

APPENDIX F

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Felicity Broder

From: EHL Safety
Sent: 26 November 2010 08:39
To: Felicity Broder
Subject: TO DO FW: Objection to McDonalds 2010/02284/LAPREV

Hi Felicity,
Rep below from Cllr Kitcat.

Louise Anderson
Senior Technical Support Officer
Environmental Health & Licensing
Brighton & Hove City Council
Telephone: 01273 294402 (Mon - Wed)
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-----Original Message-----

From: Jason Kitcat
Sent: 25 November 2010 17:55
To: EHL Safety
Subject: Objection to McDonalds 2010/02284/LAPREV

Dear Licensing Team

I am writing to boject to the application by McDonalds, Western Road 2010/02284/LAPREV to extend their hours of operation and serve late night refreshments.

The application asks to increase by 5 hours their opening times on Friday and Saturday evenings and by 1 hour every other night of the week.

I believe this change will contribute to the cumulative impact of the night time economy on local residents in the area. There will be an increased chance of public nuisance, crime and disorder and risk to public safety by the venue being open later. Later hours will result in people queuing for food, hanging around to eat it and dissipating home more slowly.

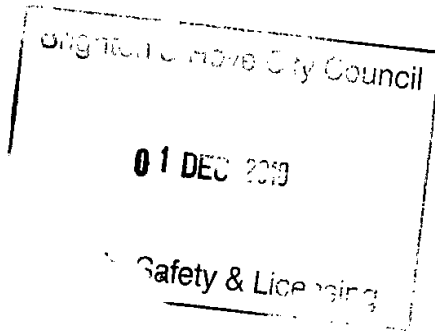
I'm also concerned that the revised Friday and Saturday hours would take McDonalds past the latest hour at which Operation Marble runs. This means there will be less policing available for any trouble that may arise in the area.

Noise of people coming home from a late night is already an issue for residents in the area, this application is likely to make that worse. Please refuse it in its entirety.

Sincerely,
Cllr Jason Kitcat

(B)

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PPN



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Holland Road
HOVE
BN3 1JY

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1st December 2010

The Licensing Technical Support Officers
Environmental Health
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
BRIGHTON
BN1 1JP

Dear Sirs,

SUSSEX POLICE REPRESENTATION AGAINST THE APPLICATION FOR VARIATION OF THE PREMISES LICENCE FOR ISMET TUREN LIMITED TRADING AS MACDONALD'S, 157/163 WESTERN ROAD, BRIGHTON, BN1 2BB.

Sussex Police oppose the application for variation of the premises licence made by Ismet Turen Ltd on behalf of the above premises. The basis for this opposition is that the grant of a premises licence for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, but instead, will give rise to potential negative cumulative impact.

The premises in respect of which the application is made are situated within the Brighton & Hove City Council cumulative impact area.

The concentration of licensed premises within a small area of the City causes problems of anti social behaviour, crime and disorder and public nuisance. In consequence of this, after due consultation and consideration, on 13th March 2008 the Licensing Authority resolved that it was both appropriate and necessary to adopt a special policy in relation to cumulative impact.

Paragraph 13.29 of the Secretary of State's Guidance to the Licensing Act 2003 provides:

"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licenses...that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives".

Paragraph 2.4.5 of the Council Statement of Licensing Policy states that "Any variation application will potentially come within this special policy, including those for extensions of hours, subject always to an applicant satisfying the authority that there will be no adverse cumulative impact".

The existing licence is for late night refreshment (no alcohol or other licensable activities) 23:00 to 24:00 seven days a week. The opening times on the existing licence are stated as:

| | |
|--------------------|---------------|
| Sunday to Thursday | 06:30 – 23:00 |
| Friday & Saturday | 06:30 – 24:00 |

The current variation application seeks to extend the hours for late night refreshment as follows:

| | |
|--------------------|---------------|
| Sunday to Thursday | 23:00 – 24:00 |
| Friday & Saturday | 23:00 – 05:00 |

and the opening hours extended as follows:

| | |
|--------------------|---------------|
| Sunday to Thursday | 05:00 – 24:00 |
| Friday & Saturday | 05:00 – 05:00 |

Whilst this premises does not sell alcohol, Sussex Police state that the grant of a variation of the premises licence to these premises would provide a further late night venue open 24 hours a day on Friday and Saturday nights, within an area already so sufficiently heavily populated with licensed premises that crime, disorder and public nuisance have reached problem levels.

As is shown on the attached spreadsheet analysis, this premises has already been the source of 999 calls asking for police attendance on a number of occasions over the last year.

Contrary to the Secretary of State's Guidance, the applicant fails to demonstrate in its operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The application makes no reference to cumulative impact, and nothing in the application or the operating schedule either rebuts the presumption of refusal contained within Paragraph 2.4.7 of the Licensing Authority's

statement of licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

In view of the above, the Licensing Authority is invited to refuse the application.

Yours faithfully,

Graham Bartlett
Chief Superintendent
Divisional Commander
Brighton & Hove Division

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INCIDENTS AT MCDONALD'S 2010

| INCIDENT DATE | INCIDENT TIME | INCIDENT NO. | DESCRIPTION |
|---------------|---------------|--------------|---|
| | | | YOUNG FEMALE WORKING AT MCDONALD'S WESTERN ROAD SERVED TWO FEMALE CUSTOMERS, WHO COMPLAINED THAT THEIR CHIPS WERE COLD AND DEMANDED A REFUND. THE FEMALE EMPLOYEE LEFT THE SHOP AT 01:00 AFTER FINISHING WORK AND STARTED TO WALK HOME. AT DITCHLING ROAD THE FEMALE EMPLOYEE WAS APPROACHED BY THE TWO FEMALE CUSTOMERS FROM INSIDE THE SHOP EARLIER. THEY THREW A GLASS BOTTLE AT HER, PULLER HER HAIR, SCRATCHED HER FACE AND MADE RACIST COMMENTS. PASSERS BY INTERVENED AND TOOK THE FEMALE VICTIM TO A NEARBY PUB WHERE THE POLICE WERE CALLED. |
| 21/02/2010 | 01:00 | 858 | SCHOOLGIRL REPORTED THEFT OF MOBTEL AND CARRIER BAG LEFT UNDER A TABLE INSIDE MCDONALD'S WESTERN ROAD. |
| 05/03/2010 | 15:37 | 1122 | CALL FROM MANAGER AT MCDONALD'S REQUESTING POLICE PRESENCE AS GROUP OF 6/7 YOUTHS INSIDE THE VENUE THROWING FOOD AND CONDOMS AND REFUSING TO LEAVE. POLICE ATTENDED AND APPREHENDED THE YOUTHS OUT IN THE STREET. |
| 13/08/2010 | 18:13 | 1450 | CALL FROM STAFF AT VENUE AT 06:03 IN THE MORNING. THEY HAD JUST ARRIVED AT THE PREMISES TO OPEN UP AND FOUND A MALE ASLEEP IN THE TOILETS. THERE WAS NO SIGN OF ANY BREAK IN OR FORCED ENTRY AND IT APPEARS THE MALE WAS LEFT UNDETECTED IN THE TOILETS WHEN THE STAFF CLOSED UP THE PREMISES THE NIGHT BEFORE. |
| 03/09/2010 | 06:03 | 214 | GROUP OF SIX TEENAGERS (MALE AND FEMALE) WENT TO MCDONALD'S RESTAURANT AND SAT DOWN TO EAT THEIR FOOD. A GROUP OF THREE MALES SAT NEXT TO THEM INSIDE THE RESTAURANT AND WERE ABUSIVE, DELIBERATELY TARGETING THE GROUP. WHEN THE GROUP LEFT THE THREE MALES FOLLOWED THEM AND A FEMALE WAS SEXUALLY ASSAULTED AND A MALE WAS ASSAULTED (ABH). |
| 11/09/2010 | 19:00 | 1601 | CALL FROM STAFF AT THE VENUE ASKING FOR POLICE ASSISTANCE AS A MALE HAD BEEN LOCKED INSIDE A TOILET CUBICLE FOR ONE HOUR AND WAS NOT RESPONDING WHEN STAFF KNOCKED ON THE DOOR. POLICE AND AMBULANCE ATTENDED. MALE WAS DRUNK. |
| 03/11/2010 | 20:13 | 1549 | |

