

## MUNICIPAL YEAR 2013/14 REPORT NO.

**COMMITTEE :**  
Licensing Sub-Committee  
6 November 2013

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

Agenda - Part	Item
<b>SUBJECT :</b> Application to vary a premises licence	
<b>PREMISES :</b> McDonalds 112-118 Fore Street, Edmonton N18	
<b>WARD :</b> Upper Edmonton	

### 1 LICENSING HISTORY & CURRENT POSITION :

- 1.1 On 30 November 2007 an application by Mr Hamid Darbandi for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.2 On 10 January 2013 an application by **Zed 1 Enterprises Limited** for transfer of the Premises Licence, which was not subject to a representation from the Police, was granted by officers in accordance with delegated powers.
- 1.3 The current Premises Licence permits :
  - 1.3.1 **Hours the premises are open to the public** : Sunday to Saturday from 06:00 to 00:00.
  - 1.3.2 **Late night refreshment** : Sunday to Saturday from 23:00 to 00:00.
- 1.4 A copy of a location map of the premises is attached as Annex 01.
- 1.5 A copy of the current Premises Licence is attached as Annex 02.

### 2 THIS APPLICATION :

- 2.1 Application is made by **Zed 1 Enterprises Limited** to vary the Premises Licence. The application seeks :
  - 2.1.1 **Hours the premises are open to the public** : Sunday to Thursday from 05:00 to 01:00 the following day and on Friday and Saturday from 05:00 to 02:00 the following day.
  - 2.1.2 **Late night refreshment** : Sunday to Thursday from 23:00 to 01:00 the following day and on Friday and Saturday from 23:00 to 02:00 the following day.
- 2.2 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.3 Each of the Responsible Authorities were consulted in respect of the application.
- 2.4 A copy of the application is attached as Annex 03.

### 3 **RELEVANT REPRESENTATIONS :**

3.1 **Metropolitan Police** : Representation is made, against the application, on the grounds of the prevention of crime & disorder and the prevention of public nuisance licensing objectives.

3.1.1 A copy of the representation is attached as Annex 04.

3.2 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services)** : Representation is made, against the application, on the grounds of the prevention of public nuisance licensing objective.

3.2.1 A copy of the representation is attached as Annex 05.

### 4 **RESPONSE TO THE REPRESENTATIONS :**

4.1 On 9 September 2013 the applicant provided a statement in respect of paragraph 8.36 of the Guidance issued by the Secretary of State to the Home Office of October 2012.

4.2 A copy of the statement is attached as Annex 06.

### 5 **RELEVANT LAW, GUIDANCE & POLICIES :**

5.1 The paragraphs below are extracted from either :

5.1.1 the Licensing Act 2003 ('Act'); or

5.1.2 the Guidance issued by the Secretary of State to the Home Office of October 2012 ('Guid'); or

5.1.3 the London Borough of Enfield's Licensing Policy Statement of April 2012 ('Pol').

#### **General Principles :**

5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

5.3 The licensing objectives are :

5.3.1 the prevention of crime and disorder;

5.3.2 public safety;

5.3.3 the prevention of public nuisance; &

5.3.4 the protection of children from harm [Act s.4(2)].

5.4 In carrying out its functions, the Sub-Committee must also have regard to :

5.4.1 the Council's licensing policy statement; &

5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

### **Cumulative Impact Policy :**

- 5.5 The applicant premises/club premises is located in the Edmonton Cumulative Impact Policy Area [Pol s.9.21/22].
- 5.6 The application is for a a full variation of a premises [Pol s.9.21/22].
- 5.7 The application is subject to a relevant representation [Pol s.9.21/22].
- 5.8 Therefore the Cumulative Impact Policy applies to this application [Pol s.9.21/22].
- 5.9 The Core Hours for this application are :
- 5.9.1 Late night refreshment : Monday to Sunday Indoors only 23:00 to 24:00 [Pol s.9.23.7].

**5.10 The Council's policy is that this application (which is outside the Core Hours set out above) is subject to the presumption against grant that is implicit in a cumulative impact policy [Pol s.9.22].**

**5.11 Where the cumulative impact policy applies to an application, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy [Guid 8.36].**

### **Decision :**

- 5.12 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
  - 5.12.1 the steps that are appropriate to promote the licensing objectives;
  - 5.12.2 the representations (including supporting information) presented by all the parties;
  - 5.12.3 the guidance; and
  - 5.12.4 its own statement of licensing policy [Guid 9.34].
- 5.13 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
  - 5.13.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
  - 5.13.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - 5.13.3 to refuse to specify a person in the licence as the premises supervisor;
  - 5.13.4 to reject the application [Act s.18].

### **Background Papers :**

**None other than any identified within the report.**

### **Contact Officer :**

**Mark Galvayne on 020 8379 4743**



# McDonalds, 112-118 Fore Street, LONDON, N18 2XA

LONDON BOROUGH OF ENFIELD  
 CIVIC CENTRE, SILVER STREET  
 ENFIELD, EN1 3XE  
 TEL: 020 8379 1000



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Scale: 1:1250  
 Dwg.No. 6500CR  
 Date: 09/10/2012

A MWG 02



Licensing Act 2003

**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/200700496**

**Part 1 – Premises Details**

Postal address of premises :

Premises name : **McDonalds**

Telephone number : **020 8807 8584**

Address : **112-118 Fore Street LONDON N18 2XA**

Where the licence is time-limited, the dates :

**Not time limited**

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities :

**(1) Open to the Public - Whole Premises**

<b>Sunday :</b>	<b>06:00 - 00:00</b>
<b>Monday :</b>	<b>06:00 - 00:00</b>
<b>Tuesday :</b>	<b>06:00 - 00:00</b>
<b>Wednesday :</b>	<b>06:00 - 00:00</b>
<b>Thursday :</b>	<b>06:00 - 00:00</b>
<b>Friday :</b>	<b>06:00 - 00:00</b>
<b>Saturday :</b>	<b>06:00 - 00:00</b>

**(2) Late Night Refreshment - Indoors and Outdoors**

<b>Sunday :</b>	<b>23:00 - 00:00</b>
<b>Monday :</b>	<b>23:00 - 00:00</b>
<b>Tuesday :</b>	<b>23:00 - 00:00</b>
<b>Wednesday :</b>	<b>23:00 - 00:00</b>
<b>Thursday :</b>	<b>23:00 - 00:00</b>
<b>Friday :</b>	<b>23:00 - 00:00</b>
<b>Saturday :</b>	<b>23:00 - 00:00</b>

**Part 2**

**Name and (registered) address of holder of premises licence :**

<b>Name :</b>	<b>Zed 1 Enterprises Limited</b>
<b>Telephone number :</b>	<b>Not provided</b>
<b>e-mail :</b>	<b>Not provided</b>
<b>Address :</b>	<b>C/o The Accounting Centre Ltd, 1 Archgate Business Centre, 823-825 High Road, North Finchley, London, N12 8UB</b>

**Registered number of holder (where applicable) :**

**Name and (registered) address of second holder of premises licence (where applicable) :**

<b>Name :</b>	<b>Not applicable</b>
<b>Telephone number :</b>	
<b>Address :</b>	

**Name and address of designated premises supervisor (where the licence authorises the supply of alcohol) :**

<b>Name :</b>	<b>Not Applicable</b>
<b>Telephone number :</b>	
<b>e-mail :</b>	<b>Not applicable</b>
<b>Address :</b>	

**Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol) :**

<b>Personal Licence Number :</b>	<b>Not applicable</b>
<b>Issuing Authority :</b>	<b>Not applicable</b>

**Premises Licence LN/200700496 was first granted on 30 November 2007.**

**Signed :** 

**Date : 10th January 2013**

**for and on behalf of the  
London Borough of Enfield  
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH  
Telephone : 020 8379 3578**



## **Annex 1 - Mandatory Conditions**

**None**

## **Annex 2 - Conditions consistent with the Operating Schedule**

- 1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 2. The footpath immediately; outside the front of the premises shall be kept clear of litter.**
- 3. Parties for children shall not take place during the hours of late-night refreshment.**
- 4. The premises must be fitted with a digital Closed Circuit Television (CCTV) system, which must conform to the following points: (1) If the CCTV equipment is inoperative or not working to the satisfaction of the Police or Licensing Authority, the premises shall not be used for licensable activities unless with prior agreement from the Police; (2) Cameras must be sited to observe the entrance doors both inside and outside, the counter areas and floor areas; (3) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification - not less than 120% of screen; (4) Cameras viewing till areas must capture frames not less than 50% of screen; (5) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (6) They must be capable of detection i.e. not less than 10% of screen; (7) Be capable of visually confirming the nature of the crime committed; (8) Provide a linked record of the date, time and place of any image; (9) Provide good quality images - colour during opening times; (10) Operate under existing light levels within and outside the premises; (11) Have the recording device located in a secure area or locked cabinet; (12) Have a monitor to review images and recorded picture quality; (13) Record images as near to real time as possible; (14) Recorded images must be of sufficient quality that persons can be identified from the recorded pictures as well as the live view; (15) Be regularly maintained to ensure continuous quality of image capture and retention; (16) Comply with the Data Protection Act (DPA) and any applicable British Security Industry Association (BSIA) codes of practice; (17) Have signage displayed in the customer area to advise that CCTV is in operation; (18) Be operated by the correct procedures, to ensure an evidence trail is recorded and can be retrieved for evidential purposes; (19) Digital images must be kept for 31 days; (20) Checks should be frequently undertaken to ensure that the equipment performs properly and that all the cameras are operational and a log kept; (21) The medium on which the images have been recorded should not be used when it has become apparent that the quality of the images has deteriorated; (22) Access to recorded images should be restricted to those staff that need to have access in order to achieve the purposes of using the equipment; (23) All access to the medium on which the images are recorded should be documented; (24) Police will have access to images at any reasonable time; (25) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to**

ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request; (26) Disclosure of the recorded images to third parties should only be made in limited and prescribed circumstances, law enforcement agencies, Prosecution agencies, relevant legal representatives and people whose images have been recorded and retained.

5. Prominent, clear and legible notices shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

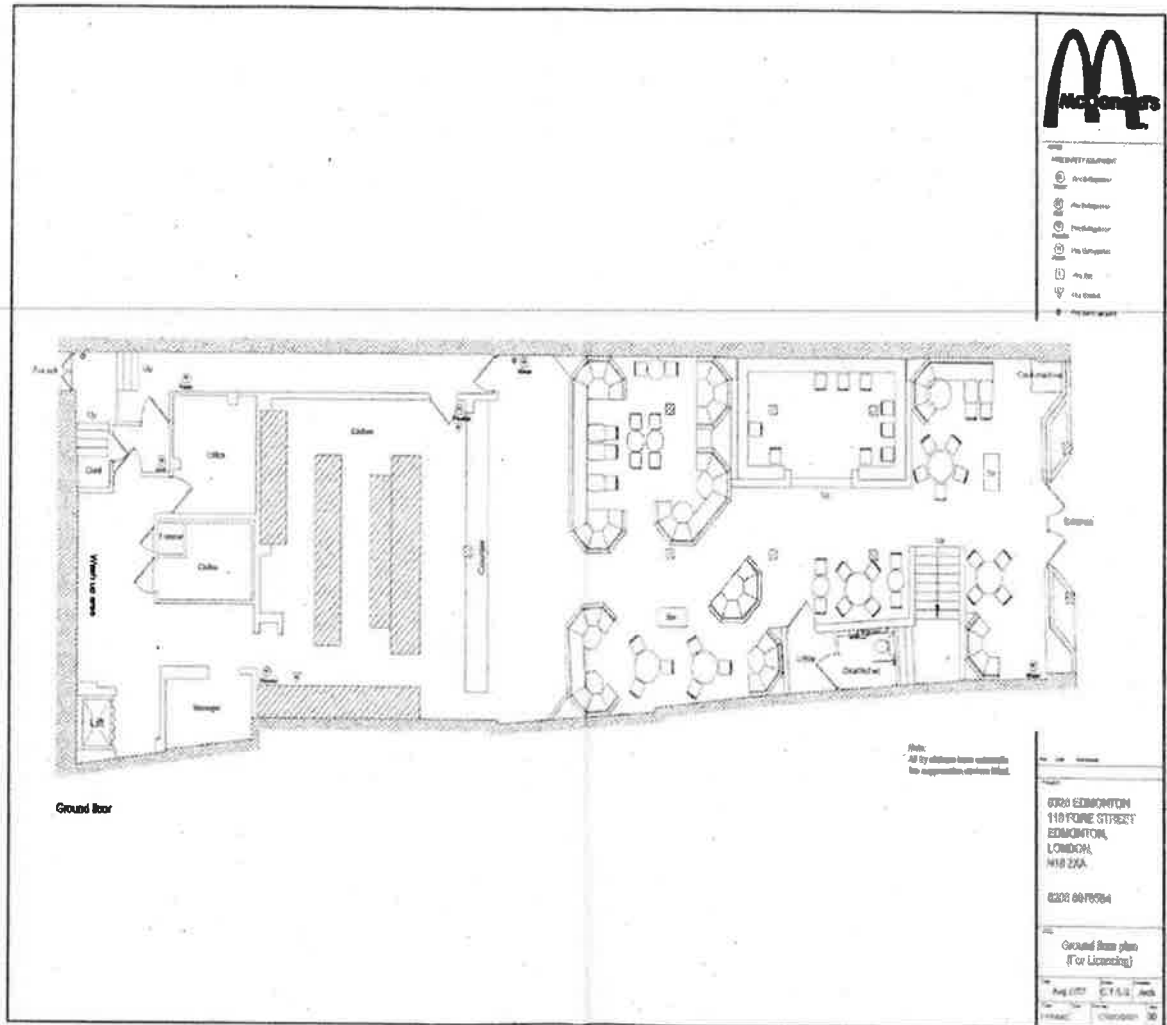
6. Staff shall be sufficiently trained, to discourage patrons from congregating around the outside of the premises and from bringing open alcoholic drinks into the restaurant to consume with their meal.

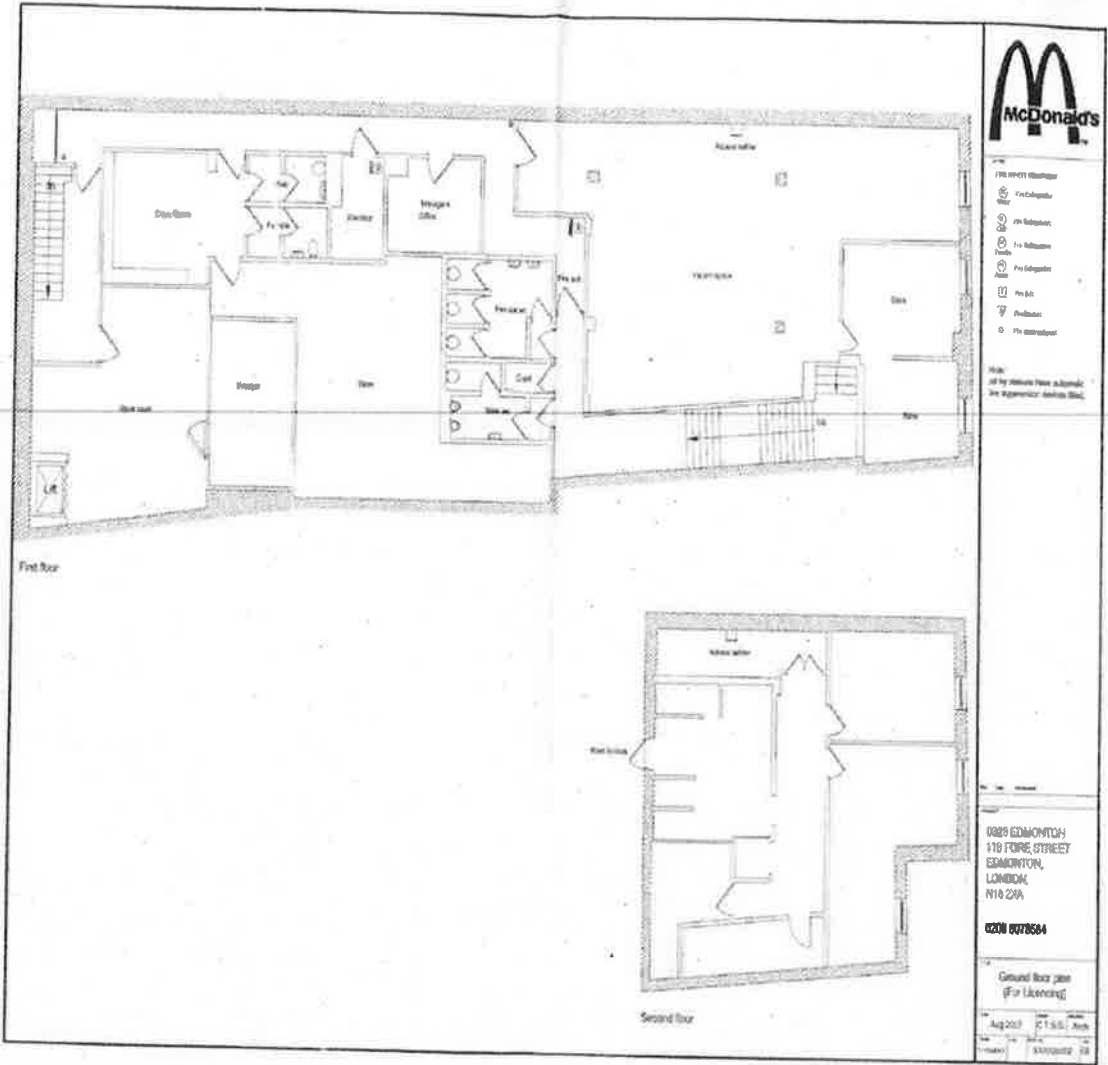
**Annex 3 - Conditions attached after a hearing by the Licensing Authority**

**Not applicable**



# Annex 4 – Plans





- 170 00001 Counter
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- 170 00003 Fryer
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8889 EDMONTON  
110 FINE STREET  
EDMONTON,  
ALBERTA  
T6G 2S8

CCW 007854

Ground floor plan  
(For Licensing)

Aug 2013 21.6.13  
170 00001 Fryer

Insert name and address of relevant licensing authority and its reference number (optional)

London Borough Of Enfield  
 PO Box 57, B-Block North  
 Civic Centre  
 Silver Street  
 Enfield  
 EN1 3XH

**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.

**XWe** Zed 1 Enterprises Limited  
 (Insert name(s) of applicant)

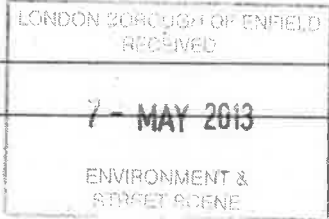
**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

Premises licence number  
 LN/200700496

**Part 1 - Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description McDonald's Restaurants 118 Fore Street Edmonton	
Post town London	Post code N18 2XA
Telephone number at premises (if any)	0208 807 8584
Non-domestic rateable value of premises	£ 38,447.00

**Part 2 - Applicant Details**

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	

### 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 hours to 00:00.  
 The proposed variation is to extend the opening hours and provision of late night refreshment on Sunday to Thursday to 00:00 to 01:00 hours and Friday to Saturday from 00:00 hours to 02:00.

### 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**

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:00	<b>Please give further details here</b> (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.	Both	<input checked="" type="checkbox"/>
Tue	23:00	01:00			
Wed	23:00	01:00		<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)	
Thur	23:00	01:00			
Fri	23:00	02:00		<b>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</b> (please read guidance note 6)	
Sat	23:00	02:00			
Sun	23:00	01:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption - please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur				<b>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</b> (please read guidance note 6)	
Fri					
Sat					
Sun					

**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**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	05:00	01:00	<p><b>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)</b></p>
Tue	05:00	01:00	
Wed	05:00	01:00	
Thur	05:00	01:00	
Fri	05:00	02:00	
Sat	05:00	02:00	
Sun	05:00	01:00	

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.

- b) The prevention of crime and disorder**

Please see attached Operating Schedule.

**c) Public safety**

Please see attached Operating Schedule.

**d) The prevention of public nuisance**

Please see attached Operating Schedule.

**e) The protection of children from harm**

Please see attached Operating Schedule.

**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.**

Signature	Shoosmiths LLP
Date	3rd May 2013
Capacity	Solicitor / Authorised Agent for the Applicant

**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.**

Signature	
Date	
Capacity	
<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 14) Shoosmiths LLP The Lakes	
<b>Post town</b> Northampton	<b>Post code</b> NN4 7SH
<b>Telephone number (if any)</b>	Direct Dial : 03700 863086
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>	

ANNEX 04



Working together for a safer London

**POLICE REPRESENTATION**

**Name and address of premises:** McDonalds  
112-118 Fore Street  
Edmonton  
N18 2XA

**Type of Application:** Variation

**Worksheet number:** WK/213012495

**The Application**

This is a variation application to extend the licensing hours for this take away restaurant as follows:

	Current Hours	Proposed Hours
Open	Everyday - 06:00 – 00:00	Fri & Sat 05:00 – 02:00 Sun - Thurs 05:00 – 01:00
LNR	Everyday - 06:00 – 00:00	Fri & Sat 23:00 – 02:00 Sun - Thurs 23:00 – 01:00

**In summary I wish to make representation on the following:**

**Cumulative Impact Policy (CIP)**

London Borough of Enfield

**Licensing Act 2003**

Licensing Policy Statement (Fourth Edition 1 April 2012)

9.21 Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours within the limits set out (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will generally be granted, subject to consideration of any representations about the way in which the application will promote the licensing objectives.

9.22 Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours outside the limits set out (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will, when

subject to relevant representations, be subject to the presumption against grant that is implicit in a cumulative impact policy.

This premise is within Enfield Boroughs Cumulative Impact Policy area. Hours sort are outside the limits set out and as such, section 9.22 refers.

This premises is located in the Edmonton Cumulative Impact Policy Area.

The CIP came into force in April 2012 and relates to all new and variation applications and states that the core hours granted for this type of premises in this particular location should not exceed the following:

Late night refreshment:        Mon - Sun 23:00 – 24:00        Indoors only

The hours applied for exceed those of specified in the CIP.

Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

**In summary I wish to make representation on the following:**

- Prevention of Public Nuisance
- The prevention of Crime and Disorder

As outlined in the Cumulative Impact Policy, this area is already is of concern in relation to crime and disorder and public nuisance. I am of the firm belief that if this premises were to be permitted to provide late night refreshment as applied for in this location, it would very likely lead to increased incidents of crime & disorder and public nuisance and have a negative impact on the promotion of the licensing objectives.

In line with the Council's CIP and to ensure that local residents are not disturbed I object to the applied for hours in their entirety.

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 20<sup>th</sup> May 2013

AMNG 05



**LICENSING AUTHORITY REPRESENTATION**

This representation is made by Enfield's Licensing Enforcement Team and is made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

**Name and address of premises:** McDonalds  
112-118 Fore Street  
Edmonton  
N18 2XA

**Type of Application:** Variation Premises Licence

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

**Background History:**

This is a variation application to extend the licensing hours for this take away restaurant as follows:

	Current Hours	Proposed Hours
Open	Everyday - 06:00 – 00:00	Fri & Sat 05:00 – 02:00 Sun - Thurs 05:00 – 01:00
LNR	Everyday - 06:00 – 00:00	Fri & Sat 23:00 – 02:00 Sun - Thurs 23:00 – 01:00

Council records show the following history in relation to this premises:

11/09/10 – Licensing Enforcement Officers visited the premises. Licensed until 00:00 but till trading at 00:20. Shift Manager stated he has worked there for over a year and they have always closed at 01:00 on Friday and Saturday. Advised to close - done while we were there, variation application and offence notice issued.

13/09/10 - Phoned premises and spoke to Assistant Manager who was aware of the visit and confirmed papers had been past to the premises licence holder. Reiterated advise re licence and also advised re TENs and checking planning permission times. Advised more observations will be carried out. He confirmed that there had been a misunderstanding and that they are now closing at 00:00.

18/09/10 - Licensing Enforcement Officers visited the premises at 00:21 - closed.

**Planning Information:**

Permission for change of use from A1 to A3 was granted on 16/08/1989. Subsequent variation to the original consent regarding the condition governing opening hours have

taken the times from 06:00 to 00:00 seven days a week (granted 02/01/2005) to 05:00 to 01:00 Sundays to Thursdays and 05:00 to 02:00 Fridays and Saturdays (granted 22/03/2013). All permissions are for a limited period of one year only - at the end of the year if no new application is made the opening times revert to the last permission granted.

**Cumulative Impact Policy (CIP)**

This premises is located in the Edmonton Cumulative Impact Policy Area.

The CIP came into force in April 2012 and relates to all new and variation applications and states that the core hours granted for this type of premises in this particular location should not exceed the following:

Late night refreshment: Mon - Sun 23:00 – 24:00 Indoors only

The hours applied for exceed those of specified in the CIP.

**Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.**

**In summary I wish to make representation on the following:**

- Prevention of Public Nuisance

**I believe that extending the hours of this premises, which is located in an area where there are already a large number of licensed premises will have a negative impact on the promotion of the licensing objectives.**

**In line with the Council's CIP and to ensure that local residents are not disturbed I object to the applied for hours in their entirety.** However, If this application were granted in full or part, I would recommend the following conditions be attached to the licence to promote the licensing objectives. These conditions are in addition to the proposed conditions in Annex 2 as indicated.

	<b>Proposed Conditions – Annex 2</b>	<b>TS Agree</b>	<b>Amended to Read / Suggestion</b>
1	There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.	Y	
2	The footpath immediately; outside the front of the premises shall be kept clear of litter.	N	The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.

3	Parties for children shall not take place during the hours of late-night refreshment.	Y	
4	<p>The premises must be fitted with a digital Closed Circuit Television (CCTV) system, which must conform to the following points:</p> <p>(1) If the CCTV equipment is inoperative or not working to the satisfaction of the Police or Licensing Authority, the premises shall not be used for licensable activities unless with prior agreement from the Police; (2) Cameras must be sited to observe the entrance doors both inside and outside, the counter areas and floor areas; (3) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification - not less than 120% of screen; (4) Cameras viewing till areas must capture frames not less than 50% of screen; (5) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (6) They must be capable of detection i.e. not less than 10% of screen; (7) Be capable of visually confirming the nature of the crime committed; (8) Provide a linked record of the date, time and place of any image; (9) Provide good quality images - colour during opening times; (10) Operate under existing light levels within and outside the premises; (11) Have the recording device located in a secure area or locked cabinet; (12) Have a monitor to review images and recorded picture quality; (13) Record images as near to real time as possible; (14) Recorded images must be of sufficient quality that persons can be identified from the recorded pictures as well as the live view; (15) Be regularly maintained to ensure continuous quality of image capture and retention; (16) Comply with the Data Protection Act (DPA) and any applicable British Security Industry Association (BSIA) codes of practice; (17) Have signage displayed in the customer area to advise that CCTV is in operation; (18) Be operated by the correct procedures, to ensure an evidence trail is recorded and can be retrieved for evidential purposes; (19) Digital images must be kept for 31 days; (20) Checks should be frequently undertaken to ensure that the equipment performs properly and that all the cameras are operational and a log kept; (21) The medium on which the images have been</p>	Y	

	<p>recorded should not be used when it has become apparent that the quality of the images has deteriorated; (22) Access to recorded images should be restricted to those staff that need to have access in order to achieve the purposes of using the equipment; (23) All access to the medium on which the images are recorded should be documented; (24) Police will have access to images at any reasonable time; (25) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request; (26) Disclosure of the recorded images to third parties should only be made in limited and prescribed circumstances, law enforcement agencies, Prosecution agencies, relevant legal representatives and people whose images have been recorded and retained.</p>		
5	<p>Prominent, clear and legible notices shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.</p>	N	<p>Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.</p>
6	<p>Staff shall be sufficiently trained, to discourage patrons from congregating around the outside of the premises and from bringing open alcoholic drinks into the restaurant to consume with their meal.</p>	Y	
	<p><b>Additional Conditions to be Added in Annex 3</b></p>	<p><b>Applicant Agree</b></p>	
	<p>All staff shall receive induction and refresher training (at least every three months) relating to the times and conditions of the premises licence.</p>		

All training shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.		
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I reserve the right to provide further information to support this representation.

If these conditions and times were accepted in full I WOULD withdraw my representation.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: 0208 379 3965 or [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)

Signed: 

Date: 20/05/2013



**Zed1 Enterprises Ltd t/a McDonald's  
112-118 Fore Street Edmonton London N18 2XA**

**Statement regarding Cumulative Impact**

1. This statement seeks to address the special policy in effect in relation to the Edmonton Cumulative Impact Policy Area. This provides that there will be a presumption against allowing fast-food restaurants to operate beyond midnight in that area.
2. The Home Office Guidance under section 182 of the Licensing Act 2003 states that ".....applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives.....". This indicates that careful thought has been given to cumulative impacts and why the licensing authority can be confident that if the variation applied for is granted, it will not be "likely to add to the existing cumulative impact".
3. The Edmonton Cumulative Impact Policy Area was designated based on statistics showing that there were a significant number of crimes (particularly alcohol-related crimes) occurring between 11pm and 3am and there was also public nuisance caused by noise from "intoxicated revellers".

**Public Nuisance**

4. This restaurant has been operating until midnight since around November 2007 and there have not been any complaints about noise generated by McDonald's. No representations have been made against this application by any local residents.
5. The representation submitted by the Police mentions the fact that the Licensing Officer has a general concern that the operation of

the premises during the extended hours may disturb residents but has provided no evidence that these premises are causing a problem. The data provided in the Licensing statement shows that most noise complaints within the Cumulative Impact Area relate to daytime and in particular mention the hours around 8pm, with very few noise complaints during the proposed extended hours of operation.

6. In addition, with regard to noise, it should be noted that McDonald's Restaurants do not serve alcohol and this restaurant has a strict policy not to allow customers to bring any open containers of alcoholic drinks onto the premises.
7. The doors of the restaurant are self-closing and there is a sufficient degree of sound insulation to prevent noise from within the premises being audible outside.
8. The primary potential for any additional noise generation would therefore be the possibility of customers congregating outside the restaurant. In relation to this, the restaurant already successfully operates a policy to prevent customers from congregating outside the store and to disperse those who do.
9. If Police assistance is required for any reason, staff are trained to give details and descriptions of any difficult customers to the operator.
10. Zed1 Enterprises Limited take their responsibilities to prevent public nuisance extremely seriously. The restaurant already takes active steps to prevent the generation of litter and it goes further to actively help to reduce and remove litter from other sources in addition to their own. McDonald's are constantly taking steps to reduce the amount of packaging of their products. All packaging carries the "bin-it" symbol to encourage customers to dispose of

their litter responsibly. Clearly marked bins are located in the dining area including at the exit of the restaurant. This restaurant currently operates litter patrols three times daily in the area near to the restaurant and this can be increased if the application is granted.

### **Crime & Disorder**

11. McDonald's take reasonable steps to ensure that the restaurant is safe for customers and free from the threat of crime.
12. The restaurant has a strict zero tolerance policy relating to behaviour that threatens or disturbs staff and customers.
13. There is no crockery, metal or glass tableware that could be used to harm others.
14. The restaurant has an extensive CCTV system within the premises and signage is displayed notifying customers of this.

### **Public Safety**

15. The premises will comply with all fire safety regulations.
16. All Shift Managers are trained in First Aid.

### **Protection of Children from harm**

17. It is not anticipated that this application raises any concerns regarding the protection of children from harm.

### **Conclusion**

The Applicant does not anticipate that the granting of this application will undermine any of the licensing objectives.

The Licensing Authority is therefore respectfully requested to arrange a hearing of the Licensing Sub-Committee in the usual way so that the application can be considered further and brought to a conclusion.

Dated this 9<sup>th</sup> day of September 2013

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Shoosmiths LLP  
The Lakes  
Northampton  
NN4 7SH

Solicitors for the Applicant