
MEMBERS SERVICES

DATE: 07/03/2007
TO: COUNCILLORS M B BRANKIN, DYSON & VODDEN
FROM: WILLIAM WARD
RE: STATUTORY LICENSING REGULATORY BOARD SUB COMMITTEE

Dear Councillor,

Please find attached the documentation for the meeting of the Statutory Licensing regulatory Board Sub Committee to be held at 10.00 on Tuesday 13th March 2007 as follows:-

- (a) Procedure Document (Copy A enclosed)
- (b) Report of the Executive Director Environmental Services (Copy B enclosed)

I should be grateful if you would bring these documents to the meeting with you.

Regards

William Ward

Ext 3451

Statutory Licensing Regulatory Board Sub Committee

A

Procedure for Conduct of Hearings

Protocol for Hearings conducted by Licensing Sub-Committees

Each application that comes before a Sub-Committee will be considered individually, and this Licensing Authority will take its decision based upon:-

- The merits of the application.
- The promotion of the four licensing objectives (see below).
- The Policy Statement of the Licensing Authority, a copy of which can be obtained from www.barnsley.gov or the Licensing Office, 18 Regent Street, Barnsley.
- The guidance issued by the Secretary of State for Culture, Media and Sport on 7th July, 2004 under Section 182 of the Licensing Act 2003.

The four licensing objectives, as given by the Licensing Act 2003, are:-

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The procedure for Licensing Sub-Committees is as follows:-

- Chair opens the meeting, introducing Members of the Sub-Committee and officers present to the applicant and members of the public, explains the nature of the decision to be taken, and the procedure to be followed.
- The Licensing Officer presents his report outlining the application, any relevant representations and relevancies to the Local Authority Licensing Policy Statement and Statutory Guidance.
- Members to ask any relevant questions of the officer (if any).
- Licensing Officer introduces applicant (if present) and invites him or her, or person representing them, to address the Sub-Committee to clarify any information arising from the Officers' outline, if necessary.
- Licensing Officer to invite those parties making representations to address the Sub-Committee.
- Members to ask any relevant questions of those parties making representations.
- [With the consent of the Sub-Committee (only) applicant or person representing them to ask any relevant questions of those parties making representations.]¹
- If necessary, the Sub-Committee will consider requests to allow other parties invited by the applicant to address it.
- Applicant or person representing them addresses the Sub-Committee.
- Members may ask any relevant questions of the applicant or person representing them.
- [With the consent of the Sub-Committee (only) parties that made representations to ask any relevant questions of the applicant or person representing them.]¹
- Chair to invite applicant or those representing them, and any parties making representations, to briefly² summarise their points if they wish.

¹ This Authority operates a presumption against cross-examination. If a party wishes to cross-examine another he must apply for the consent of the Sub-Committee, giving the reasons why he considers cross-examination to be necessary. If one party in a hearing is permitted to cross-examine, that right will be extended to all other parties.

² This Licensing Authority grants a maximum 20 minutes per party to make all relevant statements, but respectfully request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

- Chair asks all parties that they are satisfied they have said all they wish to.
- Members of the Sub-Committee discuss and make their decision.³
- Chair relays the decision and the reasons given for the decision, and any conditions placed upon the license (if granted) and the licensing objective that they relate to.

Please Note

- Any changes to the Membership of the Sub-Committee to that stated on the agenda will be given at the beginning of the meeting.
- Decisions will generally be taken regardless of whether the applicant is present. All notices and representations received from absent parties will be considered.
- Late representations and evidence will only be considered with agreement of all parties present.
- In cases where a decision cannot be given at the end of the hearing, the licensing officer will inform the applicant. They will then be notified of the decision within 5 working days.
- Parties have a right to appeal, details of which can be obtained via the licensing officer.
- This Council is committed to taking decisions in a honest, accountable and transparent fashion but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12a and/or local policy. On these occasions decisions based on the above framework will be given.

³ The Sub-Committee will normally resolve to go into private session to consider its decision. Where it does so only the legal adviser will remain with the Sub-Committee and any legal advice which is given in private will be repeated in public.



BARNSLEY METROPOLITAN BOROUGH COUNCIL

**Report of the Executive
Director of Environmental
Services to the meeting of the
Statutory Licensing Regulatory
Board Sub Committee to be
held on the 13th March 2007.**

LICENSING ACT 2003

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE **McDonalds Restaurant Limited, Old Mill Lane, Barnsley.**

1. Background

- 1.1 During the introduction of the Licensing Act 2003 an application was made by McDonald's Restaurant Ltd for the McDonalds Restaurant Ltd, Old Mill Lane, Barnsley (the Premises) to Barnsley Metropolitan Borough Council (the Council) for a Premises Licence by conversion.
- 1.2 In January 2007 an application was received from McDonalds Restaurant Ltd to vary the Premises Licence.
- 1.3 Members are requested to determine the application to vary the Premises Licence, which seeks to vary the hours for the provision of Late Night Refreshment.
- 1.4 McDonalds Restaurant Ltd is a fast food restaurant located on a main arterial route out of Barnsley town centre. The premises resides on the perimeter of the Asda Superstore car park and has residential dwellings to one side. Due to the premises location the only access route for vehicles is a shared access with Asda which passes by residential properties.

2 Existing Premises Licence

- 2.1 A copy of the existing Premises Licence is attached as Appendix 1 and covers the following activities:

a) Late night Refreshment

Provision of late night refreshment is licensed for indoors only from 23.00 to 24.00 Monday to Sunday.

3 Existing Licence - promotion of the Licensing Objectives

The original conversion application contained very little information relating to the licensing objectives. The information provided is set out below:

a) General – all four licensing objectives

No information provided

b) The prevention of crime and disorder

No information provided

c) Public Safety

No information provided

d) The prevention of public nuisance

No information provided

Measures have been implemented to prevent noise nuisance

e) The protection of children from harm

No information provided

4 The Application to vary the existing Premises Licence

- 4.1 On the 22nd January 2007 an application was made to vary the Premises Licence for McDonalds Restaurant Limited, Old Mill Lane, Barnsley. This application relates to an extension of operating hours for licensable activities at the premises and an extension of the hours that the premises are open to the public. The details of which are specified below:

a) Provision of late night refreshment

Application to vary the premises licence has been made in respect of late night refreshment. The additional hours requested are for both indoors and outdoors and are from 23:00 on Friday, Saturday and Sunday nights through until 05.00 the following morning.

Note: the existing premises licence allows late night refreshment indoors only from 23:00 to 24:00 Monday to Sunday.

b) Hours premises are open to the public

Application to vary the premises licence has been made to allow the premises to open Friday, Saturday and Sunday from 23:00 until 05:00 the following morning.

5 Promotion of licensing objectives

- 5.1 The applicant has set out in the application the additional steps intended to be taken in order to promote the four licensing objectives, if the proposed premises licence is granted. These are transcribed and attached as Appendix 2.

6 Responsible Authorities

- 6.1 Representations have been received from the Senior Environmental Health Officer and her comments are attached as Appendix 3 and 3A.
- 6.2 No other representations have been received from responsible authorities.

7 Interested parties

7.1 Following publication of the statutory notice of the application to vary the premises licence in the local press (a copy of which has been provided to the Licensing Section by the applicant) and the display of notices at the premises representations have been received from six interested parties, five of whom live in close proximity to the premises, further details can be found on the location plan in Appendix 4. The representations were received within the consultation period.

7.2 The persons making representations are:

L. & K. Williamson and S. Taylor, 11 Canal Street, Barnsley.

D.V. & S. Ball, 5 Canal Street, Barnsley.

M & S.K. Wood, 7 Canal Street, Barnsley.

Miss J. Ward and Mr N. Chadwick, 9 Canal Street, Barnsley.

Mr & Mrs Ashcroft, 4 Honeywell Street, Barnsley.

E. Illsley MP, House of Commons, London.

7.3 The representations made by each of the interested parties relate to the licensing objectives and these are attached as Appendix 5.

8 Compatibility with the European Convention on Human Rights

The decision of the Board will amount to a determination of the Council and the rights of the applicant. Therefore, as far as it is possible to do so, the board must comply with the requirements of Article 6 (the right to a fair trial). This means the applicant and should be afforded the right to make oral representations at the meeting.

If Members determine to refuse the application, it is necessary for the reasons to be clearly stated.

9 Financial implications

N/A.

10 List of appendices

Appendix 1 - Current premises licence

Appendix 2 - Promotion of licensing objectives

Appendix 3- Representations from the pollutions section

Appendix 4 – Location plan of premises

Appendix 5 – Representation from interested parties

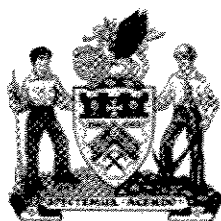
1 Background papers

Available for inspection at the Licensing Section, Regulatory Services, County Way, Barnsley

- a) Application for a variation of the premises licence
- b) Licensing Act 2003.

Further information can be obtained from Kevin Rowland, Principle Licensing Officer.
Telephone 01226 772614.

3rd March 2007



BARNSELY METROPOLITAN BOROUGH COUNCIL

APPENDIX 1

**PREMISES LICENCE
LICENSING ACT 2003**

Schedule 12 Part A

Regulation 33, 34

Premises Licence Number	003526
Date of Grant	24th November 2005
Premises Address	McDonald's Restaurants Ltd Old Mill Lane Barnsley South Yorkshire
Postcode	S71 1LN
Telephone Number	01226 734065
Activities authorised by this licence	
The provision of late night refreshment	
Times authorised to undertake licensable activities	
Late night refreshments Licensed to provide late night refreshment indoors (see times below): Provision for late night refreshment available: Monday from 23:00 until 24:00 Provision for late night refreshment available: Tuesday from 23:00 until 24:00 Provision for late night refreshment available: Wednesday from 23:00 until 24:00 Provision for late night refreshment available: Thursday from 23:00 until 24:00 Provision for late night refreshment available: Friday from 23:00 until 24:00 Provision for late night refreshment available: Saturday from 23:00 until 24:00 Provision for late night refreshment available: Sunday from 23:00 until 24:00	
Conditions consistent with a former Children's Certificate under Section 168A of the Licensing Act 1964	
Not applicable	
Embedded Restrictions	
Not applicable	

Opening Hours of the Premises

Hours premises are open to the public: Monday from 06:30 to 24:00
Hours premises are open to the public: Tuesday from 06:30 to 24:00
Hours premises are open to the public: Wednesday from 06:30 to 24:00
Hours premises are open to the public: Thursday from 06:30 to 24:00
Hours premises are open to the public: Friday from 06:30 to 24:00
Hours premises are open to the public: Saturday from 06:30 to 24:00
Hours premises are open to the public: Sunday from 06:30 to 24:00

Whether the supplies of alcohol are for consumption on and/or off the premises Not Applicable

Name, (registered) address, telephone number and email(where relevent) of premise holder McDonald's Restaurants Limited
11/59 High Road
East Finchley
London
N2 8AW

Registered Number of Company if Applicable 01002769

Designated Premises Supervisor

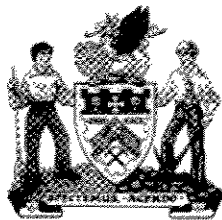
(This section will be blank if the licence does not authorise the sale of alcohol)

Name and Address of the designated premises supervisor Not Applicable

Post Code Not Applicable

Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor Not Applicable

REGULATORY SERVICES TEL: 01226 773041



BARNSELY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE SUMMARY

Premises Licence No.	003526
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Premises Address:	McDonald's Restaurants Ltd Old Mill Lane Barnsley South Yorkshire
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Postal Code	S71 1LN
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Telephone Number	01226 734065
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Activities authorised by this licence
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The provision of late night refreshment

Times authorised to undertake licensable activities
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Late Night Refreshment

Licensed to provide late night refreshment indoors (see times below):

Provision for late night refreshment available: Monday from 23:00 until 24:00

Provision for late night refreshment available: Tuesday from 23:00 until 24:00

Provision for late night refreshment available: Wednesday from 23:00 until 24:00

Provision for late night refreshment available: Thursday from 23:00 until 24:00

Provision for late night refreshment available: Friday from 23:00 until 24:00

Provision for late night refreshment available: Saturday from 23:00 until 24:00

Provision for late night refreshment available: Sunday from 23:00 until 24:00

The opening hours of the premises
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Hours premises are open to the public: Monday from 06:30 to 24:00

Hours premises are open to the public: Tuesday from 06:30 to 24:00

Hours premises are open to the public: Wednesday from 06:30 to 24:00

Hours premises are open to the public: Thursday from 06:30 to 24:00

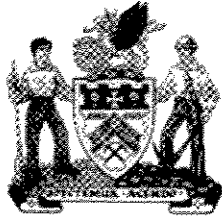
Hours premises are open to the public: Friday from 06:30 to 24:00

Hours premises are open to the public: Saturday from 06:30 to 24:00

Hours premises are open to the public: Sunday from 06:30 to 24:00

Where the licence authorises supplies of alcohol whether these are for consumption on and/or off premises
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Granted on: 24th November 2005



BARNSELY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE

Part B

Premises Licence Number	003526
Name, (registered) address, telephone number and email(where relevant) of premise holder	McDonald's Restaurants Limited 11/59 High Road East Finchley London N2 8AW
Registered Number of Company if Applicable	1002769
Name and Address of the designated premises supervisor	Not Applicable
Post Code	Not Applicable
Personal Licence Number and issuing authority of the personal licence held by the designated permises supervisor	Not Applicable

REGULATORY SERVICES TEL: 01226 773041

ANNEX 1

MANDATORY CONDITIONS

LICENSING ACT 2003

Licence ref no. 003526

1. Supply of alcohol

Where this Licence authorises the supply of alcohol the following conditions will apply:

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

2. Door Supervision

Where this Licence includes a condition that one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

3. Exhibition of films

Where this licence authorises the exhibition of films the following conditions will apply:

- Where any film exhibited has an age restriction classification the admission of children (any person aged under 18) must be restricted in accordance with any recommendation made by the film classification body in respect of the film.

Where the film classification body and or age restriction is not specified in respect of a film or the licensing authority has notified the holder of the licence that this condition applies to the film in question admission of children (any person aged under 18) must be restricted in accordance with any recommendation made by the licensing authority.

ANNEX 2

Conditions consistent with the Operating Schedule

Licence ref no. 003526

Not Applicable

ANNEX 3

Conditions attached after a hearing by the Licensing Authority

Licence ref no. 003526

Not Applicable

ANNEX 4

Plan of the Premises to which this Licence relates:

Plan as per appendix 1
(See attached)

Appendix 2

Applicants proposals to meet licensing objectives (transcribed from application)

a) General

The premises will operate as a restaurant selling food and non-alcoholic drinks for consumption on and off the premises.

McDonald's Restaurant Limited will manage the premises in accordance with good management principles to secure as far as possible the promotion of the four licensing objectives.

b) The Prevention of Crime and Disorder

McDonald's Restaurant Limited will maintain a CCTV system in operation on the premises while open to the public. Immediate access to the CCTV system will be provided to Police Officers and Council Officers at their request.

c) Public Safety

McDonald's Restaurant Limited will comply, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. All required health and safety risk assessments and fire safety risk assessments will be undertaken in writing and reviewed on a regular basis.

d) The prevention of public nuisance

McDonald's Restaurant Limited will ensure that the footpath immediately outside the front of the restaurant is kept clear of litter emanating from the premises.

e) The protection of children from harm

Children's parties will not be held during the licensed period.

Rimmington , Debbie

From: Dodds , Jacqueline
Sent: 23 February 2007 08:08
To: Rimmington , Debbie
Subject: FW: McDonalds, Old Mill Lane, Barnsley.
Attachments: Prevention of public nuisance guide 2nd edition.doc

Hi Debbie, please add to file. I have not printed this off

From: Newman , Sarah
Sent: 22 February 2007 17:17
To: Licensing
Cc: Dodds , Jacqueline
Subject: McDonalds, Old Mill Lane, Barnsley.

Dear licensing,

As can be seen from the Flare records this premises and its patrons have been the cause of significant levels of complaint over the years regarding 2 issues which appear to not find resolution.

- 1) Littering by patrons
- 2) Nuisance gatherings (boy racers)

The measures the store has taken, thus far, to minimize/prevent these issues have not been effective. This

1). Staff from the applicant's restaurant shall inspect all public space within 200m of the restaurant for litter. The inspections shall be daily towards the end of the trading day. Any McDonalds litter identified shall be collected and disposed of by the staff of the Old Mill Lane restaurant.

2). There shall be CCTV coverage of all land within the control of the applicant. This shall include shared access roads.

Please provide the applicant with the attached document for their information.

Yours sincerely,

Sarah Newman
 Senior Environmental Health Officer

Barnsley Metropolitan Borough Council
 Regulatory Services

Tel - 01226 77(2454)
 Mob - 07786 525 914
 Fax - 01226 775699

Rimmington , Debbie

From: Newman , Sarah
Sent: 28 February 2007 16:14
To: Rimmington , Debbie
Cc: Simpson , Tim; Ford , Wayne
Subject: Variation to premises licence, McDonalds, Old Mill Lane, Barnsley.
Attachments: Prevention of public nuisance guide 2ndedition.doc

Dear Debbie,

Following a review of the Complaint records this premises and its patrons have been the cause of many complaints to this Service.

Complaint type	Complaints Since 1/1/06	All records (since computerization in 1990)
Litter/waste/rats	9	21
Noise from nuisance gatherings & street racing	5	14
Total	14	35

The measures McDonalds has taken, thus far, to minimize/prevent these issues have not been effective and their reliance on the local authority to deal with the litter, waste and vermin issues and the Police to address the nuisance gatherings. This service has little confidence that the measures proposed in the application would improve these ongoing/repeating issues.

Local Authority.

2). There shall be CCTV coverage of all land within the control of the applicant. This shall include shared areas and access roads.

Please provide the applicant with the attached document for their information.

Yours sincerely,

Sarah Newman

Senior Environmental Health Officer

Barnsley Metropolitan Borough Council
 Regulatory Services

Tel - 01226 77(2454)

Mob - 07786 525 914

Fax - 01226 775699

The Licensing Act 2003

The Prevention of Public Nuisance: A guide for licensees.

Pollution Control, part of Barnsley's Regulatory Services, produced this guide to help licensees in response to the Licensing Act 2003. The Act means that if you sell alcohol, provide entertainment or sell hot food late at night you will require a licence from the Council.

Before issuing a licence, the Council must be satisfied that the licensee can comply with the four key licensing objectives, one of which is **the prevention of public nuisance**.

Public nuisance can broadly be described as how the activity of a person in one premises affects the rights of others or interferes with other people's enjoyment of their own premises.

Whether an activity causes a public nuisance may depend upon:

- The nature of the activity causing the nuisance;
- The time of day or night when it occurs;
- How long the activity lasts and how frequently it occurs; and
- How many people are affected by it.

Officers from Pollution Control are responsible for assessing if a licensee can demonstrate from the information provided on the application form that they can sufficiently control how their business may impact on others – other businesses, neighbouring residents and members of the public.

The Licensee can assist officers by providing comprehensive information within their application about:

- the nature of their premises;
- the nature of the licensable activity or activities to be undertaken there;
- the potential impact this may have on others; and
- the measures they propose to take to control any impact.

The application form to vary an existing licence requires that you detail only the additional measures you feel are necessary to control noise from your premises. These additional measures may be necessary if you are wishing to include a new activity that has noise implications, such as live entertainment, or extend the hours you operate an existing form of entertainment. If there is no significant or material change in your activities then your existing noise control measures may be adequate.

Noise

Noise emanating from a licensed premises may be direct and therefore come from a source which is controllable by the licensee, for example:

- Recorded or live entertainment, particularly where the sound is amplified;
- Ventilation or air-handling units; or
- Beer deliveries and the disposal or recycling of bottles.

Noise may also occur as an indirect result of the licensable activity and, though the licensee may not be in direct control of the noise source, they can look to influence it. Examples include:

- Taxis and customers' vehicles (horns, engines and banging car doors); and
- Customers themselves, whether inside or outside the premises.

In order to control the noise associated with licensable activities carried out at your premises you should first consider how likely it is that noise may impact upon others (other businesses, nearby residents). This process can be described as a risk assessment. You should consider:

- The structure of your premises and its location, the proximity of any noise sensitive premises, the room or rooms where any licensable activity will take place, the position of any doors, windows, ventilation outlets; and
- The licensable activity, whether recorded or live, amplified or not, whether played inside and out and the hours you wish to be able to carry out.

For example, if your premises is surrounded by houses and you intend to have live music till 2a.m. five nights a week, there is a high risk that your business may cause a noise nuisance.

We would expect you to take all reasonable steps to ensure:

- a) that noise from your premises cannot be heard at noise-sensitive premises. Noise-sensitive premises may be those occupied by nearby businesses or residents. You will need to take extra care if:
 - i) your premises is attached to another premises, to ensure noise and vibration do not pass through the structure, or
 - ii) if you are applying for a licence to operate late at night (normally assumed to be after 11p.m. or when people could normally be expected to be asleep; and
- b) that noise does not cause unreasonable disturbance to other persons who may be passing by or using nearby public facilities.

The following is a "check list" of measures that you should consider taking to prevent noise from your business interfering with the rights of others. The list is not exhaustive. Which measures are appropriate for your business will depend on whether the operation of licensable activities at your premises poses a low, medium or high risk of noise affecting others.

- Ensure all windows and doors to the premises (or room(s) where entertainment is to take place) are kept closed while entertainment is in progress (except for access and egress).
- Ensure internal lobby doors to main entrances are kept closed and not propped open. (You may wish to consider fitting self-closers.)
- Ensure any air conditioning units are acoustically attenuated i.e. the noise coming from them has been reduced
- Ensure any ventilation outlets are acoustically attenuated, as where air can pass through, so can noise.
- Provide sound insulation to emergency exit doors.

NB: It is very important to ensure the premises is properly ventilated and emergency exits are kept clear. If a premises has air-conditioning the windows do not have to be opened to ensure adequate ventilation. You may also wish to consider "alarming" doors so that management or staff are alerted should emergency exits be opened for reasons other than an emergency.

- Keep speakers within the premises, and do not position them near to openings such as doors or windows.
- Do not deliberately play, or direct music outside the premises as a means of attracting custom.
- Ensure all amplified sound is played through a sound limiting device.
- Insist that performers and DJs use the in-house speakers rather than their own systems.
- Ensure any external air handling units or ventilation outlets are located where least likely for noise emanating from them will disturb others and are insulated to reduce the sound being transmitted.
- Provide anti-vibration mountings for all speakers.
- Ensure that deliveries, waste collections and the handling and recycling of glass bottles are not undertaken when local residents are likely to be asleep
- Restrict the hours when customers can use external areas such as beer gardens, children's play areas and timber decking
- Provide solid fencing/barriers around car parking, play areas and beer gardens
- Ensure all staff, DJ's and artists understand the measures you have proposed to control noise and the implications of not implementing them.
- Carry out sound checks prior to live entertainment commencing and undertake regular monitoring checks around your boundary or at the nearest noise sensitive premises to ensure noise is not excessive.

Remember you should include details of any additional measures you intend to take, to control noise from licensable activities, in your operating schedule, where these are considered necessary due to the variation you have applied for.

N.B. If you wish to be able to carry out occasional late night entertainment (perhaps to allow you to cater for birthday parties or weddings) you should consider notifying the Council in advance, in the form of a Temporary Event Notice, rather than applying for a variation to extend your normal licensing hours. For occasional events or hours extensions contact the Licensing Section for information about TENs.)

You may find it useful to refer to the following publications about controlling noise:

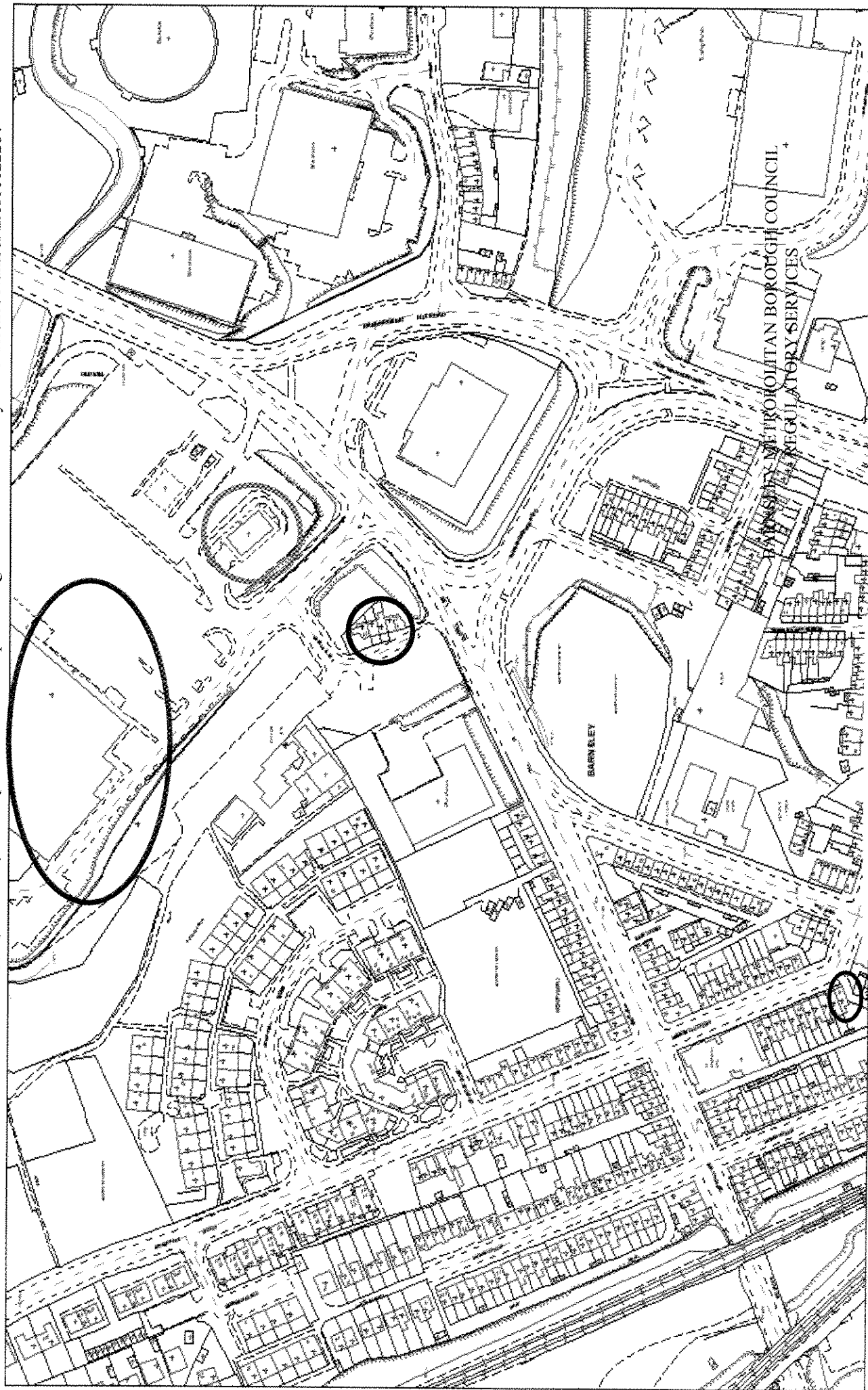
The Institute of Acoustics Guide: "Good Practice Guide on the Control of Noise from Pubs and Clubs" - tel. 01727 848 195.

The British Beer & Pub Association "Effective Management of Noise from Licensed Premises" - tel. 020 7627 9191.

If you wish to talk to an Officer from Pollution Control about the prevention of public nuisance, in relation to your business, then please contact us by telephoning 01226 772458 or by e-mailing us at pollutioncontrol@barnsley.gov.uk. You can also write to us at Central Offices, Kendray Street, Barnsley, S70 2TN.

Further information about the Licensing Act is also available on the Government's website at www.culture.gov.uk. Please see below for a list of other useful organisations and their contact details.

<u>ORGANISATION</u>	<u>TELEPHONE NUMBER /WEB ADDRESS</u>
<u>B.M.B.C. Regulatory Services:</u>	
Licensing Section	01226 773041
Health & Safety	01226 773860
Food Safety	01226 773860
Trading Standards	01226 772532
Environmental Regulatory Unit	01226 772540
B.M.B.C. Development Control	01226 772595
B.M.B.C. Building Control	01226 772679
Department of Culture, Media & Sport (DCMS)	020 7211 6200 www.culture.gov.uk
The Institute of Acoustics	01727 848 195 www.ioa.org.uk
The Association of Noise Consultants	01763 852 958 www.association-of-noise-consultants.co.uk



APPENDIX 4

- Representations received
- McDonald's
- Asda Superstore

BARNSELEY MBC - Regulatory Services
 Assistant Director: Ken Eastwood
 PO Box 602, Barnsley S70 9FB.
 Tel: (01226) 772506 Fax: (01226) 775699

Not to Scale



11, Canal street
Barnsley
S71-1LJ

Dear sir/madam.

We are writing to you about the proposed extension of opening times at McDonalds drive through on Old mill lane.

We object to this as we feel that it would adversely affect us in numerous ways.

We believe that later opening will lead to an influx of drunks and revellers into the area after the closing of town centre pubs and clubs. Which will lead to an increase in antisocial behaviour and crime in the vicinity of the drive through.

Added to this is the problem of joyriding ,noise pollution from joyriders I.e engine noise,wheel spinning,horn sounding.

These noise pollution problems already exist .

Litter from the drive through is also a major problem in the area.

We believe all these problems would be greatly increased were the restaurant to open later.

We believe the problems would increase to such an extent as to make life intolerable for the residents in the area.

We therefore object in the strongest possible way to the proposed extension.

Yours hopefully.

S.TAYLOR
L.WILLIAMSON
K.WILLIAMSON

Principal licensing officer.
Regulatory services .
Licensing division.

Malcolm Wood
7, Canal Street
Barnsley
S. Yorkshire
S71 1LJ

Dear Sir or Madam,

We would like to state our objections to the proposed extension of McDonald's weekend opening hours as we believe there will be a marked increase in the anti-social behaviour that already occurs at the weekends on and around McDonald's premises until they close at 12 midnight.

Bikers and boy racers use McDonald's as a meeting place to gather in large numbers also as a starting and finishing point for the time trials and street and road racing that occurs every weekend. While gathered outside McDonald's the boy racers sound their car horns constantly for up to two hours at a time, drive around McDonald's, the ASDA car park, along Canal Street and Canal Way screeching their tyres and performing "wheelies, donuts and handbrake turns," play music with the volume set at unacceptable levels, shout and scream abuse at one another, passers by and McDonald's employees. We also have high levels of noise and anti-social behaviour from the underage drinkers who use the forecourt outside McDonald's restaurant, the drinkers favourite night is Friday when they gather to shout, scream, fight and urinate.

On a Friday, Saturday and Sunday the town centre drunks use McDonald's until it closes at midnight. They shout, swear and urinate; the women also scream and fight.

All the above anti-social behaviour also happens on and around our property and the areas leading to and from McDonald's, the weekends are the worst as the behaviour escalates into damaging our property including our car and an assault on myself by an underage drinker leaving McDonald's.

The above incidents and hundreds more have been reported to the police. I have spoken to McDonald's local and head office's, Councillors, various council departments including the environment, wrote numerous letters and attended all types of meetings over a twelve year period to try and resolve the problems that McDonald's brings us. Last year I contacted our local M.P. Eric Illsley; his involvement is ongoing as is our Community policeman's P.C. John Raynor.

The riot police have attended incidents at McDonald's on a Friday night at the request of the staff, they were being threatened by the boy racers and for their own safety had to lock themselves in.

I have made a fifty minute DVD of some of the anti social behaviour that occurs at and around McDonald's, you are welcome to view it.

Yours Sincerely
S.K. Wood
M. Wood

M. Wood

ERIC ILLSLEY MP
(Barnsley Central)



HOUSE OF COMMONS
LONDON SW1A 0AA

Licensing BMBC
Westgate Plaza 1
PO Box 602
Barnsley S70 9FB

21st February 2007

Dear Sir/Madam,


Re: Application for extended opening hours for McDonald's, Old Mill Lane, Barnsley

I am writing to object to the extension of the license to the above premises which will allow later opening hours.

I have over the last few months been in correspondence with McDonald's and South Yorkshire police in an attempt to resolve anti-social behaviour issues surrounding the premises. These issues have been repeatedly brought to my attention by the residents of Canal Street and so far they remain unresolved.

In my opinion, any extension to the opening hours of this restaurant will worsen the existing situation.

Yours faithfully,


PP. Eric Illsley MP
Barnsley Central

5, Canal Street
Barnsley
S. Yorks.
S71 1LJ

Dear Sir or Madam,

We wish to object to the proposed increase in McDonald's weekend opening hours. We believe we will see the antisocial behaviour that already happens go on for longer until McDonald's closes at 5 pm. The noise from the boy racers, bikers, underage drinkers and drunks walking from the town centre pubs will increase along with their numbers. The riot police have attended twice in recent months to stop the fighting and violent behaviour from the boy racers and bikers towards the restaurant staff, who had to lock themselves in to stay safe.

We never leave our house in the late evening at the weekends as the boy racers and drunks from McDonalds use our door and doorstep to urinate on, they also park in the street to rev their engines and play loud music. The noise, shouting, screaming, swearing and the fighting and brawling would last until closing and beyond. The sound of screeching tyres, big bores, horns, music and the playing of Dixie and various other sounds on the air horns would last nearly all night along with the noise from the motorbike engines.

Yours Sincerely

11 Ball
S. Ball,

Received 23/2/07
at County way

Miss J Ward
9 Canal Street
Barnsley
Sth Yorkshire
S71 1LJ
11th Feb 07

To Whom It May Concern:

It has recently been brought to our attention that McDonalds drive through may be licensed to open 24 Hours only shutting for 1 hour for cleaning.

This will make mine, my partners and neighbours lives a living hell!!!!.

We already live with excess noise up to 12 o'clock on an evening due to people using McDonalds and 'boy racers using the car park outside McDonalds. Can you imagine it being open 24 hours we will have to put up with prolonged noise pollution, rubbish being thrown all over.....and people hovering around outside our house at all hours most probably drunk this will be terrible.

I completely disagree with Mcdonalds 24 hour licensing.

Miss J Ward *miss j ward*
Mr N Chadwick *N Chadwick*

Mrs P. A. Ashcraft
4. Honeywell St
Barnsley
S. Yorkshire
S71 1PR.

Dear Sir

I wish to oppose.

Very Strongly about the extended
time m^cDonalds take away are
planning to stay open till. We are
plagued with drunks untill 4 am
in the morning boy racers racing
up and down Eldon Street may
I just add we have had one
death on the crossings caused
by these Idiots. The late opening
time will only add fuel to this
just think what it is like for
the people who live here.

Who are constantly disturbed
by these people night after night.
damaging property and road signs

yours faithfully

Mr. Mrs Ashcraft

7. 2. 07.