

Classification	Item No.
Open / Closed	

<b>Meeting:</b>	Licensing Hearings Sub-Committee
<b>Meeting date:</b>	19 December 2025
<b>Title of report:</b>	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of KFC, Bury New Road, Prestwich, M25 3AJ
<b>Report by:</b>	Executive Director (Corporate Core)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	St Mary's

### Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of KFC, Bury New Road, Prestwich, M25 3AJ

### Recommendation(s)

- 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

### 1.0 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.
- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

## **2.0 INTRODUCTION**

- 2.1 The applicant for the licence is Kentucky Fried Chicken (GB) Limited, Orion Gate, Gildford Road, Woking, Surrey, GU22 7NJ.
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 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 Where representations are made and not withdrawn Members are required to determine them.
- 2.4 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
- 2.5 The Licensing Service would like to inform members of the Sub-Committee that these premises have been issued with Temporary Event notices on 8 Separate occasions since October 2025 which have not attracted representations from Greater Manchester Police or Environmental Health.

## **3.0 THE APPLICATION**

- 3.1 The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

### **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 are attached at Appendix 1.

## **4.0 REPRESENTATIONS FROM AN INTERESTED PARTY**

4.1 One representation has been received from interested party.

4.2 The representation is attached at Appendix 2.

## **5.0 OBSERVATIONS**

5.1 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.

## **6.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003**

6.1 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.

6.2 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.

6.3 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.

## **7.0 CONCLUSION**

7.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

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

7.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council's licensing policy statement.

- 7.3 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.
- 7.4 In making its decision with regard to this grant hearing, 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
- 7.5 All licensing determinations should be considered on the individual merits of the application.
- 7.6 The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 7.8 The Sub-Committee is asked to determine what steps, as set out in 8.4 above, are appropriate for the promotion of the licensing objectives.

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### **Community impact/links with Community Strategy**

Not Applicable

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### **Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.</i>	

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### **Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

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### **Consultation:**

Not Applicable

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### **Legal Implications:**

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

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### **Financial Implications:**

The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

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**Report Author and Contact Details:**

***For further information on the details of this report, please contact:***

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**Background papers:**

List of Background Papers:-  
Application form  
Representations received

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning

# **Appendix One**

## **Operating Schedule submitted by the applicant**

## **Conditions Consistent with The 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.

## **APPENDIX TWO**

### **Representations from an Interested Party**

## **Representation 1**

Representation Opposing Premises Licence Application – KFC Prestwich  
Licensing Act 2003 – Representation Against Grant of Premises Licence  
Premises: KFC, Prestwich, Bury Proposed Licensable Activity: Late Night  
Refreshment Proposed Hours: 23:00 – 05:00 (Monday–Sunday)

1. Introduction I am writing to formally object to the above application for a new premises licence permitting late-night refreshment at KFC, Prestwich. My representation is submitted under the Licensing Act 2003 on the basis that granting this licence would undermine the following statutory licensing objectives: (1) Prevention of Crime and Disorder; (2) Prevention of Public Nuisance; (3) Public Safety. Based on the location, the existing characteristics of the area, and documented past issues, the application poses a clear and foreseeable risk to these objectives.

2. Prevention of Public Nuisance Noise and Disturbance to Local Residents The proposed hours—extending throughout the night until 05:00—will inevitably result in continuous noise and disruption in a residential area. This includes vehicle noise from cars, taxis, and delivery drivers; door slamming; engines idling; loud conversations; arguments; and customer congregation. The premises is located directly opposite sheltered accommodation housing vulnerable residents and is also adjacent to a large residential housing complex. Allowing a fast-food outlet to operate throughout the night will severely impact sleep, wellbeing, and quality of life. Cumulative Impact on a Quiet Residential Area Prestwich is not a designated late-night economy zone. Granting a licence until 05:00 introduces commercial night-time activity inconsistent with the surrounding residential environment and risks creating ongoing nightly nuisance.

3. Prevention of Crime and Disorder History of Anti-Social Behaviour There have been previous incidents involving anti-social behaviour, including incidents involving knives, associated with the premises or surrounding area. Extending its operating hours significantly increases the risk of disorder, intimidating behaviour, congregating groups, and late-night disturbances. Increased Policing Demand Night-time policing resources are already strained. Extending operating hours to 05:00 creates additional burdens on emergency services.

4. Public Safety Risks to Vulnerable Residents The sheltered accommodation opposite houses elderly and vulnerable individuals. Increased night-time activity elevates the risk of fear, intimidation, and exposure to anti-social behaviour. Traffic and Pedestrian Safety Extended operating hours increase late-night vehicle and pedestrian movement when visibility and supervision are reduced.

5. Lack of Justification for 23:00–05:00 Hours There is no demonstrated community benefit to late-night opening in this residential location. The predictable harm—disturbance, reduced sleep, safety concerns—significantly outweighs any commercial gain.

6. Conclusion Granting this licence would undermine the prevention of crime and disorder, the prevention of public nuisance, and public safety. The location is unsuitable for overnight trading, and local residents, including vulnerable groups, would face ongoing detriment. I respectfully request that the Licensing Authority refuse the application in full.