

**APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE
LICENSING ACT 2003 IN RELATION TO**

**Burger King
The Keyway Retail Park
Willenhall
WV13 2QU**

**Meeting of the Licensing Sub-Committee
On Wednesday 5th February 2025 at 10:30am.**

**Held in
The Council Chamber
Walsall Council House
Lichfield Street,
Walsall
WS1 1TW**

The matter was heard by:
Councillor Samra – Chair
Councillor Cooper
Councillor Ali

The Applicant:

**Alex Tomlinson – Solicitor (Poppleston Allen)
Sarah Appleby – Regional Manager Burger King UK Group**

**Responsible Authorities - Public Health
Nadia Inglis– (Director Public Health) and Hollie-Mae Janes – (Public
Health Development Officer)**

**Interested Parties:
N/A**

Also Present:

**Mr S Alom – Licensing Team Leader
Mr J Thompson – Democratic Services Officer
Mr P Green – Legal Advisor**

Determination

An application for a premises licence was received on 26 November 2024 by the Licensing Authority.

A summary of the licensable activities and times applied for is provided in the table below:

Licensable Activities/ Opening Hours	Days	From	To
Late Night Refreshment (Indoors & Outdoors)	Monday – Sunday (inclusive)	23:00	05:00
Hours open to public	Monday – Sunday (inclusive)	00:00	00:00

The report disclosed that on 28 November 2024, Walsall Council Trading Standards had no objections to the application.

On 29 November 2024, West Midlands Police confirmed that they had no objections to the application.

On 2 December 2024, Walsall Council Community Protection (Noise Pollution Team) confirmed that they had no objections to the application.

On the 17 December 2024 Public Health Walsall responded to the application informing the Licensing Authority that they were objecting to the grant of the licence.

Objection

Nadia Inglis and Hollie-Mae Janes on behalf of Public Health, made representations objecting to the application, on the grounds that to grant the application would undermine the promotion of the licensing objective Protection of Children from Harm.

Public Health made the case that exposure to fast foods that are high in fat, salt and sugar is directly linked to poor health. With statistical references contained within their power point presentation, Public Health presented evidence of the above on a national and local level. It was submitted by way of example that in Walsall 41.7% of children are above healthy weight at Year 6 and that child obesity prevalence in Walsall, is higher than both the national and regional average.

Further representations were made about the proliferation and adverse cumulative impact of fast-food establishments on child obesity. There were illustrations of what was considered inappropriate marketing promotions and

strategies used by Burger King such as “Kids eat free” promotions, that was argued, promotes foods that are high in fat, salt and sugar as easy and convenient options for families with children.

Public Health advocated that to permit the application extending the opening hours for Burger King between 11pm – 5:00am, would exacerbate the serious issues already being experienced with poor health and child obesity in the borough of Walsall.

Applicant

Mr Tomlinson submitted on behalf of the applicant, that the Burger King is already fully operational at the Keyway Retail Park site and opens between 9:00 am and 11:00pm. It was advanced that there was a commercially viable business case for seeking the extension of its opening times between 11pm – 5:00am. Mr Tomlinson reiterated that no other responsible authorities had raised objections and that much of the concerns raised by Public Health were not relevant representations to be considered by the Committee.

Mr Tomlinson submitted that the location of the premises meant that there was no significant footfall, and attendance at the site was principally by car. Moreover, he submitted that given the times applied for, it was highly unlikely that children would be attending the premises between 11pm and 5:00am. The internal restaurant would also be closed between those hours.

Determination:

The Sub-Committee having considered the representations made both for and against the application, determined to grant the application.

The Sub-Committee although recognising that the issues raised by Public Health around health and obesity, are not only matters of local concern but of national concern, the Committee were nonetheless alive to the fact, that the hearing convened was not the forum to explore and consider those contentions.

The Sub-Committee concentrating only on the specific application submitted by the applicant, were satisfied that no evidence had been provided by Public Health that demonstrated that the additional opening hours applied for would undermine the licensing objective of Protecting Children from Harm. This was especially the case, given the times applied for between 11:00pm and 5:00am when most children would be indoors and asleep and the manner in which the premises will be accessed during those hours, namely vehicular access which will almost exclusively be by adult patrons.

Application Granted.