



**Licensing and Gambling Acts Sub-Committee
12 January 2023**

LICENSING ACT 2003

APPLICATION TO VARY A PREMISES LICENCE

McDonald's Restaurant, Norwich Road, Hethersett, Norfolk, NR9 3AU

Report Author(s): Amanda Cox
Licensing Enforcement Officer
01508 533621
licensing.snc@southnorfolkandbroadland.gov.uk

Portfolio: Clean and Safe Environment

Ward(s) Affected: Hethersett

Purpose of the Report:

This report details an application to vary a Premises Licence.

Recommendations:

The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:

- Grant the application.
- Modify the conditions of the licence, altering or omitting or adding to them.
- Reject the whole or part of the application.

1. Summary

- 1.1 The Committee is requested, in accordance with the delegation of licensing functions contained in the South Norfolk Council Statement of Licensing Policy, to consider an application to vary a Premises Licence in respect of McDonald's Restaurant, Norwich Road, Hethersett, Norfolk, NR9 3AU.

2. Background

- 2.1 An application has been received from Bradecca Restaurants Ltd.

- 2.2 The application describes the nature of the variation as:

The Application to vary the Premises Licence is to remove the condition numbered 3 from Annex 2 which states: -

"A Staffsafe system with both audio and visual monitoring capability will be installed in the restaurant. The system can be activated by either fixed or mobile panic buttons and, once activated, the system links the restaurant to an external monitoring centre".

A copy of the application is attached at **Appendix One**.

- 2.3 All other conditions attached to premises licence 22/01028/PLAFVA remain unaltered. A copy of the current licence for the premises is attached at **Appendix Two**.

3. Relevant Representations

- 3.1 All relevant representations must relate to one or more of the Licensing Objectives:

- The Prevention of Crime and Disorder
- The Protection of Children from Harm
- The Prevention of Public Nuisance
- Public Safety

- 3.2 The responses from the Responsible Authorities are as follows:

Police – Received outside of consultation period, however no objection.

Environmental Health (Community Protection) – No objection

Health and Safety – no representations received

Fire Officer – no representations received

Planning Officer – no representations received

Norfolk Local Safeguarding Children Board – no representations received

Public Health Norfolk – no representations received

Licensing Authority – no representations received

3. Other persons

3.3 A representation has been received from Hethersett Parish Council. Please see **Appendix Three** for details of the representation.

3.4 All representations have been detailed in full. The Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022 edition) recommends the benefit of the doubt about any aspect of the representation should be given to the person making the representation. Committee will wish to carefully consider the representations and take into account only those matters which are relevant to the subject area of the representation.

5. Proposed action

3.5 The Committee must determine this application with a view to promoting the Licensing Objectives.

3.6 In making its decision, the Committee must have regard to guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022) and the Council's Licensing Policy. The Committee must also have regard to the representation made and the evidence placed before it.

6. Issues and risks

3.7 **Resource Implications** – The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal to the Magistrates' Court.

3.8 **Legal Implications** – There are no legal implications other than the issues detailed at 6.1 and 6.3.

3.9 **Equality Implications** – There are human rights implications associated with this matter. The interests of the applicant must be balanced against the interests and protection of the wider community. Any actions proposed in respect of the application, must be proportionate to the matter under consideration, the decision-making process must be transparent and all parties must be given full opportunity to make representations. The Committee is therefore required to balance the interests of the applicant against the interests of the community and decide where the balance should lie.

- 3.10 **Environmental Impact** – In making their determination Committee is requested to ensure that the principles of the prevention of public nuisance licensing objective are upheld.
- 3.11 **Crime and Disorder** – In making their determination Committee is requested to ensure that the principles of the prevention of crime and disorder licensing objective are upheld.
- 3.12 **Risks** – In making its determination, failure to take into consideration the relevant legislation, guidance and the Council's Licensing Policy may leave the Committee's decision open to challenge.

7. Recommendations

- 7.1 The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:
- Grant the application.
 - Modify the conditions of the licence, altering or omitting or adding to them.
 - Reject the whole or part of the application.

Appendices:

1. Copy of the application
2. Copy of existing premises licence
3. Representation received from Hethersett Parish Council