

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 27 May 2025

Meeting time: 6.00 pm - 8.05 pm

In attendance:

Councillors:

Dr Helen Pemberton, Julie Sankey and Simon Wheeler

Also in attendance:

Sarah Farooqi (One Legal) Jake Johnstone (Senior Licensing Officer)

1 Election of Chair

Prior to the meeting Councillor Wheeler was elected as Chair of the sub committee.

2 Apologies

There were no apologies.

3 Declarations of interest

There were none.

4 Determination of a New Application for a Premises Licence

The Licensing Officer introduced the report as published.

The first objector addressed the committee and made the following point:

- Residents are concerned about the rise in noise and antisocial behaviour. This was a problem when TGI Fridays were in the premises and the residents are worried that this will be a worse issue with a takeaway.

The second objector addressed the committee and made the following points:

- Local residents are resigned to the fact that McDonalds will be at the premises, however the concerns are mostly with late night opening.
- The area that the restaurant is in will not attract the local demographic.
- There was concern that the diners would not read the signs asking customers to be considerate when they left the building also that the food delivery drivers would cause a lot of disruption and noise from mopeds etc.

The third objector as County Councillor for St Marks and St Peters addressed the committee and made the following points:

- Stated that had received lots of correspondence from concerned residents with regard to the application.
- The issue is not with who the applicant is, the issues are with the hours and the way the business will affect the local area.
- As the applicant is a nationwide operator it is easy to find problems that have occurred elsewhere in the country.
- The operating schedule does not use good licensing conditions. Section 182 guidance has not been taken into account. Conditions need to be precise.
- There has been no consideration for the Councils statement of licensing policy.
- The applicant states that they want to work with communities, however there has been no contact made in the seeking of mediation.
- There seems to be no interest in the applicant joining the Council's Nightsafe scheme.
- The area that the restaurant is in is an area of high deprivation and high crime.
- On balance of probability the negative articles that appear in the press with regard to McDonalds are probably true otherwise McDonalds would have sought to take action.
- The 2 companies that McDonalds are using for CCTV are not known to the objector and after some research it was discovered that 1 of the companies mentioned ceased training in 2011 and the other appears to have nothing to do with CCTV. The point was raised as to why the applicant is not using British standard CCTV.
- The point was raised that there is no condition regarding door staff.
- The applicant should have a responsibility with regard to delivery drivers (just eat etc) to ensure that they have working lights etc.
- McDonalds have not made a commitment to the "Ask Angela" scheme.
- The condition with respect to no open alcohol needs to be more prescriptive.
- Cheltenham has a problem with gulls, the bins that are provided for outside use should be gull proof.
- Signs about noise when leaving the premises are not mentioned in the application neither is restricting the times the outside seating will be available.
- The applicant must be aware of the problem of having lights outside and that lights should not be an issue for residents.
- There will be a strong smell of cooking (as there is from the premises on the Gallagher Estate) and there are no conditions on the amount of cooking in the last hour.
- With regard to protecting children from harm under 18's will not be allowed in the restaurant unless accompanied by an adult, this could mean that 16 year olds can come in with 18 year olds. McDonalds is an attractive place for children which could mean that people who are attracted to children will go

there. This is no reflection on the applicant, their staff are in the front line for protecting children and young people. Safe guarding training should be carried out by all staff.

- The committee needs to look at the section 182 guidance and the Councils policy and decide if what the applicant is offering is enough.
- The application should be section 182 compliant or the committee should refuse the application.

The legal representative for the applicant addressed the committee and made the following points:

- There seemed to be a fundamental misunderstanding of how the process works which she hoped to dispel.
- Many communities have concerns about McDonalds moving into their area and there are similar concerns with every application.
- There are 1100 plus outlets across the country and where there are some complaints they are never brought to the relevant authorities for reviews.
- McDonalds is not a new entity in Cheltenham.
- Section 182 guidance makes clear that the committee need to make a decision.
- There have been no representations from the responsible authorities.
- Some of the written objections state that McDonalds is not community minded which is unfair as the company goes to great lengths with community engagement.
- This premises will not be a franchise as many of the branches are, this will be owned and managed by McDonalds itself.
- The application for the licence comes off the back of the planning permission.
- There can be conditions put on the application if the committee wishes to, there are numerous planning conditions which takes into account light, odour and noise. The premises cannot operate until these issues have been dealt with.
- The application did not go to planning committee.
- The premises can operate from 5am-11pm as part of a normal application.
- McDonalds operate a staff safe system and have cctv that protects the employees.
- As a standard McDonalds have a litter picking scheme which is not just restricted to the restaurant but will look to clear the surrounding area if it is a problem.
- McDonalds operate to the highest of standards and hopes that the committee is reassured by this.
- Under the staff safe scheme the employees have a button that they can press and a voice can play out in the store as a warning, this system will also be a direct line to the police.
- If a delivery partner does not behave as McDonalds require then that partner will not be used. Delivery partners have the technology that will stop them waiting in residential areas. There will be a McDelivery area that will stop delivery partners from waiting in residential areas too.
- There has been no objection from the Premier Inn which shares the site.
- In the terms of the application there is a safety net in that the licence can be brought back to the committee for review at any time.
- The concerns from the objectors are unsubstantiated.

The responses to Member questions were as follows:

- The extra hour that is being requested will be used, the hour connects to order deliveries. McDonalds hold information on people's habits based on

data collected across their restaurants. The extra hour opening will be reviewed after 6 months.

- There will be notices to inform people to have respect for the surrounding area, and the staff safe scheme will be used to assist with any disruptive behaviour.
- Any bad behaviour will be dealt with and if delivery drivers aren't respectful they will be banned.
- McDonalds and Premier Inn have a good relationship, this is not the first time that they have shared the same site.
- Litter picking will not be done after dark or before sunrise due to staff safety and insurance.
- As this is a drive to restaurant not a drive thru there should be a limited amount of litter.
- Litter will be picked up from the surrounding area if it can be attributed to McDonalds.
- The litter bins will be in a corralled area.
- There is no difference between a franchised business and a non-franchised business they are both run to the same high standard.

The objectors were then given the final right of reply and made the following points:

- There are 2 other McDonalds restaurants in the vicinity that are in non-residential areas, it would be better for residents if they were used for deliveries from 11- midnight. The only deliveries that took place from this premises were for the hotel.
- A weekly litter pick in the local parks would make the residents happy.
- When the planning decision was made it was under a delegated decision and the application was not put in under the name McDonalds, this seems dishonest.
- The applicant had ample time to meet with the County Councillor and discuss some of the issues before the application came to committee. There had been no attempt at dialogue.
- The committee did not question the CCTV issue, the suggestion was that British standard be used.
- A condition for 3 litter picks a day was suggested.

The applicant was then given the final right of reply and made the following points:

- There is not a fight, licensing works within legal parameters and the decision that the committee makes should follow those parameters.
- When the application for planning permission was made the statutory consultees knew who the applicant was, the identity of the applicant did not slip under the radar.
- The conditions of the planning permission have dealt with a lot of the issues that had been raised.
- Licence can be reviewed at any time and review can be brought to the Councils attention not just by the statutory consultees but also by residents.
- What the committee decides to do can only affect the one hour between 11 and midnight.
- These hours are consistent across all branches of McDonalds with no issues.

The committee then retired to make their decision.

Their decision was as follows:

At the hearing, the Sub-Committee heard from the licensing officer, objectors and representative for the applicant and the applicant.

In coming to its decision, the Sub-Committee had due regard to all relevant legislative provisions including:-

- Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application
- The obligation to promote the four licensing objectives
- The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

The Licensing Sub-Committee noted it must carry out its functions with a view to promoting the four licensing objectives, set out in the 2003 Act.

The Sub-Committee was aware it cannot take into account representations which do not relate to one or more of those licensing objectives and acknowledges representations which are taken into account must be relevant and evidenced-based.

The Sub-Committee considered all relevant verbal and written submissions from the Applicant and their representative, objectors and licensing officer before making its decision on the application.

The Sub-Committee considered steps set out in the applicant's operating schedule. In deciding the application, the Sub-Committee noted no Responsible Authorities had commented on the application.

The Sub Committee sympathised with the concerns that have been raised by the local residents and by Councillor Dr. Willingham.

But the Sub-Committee was mindful of the limitations that arise from the application being for only late refreshment between 11.00p.m and midnight.

The Sub Committee therefore by a majority decision decided to grant the application as requested.

The Sub Committee recorded that at the hearing the applicant made a number of statements about the measures it will put in place. The Sub-Committee expect the applicant will adhere to good working practices and would anticipate if there are problems an application for a review could be lodged and more stringent conditions applied.

All parties are reminded there is a right of appeal against the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision.

5 BRIEFING NOTES

There were none.

6 Any other items the Chairman determines to be urgent and which requires a decision

There were none.