Licensing Sub-Committee

Wednesday, 11 January 2017

2.30 pm at the

Civic Offices, St Nicholas Way, Sutton, SM1 1EA

To all members of the Licensing Committee:-

The Sub-Committee will comprise three members from the following panel:

Councillors: Mary Burstow, Jean Crossby, Marlene Heron, Moira Butt, Samantha Bourne, Richard Marston, Nali Patel, Nighat Piracha, Paul Wingfield, David Bartolucci, Margaret Court, Miguel Javelot, Tony Shields and Graham Whitham

Niall Bolger
Chief Executive
30 December 2016
A G E N D A

Fire Precautions 1 - 2

1. ELECTION OF CHAIR

2. DECLARATION OF INTERESTS 3 - 4

3. MINUTES 5 - 8

To approve as a correct record the Minutes of the meeting held on 15 June 2016.

4. LICENSING SUB-COMMITTEE - HEARINGS PROCEDURE 9 - 12

5. LICENCE APPLICATION - 16/00936/LAPREM - 47/51 Oldfields Road, London SM1 2NB 13 - 46

The premises holds a licence for the provision of late night refreshment until 01.00 (on the mornings following) Monday through Sunday.

The applicant seeks to vary the licence to extend the hours for the provision of late night refreshment until 05.00 (on the mornings following) Monday through Sunday. This will authorise the premises to trade 24 hours a day, seven days a week.

6. ANY URGENT BUSINESS

brought forward at the direction of the Chair, who has approved the reason for the urgency.
CIVIC OFFICES, SUTTON
GROUND FLOOR MEETING ROOMS

FIRE PRECAUTIONS

If there is a FIRE in the building the fire alarm will sound. Leave the building immediately by the most direct route, either back through reception or the fire exit into Lower Square. Take your coat and any bags with you. Assemble in the car park in front of the Holiday Inn.
**Reminder – Declarations of Interests**

Members should consider the following interests and whether they have any they should declare.

**Disclosable Pecuniary Interests**

Where you have a Disclosable Pecuniary Interest in any business of the Authority at this meeting and you have either declared it beforehand in the Register of Members’ Interests or to the Monitoring Officer for entry in the Register you must state at this meeting that you have such an interest and then withdraw from the room or chamber where the meeting is being held whilst that business is considered.

Where you have a Disclosable Pecuniary Interest in any business of the Authority at this meeting and have not previously declared it you must declare the nature of that interest at this meeting and then withdraw from the room or chamber where the meeting is being held whilst that business is considered.

**Other Pecuniary and Non-Pecuniary Interests**

Where you have any other pecuniary or non-pecuniary interest in any business at this meeting you must declare that interest, but may continue to speak and vote on the matter. However, if the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest then you should declare the interest and withdraw from the room or chamber where the meeting is being held whilst that business is considered.

Further information on these matters can be found in the Council's Code of Conduct and Constitution. If you are in any doubt as to whether you have an interest you should seek advice **before** the committee meeting from Alexa Coates.

If, during the course of the committee meeting, you consider you may have an interest you should always declare it.
Reminder – Declaration of Interests

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LICENSING SUB-COMMITTEE
15 June 2016 at 2.30 pm

MEMBERS: Councillors Samantha Bourne, Richard Marston and Graham Whitham.

1. **ELECTION OF CHAIR**

   **Resolved:** That Councillor Richard Marston be elected Chair of the Sub-Committee for the duration of the meeting.

2. **DECLARATION OF INTERESTS**

   There were no declarations of interest.

3. **MINUTES**

   The Minutes of the meetings held on 9 and 21 March 2016 were approved as a correct record, and signed by the Chair.

4. **LICENSING SUB-COMMITTEE - HEARINGS PROCEDURE**

   The Chair drew attention to the Council’s procedure to be followed at the meeting.

5. **LICENCE APPLICATION - 16/00310/SERRREQ - SITA RAM, 13 THE MARKET, WRYTHE LANE, CARshalton**

   The Sub-Committee considered an application for a licence in respect of the above premises. The applicant’s representative and persons who had made representations were present. The Sub-Committee heard the application, before submissions were made.

   Sarah Littell had objected to the application on behalf of trading standardss based on the fact that the premises location was in an area identified as a hotspot for antisocial behaviour and underage drinking.

   She felt that the application did not address the issue of proxy sales of alcohol to underage people. The premises was located near three secondary schools and Ms Littell was concerned that the shop would be a target. A trading standards officer had made a visit to the premises and determined that there was a lone female behind the till which raised concern for the ability of the premises to react effectively should a customer become extremely disruptive once refused the purchase of alcohol.

   Doctor Nicola Lang, Director of Public Health, had objected to the application on behalf of the authority. She highlighted that the premises application was in a Cumulative Impact Zone. Her concerns were that St. Helier Hospital had the second-highest rate of hospital visits and ambulance call-outs due to alcohol and that Sutton had the highest under-18 hospital visits due to alcohol out of all of the London boroughs.

   The applicant’s agent Noel Samaroo made submissions on behalf of the applicant. He asked the committee to consider that there had been no representations made by the police and outlined measures that the applicant would take to reduce the risk of underage sales of alcohol including to train staff extensively, put up signage in the shop, record incidents and refusals, and to label alcohol containers with the shop’s name so that
Licensing Sub-Committee
15 June 2016

authorities could identify where the alcohol had been purchased should they find people under the age of 18 in possession of it. The sub-committee asked questions to clarify on the training and the safeguards in place to protect children from purchasing alcohol.

Resolved: That under section 100(A)(4) of the Local Government Act 1972, the press and other members of the public be excluded from the meeting during consideration of the following item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraph 5 of schedule 12A of the Act, which would not be in the public interest.

The persons who had made representations, the applicant and the Council’s Licensing Officer then withdrew to enable the Sub-Committee, assisted by their Secretary and Legal Adviser, to consider the application. Members noted the representations that had been made, before those in attendance returned to the meeting.

The Sub-Committee were referred by their Legal Advisor to paragraph 4.14 of the Council’s Cumulative Impact Policy.

Resolved: That application No. 16/00310/SERRREQ be granted subject to the conditions offered in the application with amendments to two of those conditions regarding staff training and sale of alcohol equal or greater than 5.5% ABV as set out below and subject to four additional conditions imposed by the Sub-Committee following submissions made by the Applicant’s representative during the meeting as follows:

Amendments to Conditions extracted from the Operating Schedule set out on page 12 of the Agenda as follows:

- All staff authorised to sell alcohol will be provided with external training on the Challenge 25 policy and the licensing objectives. Refresher training shall be provided every 6 months. All training shall be documented including the date, the name of the person giving the training, the person receiving the training and their signatures.

- The premises shall not sell any beer, lager, cider or spirit mixtures that is equal to or greater than 5.5% ABV, except where Police or Council prior approval in writing is obtained in respect of specified craft/microbrewery, seasonal or limited edition products.

Conditions imposed by the Sub Committee

1. The premises shall not sell spirits miniatures or spirits in sizes of less than 50cl.

2. There must be an unimpeded view of the street from the till area. The window adjacent to the service counter must be clear of signage.

3. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

4. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

For the following reasons:
1. The Sub-Committee had considered the conditions offered by the applicant, made amendments, and added to them following submissions made. The committee considered that the conditions demonstrated that there would be no negative cumulative impact on one or more of the Council's licensing objectives.

2. The condition for maintaining a clear window on the premises would aid in preventing proxy sales of alcohol.

3. The shop specialises in niche foods and its primary sales would be food-orientated.

4. The Sub-Committee noted that police had not submitted a representation but that the hours applied for had been reduced following discussions between the applicant and the police.

6. ANY URGENT BUSINESS,

The meeting ended at 4.41 pm

Chair: ......................................................

Date: ......................................................
The Licensing Committee of the London Borough of Sutton has adopted the procedure set out below, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 to determine opposed applications received under the provisions of the Licensing Act 2003 and applications received under the provisions of the Gambling Act 2005 where they have received representations, they propose to add or exclude certain conditions or a licence is reviewed. Other applications will be determined by officers under delegated authority, in accordance with statutory guidance.

The Licensing Committee has appointed a Licensing Sub-Committee, comprising any three members of the Committee, to hear and determine opposed applications. No sub-committee member will represent the ward or reside in the ward where premises that are the subject of the application, or the applicant in the case of a personal licence, are situated.

Hearings by the Sub-Committee will normally take place during the day.

The Licensing Act 2003

Applications must promote, and representations should focus on, the four licensing objectives in the Licensing Act 2003. Namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In relation to the Licensing Act 2003, the terms ‘party’ or ‘parties’ will include the following, as appropriate and defined in Schedule 2 of the Licensing Act 2003 (Hearings) Regulations 2005:

- the person who has made the application
- the holder of the premises licence
- the holder of the premises licence immediately before the application was made
- the club which has made the application or holds the club premises certificate
- the premises user in the case of a temporary event notice
- the person who has given notice under section 47(2) of the Licensing Act 2003
- the holder of the personal licence
- each chief officer of police
- persons who have made relevant representations

The Gambling Act 2005

Applications must promote, and representations should focus on, the three licensing objectives in the Gambling Act 2005. Namely:
• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
• Ensuring that gambling is conducted in a fair and open way
• Protecting children and other vulnerable persons from being harmed or exploited by gambling

In relation to the Gambling Act 2005, the terms ‘party’ or ‘parties’ will include the following, as appropriate and defined in Schedule 1 of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007:

- the applicant
- any person who has made (and not withdrawn) representations about the application
- any person who has made (and not withdrawn) representations about the review
- the licensee

General

The parties will be given notice in writing of the time and place of the hearing in accordance with the above Regulations, and will be allowed to be represented and to call witnesses whom the Sub-Committee agrees may appear before the hearing. Copies of any relevant documents will be made available in advance of the hearing in accordance with the above Regulations.

Additional documentary evidence may only be submitted at the hearing with the consent of all parties.

Each party will be given an equal maximum period of time in which to exercise their rights to:

1. provide further information on, or explanation of, any matter on which the Sub-Committee has indicated that it will want further clarification;
2. address the Sub-Committee;
3. call witnesses to give evidence on any matter that is relevant and, if appropriate, question any other party or witness.

PROCEDURE FOR HEARING OPPOSED APPLICATIONS AND REVIEWS

1. The Chair of the Sub-Committee will confirm that the parties who have indicated they will attend and their witnesses, if any, are present. If any party has indicated that they will not attend or fails to indicate whether or not they will attend the Sub-Committee may hold the hearing in that party's absence.

2. The Chair will confirm that each party has a copy of the procedure to be followed and outline that procedure.

3. The Chair will indicate whether or not it is considered that cross-examination of the parties is required, within the time limit allowed to each party, for it to consider the representations, application or notice as the case may require.

4. The Executive Head of safer and Stronger Communities, or an officer delegated by him or his legal representative, will explain briefly the application.

5. The Chair will lead a discussion in which:

   (a) They will indicate any points upon which the Authority has given notice to a party that it wants clarification, and the parties will respond in the following order:
Any person who has made representations about the application
The applicant or licensee

(b) A representative of a responsible authority, where they are a party, will address the Sub-Committee and call any witnesses agreed by the Sub-Committee. A maximum of 15 minutes will be allowed for their address and any witnesses or questioning of the applicant or licensee under section (j) below.

(c) Members of the Sub-Committee may ask questions of the responsible authority’s representative and any witness.

(d) The applicant or licensee may ask questions of the responsible authority’s representative.

(e) Persons submitting representations will address the Sub-Committee and call any witnesses agreed by the Sub-Committee. A maximum of 15 minutes will be allowed for their address and any witnesses or questioning of the applicant or licensee under section (j) below. They should co-ordinate their address to make a coherent case to the Sub-Committee within that time limit. If they are unable to co-ordinate their address the Sub-Committee will exercise their discretion to allocate the time available.

(f) Members of the Sub-Committee may ask questions of the persons submitting representations and any witness.

(g) The applicant or licensee may ask questions of the persons submitting representations.

(h) The applicant or licensee will address the Sub-Committee and call any witnesses agreed by the Sub-Committee. A maximum of 15 minutes will be allowed for their address, less any time taken for questioning under sections (d) or (g) above.

(i) Members of the Sub-Committee may ask questions of the applicant or licensee or any witness.

(j) The persons submitting representations may question the applicant or licensee.

(k) The Chair will ask each party to confirm that they do not wish to make any additional points. If either party wishes to make any additional points they will be allowed a reasonable time to do so and the other party will be given a similar amount of time to make any additional points.

7. The members of the Sub-Committee, their clerk and their legal adviser will retire to determine the application and the reasons for their decision.

8. If the legal adviser gives advice to the Sub-Committee in private session that advice will be repeated to the parties to the hearing in open session and they will be given the opportunity to make representations on that advice. The legal adviser will then either confirm or vary the legal advice given to the Sub-Committee.
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PREMISES LICENCE HEARING REPORT

REPORT OF THE EXECUTIVE HEAD OF SAFER AND STRONGER COMMUNITIES

COMMITTEE          Licensing Sub Committee
Date               11 January 2017
Application for    Variation of Premises Licence

PREMISES DETAILS
Application Reference 16/00936/LAPREM
Premises Address 47/51 Oldfields Road, London SM1 2NB
Trading as McDonald’s Restaurants Limited

APPLICANT DETAILS
Applicant name McDonald’s Restaurants Limited
Applicant address 11/59 High Road, East Finchley, London N2 8AW

AGENT DETAILS
Agent name Ms Elaine Rayner
Agent company Shoosmiths LLP
Agent Address The Lakes, Northampton NN4 7SH

APPLICATION DETAILS
Application date: 11 November 2016

1. Premises History

1.1. The premises holds a licence for the provision of late night refreshment until 01.00 (on the mornings following) Monday through Sunday. A copy of the current licence is attached at appendix A.

2. Variation Application

2.1. The applicant seeks to vary the licence to extend the hours for the provision of late night refreshment until 05.00 (on the mornings following) Monday through Sunday. A copy of the application form is attached at appendix B.

2.2. This will authorise the premises to trade 24 hours a day, seven days a week.

2.3. If the Variation is granted the additional measures proposed by the applicant to promote the licensing objectives, and included in a document appended to the
application form entitled “Proposed Operating Schedule”, will be formed into conditions and attached under annex 2 of the licence as set out below:

Closed-circuit television
● The premises shall operate a closed-circuit television system (CCTV).
● The CCTV shall cover all public internal and external areas of the premises
● The CCTV system will be capable of providing an image which is regarded as identification standard.
● The CCTV shall be maintained in effective working order, and shall be in operation at all times the premises is open to the public.
● All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
● At all times the premises is open to the public a minimum of one member of staff on duty will be able to operate the CCTV.
● Viewable copies of the recordings shall be made available on request to police or authorised local authority officers as soon as reasonably practicable in accordance with the Date Protection Act 1998 (or any replacement legislation).
● Suitable signage shall be displayed at the premises in a prominent position as customers enter the premises stating that CCTV is in operation.

Please note this amends the CCTV conditions on the current premises licence.

Number Plate Recognition
● The premises shall operate an Automatic Number Plate Recognition system in the premises car park.
● The system shall be maintained in effective working order, and shall be in operation at all times the premises is open to the public.
● The system shall record the registration of every vehicle entering and leaving the car park.
● Viewable copies of the recordings shall be made available on request to the police.

Remote Safety Monitoring
● The premises shall operate a remote safety monitoring system with both audio and visual monitoring capability.
● The system will be activated by fixed or mobile panic buttons.

Restricted use of licence
● Between the hours of 01:00 hours and 05:00 hours the premises will trade by way of drive-thru only.

3. Representation Received
3.1. One representation from an ‘other person’ has been made in respect of this application.

3.2. On the 09 December 2016 a representation was received from Mr & Mrs Phillips relating to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. A copy of the representation is attached at appendix C.

4. Consideration

4.1. The licensing sub-committee is asked to determine the application, having regard to the representations received and any evidence heard at the hearing, in accordance with the following options:

- Grant the application as requested.
- Refuse the application on the grounds that this is appropriate to promote the licensing objectives
- Grant the licence subject to any amendments deemed appropriate including excluding from the scope of the licence any of the licensable activities to which the application relates
- Grant the licence and impose any conditions deemed appropriate for the promotion of the licensing objectives

4.2. Consideration must be given to the promotion of the licensing objectives, the London Borough of Sutton Licensing Policy, the Section 182 guidance issued by the secretary of state (in particular sections 8, 9 & 10) and the representations presented.

4.3. If the Sub-Committee considers imposing conditions on the Premises Licence, if granted, particular attention should be drawn to paragraphs 1.16 and 10.8 to 10.13 of the Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003 as set out below:

**Licence conditions – general principles**

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
must be tailored to the individual type, location and characteristics of the premises and events concerned;

- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;

- should not replicate offences set out in the 2003 Act or other legislation;

- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);

- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and

- should be written in a prescriptive format.

**Imposed conditions**

10.8 - The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 - It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

**Proportionality**

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

**Hours of trading**

10.13 - The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The
2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 - Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

4.4 Any conditions must be appropriate to promote one or more of the four licensing objectives. Conditions must be carefully worded in unequivocal and unambiguous terms so they can be readily understood by the licence holder and easily enforced. All conditions must be proportionate and should not duplicate existing statutory requirements. The Licensing Authority must not attach a condition which can be considered aspirational.

Appendix A. Current premises licence
Appendix B. Application form
Appendix C. Representation
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### Agenda Item 5

**LICENSING ACT 2003**

**PREMISES LICENCE**

*London Borough of Sutton*

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<th>Premises Licence Number</th>
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#### Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

- McDonald's Restaurant
- 45 Oldfields Road
- Sutton
- Surrey
- SM1 2NB

<table>
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<tr>
<th>Telephone number</th>
<th>0208 644 2708</th>
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**Where the licence is time limited the dates**

- Not applicable

**Licensable activities authorised by the licence**

- Late Night Refreshment

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**ISSUED 31 July 2013**

*London Borough of Sutton*

**Business Regulation**

**Civic Offices**

**St Nicholas Way**

**Sutton**

**SM1 1EA**

Tel: 0208 770 5070

Email: brs@sutton.gov.uk

Executive Head of Community Safety - Warren Shadbolt

*London Borough of Sutton*
The times the licence authorises the carrying out of licensable activities

**Late Night Refreshment**

Every Day 23:00 - 01:00

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**The opening hours of the premises** (These are the standard opening hours of the premises. Any opening hours outside of these times are as those reflected within the non-standard timings for the individual licensable activities above, notwithstanding any period of time given between the licensable activity and the closing time of the premises.)

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<th>Day</th>
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**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**
Part 2

Name, (registered) address, telephone number and email (where relevant) of holder(s) of premises licence

McDonald's Restaurant Limited
11/59 High Road
East Finchley
London
N2 8AW

Head Office Phone Number 0208 700 7000
Business Phone Number 0208 644 2708

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 01002769

Name, address and telephone number (where given) of designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol
Annex 1 – Mandatory conditions

1) Alcohol – s19 Licensing Act 2003

If this Premises Licence authorises the supply of alcohol, the following two conditions apply:-

(i) No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2) Films - s20 Licensing Act 2003

If this premises licence authorises the exhibition of films the admission of children (as defined in Licensing Act 2003 s20(4)) to the exhibition of any film must be restricted in accordance with this condition.

The London Borough of Sutton will expect the age restrictions of the British Board of Film Classification (BBFC) or authority designated under Section 4 of the Video Recordings Act 1984 to be complied with. Only in exceptional cases will variations of this general rule be granted by the Council and then only with the appropriate safeguards.

3) Door supervision – s21 Licensing Act 2003

If this premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity (as defined by the Private Security Industry Act 2001) then each such individual must be licensed by the Security Industry Authority.

(4) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
(i) drink a quantity of alcohol within a time limit (other than to
drink alcohol sold or supplied on the premises before the
cessation of the period in which the responsible person is
authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time
limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a
fixed or discounted fee to the public or to a group defined by a particular
characteristic (other than any promotion or discount available to an
individual in respect of alcohol for consumption at a table meal, as defined
in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to
encourage or reward the purchase and consumption of alcohol over a
period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the
premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or
process, or
(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or
flyers on, or in the vicinity of, the premises which can reasonably be
considered to condone, encourage or glamorise anti-social behaviour or to
refer to the effects of drunkenness in any favourable manner.

(5) The responsible person shall ensure that no alcohol is dispensed directly by
one person into the mouth of another (other than where that other person is
unable to drink without assistance by reason of a disability).

(6) The responsible person shall ensure that free tap water is provided on
request to customers where it is reasonably available.

(7) 1) The premises licence holder or club premises certificate holder shall
ensure that an age verification policy applies to the premises in relation to
the sale or supply of alcohol.

2) The policy must require individuals who appear to the responsible
person to be under 18 years of age (or such older age as may be specified
in the policy) to produce on request, before being served alcohol,
identification bearing their photograph, date of birth and a holographic
mark.
(8) The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.
Annex 2 – Conditions consistent with the Operating Schedule

1) A No open alcohol container policy will be operated to prevent any person entering the premises with open containers of alcohol.

2) A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with Metropolitan Police. Such a system shall,

(i) be operated by properly trained staff

(ii) be in operation at all times that the premises are being used for a licensable activity,

(iii) ensure coverage of such other areas as may be required by the Licensing Authority and Metropolitan Police.

(iv) provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of not less than 31 days, and shall be supplied to the Licensing Authority or a Police Officer on request.
Annex 3 – Conditions attached after a hearing by the licensing authority

1) There are no conditions attached in this Annex
Annex 4 – Plans

See attached
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Agenda Item 5

The Licensing Act 2003 (Forms) (Amendment) Regulations 2013 - Schedule 1, Regulation 3

Application to vary a premises licence 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.

\[\text{X/We McDonald’s Restaurants Limited}\]
\(\text{(Insert name(s) of applicant)}\)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

**Premises licence number**

5870/13/00519/LAPREM

London Borough of Sutton

14 Nov 2016

### Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description:

McDonald’s Restaurants Limited

47/51 Oldfields Road

Sutton

<table>
<thead>
<tr>
<th>Post town</th>
<th>Post code</th>
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<tbody>
<tr>
<td>London</td>
<td>SM1 2NB</td>
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</table>

<table>
<thead>
<tr>
<th>Telephone number at premises (if any)</th>
<th>Non-domestic rateable value of premises</th>
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<tbody>
<tr>
<td>020 8644 2708</td>
<td>£ 99,500.00</td>
</tr>
</tbody>
</table>

### Part 2 - Applicant Details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address:

11/59 High Road

East Finchley

<table>
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<tr>
<th>Post town</th>
<th>Post code</th>
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<tr>
<td>London</td>
<td>N2 8AW</td>
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</table>
Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  [□] Yes  [□] No

If not, from what date do you want the variation to take effect?

[ ] DD  [ ] MM  [ ] YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  [□] Yes  [□] No

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
The premises currently have a premises licence which allows the provision of late night refreshment on Mondays to Sundays from 23:00 until 01:00.

The proposed variation is to extend the opening hours and provision of late night refreshment on Mondays to Sundays from 01:00 until 05:00 by way of Drive-Thru only. In addition, the application is to update the plans to show a change of layout following a refurbishment.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

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)

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

<table>
<thead>
<tr>
<th>Plays</th>
<th>Standard days and timings (please read guidance note 7)</th>
<th>Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)</th>
<th>Indoors</th>
<th>Outdoors</th>
<th>Both</th>
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<td>Day</td>
<td>Start</td>
<td>Finish</td>
<td>Please give further details here (please read guidance note 4)</td>
<td>State any seasonal variations for performing plays (please read guidance note 5)</td>
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### B

<table>
<thead>
<tr>
<th>Films</th>
<th>Standard days and timings (please read guidance note 7)</th>
<th>Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 3)</th>
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<td>State any seasonal variations for the exhibition of films (please read guidance note 5)</td>
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<tr>
<th>Indoor sporting events</th>
<th>Please give further details (please read guidance note 4)</th>
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<tr>
<td>Standard days and timings (please read guidance note 7)</td>
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<thead>
<tr>
<th>Boxing or wrestling entertainments</th>
<th>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)</th>
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<tbody>
<tr>
<td>Standard days and timings (please read guidance note 7)</td>
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### Agenda Item 5

#### Live music
**Standard days and timings (please read guidance note 7)**

<table>
<thead>
<tr>
<th>Day</th>
<th>Start</th>
<th>Finish</th>
<th>Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 3)</th>
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<td><strong>State any seasonal variations for the performance of live music</strong> (please read guidance note 5)</td>
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<td>Thur</td>
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<td><strong>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</strong> (please read guidance note 6)</td>
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</table>

Please give further details here (please read guidance note 4)

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#### Recorded music

**Standard days and timings (please read guidance note 7)**

<table>
<thead>
<tr>
<th>Day</th>
<th>Start</th>
<th>Finish</th>
<th>Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 3)</th>
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<td>Mon</td>
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<td><strong>State any seasonal variations for the playing of recorded music</strong> (please read guidance note 5)</td>
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<td><strong>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</strong> (please read guidance note 6)</td>
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</table>

Please give further details here (please read guidance note 4)
### G

<table>
<thead>
<tr>
<th>Performances of dance</th>
<th>Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 3)</th>
<th>Indoors</th>
<th>Outdoors</th>
<th>Both</th>
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<tr>
<td>Day</td>
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<td>State any seasonal variations for the performance of dance (please read guidance note 5)</td>
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<td>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 6)</td>
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</table>

### H

<table>
<thead>
<tr>
<th>Anything of a similar description to that falling within (e), (f) or (g)</th>
<th>Please give a description of the type of entertainment you will be providing</th>
<th>Indoors</th>
<th>Outdoors</th>
<th>Both</th>
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</thead>
<tbody>
<tr>
<td>Day</td>
<td>Start</td>
<td>Finish</td>
<td>Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)</td>
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<td>Please give further details here (please read guidance note 4)</td>
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<td>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</td>
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<td>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 6)</td>
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### Agenda Item 5

#### Late night refreshment

<table>
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<tr>
<th>Day</th>
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<tr>
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**Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 3)**

- Indoors
- Outdoors
- Both

**Please give further details here (please read guidance note 4)**

The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises. Between the hours of 01:00 and 05:00 the restaurant will trade by way of drive-thru only.

**State any seasonal variations for the provision of late night refreshment (please read guidance note 5)**

**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 6)**

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### Supply of alcohol

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<th>Day</th>
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**Will the supply of alcohol be for consumption - please tick (please read guidance note 8)**

- On the premises
- Off the premises
- Both

**State any seasonal variations for the supply of alcohol (please read guidance note 5)**

**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 6)**
**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 9).

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**

<table>
<thead>
<tr>
<th>Hours premises are open to the public</th>
<th>State any seasonal variations (please read guidance note 5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard days and timings</td>
<td><strong>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</strong></td>
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</table>
Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

**Reasons why I have not enclosed the premises licence or relevant part of premises licence.**

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Please see attached Operating Schedule.

In addition, the restaurant has recently installed an extensive full HD IP CCTV system installed with extra external car parking cameras to assist in preventing any anti-social behaviour or criminal activity outside the restaurant during overnight hours. McDonald's are working in partnership with Police & Council and have agreed to sponsor the installation of a CCTV camera to be linked to & run by the Borough's CCTV network to assist the Police & Local Authority in monitoring crime & disorder issues that might occur.

**b) The prevention of crime and disorder**

Please see attached Operating Schedule.

Automatic Number Plate Recognition is being installed into the restaurant car park, which will record (24/7) the registration of every vehicle entering and leaving the car park. This will provide evidence from an accredited number plate recognition system to assist Police in identifying any persons causing ASB or conducting criminal activity from vehicles within the car park of the restaurant.
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.

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e) The protection of children from harm

Please see attached Operating Schedule.

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Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
  I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. [ ]

- I have sent copies of this application and the plan to responsible authorities and others where applicable. [ ]

- I understand that I must now advertise my application. [ ]

- I have enclosed the premises licence or relevant part of it or explanation. [ ]

- 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 5 - Signatures  (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Shoosmiths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>10th November 2016</td>
</tr>
<tr>
<td>Capacity</td>
<td>Solicitor / Authorised Agent for the Applicant</td>
</tr>
</tbody>
</table>

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Shoosmiths LLP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>Capacity</td>
<td></td>
</tr>
</tbody>
</table>

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14).
Shoosmiths LLP
Elaine Rayner
The Lakes

<table>
<thead>
<tr>
<th>Post town</th>
<th>Northampton</th>
<th>Post code</th>
<th>NN4 7SH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone number (if any)</td>
<td>03700 863086</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
Elaine.Rayner@shoosmiths.co.uk
Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
Dear Sir/Madam

Re: McDonalds, 47/51 Oldfield's Road, Sutton, Surrey

My Husband and I (Mr & Mrs Phillips) reside at 162 Stayton Road, Sutton, Surrey and we wish to put our representation regarding the variation Licence, concerning the above-mentioned Variation to Premises Licence application:

Crime and Disorder
Currently we are already subjected to boy racers that congregate in Tesco's petrol station car park, during very late hours and cause noise disorder with them racing about, revving their engines and generally hanging around in large numbers. We, therefore feel if the extension is granted it will encourage more "boy racers" that congregate in Tesco/McDonalds car park in the early hours too. Our concern is that people in their cars will be queuing up to get into the driveway, with music blaring very loudly whilst waiting to be served. Once they have been served they will be seated in their vehicles eating their food or drive out to park on the public highway and eat their food. Pick on other drivers and get into fights. The A217 is already a main access road to these establishments, but also from Sutton, our road being Stayton Road, is also a cut thru to Tesco and McDonalds.

Prevention of public nuisance
Extension to their trading hours will cause not only us further distress, but our children, who are awoken by, revving car engines and speeding cars. Cars that wait at our traffic lights, with music booming out, often heading to Tesco, but now possibly to McDonalds too. Our concern is that if this licence is granted people will be driving into these premises will be causing us a disturbance with their music blaring out loudly, shouting to each other and revving their engines. This could also happen if they are parked in the vicinity and cause a public nuisance.

The smell of McDonalds constantly will make us feel nauseous. Regarding the Litter will it also attract more foxes and other vermin in the area? They certainly are visible on a daily basis. Our concern is that this will also encourage litter to be dropped from cars? Also noise from car speaker, I'm sure that will be heard too.

We do not want our children to be subjected to further noise and would request that their patrons respect the nearby neighbours in the area.

On a positive note McDonalds do provide job prospects to local people, and often do charitable works for the local community.

All we ask is for them is too keep to their current timings, and not give us any more reason to be woken up by the any of the above.

Regards

Mr & Mrs Phillips