Minutes of: **LICENSING HEARING SUB COMMITTEE**

Date of Meeting: 29th October 2026

Present: Councillor B Ibrahim (in the Chair)
Councillors D Hill and M Walsh

M. Bridge (Bury Council- Licensing Unit)
M. Cunliffe Bury Council- (Democratic Services)
L. Scully – (Bury Council- Legal Advisor)

Also in attendance: Mr A. Beheshti (Applicant- Via telephone only)
Councillor D. Duncalfe (Representor)
Councillor J. Sheppard (Representor)
G. Williams (Newsquest)

Public Attendance: 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 other members of the public were in virtual attendance.

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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 MINUTES OF THE LAST MEETING

The Minutes of the last Licensing Hearing Sub Committee meeting held at 11.00am on the 17th September 2026 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held on the 17th September 2026 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF LA PIZZA, 106 WATER STREET, RADCLIFFE, M26 4BE

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of LA Pizza 1, 106 Water Street, Radcliffe, M26 4BE.

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

The Panel would make a decision on the day of the hearing and the parties would be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

The Licensing Unit Manager presented the report and explained the applicant for the licence is LA Pizza 1 Limited, 106 Water Street, Radcliffe, M26 4BE.

The Applicant, Mr Beheshti 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 application was for the grant of a Premises Licence under Part 3 of the Licensing Act 2003.

Opening Times:
Monday to Sunday 14.00 to 02.00

Provision of Late-Night Refreshment (Indoors)
Monday to Sunday 14.00 to 02.00

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

Two representations had been received from interested parties and this was attached at Appendix 2 in the agenda packs.

The application form and plan of the premises was attached at Appendix 3 in the agenda packs.

The additional information of a location map and street view image was attached at Appendix 4 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 informed the meeting that some additional information had been circulated to the panel Members from a representor in the form of statement.

The Chair confirmed this was a new application and not a variation and there had been no representations submitted by responsible authorities.

A Member asked for clarity on timings for trading until 2.00am and was this for 7 days a week or just at weekends. The Licensing Unit Manager stated it was for 7 days but there was no requirement to trade during all those hours and they could decide.

A Member asked if deliveries were taken from the front or rear of the premises as there were homes located on Water Lane and another Member asked if the licensing department had visited in relation to the indoor and outdoor element. The Licensing Unit Manager advised there had been no visit and there was no seating placed outside.

A Member asked if the applicant had received some help with the application in the form of an interpreter. The Licensing Unit Manager confirmed the application had been resubmitted but was unsure of any help provided as all the information required in the application had been complied with.

The Chair asked if there were any reports of anti-social behaviour issues around Water Lane. The Licensing Unit Manager repeated no representations had been made by Greater Manchester Police and the notice for the application had been displayed in the area and in the local newspaper with no public feedback submitted.

Mr Beheshti addressed the committee and thanked them for their time to consider the application. He confirmed deliveries were taken at the front door of the premises.

A Member asked about the longer use of the extractor fan and bins located at the rear of the premises and would there be any time limits on their use. The application was to be open until 2.00am and the additional noise could impact on homes nearby.

Mr Beheshti stated there was not too much noise from the fan and there were no neighbours around him and the back door would be closed. He would only need to place 2 or 3 bags in the bin and he would store these in the premises before emptying them in one go.

A Member asked how much extra customer trade would there be if the premises was open until 2.00am. Mr Beheshti said sometimes if it was busy, he would stay open for longer but the extra time would give him that option and he would accept a 1.00am closure time.

A Member wondered what time staff leave with the premises closing at 11.00pm currently. Mr Beheshti said they clean up around 10.30pm and leave at 11.00pm so any extension of hours would incorporate 30 minutes of cleaning before closing time. Bin bags used for waste from food preparations would be stored inside and placed in the outside bin as they leave.

A Member asked how long had Mr Beheshti had been the premises and the Chair enquired about the number of staff, Mr Beheshti he had been there for 2 years and there were 6 staff who were all trained with a level 2 in food hygiene.

A Member asked if the premises had CCTV and Mr Beheshti confirmed it did and staff were trained to deal with anti social behaviour. He added that he knew the area well and had encountered no problems with fighting as he was friendly with customers and he was doing this for their benefit. He worked at the premises everyday and had 2 to 3 staff on shift with him until closing time.

A Member enquired which employees were health and safety trained under public safety. Mr Beheshti confirmed he was along with 2 to 3 other staff members.

A Member asked about any noise at the rear of the premises.
Mr Beheshti confirmed he turned the extractor fan down around 10.30pm to create lower noise and it was located at the side of his premises. He would turn this down around 12.30am if he was allowed to open until 2.00am but anticipated that he would probably close around 12.30am anyway followed by 30 minutes cleaning. The 2.00am finish allowed him to operate longer when he was busy.

The Licensing Unit Manager asked if the premises closed at 11.00pm currently and Mr Beheshti confirmed this and they normally are shut for 10.30pm.

Councillors Des Duncalfe and Judi Sheppard (Representors) were in attendance and had submitted the same representations detailed in the agenda pack.

Councillor Sheppard had also submitted a further written representation maintaining her objection to the application to open the premises from 14:00 until 02:00 daily, with late-night refreshment provided indoors and outdoors between 23:00 and 02:00.
Her concerns related principally to the licensing objectives of preventing public nuisance, preventing crime and disorder, and ensuring public safety.
She recognised the value of local businesses, however the proposed late-night operation must be considered in the context of the premises, its immediate surroundings and the potential impact on nearby residents.

Under public nuisance, as a takeaway without indoor seating, the premises may attract customers waiting for orders or gathering outside. Operating until 02:00 could increase the risk of disturbance from conversations, raised voices, vehicle engines and doors, and delivery or collection activity during late-night hours.
There is also a risk of food packaging and other litter being left in the surrounding area.
The applicant’s operating schedule already refers to keeping noise to a minimum, encouraging customers to leave quietly, managing deliveries and collections responsibly, disposing of waste properly and monitoring the outside area. However, these commitments do not clearly explain how the outside area will be managed during the proposed late-night hours or how noise, customer congregation and litter will be actively controlled.

Under crime and disorder, a late-night takeaway may attract people leaving nearby drinking establishments. This does not mean disorder would occur, but the combination of late-night customer gatherings and food collections could create a risk of verbal confrontations or anti-social behaviour.

The applicant proposes CCTV, staff training, a zero-tolerance approach and reporting incidents to the police where necessary. However, the schedule does not clearly set out how gatherings immediately outside the premises will be managed or what action staff will take if behaviour becomes disruptive.
Under public safety and pedestrian access, the narrow pavement outside the premises raised concerns about customers waiting or congregating, particularly if vehicles stop nearby for collections. This could obstruct pedestrians and create difficulties for people trying to pass safely, especially during hours of darkness.
Although the applicant proposes general public-safety measures, the operating schedule does not specifically explain how customer waiting, collections and pavement access will be managed at this location.

She asked the Sub-Committee to refuse the application as submitted, given the proposed 02:00 operating hours and the concerns outlined above.

If the Sub-Committee was minded to grant a licence, she would ask it to consider proportionate, clear and enforceable conditions, including:

- Restricted hours: opening and late-night refreshment to end no later than 23:00.
- Outside-area management: clear arrangements for monitoring the area and addressing noise, congregation and obstruction.
- Customer access: measures to prevent queues or waiting customers from obstructing the pavement.
- Deliveries and collections: procedures to minimise noise and disturbance during operating hours.
- Litter control: regular checks of the immediate frontage and prompt removal of litter attributable to the business.
- Incident records: a clear process for recording relevant incidents and complaints, together with the action taken.

Any conditions should be tailored to the premises and address the identified risks without simply duplicating commitments already made in the operating schedule.

Councillor Sheppard repeated her objection was not to the business itself, but to the potential impact of the proposed hours on the surrounding area.
The applicant had outlined general measures to promote the licensing objectives, but she remained concerned that the arrangements were not sufficiently specific to demonstrate how the risks associated with late-night operation will be controlled at this location.

She therefore respectfully asked the Sub-Committee to refuse the application as submitted or, alternatively, to restrict the hours and impose appropriate, enforceable conditions to protect residents, prevent nuisance and disorder, and maintain safe pedestrian access.

Councillor Sheppard added there were litter problems in the area but this may come from the Tesco car park and not the premises. As an observation extra traffic would be generated at the busy junction which had seen one serious accident and one fatality in the past.

Councillor Duncalfe asked if the premises owned any of the outside areas around the building and Mr Beheshti stated no and there had not been any problems over the past couple of years.

The Licensing Unit Manager clarified that late night refreshment did not include alcohol and in terms of outdoors, people would leave with a take away and not sit outside eating. Mr Beheshti confirmed customers would order and take away their food and there are no seats inside or outside the premises.

Councillor Sheppard repeated that sounds can be heard more at nigh and the staff cant police people outside the premises. The building had a number of LED adverts and this could impact upon drawing people to the venue from a wide ranging area meaning more traffic and disturbance for residents. Other premises had conditions imposed such as no access and only take aways available.

A Member asked if there was a public bin outside and after discussion there was one located on the pavement.

The Licensing Unit Manager clarified for the representors present that there was also a process available for the representors to call in the licence for review should there be any problems that arise.

Councillor Duncalfe added that whilst there had been no police representations made, there was anti social behaviour in the area with shoplifting taking place at the nearby Tesco store and drug use in the Council owned car park.

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.

The committee concluded the amended timings were appropriate in relation to nearby residential homes and the applicant had been located at the premises for 2 years with no reported problems and had answered all the questions from Members at the hearing.

It was therefore agreed that the Sub- Committee **grant the application as per the operating schedule, subject to amending the proposed conditions in relation to timings.**

Opening Times:

Sunday to Thursday	14.00 to 12.00am Midnight
Friday to Saturday	14.00 to 2.00am

Provision of Late Night Refreshment (Indoors)

Sunday to Thursday	14.00 to 12.00am Midnight
Friday to Saturday	14.00 to 2.00am

Operating Schedule

General

I will operate my business in a responsible and professional manner to promote all four licensing objectives. I will ensure that all staff are properly trained in their roles and understand their responsibilities in relation to public safety, prevention of crime and disorder, prevention of public nuisance, and protection of children from harm. The premises will be managed effectively, kept clean and safe at all times, and all relevant laws and licensing conditions will be followed. I will also cooperate fully with local authorities, police, and licensing officers to ensure the business operates in compliance with regulations.

The prevention of crime and disorder

To prevent crime and disorder, CCTV cameras will be installed and maintained at the premises, covering all main areas including entrances and exits. Recordings will be stored and made available to authorities upon request. Staff will be trained to identify and respond to suspicious or anti-social behavior, and any incidents will be reported to the police if necessary. The premises will operate a zero-tolerance policy towards violence, illegal activity, and disorderly behavior. Adequate lighting will be provided inside and outside the premises to improve safety and visibility.

Public safety

Public safety will be ensured by maintaining the premises in a safe condition at all times. Fire safety equipment such as fire extinguishers and smoke alarms will be installed and regularly checked. Emergency exits will be clearly marked and kept unobstructed. Staff will be trained in basic health and safety procedures, including emergency evacuation. The premises will be kept clean and free from hazards, and all electrical equipment will be properly maintained to prevent accidents or risks to customers and staff.

The prevention of public nuisance

I will take steps to prevent public nuisance by ensuring that noise levels are kept to a minimum, especially during evening hours. Customers will be encouraged to leave the premises quietly and respect the local community. Waste will be disposed of properly and regularly to maintain cleanliness and prevent odors. Deliveries and collections will be managed responsibly to avoid disruption to neighbours. The outside area of the premises will be monitored to ensure it remains clean and orderly.

The protection of children from harm

I will ensure that children are protected from harm by maintaining a safe and supervised environment at all times. Staff will be trained to be aware of safeguarding responsibilities and to report any concerns appropriately. Children will not be allowed access to restricted areas such as kitchens or staff-only zones. If age-restricted products are sold, staff will follow a strict age verification policy such as Challenge 25 and request valid identification where necessary. The premises will remain a safe and family-friendly environment.

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

COUNCILLOR B IBRAHIM
Chair

(Note: The meeting started at 11.00am and ended at 12.50pm)