar to the site of this Application. Indeed, one Restaurant with a Licence until Midnight is as close as 10 metres to the nearest residents and there have been no concerns raised in relation to that Licence and indeed the Police are extremely happy with the way the Restaurant is run.

The primary reason for the application is for the sustainability of the business. This Restaurant was closed for 9 weeks earlier this year as a result of the national lockdown arising out of the current pandemic. Some of her other 23 Restaurants were also closed, with other having very limited opening hours. All but one out of 12 of 24 Restaurants owned by Mrs. McLean are still only open until Midnight and all those in town centres close at 10.00 p.m. in accordance with Government guidance.

Mrs. McLean employs 2,150 staff of which 100 are still on furlough although it is hoped that jobs will be available for them all. The Restaurant in King's Norton employs 110 staff, a lot of whom live locally. If the Restaurant is granted a Licence, for the hours applied for, then it will allow a minimum of a further 4 full time staff to be employed - who will very likely be from the local area. In these difficult times, when the hospitality industry has been one of the worst affected, it is important that everything possible is done to keep the business going and provide much needed employment which is why this application is being made at this time and was not made when Mrs. McLean took over the franchise.

In the last 5 years there has been extensive refurbishment to the premises, particularly from the outside. When Mrs. McLean took over, unused windows were boarded up and the property looked uncared for. The property has been made to look much more attractive and attached are photographs marked SM1 and SM2 showing the property from the outside both before and after the refurbishment. It is a process she has been through many times before. In 10 of her Restaurants she now trades 24 hours and most are close to houses. There have been no major concerns in relation to any of the other Restaurants owned by Mrs. McLean and she has forged a good relationship with the local residents where she is known for going beyond what is necessary.

Mrs. McLean feels that she can promote all of the Licensing Objectives in the Licensing Act, as she does at her other Restaurants, including prevention of crime and disorder and prevention of public nuisance. She wishes to work with the residents and ensure that they do not feel that their concerns are ignored.

The Restaurant was built before the houses and planning was authorised for 24 hour opening, in the knowledge that houses would be built in the surrounding area of Parsons Mews shortly thereafter. Therefore, the residents in Parsons Mews would have purchased their properties in the full knowledge that they would be living close to the Restaurant and that access was via a road which leads to Parsons Mews and they must have taken this into account when making their purchase. Clearly anyone living this close to a business would be aware that there would be some additional noise and extra traffic flow.

However, the concerns of the residents are of importance to Mrs. McLean. Both Mrs. McLean and the McDonalds ethos is to work with, and integrate into, communities, giving as much back as possible and the Company are involved in many community projects, both locally and nationally, like tree planting, litter picking (away from their premises) and working with schools to provide things such as sensory gardens.

It is important to Mrs. McLean that those in the neighbouring area know that everything is being done to uphold the licensing objectives. Mrs. McLean has read the residents' letters of objection and understands their concerns and wishes to allay their fears and let them know that she will work with them to ensure that the disruption to their lives is kept to an absolute minimum, particularly in the hours after 11.00 p.m. Mrs. McLean wrote to all of the residents in Parsons Mews on 21st September, 2020 (see SM3 attached) inviting them to contact the Restaurant Manager if they wanted to arrange an appointment to speak to her so that she could discuss the plans for the Restaurant. Only 1 resident made contact to discuss the plans and she did not want a formal meeting. Under normal circumstances Mrs. McLean would have held a Residents' Meeting but due to social distancing regulations this was not possible. However, she would be willing in the future, when distancing regulations are lifted, to have, say, a quarterly meeting with the residents to discuss any concerns.

Traffic

It is not accepted that the hours applied for would necessarily attract people from the wider area - there are already takeaways nearby who operate beyond midnight (e.g. Domino's Pizza is 0.70 miles away and trades until 3.00 a.m.) as well as others. It is anticipated that most trade after 11.00 p.m. will be people who are already driving down the busy road, who stop en-route to grab something to eat from the drive-thru, and any increase in traffic would be minimal.

The concerns raised about traffic backing up on to the roundabout is clearly not going to be an issue after 11.00 p.m. Indeed, it is Mrs. McLean's understanding from her Manager that this is something that has only happened on a few occasions and this was immediately following the reopening of the restaurant after it had been closed for 9 weeks due to the national lockdown. It is certainly not something that occurs on a regular basis due to the lengthy distance from the main road to the drive-thru order point.

Noise

The road near to the Restaurant is, unfortunately, a very busy road and even at night there is traffic travelling along it. Any traffic pulling into the restaurant is unlikely to negatively impact on the noise from the general traffic in anything other than a minimal way.

In relation to noise from customers, it is anticipated that most of the trade after 11.00 p.m. will be at the 'drive-thru' which means there will be limited noise from closing of car doors etc. The 'order post' has already been moved to the other side of the car park from the Parsons Mews residents and has a 'night' mode which reduces the noise.

To reduce the noise to the Parsons Mews residents even further, Mrs. McLean is happy for a condition on the Licence stating that between 10.00 p.m. and 5.00 a.m. the parking areas adjacent to the Mews be cordoned off so that any parking is further away from the residents' houses.

Anti-Social behaviour and public nuisance

In its Licensing Policy, the Council recognises that a minority of consumers will behave badly and unlawfully once away from licensed premises and that they cannot, as part of their licensing function, address issues relating to the behaviour of individuals or groups once they are away from the premises, although they can address issues within the direct control of the Licence Holder.

It follows that the Licence Holder cannot be responsible for what occurs in the car park of the Restaurant when it is closed. Indeed, it is an argument in favour of granting the Application because if the premises are open 24 hours a day then there would be staff present at all times, the car park would be lit at all times and it is less likely, therefore, that unsavoury characters would congregate in the car park, if that is what they are doing, although this has not been brought to the attention of Mrs. McLean previously.

It is accepted that there is low-level anti-social behaviour but this is mostly between the hours of 3.30 p.m. and 8.00 p.m. and relates to youths who accumulate after school and before returning home for the night. There are very few problems that do not relate to youths during that time period. The Police have produced incident logs relating to 17 incidents, the majority of which relate to disturbances from youths during these times and it is of note that:

1. There have been no arrests or charges arising out of any of these incidents
2. The Police only attended on 4 occasions, and on each occasion the incident was over when they arrived
3. It was McDonalds' employees who called the Police on the majority of occasions, as a precaution, to put the incidents on record

In 2010, long before Mrs. McLean took over the Restaurant, there was a similar Application which was refused. At that time there were more than double the number of incidents reported to the Police which shows how things have improved.

Litter

Regular litter picking is carried out at the Restaurant and the immediate surrounding area. In addition, some 2-3 times a day it carries out a 30 minute 'Trash Walk' collecting litter from up to 300 metres away from the Restaurant. A map of the area covered is attached marked SM4. During this 'Trash Walk' all litter, not just that which has emanated from McDonalds, is also collected. Mrs. McLean is willing to provide more regular litter picks if this is felt to be necessary and a condition can be attached to the Licence. She is also willing to provide litter bins in the nearby streets if authorised to do so by the Council.

In and around the Parsons Mews area there are problems with fly tipping, not associated with the Restaurant, which is shown on the attached photographs marked SM5 and SM6. As a gesture of goodwill, Mrs. McLean would be happy to arrange to clear up these areas on, say, a quarterly basis and indeed is happy to embark on this whether or not the application is granted if this is something that the residents would like her to arrange. She already arranges for the hedge near the entrance to be maintained and for the double yellow line markings to be repainted when they fade - things that she is not responsible for but which improves things for the local residents and the community generally.

At some of her other Restaurants, Mrs. McLean has introduced a Noise, Disturbance and Anti-Social Behaviour Management Plan which has proved to be very successful and reassuring for local residents. This is something that she is prepared to introduce at King's Norton and there is a draft proposed Plan marked SM7. This sets out things that could be done to ensure that the 4 licensing objectives are complied with and she is happy for this to be incorporated as a condition on the Licence.

Mrs McLean is also happy for a condition to be attached to the Licence that a contact number or email be provided of the Restaurant Manager so that residents can report any incidents direct to the Restaurant at the time they occur. The information can be recorded as to the time, date and nature of any complaint and any remedial action taken, with the recorded information being kept available for inspection by responsible authorities.

It is hoped that by imposing certain conditions to the Licence the local residents can be satisfied that every effort will be made to ensure that all the licensing objectives are fully upheld.

BEFORE



SMI

AFTER



21st September 2020

Dear resident,

You will no doubt be aware that an application has been made on my behalf to extend the trading hours of the King's Norton McDonald's to 24/7.

I have been the franchisee at this restaurant for the last 5 years and as you will have noticed, have made a great many improvements to the way the restaurant looks and trades.

As your neighbour, I take my local and social responsibilities very seriously and I am keen to make myself available to speak to you should you wish to discuss the application with me.

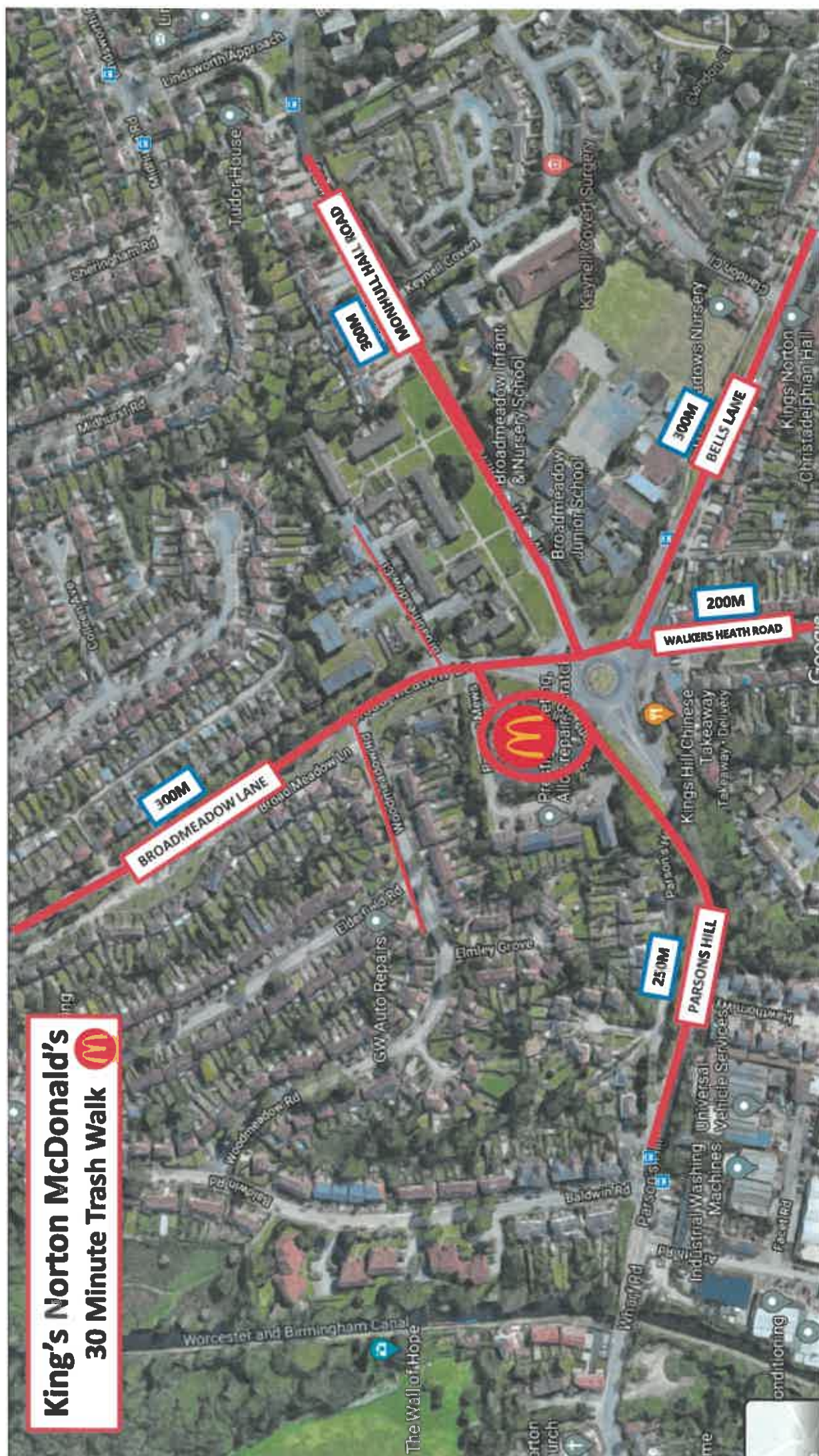
Covid-19 social distancing regulations mean I can't hold a residents' meeting in the normal manner, but I can make myself available over several evenings should you wish to make an appointment to speak to me.

James Hubble, the Business Manager at King's Norton will be able to allocate appointments at 20 minute intervals from 6pm to 8pm on 29th September and from 4pm to 8pm on 1st October. If these dates are not convenient for you, please discuss with James and we will see what other arrangements we can make to accommodate you.

Should you require an appointment, please contact him directly at the restaurant on the phone number highlighted below or e-mail him at

Yours faithfully,

Sarah McLean



King's Norton McDonald's **30 Minute Trash Walk**



SM 5



sm6



Noise, Disturbance and Anti-Social Behaviour Management
Plan for McLean Restaurants Ltd T/A McDonald's, King's
Norton

Proposed premises licence hours Monday – Sunday 11pm to 5am.

Proposed start date for new trading hours are to be confirmed.

In order to comply with the four licensing objectives and therefore to obtain a variation to the existing premises licence, the management team at the King's Norton McDonald's will adhere to the following:

1). The prevention of Crime and Disorder

A). Permanent notices will be placed at the customer order point in the drive-thru lane and at strategic points around the car park to raise awareness of reducing noise levels at night out of respect for our neighbours.

B). Management travel paths will be conducted around the perimeter of the site every hour.

C). There is to be a minimum of 5 staff to be scheduled for the 23.00 to 02.00 period.

D). As a McDonald's standard all managers are aware of the numbers for the emergency services and immediate company hierarchy contacts.

E). The Shift Manager to wear 'Body Worn Camera' at all times.

2). Public Safety

A). As a McDonald's company standard every manager is a qualified first aider.

B). As a McDonald's company standard shift management training requires attendance of a Leadership Transition Course consolidating learning on dealing with incident procedure/difficult customer situations.

C). Additionally, as a McLean Restaurants' company standard all managers returning from the Leadership Transition Course require a further 6 month sign off period before qualifying for shift management.

D). As a McDonald's standard all managers are aware of the numbers for the emergency services and immediate company hierarchy contacts.

3). The Prevention of Public Nuisance

A). Litter patrols of a minimum of 30 minutes duration will be completed in the immediate area of the restaurant at 6am, 2pm, 6pm. All litter not just McDonald's litter is to be collected. The patrol will follow the attached plan of the neighbouring side roads and streets. The litter route will be posted in the restaurant.

B). Further to this any highlighted litter hotspot will be dealt with on a request/as needs basis a minimum of once per quarter. These measures will be introduced to assist with ongoing good relations with our neighbours and are not dependent on the granting of the premises licence.

C). The order taking point will be placed onto night mode from 10pm until 7am each day. (This lessens the volume.)

4). The Protection of Children from Harm

A). Experience from other restaurants that trade overnight would indicate that any children visiting are accompanied by parents/in the care of adults.

B). CSC and Vulnerability training option for the Shift Managers.