

## **Representation from Ward Councillors**

From: Shelley Lanchbury <cldr.shelley.lanchbury@manchester.gov.uk>

Sent: 07 November 2023 11:02

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Cc: Paula Sadler <cldr.paula.sadler@manchester.gov.uk>; Olusegun Ogunbambo <cldr.olusegun.ogunbambo@manchester.gov.uk>; Kirsten Flanagan <kirsten.flanagan@manchester.gov.uk>

Subject: Objection to application Ref 294435/CT4

Application for opening hours Mon-Sun 10am-5pm.

This objection is submitted by the Councillors for Higher Blackley – Cllr Lanchbury, Cllr Sadler and Cllr Ogunbambo.

Frenchies is situated on the main road – Victoria Ave in a small parade of shops with residential accommodation above. Housing to the rear and opposite. It is fronted by a small single track road that services the shops and then a wide grass verge,

The first point is that we routinely object to Licences after 11pm. There are no other premises in the area with a Licence after 11pm. Higher Blackley overall is a family residential area and we have therefore tried to ensure that late night disturbance is kept to a minimum.

The Application implies that ‘refreshment will take place indoors and outdoors’, it is the ‘outdoors’ after 11pm that raises most concern. On doing some research it would appear that Frenchies is serviced by Just Eats, Deliveroo, and Urber Eats with online ordering, for delivery and collection, this will entail cars and motor bikes coming and going during the requested hours i.e. until 5am with associated noise of car engines, movements of cars and people in and out of the area, car doors, general disturbance, and late nights commercials transactions.

The ample space outside could provide an ideal area for people to congregate which could lead to anti-social behaviour (ASB). Whilst we recognise that in the Application the Applicant says they will take steps to prevent and have no anti-social behaviour or drunken customers as well as being vigilant against the use and sale of illegal drugs, the premises are not in a prominent enough position, this may require the employment of additional staffs for late night security reasons and the business is unlikely to employ a large number of staff to ensure this happens, without causing nuisance disturbances to residents of the area.

Victoria Avenue is a main thoroughfare through Higher Blackley and whilst not busy in the early hours it does connect Rochdale Road and Middleton Road and speeding vehicles are a regular occurrence, therefore delivery vehicles pulling out from a small not well-lit junction could be dangerous.

Overall to stay in keeping with Higher Blackley being a family residential area we object to any extension of the Licence hours after 11pm.

Cllrs, Lanchbury, Sadler and Ogunbambo

November

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## **Representation from Resident 1**

**From:** [REDACTED]  
**Sent:** 07 November 2023 21:56  
**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>  
**Subject:** Re: Representation received - Re: 375 Victoria Avenue

Hi [REDACTED]

My name is [REDACTED]  
My address is [REDACTED]

**From:** [REDACTED]  
**Sent:** 06 November 2023 23:30  
**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>  
**Subject:** 375 Victoria Avenue

Hi,

I live [REDACTED] and this takeaway has been open late nights recently.

It causes lots of noise in early morning hours which is not good for my me and my kids who have school on weekdays.

I also see lots of road traffic late at night as a result of this which is also causing problems. I don't understand why a takeaway so isolated will need to be opened at such a late time in the morning.

This just causes unnecessary disruption in the community.

You can see on Uber Eats they have been opening during early morning hours already. I can provide proof of this if necessary.

Please can you take my opinions into account when allowing the license.

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## **Representation from Resident 2**

**From:** webfeedback@manchester.gov.uk <webfeedback@manchester.gov.uk>

**Sent:** 06 November 2023 23:11

**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>

**Subject:** Make representation to a licensing or gambling application: 5535554

### **Page: Your details - gambling licence**

- First name: [REDACTED]
- Last name: [REDACTED]
- House or flat name or number: [REDACTED]
- Street: [REDACTED]
- Area: [REDACTED]
- Postcode: [REDACTED]
- Phone number: [REDACTED]
- Email: [REDACTED]

### **Page: Premises details - gambling licence**

- Application reference number: 294435/CT4
  - Premises name: Frenchies
  - Address: 375 Victoria Avenue M9 8WQ
  - Please state your comments on this application: I object to this as they have been opening late till 5/6am without a late night refreshment license to operate since March 2023. They now close at 11pm and open at 4:30am each night since they have made this application. They have operated illegally for months and still continue to so and therefore they should not be rewarded by being given a license now. The area becomes noisier due to them being open late at night and attracts late night hooligans.
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## **Representation from Neighbourhoods**

From: Kirsten Flanagan <kirsten.flanagan@manchester.gov.uk>  
Sent: 26 October 2023 08:39  
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>  
Subject: Fw: Premises Licence (new) 294435/CT4: Frenchies, 375  
Victoria Avenue, Blackley, Manchester, M9 8WQ, (Higher Blackley ward)

Hello

I am writing to object to the granting of this licence for operation until 5am in the morning, on the grounds of The Prevention of Public Nuisance.

This business is right in the heart of the local community, surrounded by residential properties.

Regards,

Kirsten Flanagan  
Neighbourhood Manager  
Harpurhey, Charlestown and Higher Blackley  
North Neighbourhood Team  
Neighbourhoods Directorate  
Level 2  
Abraham Moss Centre  
Crescent Road  
Crumpsall  
Manchester  
M8 5UF

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**Licensing & Out of Hours Compliance Team - Representation**

Name	Wayne Adams
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	<a href="mailto:wayne.adams@manchester.gov.uk">wayne.adams@manchester.gov.uk</a>
Telephone Number	0161 234 1220 / [REDACTED]

**Premise Details**

Application Ref No	<b>REF: 294435</b>
Name of Premises	Frenchies
Address	375 Victoria Avenue, Blackley, Manchester, M9 8WQ

**Representation**

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours Team (LOH) have assessed the likely impact of the granting of this application considering a number of factors, including the nature of the area in which the premises is located and any potential risk the granting of this licence could lead to issues of public nuisance.

The application for the Premises Licence requests the provision of Late-Night Refreshments (LNR) and opening hours to the public as the following:

Monday	1000hrs – 0500hrs
Tuesday	1000hrs – 0500hrs
Wednesday	1000hrs – 0500hrs
Thursday	1000hrs – 0500hrs
Friday	1000hrs – 0500hrs
Saturday	1000hrs – 0500hrs
Sunday	1000hrs – 0500hrs

This is in direct contravention of the hours that have been stipulated by Manchester City Council's Planning Department for the premises in Correction Notice APP / B4215 / W / 15 / 3133837, which are set out as follows:

Monday	1100hrs – 2200hrs
Tuesday	1100hrs – 2200hrs
Wednesday	1100hrs – 2200hrs
Thursday	1100hrs – 2200hrs
Friday	1100hrs – 2200hrs
Saturday	1100hrs – 2200hrs

Sunday	1100hrs – 2200hrs
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The applicant has also submitted an Operating Schedule to meet the requirements of the four Licensing Objectives as outlined within the Licensing Act 2003. The requirements of which are as follows:

1. Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. Protection of Children from Harm

Although the content of the Operating Schedule looks to be comprehensive, Licensing and Out of Hours (LOH) feels that there is a lack of clarity with regards to what actions are to be implemented to adhere to the conditions as outlined within Prevention of Public Nuisance. Specifically, there are concerns that the extended hours are going to enhance the activity of collection and delivery couriers throughout the area, alongside this increase in vehicular activity, the extended hours are also likely to see an increase in footfall and therefore a potential for a rise in Anti-Social Behaviour. The premises is located below residential apartments and has residential dwellings located approximately 46 metres to the North and 37 Metres to the South, Licensing and Out of Hours believe that extending the operational hours of the premises to 0500hrs will likely impact these residences.

In making my decision to recommend refusal of the application of this licence, I refer the Committee Members to the **Statement of Licensing Policy 2021-2026**, specifically, "***The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance***" Section 7.26, Section 7.27, Section 7.31 and Section 7.32, which I have highlighted below:

**Section 7.26**

*Where premises are in the direct vicinity of local residential properties, and where its discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance, such as: – Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise – Prevention of noise disturbance from people entering and leaving the premises (eg. queue management, dispersal policy) – Prevention of disturbance by people outside the premises (eg. smoking areas) – Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside licensed premises) – Disturbance caused by deliveries associated with licensable activities, including waste collection.*

**Section 7.27**

*The leisure and night-time economy can be an important contributor to an area's appeal to work, live or visit there. However, each of our neighbourhoods is different to each other and services need to be flexible to meet these different needs. For example, while doorstep access to a thriving late-night-time economy appeals to many living and working in the city centre, it will not be acceptable to those in other areas of the city.*

**Section 7.31**

*It is recognised 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.*

**Section 7.32**

*Therefore, where its discretion is engaged, the authority will be mindful of the density of residential use in proximity to the premises and the level of risk of nuisance arising. The authority expects that terminal hours will normally be earlier to promote the licensing objectives for licensed premises located in areas with a higher density of residential property.*

Licensing and Out of Hours also believe that there is the potential that the provision of Late-Night Refreshment could lead to an increase in litter being discarded within the vicinity of the premises and surrounding area and there are no clear measures in place within the application to guarantee that the premises and surrounding areas are kept clean and free of litter.

Finally, Licensing and Out of Hours doubt the business viability of the proposed application given that it is located within a highly residential area with only three Public Houses located within a 1km radius of the premises and therefore an extension to 0500hrs is not appropriate for the locality.

In conclusion, Licensing and Out of Hours, after careful consideration of all the facts provided and a thorough review of the evidence obtained through our investigation of this application feel that there is no positive gain to the local community if this application is approved by Committee.

Recommendation:

Refuse Application



