

**APPLICATION FOR VARIATION OF PREMISES LICENCE –
McDONALD’S RESTAURANTS TOTHILL
STREET MINSTER**

Licensing Sub-Committee – 8th August 2017 at 10 a.m

Report Author **Philip Bensted Regulatory Services Manager**

Portfolio Holder **Cllr Lin Fairbrass Community Services**

Status **For Decision**

Classification: **Unrestricted**

Ward: **Thanet Villages**

Executive Summary:

To consider this application for variation of a premises licence by McDonald’s Restaurants Tothill Street Minster in the light of representations received.

Recommendation(s):

The instructions of the Sub-Committee are requested

CORPORATE IMPLICATIONS

Financial and Value for Money	None
Legal	<p>There is a right of appeal to a Magistrates’ Court within 21 days of the date of the decision of the Licensing Sub-Committee with regard to the grant/refusal of a licence or any of the conditions attached to it.</p> <p>The Licensing Sub-Committee must pay proper attention to the applicant’s rights under the provisions of the Human Rights Act 1998, which gives further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Convention on Human Rights. The Licensing Sub-Committee must have proper regard to the rights of the individual applicant when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found and think hard about how it can cause the least possible harm to individuals, bearing in mind its duty to ensure the protection of the public.</p>
Corporate	None.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation,</p>

	gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.
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1.0 Introduction and Background

- 1.1 Application has been made by P A Crocker Limited for variation of a premises licence as described in the application at Annex 1.
- 1.2 The application showing the proposed variation is appended at Annex 1.
- 1.3 These premises were granted a premises licence in January 2012 which remains in force. A copy of that licence and conditions are appended at Annex 2.

2.0 General Points

- 2.1 Applicants for variation of a premises licence are required, as part of the licensing procedure, to display a public notice which provides information to the public regarding the manner in which objection may be made. Similarly, public notice of the application should be published in a local newspaper circulating in the vicinity of the premises. These requirements appear to have been complied with. Twenty six public objections have been received which are appended at Annex 3. Minster Parish Council have lodged an objection which is appended at Annex 4.
- 2.2 The applicant is further required to give notice of the application to responsible authorities. Kent Police have made representations which are appended at Annex 5. Environmental Protection have made no representations.
- 2.3 The Licensing Sub-Committee will be aware that it must carry out its functions under the 2003 Licensing Act to take steps which are appropriate for the promotion of the licensing objectives. The Licensing objectives are:- the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. In carrying out its licensing functions, the Licensing Sub-Committee must also have regard to its statement of licensing policy and the Guidance issued under the Act.
- 2.4 The four licensing objectives are the matters the Licensing Sub-Committee must address when considering whether to grant or refuse the application. Each application should be considered on its merits. Reasons must be given for any decision made by the Sub-Committee.
- 2.5 The application should be determined within twenty working days beginning with the day after the end of the period during which representations may be made. Representations had to be made by the 13th July.

3.0 Options

- 3.1 Grant the application with conditions consistent with the application.
- 3.2 Grant the application with different conditions.
- 3.3 Refuse the application.

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Reporting to:	Penny Button, Head of Neighbourhood Services, ext 7425
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Annex List

<i>Annex 1</i>	Application to vary premises licence
<i>Annex 2</i>	Premises licence
<i>Annex 3</i>	Public representations
<i>Annex 4</i>	Parish Council representations
<i>Annex 5</i>	Police representations

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

