

<b>Minutes of:</b>	<b>LICENSING HEARING SUB COMMITTEE</b>
<b>Date of Meeting:</b>	19 <sup>th</sup> December 2025, 11.30am
<b>Present:</b>	Councillor T Rafiq (in the Chair) Councillors A Booth and M Walsh
<b>Also in attendance:</b>	M. Bridge (Licensing Unit) M. Cunliffe (Democratic Services) D. Rice (Legal Services)
	V. Maguire (Observing on behalf of the applicant KFC) B. Naciri (On behalf of the applicant KFC) M. Phipps (TLT Legal on behalf of the applicant KFC) Councillor D. Green (Representor)
<b>Public Attendance:</b>	The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public or press were in virtual attendance other than those listed above.

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## 1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by B. Thomson (Assistant Director of Public Protection & Resilience) and A. Bucior (Public Protection).

## 2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

## 3 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF KFC, BURY NEW ROAD, PRESTWICH, M25 3AJ

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of KFC, Bury New Road, Prestwich, M25 3AJ.

In making a decision, the steps the Sub-Committee can take are:-

- To grant the application in the terms requested
- To grant the application subject to conditions
- To amend or modify existing or proposed conditions
- To refuse the application

The Licensing Unit Manager presented the report and explained the applicant for the licence is Kentucky Fried Chicken (GB) Limited, Orion Gate, Gildford Road, Woking, Surrey, GU22 7NJ.

The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.

Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-

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

The Licensing Unit Manager informed members of the Sub-Committee that these premises had been issued with Temporary Event notices on 8 Separate occasions since October 2025 which had not attracted representations from Greater Manchester Police or Environmental Health.

The application was for the grant of a Premises Licence under Part 3 of the Licensing Act 2003 with the requested operating hours detailed in the report attached in the agenda packs, which were as follows:-.

Opening Times:

*Monday to Sunday 09.30 to 00.00*

*Monday to Sunday 00.00 to 05.00 (Delivery and Drive Thru only)*

Late Night Refreshment (On or Off the Premises)

*Monday to Sunday 23.00 to 00.00*

*Monday to Sunday 00.00 to 05.00 (Delivery and Drive Thru only)*

The conditions contained in the operating schedule submitted by the applicant were also attached at Appendix 1 in the agenda packs.

One representation had been received from an interested party and this was attached at Appendix 2 in the agenda packs.

After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

The Licensing Unit Manager placed on record that the extra documents received after publication of the agenda packs had been circulated to Members of the Committee and this included:-

- An email detailing further information
- A good neighbour document
- Location plan
- Development brochure
- Training platform
- Photograph of the site

Mr Matthew Phipps questioned the sentence about a DPS being included in the report and it was reported this was an error and the sentence should be ignored and would be deleted from the published agenda packs.

The Council's Legal Advisor enquired about the TENS (Temporary Event Notices) and Mr Phipps explained a number had been submitted seeking to permit a modest extension to hours on Friday and Saturday nights (until midnight) to which no counter notice was issued. No adverse comments had been received by the business in respect of their operation and the dates for the TENS were as follows:

- Friday 10 October 2025 – Saturday 11 October 2025
- Friday 17 October 2025 – Saturday 18 October 2025
- Friday 24 October 2025 – Saturday 25 October 2025
- Friday 31 October 2025 – Saturday 01 November 2025
- Friday 07 November 2025 – Saturday 08 November 2025
- Friday 14 November 2025 – Saturday 15 November 2025
- Friday 21 November 2025 – Saturday 22 November 2025
- Friday 28 November 2025 – Saturday 29 November 2025

Mr Phipps explained to the committee that KFC currently operates 900 restaurants across the UK. Of these 300 are operated directly by KFC with a further 600 operated by franchisees. This premises was operated by KFC directly who currently operate some 90 plus premises licences directly.

KFC will be well known to the committee and has operated in the UK and Ireland for 60 years. KFC operate a significant brands standard and this includes to being a good neighbour with a detailed document circulated to the Committee about this.

As a progressive business KFC continuously look to upgrade and reimagine the existing restaurants in their portfolio and work collaboratively and cooperatively with authorities and officers throughout the country.

Mr Phipps stated he did not accept there were issues at the premises and reported how in the past a person had entered the restaurant with a knife around midday. This was in no way related to the business or took place in the evening. There had also been no history of complaints and none of the responsible authorities had objected.

The change in opening times would be from the current 11.00pm restaurant closure to 12.00 midnight along with the delivery and drive thru element being open from 12.00 midnight until 5.00am. Therefore, the building would be closed to customers from midnight and only the drive thru open for customers in vehicles and deliveries.

Mr Phipps explained in response to the representation made that concerns and potential risks are not evidence based. In relation to the car park and the worry it could attract people who had collected their food at the drive thru after midnight who could then eat, talk with friends and play music from their vehicles. If the Committee felt this would undermine the licensing objectives, then the restaurant was willing to close the car park from midnight.

Regular litter picking was conducted and Mr Phipps mentioned that the Government's national guidance had been revised which sought to support the promotion of economic growth and benefit.

Mr Phipps also questioned some of the representation and didn't accept the site was in a quiet area as the Tesco superstore next door was open until midnight and the Post Office Centre at the other side had vehicles coming and going all through the night. Some residential properties at the front of the site were across the road which was two lanes in each direction. The comment about being a burden on the emergency services could not be accepted as no representations had been made by these parties. The location was purely suitable set back off a main road with the drive thru away from residential properties and if the car park was out of bounds after midnight how could anyone be impacted.

Upon questioning from a Member Mr Phipps explained the information about the operation times for the neighbouring post office had come via KFC management.

A Member asked how many staff would be working on the site, would they be over 18 and could more staff be required. Brenda Naciri reported 6 to 8 staff would be on site dependant upon operational hours and no one under the age of 18 would be working beyond midnight. There would be a minimum of 6 staff working at all times and the current employees would be given the opportunity to extend their working hours before recruitment of new staff, preferably with their own transport.

Members asked about blocking the car park off and deliveries to the site. Mr Phipps explained this could be undertaken with a form of barrier which would not impact the drive thru lane and deliveries would remain the same as now.

Councillor Debra Green who had submitted the representation as a ward Member for the area enquired what studies had been conducted to demonstrate a need for the additional opening times. Mr Phipps confirmed a programme of assessment works had been undertaken by the business with data analysis concluding it would be positive. It was confirmed the studies had not been shared as it was not related to a licensing objective and was commercially sensitive information.

A Member asked how staff would challenge customers in the car park who could be conducting anti-social behaviour and how would they be protected. It was explained that in house conflict management training was conducted for employees including senior managers of the team. Ms Naciri added this included anti-social behaviour measures including dealing with people under the influence of drink and drugs. If members of the public were required to leave a premises there were robust systems in place including a button on the wall which was a staff safe Tannoy feature. One of these could be installed outside but this could then disturb local residents. Restaurants don't generally have issues after 9.00pm apart from high street locations which attract people under the influence and this would be a drive thru(!) only from midnight with CCTV covering it.

A Member asked where the drive thru window was located and Mr Phipps shared a map on screen for the benefit of the committee.

Councillor Debra Green stated she had been made aware of issues at the site in relation to noise from extractor fans. If these were turned off after final service then they would more or less be on for 24 hours a day. She also enquired if a car park barrier would be permanent or merely some temporary road cones put in place.

The Licensing Unit Manager asked how the process for deliveries would be undertaken and it was explained that they would have to use the drive thru window like any other customer after midnight and if they were not in a vehicle they would not be served.

Councillor Debra Green reported that local residents were unhappy with the application and information had been sent to her after the deadline for submissions so this could not be presented. There were concerns by residents on the estate at the rear of the site and to the front across the road was sheltered accommodation. KFC was closer to homes than the Tesco site and noise issues would create a public nuisance and the car park attract snit social behaviour which was difficult to manage. The site was not suitable for a 5.00am closing time due to the impact and wellbeing on local residents.

Mr Phipps summed up and stated he understood the concerns of the Councillor but the licensing objectives would not be undermined and advised if there were any problems then the licence could be called in for review. KFC were a good neighbour and dealt with these things in a professional manner. The responsible authorities who are the experts in these matters had also raised no objections.

The Sub-Committee then duly retired to consider the application.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to the relevant provisions of the national guidance and the Council's licensing policy statement.

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives together with relevant representations presented by all parties.

### **Delegated decision**

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding the representations, the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned.

It was therefore agreed unanimously that the Sub- Committee **grant the application subject to conditions as listed below:-**

- **The erection of a permanent barrier to block access onto the car parking area from midnight until opening time of the business the following day.**

An advisory notice was also issued by the panel to request the provision of additional noise reduction measures adjacent to the nearby housing to minimise the potential impact on those neighbours due to extended opening times.

### Operating Schedule

#### General

The premises licence holder shall train all staff for their job and function on the premises in a suitable manner. This training shall be written into a programme of ongoing review and will be made available to relevant responsible authority upon request. In addition to this, training shall be provided to all staff engaged, or to be engaged, related to:

- a. General safety
- b. Fire and other emergencies
- c. Allergens policy

#### Prevention of Crime and Disorder

1. CCTV will be in operation at the premises: The CCTV system shall be fully operational at the commencement of the licence. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days.
2. The premises licence holder shall ensure that there are trained members of staff available during licensable hours to be able to disclose CCTV images to officers upon request. The premises licence holder shall provide, subject to GDPR, such images at the request of an authorised officer of the licensing authority or the local constabulary.
3. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all licensable hours.
4. An incident log shall be maintained at the premises and made available on request to an authorised officer, the Local Authority or Police. The register shall record the following:

- a. All crimes reported to the venue.
- b. All ejections of patrons.
- c. Any complaints received concerning crime and disorder.
- d. Any incidents of disorder.
- e. All seizures of drugs or offensive weapons.
- f. Any visit by a relevant authority or emergency service.

#### Public Safety

5. All exit routes and high traffic areas shall be kept unobstructed, shall have non slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.
6. No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.
7. Notices detailing the action to be taken by staff in the event of fire or other emergencies including how the fire service can be summoned shall be prominently displayed and shall be protected from damage or deterioration

#### The Prevention of Public Nuisance

8. All delivery drivers will be obliged to comply with a code of conduct as to delivery methodology.

The Chair advised of their right to appeal the decision to the Court within the relevant timescales upon receiving written notification.

**COUNCILLOR T RAFIQ**  
**Chair**

**(Note: The meeting started at 11.30am and ended at 1.05pm)**