

# Licensing Sub-Committee Hearings Meeting

**Council Chamber, Town Hall, High Street,  
Colchester, CO1 1PJ**

**Wednesday, 02 November 2022 at 10:00**

**The Licensing Sub-Committee** hears and determines applications made under the Licensing Act 2003.

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**COLCHESTER BOROUGH COUNCIL**  
**Licensing Sub-Committee Hearings**  
**Wednesday, 02 November 2022 at 10:00**

**The Licensing Sub-Committee Hearing Members are:**

Roger Buston - Member, Dave Harris - Member, Tim Young - Member

**The Licensing Sub-Committee Hearing Substitute Members are:**

All members of the Council who are not Cabinet members or members of this Panel who have undertaken the necessary training.

**AGENDA**  
**THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING**  
**(Part A - open to the public)**

**Please note that Agenda items 1 to 4 are normally dealt with briefly.**

**1 Appointment of Chairman**

To appoint a Chairman for the meeting.

**2 Welcome and Announcements**

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

**3 Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

**4 Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

**5 Licensing Act 2003 - application for a premises licence, McDonald's, Turner Rise**

5 - 26

The Sub-Committee will be asked to determine an application, made under the Licensing Act 2003, for a premises licence for McDonald's, Turner Rise Retail Park, Colchester to permit late night refreshment from 23.00 to 05.00.

**Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Part B**  
**(not open to the public including the press)**

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<b>Licensing Sub-Committee</b>	<b>Item 5</b>
<b>McDonald's, Turner Rise, Colchester</b>	<b>FOR GENERAL RELEASE</b>

<b>Purpose of the Report</b>	To determine an application, made under the Licensing Act 2003, for a premises licence for McDonald's, Turner Rise Retail Park, Colchester to permit late night refreshment from 23.00 to 05.00
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## 1. Application

<b>Applicant and Premises</b>	
Application Type	New premises licence
Applicant	McDonald's Restaurants Limited
Premises Address	Turner Rise Retail Park, Petrolea Close, Colchester, CO4 5TU
Ward	Mile End

<b>Late Night refreshment</b>							
<b>Indoors and Outdoors</b>							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	23.00	23.00	23.00	23.00	23.00	23.00	23.00
End	05.00	05.00	05.00	05.00	05.00	05.00	05.00
Seasonal variations							
Non-standard timings							

## 2. Conditions

<b>Set out on the Operating Schedule</b>
<p><b>Prevention of Crime and Disorder</b></p> <p>This restaurant is keen to work in partnership with the local police service to prevent crime and disorder.</p> <p><b>CCTV</b> - McDonald's operates a robust CCTV Policy to ensure compliance with Data Protection Legislation and to assist the Police with the prevention and detection of crime. At all stores where CCTV is in operation appropriate signage reflecting this information is displayed.</p>

McDonald's operate digital motion activated CCTV systems where images are retained on a hard drive system. All CCTV equipment is of a standard suitable to record images of a proper quality, it meets the industry standard and has LGC Forensics or Kalagate Certification. As part of the digital system an alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene. The CCTV system is regularly serviced by qualified maintenance technicians.

Access to the CCTV system will be provided to Police Officers at their request.

**Staffsafe** - A Staffsafe™ system with both audio and visual monitoring capability will be installed in the restaurant, this system, can be activated by either fixed or mobile panic buttons. Once activated the system links the restaurant to an external monitoring centre capable of intervening to resolve crime and disorder issues and/or provide the appropriate advice or instruction to support and protect the restaurant's staff and customers.

At this restaurant all shift managers have safety and security training; including Maybo SIA accredited Conflict Management Training.

## **Public Safety**

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

This restaurant has safety systems in place to protect the safety of customers and staff at all times (such as Staffsafe). We work with the local Environmental Health Office and local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. This restaurant is also subject to inspections from our own safety and security teams to ensure our systems are being maintained.

All of our restaurant staff receive comprehensive safety training to ensure that safe working methods are adopted and all staff are trained on the restaurant's evacuation procedure in the event of a fire or other dangerous occurrence.

This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol into the in-store area.

## **Prevention of Public Nuisance**

**Litter** - McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. McDonald's is committed to carry out litter patrols collecting both McDonald's packaging and any other litter that has been carelessly discarded. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable.

All of McDonald's packaging displays the "Bin It" symbol to encourage our customers to deal with their waste responsibly. Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World"

section of the McDonald's website:

<http://www.mcdonalds.co.uk/ourworld/environment/policy.shtml>

**Noise** - Where it is practical to do so we are content to put measures in place to limit noise. All McDonald's restaurant doors are self-closing and we try to encourage our customers to be considerate to our neighbours and to limit noise both when ordering their food and on leaving the local area.

### **Protection of Children from Harm**

McDonald's do not anticipate that unaccompanied children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

## **3. Representations**

Environmental Protection, Ward Councillor and Local Residents		Appendix 2
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The matter for determination by the Sub-Committee concerns the application for a new premises licence for Turner Rise Retail Park, Petrolea Close, Colchester, CO4 5TU to enable the provision of late night refreshments indoors and outdoors between 23.00 and 05.00. A licence is not required for the sale of hot food and drink outside these hours.

A number of representations have been received and these have been accepted in so far as they relate to the impact on one or more of the four licensing objective which are

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Environmental Protection have sought to engage with the applicant regarding the addition of conditions to the licence, but no response has, at the point of writing this report, been received. The conditions sought are set out in Appendix 2.

Under the Licensing Act 2003, need for the premises is not a matter that can be considered when determining an application. The Revised Guidance issued under Section 182 of the Licensing Act 2003, and to which the Council must have regard, advises that need concerns commercial demand and is a matter for the planning authority and for the market.

## 4. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.8 This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the minimum standards expected in order to ensure the promotion of the licensing objectives. Applicants are advised that where their application falls outside the guidance set out in the policy in relation to times and activities etc., they will be required to demonstrate that their proposals will not undermine the licensing objectives.

2.9 Every application will be treated in accordance with the Act, the Section 182 Guidance and this Licensing Policy. The applicant is expected to consider all relevant sections of the Policy and the potential impact upon the licensing objectives relevant to them.

2.10 The Licensing Policy is applicable to all premises providing any licensable activity. Applicants are expected to consider all the matters relevant to their application; these include key factors and where appropriate special guidance in relation to the Town Centre Zone.

2.12 If there is a relevant representation, the application will be considered on its own merits against the guidance contained within the policy and steps taken which are appropriate and proportionate to promote the licensing objectives.

2.14 The Licensing Authority will always consider the circumstances of the case and whether granting the application will undermine the licensing objectives.

2.15 In considering conditions to be attached to licences and certificates, the Licensing Authority will ensure that conditions must:

- be specific for the premises;
- not duplicate existing provisions;
- be capable of being met;
- be appropriate and proportionate for the promotion of the licensing objectives: and
- be tailored to the individual style and characteristics of the premises and events concerned.

2.16 It is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers when they are on the premises and within the control of the licensee or in the immediate vicinity of the premises.



2.17 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night time economy in the Borough.

### **3 Key Factors**

3.1 The key factors set out in the Policy are intended to address the principle issues related to licensed premises. Licensed premises and activities can play an important role in ensuring that the Borough is vibrant, prosperous, thriving and welcoming. However, if premises are not managed responsibly, they can also impact negatively on an area by causing a wide variety of problems.

3.2 Our aim is to promote an 'inclusive' evening and night time economy throughout the Borough to ensure people of all ages can participate in and enjoy a range of activities. These Key Factors are designed to ensure that all licensed premises throughout the Borough operate to promote the four licensing objectives in order to ensure they contribute positively to the Borough. The Key Factors are:

**KF1 What we aim to encourage**

**KF2 The location of licensed premises**

**KF3 Hours for licensed premises**

**KF4 Standards to promote the licensing objectives**

**KF5 Off sales of alcohol**

#### **KF1 - What we aim to encourage**

3.13 The aim is to ensure desirable destinations that cater to a wide range of age groups and uses. Premises that are encouraged are:

Those that will extend the diversity of entertainment and attract a wider range of participants and in particular venues that offer diversity within the night time economy such as late night cinema, without the sale of alcohol, and live music venues. Venues that offer original material, are encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

Family friendly venues, where people with children can attend, are encouraged.

Quieter and Smaller 'local-style' venues able to promote a sense of community and familiarity for customers.

Wind down or chill out venues that enable people to begin or end their nights out in a quieter venue where customers can sit down in a relaxed environment, particularly without alcohol.

Restaurants and Cafés as well as other less alcohol-dominated venues.

## Theatres and Cinemas

3.14 Subject to compliance with the other policies the types of licensed premises set out in the Matrix below will generally be considered acceptable, unless relevant representations are made and/or the Licensing Authority considers that the application will undermine the licensing objectives. The Council wishes to see wider diversity in the night time economy and in particular wishes to encourage premises whose primary purpose is not the sale of alcohol.

<b>Primary Function</b>	<b>Residential</b>	<b>Mixed Commercial and Residential</b>	<b>Commercial</b>
Restaurant	Yes until midnight	Yes until 00.30	Yes until 01.00

### **KF2 - The location of licensed premises**

3.15 The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

- The proposed operation of the premises having regard:  
to the licensable activities applied for,  
the size, structure and proposed capacity,  
the type/nature of the business
- The proximity of the premises to local residents.
- The proximity of the premises to other local businesses that could be affected
- The general character of the surrounding area including crime and antisocial behaviour levels
- The availability of transport to and from the premises

### **KF3 - Hours for licensed premises**

3.20 The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.

3.21 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when an application is made for later hours.

3.22 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.14). Opening hours will not generally be regulated but each application will be considered on its own merits and in particularly

noise sensitive locations it may be appropriate to consider the opening hours of a premises.

3.23 Where relevant representations are made, premises that are considered to meet the criteria 'What we aim to encourage' will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, alcohol- driven premises.

3.24 It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognized that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

3.25 The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

3.26 Where the Licensing Authority's discretion is engaged, premises applying for early morning daytime hours to sell alcohol will be given particular consideration in relation to their proximity to schools, play areas, nurseries, children's centres and other youth amenities to protect children from harm, as well as groups (such as persons who are alcohol-dependent) who could become more vulnerable or present a greater risk of crime, disorder and public safety issues as a result of excessive alcohol consumption or who may be drawn to particular premises if they are licensed to sell alcohol at earlier times. Where its discretion is engaged, the Licensing Authority may give consideration to the general demand for alcohol treatment in an area as a proxy indicator of problems.

#### **KF4 – Standards to promote the licensing objectives**

3.26 An application for a new premises licence application, provisional statement, or a variation to an existing licence, must contain an operating schedule which identifies robust proposals to promote the licensing objectives.

3.27 Where no relevant representation is received against an application, conditions consistent with the steps proposed in the operating schedule will be attached to the licence (in addition to the mandatory conditions).

3.28 We have identified the standards we expect licensees to consider when preparing their operating schedules in order to promote the four objectives. However, it is a matter for them to consider and propose the measures they regard as appropriate to promote the licensing objectives with respect to the individual circumstances of their application and having regard to their comprehensive risk assessment of the operation of their premises. These measures are not exhaustive, and the Licensing Authority will have regard to any relevant issues raised in any representation that may fall outside the standards.

3.29 All relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in this Policy and it is proper that they address all issues they

consider appropriate to promote the licensing objectives. They may also wish to liaise with the responsible authorities and local residents or businesses in considering whether any additional issues may be relevant.

3.30 All persons, including responsible authorities, should also consider these standards in relation to making any representation against an application.

3.31 Where there are relevant representations in respect of an application, these standards will be applied by the Licensing Authority to ensure licensed premises operate in the manner expected, where appropriate, by the Licensing Policy.

3.32 When it is considered by the Licensing Authority to be appropriate and proportionate in order to promote the licensing objectives, the policy is to attach conditions in accordance with the standards to promote the licensing objectives outlined in this Policy

3.33 While the standards have been separated under distinct titles of the four licensing objectives, many of them will be relevant for the promotion of multiple objectives. Where a measure may address more than one licensing objective it need only be included once.

## 5. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

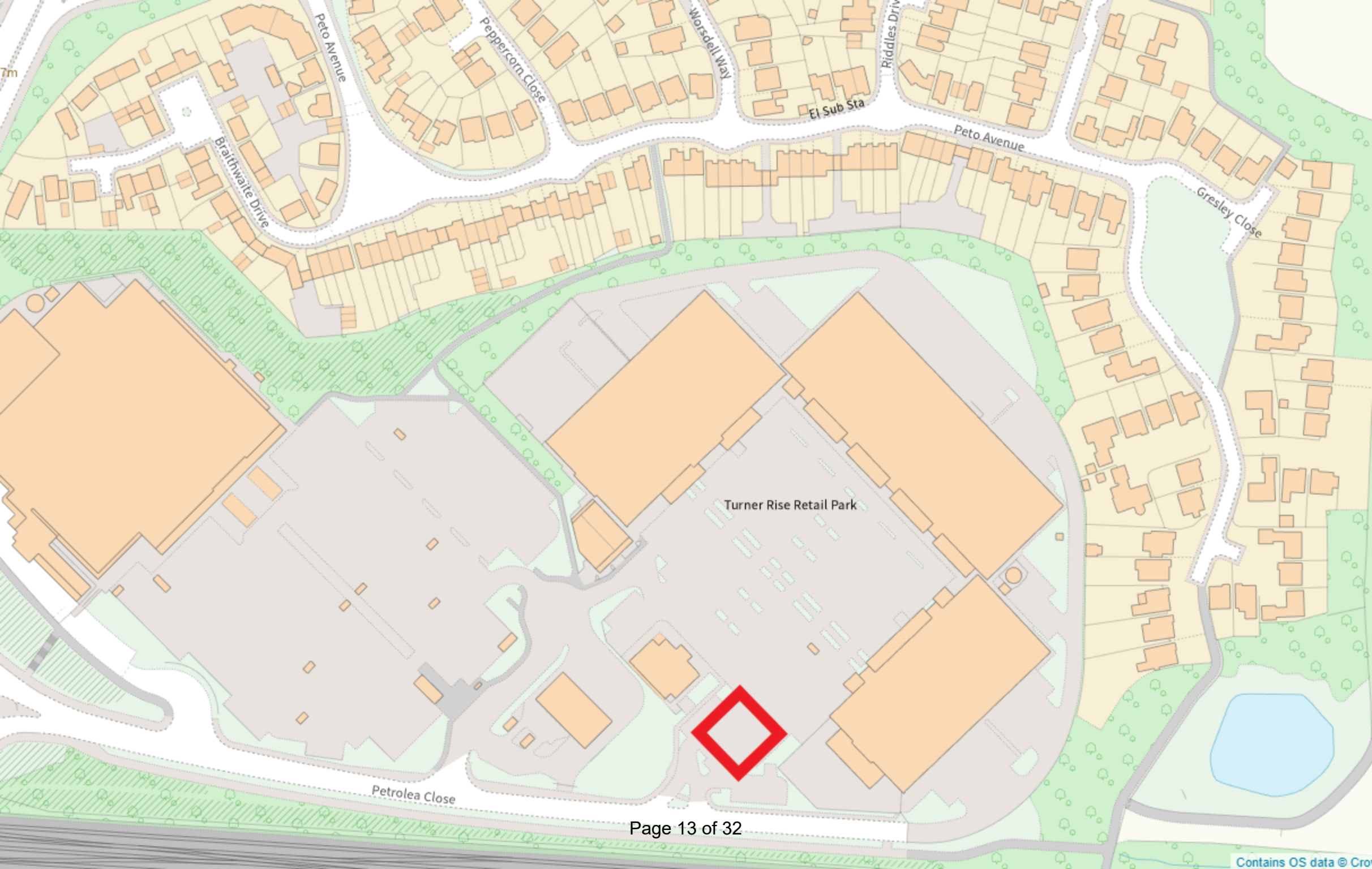
- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application
- Reject the whole or part of the application

## Appendices

Appendix 1	Location Plan
Appendix 2	Representations

## Report Author

John Ruder, Licensing Manager	email <a href="mailto:jon.ruder@colchester.gov.uk">jon.ruder@colchester.gov.uk</a> telephone 01206 282840
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## **Representations to McDonald's application**

Environmental Protection

5 May 2022

Dear Elaine, following our telephone conversation earlier today, below are the proposed conditions to be added to the McDonalds application at Turner Rise Retail Park. Please can you pass these to the applicant and let me know what they think.

- The car park shall be managed to ensure that it is not used for ball games, skateboarding, car meets.
- Car park to be managed to minimise disturbance to any noise sensitive premises.
- Notices to be displayed within the premises regarding the disposal of litter and the behaviour of customers on leaving the premises.
- Any extract ventilation systems to be maintained so as to prevent odours causing a nuisance at sensitive premises. Maintenance records for any such system to be kept for 12 months.
- Outside tables and chairs shall be rendered unusable by [XX] hours each night. (to be agreed)
- Monitoring of the car park and the outside area by CCTV during opening hours when used by patrons of McDonalds
- Litter bins shall be provided within the boundary of the premises in sufficient capacity to ensure that customers can adequately dispose of any litter; such bins to be emptied regularly.
- All staff shall be trained in the conditions in force under this licence. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records must be made available for inspection upon request by a Police officer or an authorised officer of Colchester Borough Council.
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months and made available on request to the Police or an authorised officer of the Licensing Authority. The log must record details of the incident, date, time, the staff who dealt with it, the action taken, the outcome, and whether the emergency services were called. The incident log must record incidents in relation to -
  1. all crimes reported to the venue, or by the venue to the Police
  2. all ejections of customers
  3. any complaints received
  4. any incidents of disorder

5. any faults in the CCTV system
  6. any visit by a relevant authority or emergency service
- 

Cllr Goss

28 September 2022

My objection is as follows:

- the prevention of crime and disorder - this opening late will add to crime and disorder in the area as the police are already dealing with issues here so this opening after 11pm will attract more boy racers causing noise and disturbance and adding to the police reports and workload!
  - the prevention of public nuisance - the boy racer problem will get worse as longer congregation times will occur leading to more police reports.
  - public safety - there's already a public safety issue with boy racers and motorbikes causing issue and danger. The police are investigating. This late night opening will add to the problem.
  - the protection of children from harm - this will further out children at harm if vehicles are dangerously congregating causing a nuisance.
- 

14 September 2022

In regard of the licence application, under the Licensing Act 2003, by McDonald's Restaurants Limited, to apply for late night provision to serve food and drink between 23.00 and 05.00, at Unit 8A Turner Rise Retail Park, Petrolea Close, Colchester, CO4 5TU, I would, on behalf of myself and fellow residents, like to formally object to the issuing of this issue.

Firstly, the location of this site, has already been acknowledged as a hotspot for antisocial behaviour in the late hours. As a resident living in the adjacent housing estate, Turner rise, we have been plagued with motorists regularly congregating around this area, between the approximate hours of 22.00 and 02.00 hrs, and excessively revving their collective motor engines, and street-racing around here. Opening a McDonald's in this location will simply exacerbate this antisocial behaviour, by offering them food and beverages.

Secondly, we already have four McDonald's Restaurants in Colchester, and I believe three of these already open 24 Hours. Further, one of them on Cowdray Avenue, is only 5 minutes' walk from this new location. I see no justification in allowing 24-hour access to this additional location, given its close proximity to our residential housing.

Thirdly, we have already experiences much refuse and litter generated from this retail development, and there s a particular problem with wind and airflow in the proposed location, causing much litter to be strew along and around the footpath

leading to Peto Avenue. The litter generated by McDonald's customers is already well known, but given the antisocial behaviour already exhibited in this location, I believe this will again be exacerbated by 24-hour opening.

In summary I must object to the granting of this licence, in the strongest terms, and again ask how any potential justification for this can be of greater benefit to the community, than the issues I have raised above.

I look forward to hearing back from you in this matter.

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18 September 2022

Dear CBC Licensing Team,

I would like to oppose McDonalds application for 24 hour all night opening at their new store on the Turner Rise Retail Park for the following reasons:

- There are already several other McDonalds branches locally open 24/7 including Cowdray, Stadium and Tollgate surely this is already adequate provision?
- The branch is located close to residential areas and the associated noise especially from vehicles could well cause disturbance during the night.
- The lower section of the retail park has no other 24/7 operations so this is not in keeping with the rest of the park
- The retail park is a well known 'hot-spot' for night time issues – the area was previously under a PSPO (the first in the country, I believe) to prevent 'boy racer' activity and more recently Turner Rise residents have been plagued with noise from motorbikes racing/revving at night there – please see Turner Rise residents Facebook page if you need evidence of this. The addition of a 24/7 fast food outlet will, I suspect draw further crowds late at night.
- Late night users will also likely add to the ever increasing problem of littering in the area.

I really hope that CBC will take local residents views into account and think of the impact on local residential areas before granting this license.

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16 September 2022

Dear Sir/Madam,

I am a local resident to Turner rise and we already have alot of anti social behaviour by way of car and motor bike noise from

11 pm to the early hours the last thing we want or need is the McDonalds opening 24 hours a day.

They have 4 other stores in Colchester all this will do is add to people's obesity, health problems and pressure on the NHS, together with more noise, traffic problems, and parking problems and litter

It is totally unwanted and unnecessary but if we have to have the thing here please restrict the opening hours to a reasonable time. The current noise in the last few weeks is causing mental health problems through lack of sleep so for once do the right thing and put people before profit PLEASE

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19 September

I have many objections to McDonalds being put at Turner Rise and due to public health concerns of an obese and unhealthy nation. I cannot believe how this planning permission was ever considered let alone granted!

However in response to the issue of late night opening times, I have several concerns. Turner Rise is next to a nature area, people already inconsiderate with their dumping of rubbish is bound to increase causing more litter strewn everywhere.

There are already several McDonalds in the area, encouraging more people to drive through the congestion of North Station roundabout, with unsociable behaviour, will make it a far more unpleasant area for all those who live in the vicinity.

North Station area is a delightful place to live. Yes it is busy with traffic but there is a great community feeling here, and a lot of nature thrives.

What benefit will a McDonalds especially a 24 hour McDonalds bring to this area except profit to a very greedy corporate business?

Please find listed some of the reasons not to have a 24 hours McDonalds at Turner Rise.

- 1) Increase of litter
- 2) Unsociable behaviour & noise
- 3) Increase volume of cars
- 4) Cars racing around causing all the above
- 5) Disturbance to wildlife in a protected area next door
- 6) There are already two 24 hour McDonalds nearby in Colchester
- 7) Disturbance to residents

Thank you for reading this and hope you will take these issues seriously.

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13 September

It's already very noisy at night with bikes and other vehicles having fun on the NAR.  
I oppose the 24hr opening application as I think this would make the problem worse.

---

13 September

We don't need a fifth MC Donald's opening 24/7.

It is unfair to those who live locally, to have the smell and the noise 24/7.

Who is going to pick up the rubbish, that MC Donald's do create , through the night

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13 September

The area is already noisy with drivers at night, this will make the problem worse.

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13 September 2022

As a direct neighbour to the new Macdonald's site I opposed the planning application on the basis that it will only increase noise and traffic in the area. To hear that the store will potentially be open all night is horrifying. It means that during summer months we will NEVER be able to sleep with our windows open. It means that the smell will be constant and unrelenting. Ultimately it will also increase already frequent antisocial behaviour from loud cars and motor bikes.

No consideration for direct neighbours has been made at any point during this process and we feel ignored when we have raised objection.

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13 September 2022

As a close neighbour of this development I have huge objections to this Licence being granted. We already suffer ongoing disturbance from frequent loud noise from the retail park by cars and motorbikes gathering on the site late at night and in the early hours, constantly revving their engines and screeching around the car park, which is completely unnecessary and extremely annoying, often disturbing our sleep. The hours proposed by McDonald's would only make this problem much worse and encourage more people to go there at unsociable hours. There are also two other McDonald's within a two mile radius, one of which is only half a mile away, neither of which are in residential areas, which are already open 24 hours a day so cause less of an issue than granting this Licence for the Turner Rise Retail Park so I do not understand the need for this one to be open 24 hours a day. I feel that it is just pure

greed from McDonald's, who are after the financial gain. Litter is already dreadful in the area too and having 24 hour opening is only going to make this worse probably.

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13 September 2022

I objected to the original building works based on National and local obesity levels, local noise, litter and environmental concerns, but alas it has gone ahead regardless. Before it is even built and open - Macdonalds are applying for a near 24 hr opening, despite the majority of the retail site having restricted hours of trade and therefore curtailed delivery hours so as not to impact on the surrounding residential areas. At the very least I think the restaurant should not be allowed to open 24/7 for at least one year to assess the impact on the local area and appease the local residents. If they can prove a negligible impact on the local area and the local residents over this time, then they should resubmit an application for extended hours.

This change in opening times should not be approved before the restaurant has even opened.

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14 September 2022

Opening 24 hours will increase traffic and late night noise at this location. There have been issues with noise for residents at this location during these times in the past and this will further increase these. It is not an essential business in the same way that Asda who is also open during these times is

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14 September 2022

I object to the proposed opening hours due to the expected added noise of all night traffic up and down petroleum close and in the car parks of the retail park and Asda, we will not be able to have our windows open in the night. Everyone in Peto Avenue will have disrupted sleep which will have a knock on effect with our mental health and well being. I am concerned about the well being of animals in the area that come from the country park plus all our local cats that will be attracted to the smell and will then be targeted by some of the half drunk people that will no doubt turn up here, especially at weekends. Also the additional rubbish will probably attract rodents, be smelly and all round disgusting, and a 24 hour McDonalds is really not necessary around here, no one wants them here especially during the night.

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14 September 2022

Noise disturbance to local residents. Increase in the already severe litter problem in the local area and spreading into Highwoods Country Park. The local residents already collect numerous bags of rubbish each week and this will get worse. Increase in traffic congestion in the area. Increase in noise and joy riding by cars and motorbikes as the store becomes a focus for this type of activity that is already a blight for local residents.

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14 September 2022

There is already a huge problem in the area of boy racers making noise and littering. Having McDonald's open 24/7 will only encourage even more of the bad behaviour in the area, causing upset for neighbouring residents. The landlord of the retail park already doesn't seem interested in managing the retailers to adhere to their hours, this would only make even more of the retailers and visitors feel like they can do what they like with no consideration to neighbouring residents.

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15 September 2022

I wish to object about a licence that will likely be granted to McDonalds to operate throughout the night. This will increase the amount of noise and noise pollution that drifts over into Peto Avenue. I feel no thought has been given to how this will negatively impact residents' sleep. Sleep is vital for everyone. According to the NHS website, regular poor sleep puts people at risk of serious medical conditions such as coronary heart disease and diabetes. How am I meant to get good quality sleep when there will be more noise during sleeping hours? It will be impossible. There is already noise pollution coming from the retail park most nights after 11pm and carrying on until the early hours with bikers revving and backfiring. I feel that the views and complaints of residents are ignored about the noise pollution (not to mention the rubbish left by visitors). I strongly object to the council granting McDonalds the right to operate throughout the night when I am trying to sleep. As evidenced, the NHS states very firmly that "poor sleep shortens life expectancy. A solid night's sleep is essential for a long and healthy life". Why are these messages being ignored? Why is it ok to put the health of residents at risk just so that McDonalds can operate throughout the night and make even more profit? I feel very strongly that this is not acceptable and that the council should not grant this extended license to McDonalds.

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76 Peto Avenue

There is already regular noise nuisance from cars late at night at this retail park and the 24 hour McDonalds will add to this noise disturbance further. There is no need for this to be a 24 hour restaurant.

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17 September

We object to the 24 hour opening times application of this Macdonalds. We live close by and fear this will make our currently quiet safe street into a through path to and from Macdonalds. As it is there are people who speed around in their cars in the car park where Macdinalds is being built. Also I have a young family and do not want my street to become unsafe, especially at night with people walking to and from Macdonalds in the early hours, making lots of noise as they walk or speed past on scooters. Also the rubbish! As it is there are a lot of rubbish left by the railway line at the bottom of Peto Avenue and in Highwoods Country Park where young adults seem to congregate and regularly leave their rubbish, which kind local residents often end up picking up. 24hr opening times will not enhance the area it will just attract trouble. Especially for us residents. We do not want 24hr opening.

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17 September 2022

I'm under the impression that this site will be run under the same franchisee as other McDonalds in Colchester.

With two 24/7 sits either end of the race track that is know as the Northern Approach already. The simple need for another 24/7 site clearly isn't needed. The unnecessary environmental impact caused by this site becoming 24/7 will be unwarranted.

Litter, fumes and the general stink that comes out of a McDonald's the quality of life of local residents will drop. There is McDonald's litter already scattered around the area and the Turner Rise car park has already been used for car meets. Having this site 24/7 will 'legalise' car meets in the pretense that they are having a McDonald's.

I urge the cllrs making this decision to condemn this application to the waste bin. Unfortunately I feel McDonald's wrappings will not if they don't.

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18 September 2022

We don't need this. This may increase litter and people hanging about and bad drivers

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18 September 2022

This is a residential area and a 24 hour fast food restaurant is going to hugely disturb the surrounding areas. There has already been a consultation for a Vehicular Nuisance Public Space Protection Order in Colchester due to car noise, which is a massive issue specifically around the Cowdray Avenue McDonalds restaurant. Why would the Borough Council be considering allowing this elsewhere in residential areas? There are already two 24 hour McDonalds restaurants within a small proximity of the proposed, and the new restaurant is within the most built up area. The Asda supermarket is far different from this as by its nature, the McDonalds restaurant requires queuing and engines running due to the 'drive through' nature. 24 hour access is going to bring noise and pollution 24 hours a day to this heavily built up area, and this is not in the interest of the local residents.

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18 September 2022

This fast food restaurant is within a residential area; an area which is already severely negatively affected by noise disturbance. This issue is so bad that here has already recently been a consultation for a Vehicular Nuisance Public Space Protection Order in Colchester due to car noise - a consultation that ended only last week. Granting this fast food restaurant a licence to open 24 hours a day is only going to add to the existing noise and disruption that myself and the great number of people that are residents in the nearby area have to endure.

There are already two 24 hour McDonalds restaurants within a 1.5 and 2.6 mile radius respectively of the proposed, and the new restaurant is within the most built up area. The Asda supermarket and the other retail and restaurants within the Turner Rise estate are far different from a 24 hour McDonalds restaurant by its nature. Even though the Asda is a 24 hour supermarket, the nature of this commercial unit does not require cars queuing and engines consistently running resulting in increased exhaust fumes that a 24 hour "drive through" restaurant will.

To conclude, a 24 hour fast food restaurant is going to detrimentally impact the quiet enjoyment of the residents' property together with the residents' wellbeing that live nearby.

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18 September 2022

As I live directly behind the new Mc Donald's I feel this would impact my quality of life, through lack of sleep, which I anticipate will happen if public are using the restaurant in the middle of the night. The noise from revving cars and voice projection late at night will carry the sound directly to my home. Therefore, I strongly object to the granting of a late licence to this establishment.

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24 September

This will only encourage boy racers which there is already a problem with in the area. This problem is currently effecting many peoples sleep. There is also no need for it to be as the only traffic that would be down that way is late night shoppers for Asda. Pizza Hut were also not allowed to deliver from their shop there due to noise and disturbance. If you let McDonald's trade 24 hrs this will open the door for Pizza Hut to trade longer causing double the noise & disturbance.

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25 September 2022

As a resident overlooking the McDonalds development I believe opening the restaurant between 23:00 and 05:00 will be to the detriment of the local environment. Firstly, the site is over looked by residential properties where the inevitable noise generated throughout the night will cause disturbance to residents. The disturbance will come from vehicles using the site at all hours of the night, revving their engines and screeching tyres. Furthermore, the environment will suffer through anti-social behaviour and a substantial increase in littering.

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## **Schedule A**

### **Licensing Sub-Committee Hearing Procedure for Hearings under the Licensing Act 2003**

- (1) All questions and statements will be directed through the Chairman.
- (2) The Chairman will at the beginning of the Hearing explain to the parties the procedure to be followed and shall consider any request made by a party for permission for another person to appear at the Hearing.
- (3) The Hearing shall take the form of a discussion led by the Council's representative.
- (4) Cross examination shall not be permitted unless the Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may be.
- (5) The Chairman of the Sub-Committee may require any person attending the Hearing who in his opinion is behaving in a disruptive manner to leave the Hearing and may:

- (a) refuse to permit that person to return, or
- (b) permit him to return only on such conditions as the Sub-Committee may specify.

Provided that any such person may before the end of Hearing submit to the Council in writing any information which they would have been entitled to give orally had they not been required to leave.

- (6) A party who wishes to withdraw any representations they have made may do so:
  - (a) by giving notice to the Council no later than 24 hours before the day or first day on which the Hearing is to be held, or
  - (b) orally at the Hearing.

(7) The Sub-Committee in considering any representations or notice made by a party may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the Hearing, or with the consent of all other parties, at the Hearing.

(8) The Sub-Committee shall disregard any information given by a party or any person to whom permission to appear at the Hearing had been given which is not relevant to:

(a) their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party representing their appearance, and

(b) the promotion of the licensing objectives or, in relation to a Hearing to consider a notice given by a chief officer of police, the crime prevention objective.

(9) If a party has informed the Council that he does not intend to attend or be represented at a Hearing, the Sub-Committee may decide to proceed with the Hearing in his absence.

(10) If a party has not informed the Council that he does not intend or be represented at a Hearing and fails to attend or be represented at a Hearing, the Sub-Committee may:

(a) where it considers it to be necessary in the public interest adjourn the Hearing to a specified date ( notice being given forthwith to the parties concerned of the date, time and place to which the Hearing has been adjourned), or

(b) hold the Hearing in the party's absence Where the Sub-Committee agrees to hold the Hearing in the absence of a party, the Sub-Committee shall consider at the Hearing the application, representations or notice made by that party.

#### The Council's case:-

(11) The Chairman will invite the Council's representative to summarise the report relating to the application under consideration.

#### The Applicant's case:-

(12) The Applicant and/or representative will begin with their opening remarks and present their case.

(13) The Applicant's witnesses (if any) will give evidence in support of the Applicant's case.

(14) The Applicant and/or representative may question the Applicant's witness again to clarify any points which may have arisen.

#### Submissions from other persons or their representatives and from Responsible Authorities:-

(15) Each party will present their case.

(16) Each party's witnesses (if any) will give evidence in support of the party's case.

(17) Each party and their witnesses may be questioned by the Chairman and members of the Sub-Committee.

(18) Each party may question their witness again to clarify any points which may have arisen.

(19) If the Applicant or other parties wish to question each other, questions may be directed through the Chairman.

(20) Closing Statements may be made by the Applicant and/or representative.

(21) The Chairman will ask the Legal Advisor whether there is anything else to be raised or settled before the proceedings are closed.

#### Determination of the application by the Sub- Committee

(22) The Applicant and/or representative, other persons, Responsible Authorities and the members of the public and the press will leave the room to allow the Sub-Committee to determine the application. During this process the Sub-Committee members may ask for legal advice from the Legal Advisor.

(23) The Applicant and/or representative, other persons, Responsible Authorities and the members of the public and the press will be invited to return to the room when the Sub-Committee's determination will be announced. Written details of the determination and the grounds upon which it is based will be sent to all parties concerned in accordance with the Hearings Regulations.



## The Licensing Sub-Committee Hearings Process

