

Democratic Services

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Date: 30 July 2014

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To: All Members of the Licensing Sub-Committee

Councillors:- Manda Rigby, Roger Symonds and Anthony Clarke

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Tuesday, 5th August, 2014

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 5th August, 2014** at **10.00 am** in the **Kaposvar Room - Guildhall, Bath.**

Briefing

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes, Sean O'Neill
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Enfys Hughes, Sean O'Neill who is available by telephoning Bath democratic_services@bathnes.gov.uk or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Enfys Hughes, Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

3. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

Licensing Sub-Committee - Tuesday, 5th August, 2014
at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVER APPLICATION (Pages 7 - 10)

The Chair will, if required, explain the licensing procedure.

6. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business because of the likely disclosure of exempt information as

defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended”.

7. CONSIDERATION OF MEDICAL CONDITION - BTG (Pages 11 - 20)
8. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - W H (Pages 21 - 34)
9. RETURN TO OPEN SESSION
10. LICENSING PROCEDURE - APPLICATIONS FOR MISCELLANEOUS LICENSES, PERMITS, CONSENTS (Pages 35 - 38)
11. APPLICATION FOR A STREET TRADING CONSENT - PROPOSED EVENING HOT FOOD VENDOR, FIRST AVENUE, WESTFIELD TRADING ESTATE, RADSTOCK (MAHMUT YURT). (Pages 39 - 66)
12. LICENSING PROCEDURE - PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES LICENCE OR FOR A VARIATION OF A PREMISES LICENCE (Pages 67 - 70)
13. APPLICATION FOR A PREMISES LICENCE FOR SUBWAY, 31 SOUTHGATE STREET, BATH BA1 1TP (Pages 71 - 108)

The Committee Administrator for this meeting is Enfys Hughes, Sean O'Neill who can be contacted on democratic_services@bathnes.gov.uk.

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Licensing Sub Committee Hackney Carriage (taxi) and Private Hire Driver Application Procedure

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant, representative and/or witness is asked to leave the room while the Committee consider the Disclosure and Barring Service report, references and statement.
4. The Applicant, representative and/or witness returns and presents the case to the Committee.
5. The Applicant may be questioned about the matter by the Committee.
6. The Applicant may call witnesses in support of their application and each witness may be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
10. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

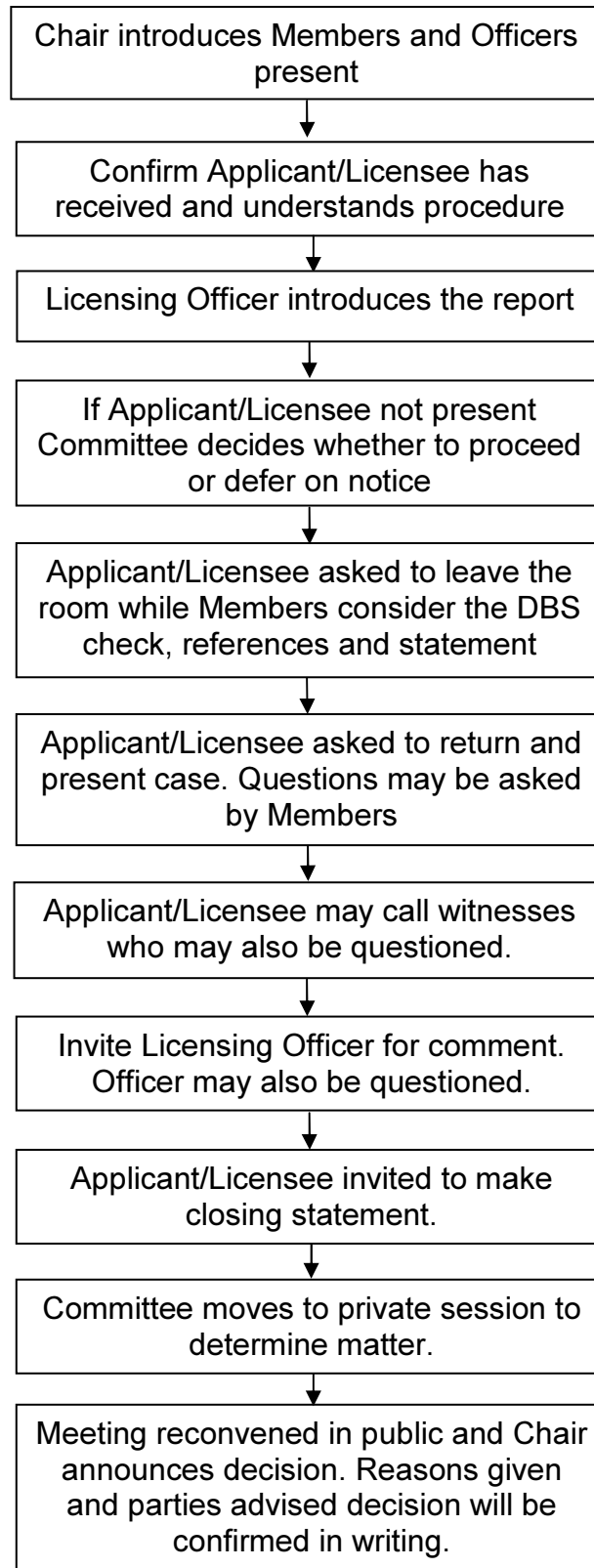
PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

**LICENSING SUB-COMMITTEE
HACKNEY CARRIAGE (TAXI) AND
PRIVATE HIRE VEHICLES DRIVERS' LICENCE PROCEDURE**



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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-1203-14

Meeting / Decision: Licensing Sub-Committee

Date: 5 August 2014

Author: John Dowding

Exempt Report Title: Consideration of Medical Condition

Exempt Appendix Title:

Annex A – **Current Combined Hackney Carriage/Private Hire
Drivers Licence**

Annex B – **Extract from At A Glance Guide To Medical Fitness To
Driver (DVLA)**

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any medical information is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the medical condition of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session.

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-1202-14

Meeting / Decision: Licensing Sub-Committee

Date: 5 August 2014

Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:
 Annex A – Application Form
 Annex B – Policy on Convictions, Cautions and Fixed Penalty Notices

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

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Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session.

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LICENSING SUB COMMITTEE PROCEDURE APPLICATIONS FOR MISCELLANEOUS LICENSES, PERMITS, CONSENTS

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant and or representative present their case and may be questioned by the Committee and other parties.
4. The Applicant may call witnesses in support who may be questioned by the Committee and other parties.
5. The objecting parties address the Committee and can be questioned by the Committee and other parties on matters relevant to the application. Any person presenting evidence for an objecting party may also be questioned by Members and other parties.
6. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be questioned.
7. The parties are invited to make closing statements.
8. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
9. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.
10. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

PLEASE NOTE:

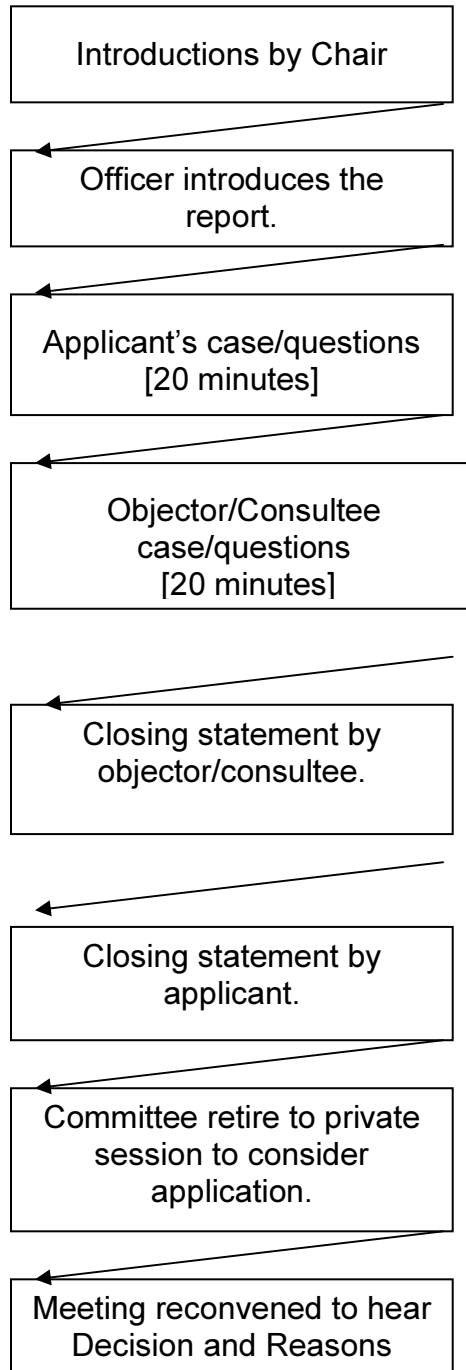
- Where the Committee considers it necessary the procedure may be varied.
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- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
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N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

**LICENSING SUB COMMITTEE PROCEDURE
APPLICATIONS FOR
MISCELLANEOUS LICENSES, PERMITS, CONSENTS**

OVERVIEW



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Bath & North East Somerset Council	
MEETING: Licensing (Taxis, Street Trading and Miscellaneous) Sub Committee	
DATE: Tuesday 5th August 2014	AGENDA ITEM NUMBER
TITLE: Application for a Street Trading Consent – Proposed evening Hot Food Vendor, First Avenue, Westfield Trading Estate, Radstock (Mahmut Yurt).	
WARD: Westfield	
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Annex A Application	
Annex B Site Plan / Photographs of site location	
Annex C Council’s Standard Conditions and Policy	
Annex D Highways Notice	
Annex E Objections	

1 THE ISSUE

- 1.1 To determine an application for a Street Trading Consent at Pitch 64 in First Avenue, Westfield Trading Estate, Radstock to trade in the evenings between 4pm and 11pm

2 RECOMMENDATION

- 2.1 That the Licensing (Taxis, Street Trading and Miscellaneous) Sub Committee determines the application.

3 FINANCIAL IMPLICATIONS

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £134.

4 THE REPORT

- 4.1 An application has been received for a street trading consent at Pitch 64 in First Avenue, Westfield Trading Estate, Radstock (Annex A) The Pitch was originally

approved by this Committee on 4th December 2012 for daytime trading only. A site plan is attached at Annex B.

- 4.2 The type of goods to be sold are Kebabs, Chicken, burgers, chips, hotdogs and soft drinks.
- 4.3 The size of the pitch – not applicable as this is custom made vehicle (Annex A).
- 4.4 The type of stall is a Custom made vehicle (Annex A).
- 4.5 The times applied for are:
Every day between 4pm and 11pm
- 4.6 All streets in Bath and North East Somerset are designated as ‘consent streets’. The effect of this is that, with certain exceptions, selling, exposing, or offering for sale any article in a street requires a street trading consent issued by the Council. Persons trading without consent are liable to prosecution for an offence and if convicted can be fined up to level 3 on the standard scale, currently £1000.
- 4.7 Street Trading consents are issued under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 4.8 Paragraph 7 provides that:
 - (1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
 - (2) Subject to sub-paragraph (3) below, the council may grant consent if they think fit.
 - (3) A street trading consent shall not be granted-
 - (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
 - (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
 - (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent-
 - (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
 - (6) The council may at any time vary the conditions of a street trading consent.

- (7) Subject to sub paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street-
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions-
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

4.9 When granting or renewing a street trading consent, the Council may attach such conditions to it as they consider reasonably necessary.

4.10 A copy of the Council's Street Trading Policy and Conditions is produced at Appendix C.

4.11 This report has not been sent to the Trades Union because they would have no involvement in this application.

4.12 A notice was placed on the highway on 12 June 2014 (Annex D).

4.13 Objections have been received from 4 businesses, 3 Parish Councillors and the Police. (Copies are attached at Annex E)

5 RISK MANAGEMENT

5.1 The risk identified is that the Council can be challenged regarding the outcome of this application. The mitigation answer is that the Council's policy has been adopted in advertising and consulting on this application. As it is now a contested application the matter has been referred to the Licensing Sub-Committee for determination.

6 EQUALITIES

6.1 The licensing team has not identified any equality issues in relation to this report.

7 CONSULTATION

7.1 In accordance with current Bath & North East Somerset Council policy, the Licensing Service consulted with the Police, the Council's Highways Maintenance Services, Property Services, Development Control Services , Ward / Parish Councillors and adjacent premises.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Human rights.

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services), and section 151 Officer (Divisional director- Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Andy Tapper, Licensing Officer Telephone 01225 477533
Background papers	None
Please contact the report author if you need to access the report in an alternative format.	

APPLICATION

From: cis@bathnes.gov.uk [<mailto:cis@bathnes.gov.uk>]

Sent: 18 April 2014 14:08

To: Licensing

Subject: Form submission from: Street Trading Pitches

Submitted Information from the form is shown below:

Name: Mahmut Yurt

Home Address: 10 Liskeard Way, Freshbrook, SN5 8NL, Swindon

Phone Number: 07554931098 - Email Address: emisenyurt@gmail.com

Details of Pitch: Buildbase Car park, westfield Ind est

Details of Goods: I would like to sell , Kebabs , Chicken, burgers , chips , hotdogs , soft drinks.

Trading Days & Hours: Seven days a week from 4:00 pm till 11:00 pm.

Type of Stall: I am going to trade in a burger Van , this is the pict :

Attached Document:

https://www.bathnes.gov.uk/sites/default/files/webform/image_7.jpg

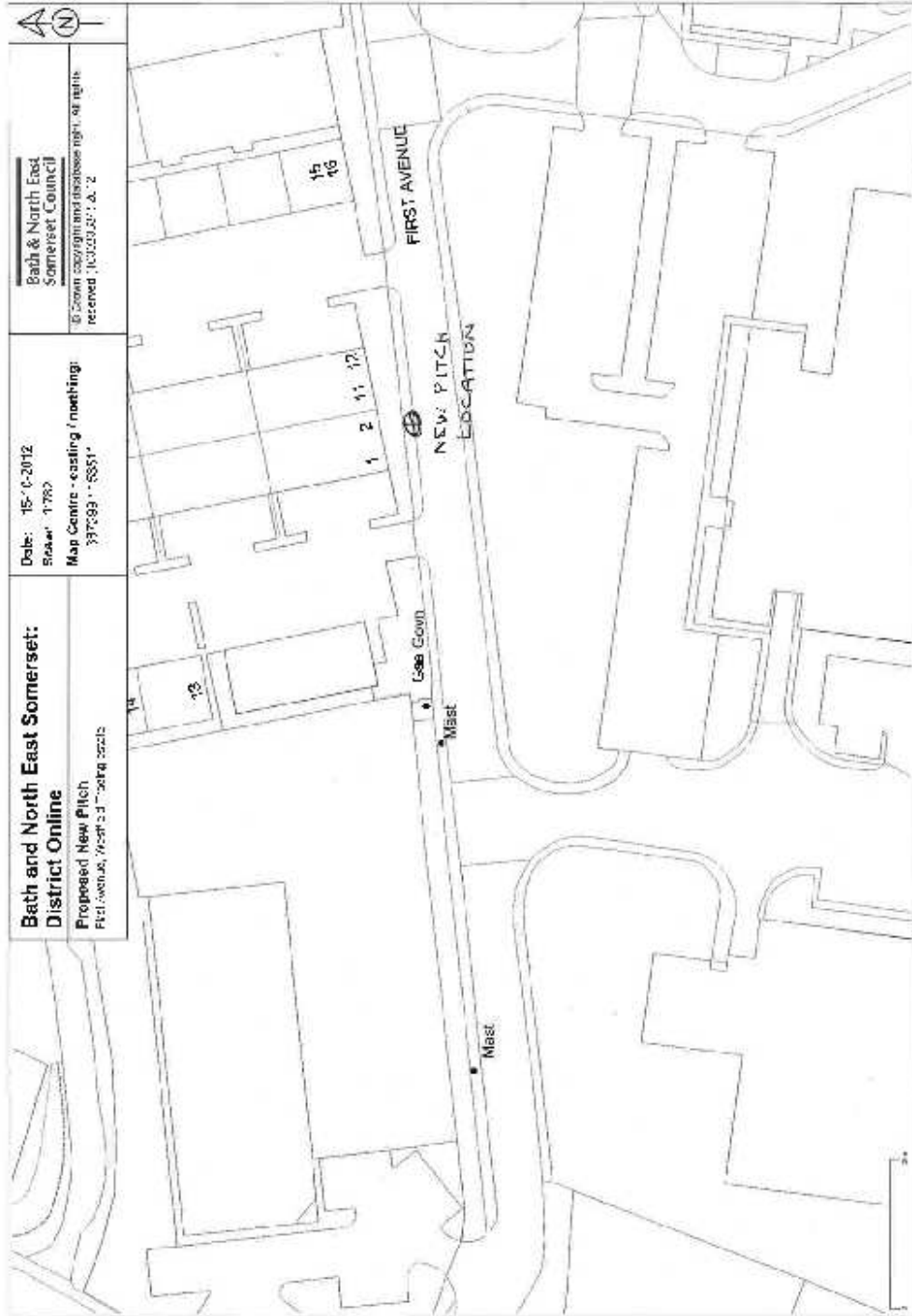
Submitted on Friday, 18 April 2014 - 2:07pm

The unique submission ID - 12317

Photograph of proposed Hot Food Unit



Site Plan



View along First Avenue away from Fosseway to show the layout of the road.



View along First Avenue towards Fosseway – Integrity Print is the large complex to the left of the picture



STREET TRADING POLICY

1 Purpose

1.1 The Council's street trading policy is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.

2 What is Street Trading?

2.1 Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment.

2.2 Bath & North East Somerset has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'consent streets' for street trading purposes.

2.3 The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council.

3 Exemptions from the need to obtain a Consent

3.1 Some types of trade are legally exempt from the need to obtain a street trading consent. These include:

- a) a pedlar trading under the authority of a pedlars' certificate**
- b) trade carried out by roundsmen e.g. milkmen**
- c) trade carried on at a petrol filling station**

4 Street Trading Consents for which fees are not payable

4.1 Bath & North East Somerset will not require the payment of fees for the following street trading activities:

- a) fetes, carnivals or similar community based and run events**
- b) non-commercial or charitable events**
- c) farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)**
- d) sales of articles by householders on land contiguous with their homes**

5 Site Assessment

5.1 The Council will identify suitable 'pitches' for street trading and will also consider applications from individuals to create new pitches in specific

locations if the applicant can demonstrate a clear demand for the goods or service he/ she would provide.

5.2 Consents may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location.

5.3 In determining whether to create a street trading pitch the Council will have regard to:

- a) any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving**
- b) any loss of amenity caused by noise, traffic or smell**
- c) existing Traffic Orders e.g. waiting restrictions**
- d) any potential obstruction of pedestrian or vehicular access**
- e) any obstruction to the safe passage of pedestrians**
- f) the safe access and egress of customers and staff from the pitch and immediate vicinity**

6 Consultation

6.1 Before a new pitch is created the Council will consult and seek written observations from:

- i) occupiers of premises immediately adjacent and opposite**
- ii) ward councillors**
- iii) parish or town council**
- iv) Avon & Somerset Constabulary**
- v) Development Control (B&NES)**
- vi) Highways (B&NES)**

The Council will also consider any responses received in relation to public notices on the highway.

6.2 Any objection from consultees will be assessed against the criteria in 5.3 above and may be referred to the Regulatory (Licensing) Committee for determination.

6.3 Any proposed change to standard conditions (see 10.1 below) will be consulted with consent holders and others, if relevant.

7 Nature of Goods and Trading Hours

7.1 The nature of goods which may be sold from any pitch will be specified in the consultation process. Any subsequent substantial change will be subject to the level of consultation in 6.1 above.

7.2 The Council would not normally grant a consent for the sale of goods or services which conflict with those provided by nearby shops.

- 7.3 Goods will normally consist of craftwork, fresh flowers, ice cream or soft drinks. Other types including services will be considered on a pitch by pitch basis and have particular regard to local needs shopping, product/ service diversity and balance.**
- 7.4 Street trading hours will normally mirror those of shops in the immediate vicinity. In the case of hot food takeaways trading hours will be determined on a pitch-by-pitch basis.**
- 7.5 The design and appearance of the stall, barrow, van or cart etc. used must be agreed by the Council's Head of Environmental and Consumer Services.**
- 8 Issue of Street Trading Consents**
- 8.1 Street trading consents will normally be issued for a period of three months. Consents for shorter periods may be issued for block bookings for the purpose of organised street markets and for mobile street artists.**
- 8.2 Consents will be issued for a minimum of six days per week, unless the applicant can provide an alternative scheme acceptable to the Head of Environmental and Consumer Services.**
- 8.3 Fees for consents must be paid in full in advance. In the case of renewals, payments must be made on a quarterly basis and be due on or before the following dates:**
- 1 January**
 - 1 April**
 - 1 July**
 - 1 October**
- 8.4 Failure to maintain payments as above may result in the consent not being renewed.**
- 8.5 Where a consent has expired the pitch will become subject to paragraphs 8.6 and 8.7 below.**
- 8.6 When an existing or new pitch becomes available, the Council will publish a notice inviting applications for the said pitch. The notice will be carried by one or more of the following: local newspaper, local radio, Council website; it may also be carried by other local publications.**
- 8.7 Applications will be determined by the Head of Environmental and Consumer Services in consultation with the Executive Members for Economic Development & Environment and for Community Safety, Housing and Consumer Services. Each pitch will be offered to the applicant whose proposal is considered most suitable for the particular pitch. If no suitable application is received the pitch will be re-advertised.**

8.8 A consent will not be issued to a person who is not aged 17 years or over, or to anyone on account of misconduct or for any other appropriate reason is unsuitable to hold a consent.

9 Fee Structure

9.1 The fee structure will primarily reflect pitch location, trading days and hours. Other matters to be taken into consideration will include local needs shopping.

9.2 The Head of Environmental and Consumer Services in consultation with the Executive Member for Community Safety, Housing and Consumer Services has delegated authority to set fees and to annually review the fee structure.

10 Conditions and Enforcement

10.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

10.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.

10.3 Failure to comply with conditions may lead to revocation or non-renewal of a consent.

10.4 Persons trading without a consent and who are not exempt (see 3.1 above for examples) will be the subject of enforcement action in accordance with the Environmental and Consumer Services Enforcement Policy.

11 Social Inclusion

11.1 The Council will, where possible, give priority to the provision of consents to disabled persons and to those from minority ethnic groups.

12 General

12.1 Through its tourism service and by other means, the Council will seek opportunities to promote street trading activities.

12.2 This policy will complement and inform other Council initiatives including those on street markets and life in the public realm.

12.3 This policy will be the subject of periodic monitoring and review.

12.4 This policy will inform the detailed conditions attached to every street trading consent.

12.5 This policy will be applied in a manner which is consistent with the Council's equalities policies.

STREET TRADING CONSENT - GENERAL CONDITIONS

- 1 The holder of this Consent (which expression where appropriate includes joint holders of this Consent) and any person employed by him to assist him in his trading, shall produce it on demand when so required by a Police Officer or a duly authorised officer of the Bath & North East Somerset Council.**
- 2 The holder shall return this Consent to the Bath & North East Somerset Council immediately on revocation or surrender of the Consent.**
- 3 The holder shall not trade otherwise than strictly in accordance with this Consent.**
- 4 The holder shall notify the Head of Environmental and Consumer Services at Bath & North East Somerset Council, 9-10 Bath Street, Bath BA1 1SN immediately of any convictions or proceedings arising out of the use or enjoyment by the holder of this Consent.**
- 5 The holder shall not cause any obstruction of the street or danger to persons using it and shall not permit persons to gather around him or any van, cart, barrow, other vehicle or stall included in this Consent so as to cause a nuisance or annoyance or danger to any persons lawfully using the street and shall not park any such van etc. on the footway or verge of the street.**
- 6 The holder shall not use or suffer or permit any music playing, music reproducing or sound amplification apparatus or any musical instruments radio or television receiving sets whilst trading under this Consent, save as varied by a special condition of this Consent.**
- 7 The holder shall not place on the street or affix to any equipment placed on the street any advertising material of any description whatsoever except with the previous consent in writing of the Head of Environmental and Consumer Services for the time being of the Council.**
- 8 The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street or place or fix any equipment of any description in the said surface.**
- 9 The holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.**
- 10 The holder shall not place on the street any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.**
- 11 The holder shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger nuisance or annoyance to or cause damage or inconvenience to the Council or to the**

owners or occupiers of any adjacent or neighbouring premises or to members of the public.

- 12 The holder shall not assign, underlet or part with his interest or possession under this Consent or any part thereof, but he may surrender it at any time.
- 13 The holder shall observe and comply with any directions in relation to the use of the street given by the Head of Environmental and Consumer Services or the Director of Property and Engineering Services for the time being of the Council.
- 14 The holder shall keep his trading position and the immediately adjacent area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
- 15 The holder shall provide at his own cost and expense litter bins or similar receptacles for the deposit of cartons, wrappings, containers and similar discarded items if required by the Head of Environmental and Consumer Services, and remove them and their contents at the end of each daily period of use under this Consent.
- 16 The holder shall retain with any van, cart, barrow, other vehicle or stall included within this Consent any water used or waste produced until the end of each daily period of use under this Consent and then remove it and dispose of it elsewhere, and in particular shall not deposit any such waste near or into any street drain or channel.
- 17 The holder shall indemnify and save harmless the Council and their agents, servants and workmen from and against all proceedings damages claims or expenses in respect of an injury (including personal injury) which may be sustained by the Council or any person or persons body or company whatever arising out of, or in any way connected with, his trading and the provision of facilities under this Consent.
- 18 This Consent may be revoked by the Council at any time and the Council shall not, in any circumstances whatsoever, be liable to pay any compensation to the holder in respect of such revocation.
- 19 The Consent holder or any person employed by him to assist him in his trading shall at all times wear the identification badge issued by Bath & North East Somerset Council whilst trading from the pitch. The badge shall be worn in a conspicuous position on the upper body.
- 20 The holder shall return the identification badge(s) to the Bath & North East Somerset Council immediately on revocation or surrender of the Consent.
- 21 All street trading fees are due quarterly in advance on 1 January, 1 April, 1 July and 1 October each year.

Notes:

- 1 Street trading in a consent street without a Street Trading Consent, or from a van, cart etc. not specifically permitted by a Consent, or contravening certain conditions attached to a Consent, amounts to an offence for which proceedings may be instituted.**
- 2 A Street Trading Consent does not confer immunity from the provisions of any Street Parking Places Order or General Traffic Restriction Order. In case of doubt about the effect of any such Order, enquire at the Environmental and Consumer Services, 9-10 Bath Street, Bath BA1 1SN .**
- 3 The Local Government (Miscellaneous Provisions) Act 1982 provides as follows:**

Schedule 4, Paragraph 10

- 1 A person who:
 - b engages in street trading in a consent street without being authorised to do so under this Schedule; or**
 - d being authorised by a street trading consent to trade in a consent street, trades in that street:
 - (i) from a stationary van, cart, barrow or other vehicle; or**
 - (ii) from a portable stall,******without first having been granted permission to do so under paragraph 7 (8) (of this Schedule); or****
 - e contravenes a condition imposed under paragraph 7 (9) (of this Schedule),**
- shall be guilty of an offence.**
- 2 It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.**
- 3 Any person who, in connection with an application for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.**
- 4 A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine.**

HIGHWAY NOTICE



Application Ref. 14/03014/STTRAD

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PITCH 64, FIRST AVENUE, WESTFIELD TRADING ESTATE, RADSTOCK. BA3 4BS

NOTICE IS HEREBY GIVEN that an application has been made to Bath & North East Somerset Council for the grant of a Street Trading Consent at the above location.

Name of each applicant	Mahmut Yurt
Trading times	Every Day from 16:00 to 22:59
Articles for sale	Kebabs , Chicken, burgers , chips , hotdogs , soft drinks
Stall type	Purpose built food unit

If you wish to make any objections to the Council regarding the above application you should do so in writing to the undersigned by 2 July 2014.

Under the provisions of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, such objections will be made available for public inspection.

Dated 11 June 2014

Cathryn Humphries
Environmental Protection and Licensing Manager
Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Email: licensing@bathnes.gov.uk

OBJECTIONS**1. Neil Champion – Buildbase – First Avenue**

From: Radstock [<mailto:neil.champion@buildbase.co.uk>]
Sent: 18 June 2014 12:39
To: licensing@bathnes.gov.uk
Subject: Pitch 64

FAO Catherine Humphreys,

With reference to the application for a Kebab van on Westfield Ind. Estate. Pitch 64.

I am not sure that this is the right place for this type of business and will entice people onto the estate at night creating potential security, rubbish and other issues. Why would you grant permission on this estate anyway when it is so far away from everything else ?

I will await your response !

Neil Champion | Branch Manager | Radstock Buildbase
First Avenue, Westfield Ind. Estate,
Midsomer Norton, Radstock, BA3 4BS
Phone: +44 (0)1761 404140 | M: +44 (0)7826 891302 | Fax: +44 (0)1761 404142 |
www.buildbase.co.uk | www.grafton-careers.co.uk

2. Nick Biggs – Ken Biggs Ltd Builders

From: *email address removed*

Sent: 18 June 2014 10:11

To: Licensing

Subject: Application Ref: 14/03014/STTRAD [Scanned]

By Post and Email

For the attention of Cathryn Humphries

Application Ref: 14/03014/STTRAD - Pitch 64, First Avenue, Westfield Industrial Estate, Radstock, BA3 4BS

Dear Ms Humphries

We are writing in connection to the above application as owners and Landlord of several industrial units near to the proposed pitch. We object to the application as follows:

- Westfield Trading Estate is totally unsuitable for this type of business – it is not a ‘High Street’ area that is policed and to encourage people onto the Estate at night is just asking for trouble.
- Property security and litter should also be taken into consideration as both will become a problem with late night visitors.
- We can see very little benefit for the Estate as most businesses will be closed and employees gone home.
- We would also question if Westfield, Midsomer Norton and Radstock really need another fast food outlet.

It was a mistake to allow the original day pitch on the main entrance road of a very business Industrial Estate – do not make the same mistake again. The Estate, especially at night, is just not suitable.

Yours sincerely

Nick Biggs
Ken Biggs Ltd

3. T A Simcox – Simcox Body Repairs – First avenue

From: Simcox Body Repairs [<mailto:Simcox@xln.co.uk>]
Sent: 23 June 2014 10:49
To: Licensing
Subject: Application Ref: 14/03014/STRAD

June 23rd 2014. For the attention of Cathryn Humphries. From T.A. Simcox Body Repairs. Unit 13 Westfield Trading Est. Radstock .BA3 4BS.

I object to the application ref: as above for a fast food stall on First Avenue, Westfield Trading Estate, Radstock. as it is a danger to ourselves & customers turning out of our road as it blocks our line of sight.
We have had accidents in the past due to this.

It appears the council have concerns about this kind of parking on Second Avenue but encourage it on First Avenue.

Its also a problem at night as it encourages people onto the Trading Estate when it is not policed, and again we have had theft and damage done to our property & vehicles.

Yours sincerely T.A. Simcox

4. Insp Shirley Eden – Avon and Somerset Police (Radstock)

From: Shirley Eden [mailto:Shirley.Eden@avonandsomerset.police.uk]
Sent: 23 June 2014 15:32
To: Andrew Tapper
Subject: RE: Application for hot food vendor - First Avenue, Westfield Trading estate

Hi Andrew,

The below raises concern as the estate is usually empty after working hours and such a facility will highlight the vulnerability of those units to a sudden passing trade. We have finally managed to remove vehicle Anti-Social Behaviour from the estate and I am concerned that having a refreshment facility will attract vehicles back to the area. Police resources will remain concentrated on Midsomer Norton High Street leaving this area vulnerable to further incidents. The lack of CCTV at the location furthers my concern.

The grounds I would put forward are in relation to past anti- social use of vehicles in and around the estate in the evenings. We (the police) have spent a considerable amount of time and effort in resolving this problem. I believe the introduction of this facility would encourage those drivers to return.

There are already a considerable number of chip shops and takeaways in Westfield where all of the refreshments described can be purchased.

Regards

Shirley Eden
Inspector
Radstock Neighbourhood Team
Bath & North East Somerset Operations
(Phone: 01225 842633
(Mobile: 07771 834534
: E-mail: shirley.eden@avonandsomerset.police.uk
+Mail: Radstock Police Station, Wells Road, Radstock, BA3 2SG
 [@ASPRadstock](#)

5. Cllr E Newman – Westfield Parish Council

From: Edward Newman [<mailto:raob10609@gmail.com>]
Sent: 24 June 2014 16:49
To: Licensing
Subject: Street Trading at first avenue Westfield

I Eddie Newman A Westfield Parish Councillor Being unwell and unable to attend our Parish Council meeting would like to make an objection to this application on the grounds that there is already too much vandalism in that area already and to attract the age group this vendor is catering for is asking for trouble. The police are already stretched to the limit. There are boy racers upsetting the locals now, and this would only increase the problem.

Regards Eddie Newman

6. Cllr Geoff Fuller, Chair of the Westfield Parish Council

From: name removed@westfieldparishcouncil.co.uk]

Sent: 25 June 2014 11:57

To: Andrew Tapper

Subject: RE: Hot Food vendor application

I strongly object to the application as we have food outlets in the area already and this is only causing problems to the neighbourhood and residents and causing young people to congregate in the park area which is causing vandalism.

Cllr Geoff Fuller, Chair of the Parish Council

7. Cllr Phil Wilkinson – Westfield Parish Council

From: name removed@westfieldparishcouncil.co.uk]
Sent: 25 June 2014 11:57
To: Andrew Tapper
Subject: RE: Hot Food vendor application

I personally feel that we have no need for a further fast food outlet in Westfield. As already stated it could well be a recipe for trouble at Norton Hill, we have enough problems with vandalism in that area now. There is also the fact that we already seem to have a kebab shop in Westfield if it opens at Westfield shops.

Cllr Phil Wilkinson

8. Integrity – First Avenue

INTEGRITY
THE PRINT PROFESSIONALS

Cathryn Humphries
Environmental Protection and Licensing Manager
Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

26 June 2014

Application Ref: 14/03014/STTRAD

Dear Ms Humphries,

Please accept this letter as our formal objection to the trading application on the following grounds:

The pitch is directly opposite our premises which are completely open plan and therefore accessible at all times. We are extremely concerned about trespassers congregating in the area during the evenings and particularly at weekends. As the area is not regularly policed there is a potential for criminal activity.

Our private car park will almost certainly become a meeting point for people using the facility both during our hours of business as well as at night and at weekends.

Finally, there is a potential for unsightly littering and discarded food waste. There are already considerable numbers of Urban Gulls populating the immediate area and this can only exacerbate the situation.

Yours sincerely

NAME REMOVED FROM LETTER AS REQUESTED

OBO Integrity

Westfield Trading Estate, Midsomer Norton, Bath BA3 4BS
Telephone: +44(0)1761 409200 Fax: +44(0)1761 409289

www.integrity-print.com

9. Mr Jones – Avonsoft Water Treatment



15/16 First Avenue, Westfield Trading Estate, Midsomer Norton, Radstock BA3 4BS
Tel: 01761 416833 Fax: 01761 419010

30th June 2014

Ms. Cathryn Humphries
Environmental Protection and Licensing Manager
Licensing Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

Dear Ms. Humphries

Application Ref: 14/03014/STTRAD
-Pitch 64, First Avenue, Westfield Industrial Estate, Radstock, BA3 4BS

We object to the above application due to the following reasons.

There is litter discarded in and around the vicinity of the current "morning" take away business trading from this pitch – an "evening" take away business would increase this further.

Westfield Industrial Estate is exactly what it says – it is NOT a high street. It is an access route for business vehicles going about their work. Problems already exist from dangerous and inconsiderate parking around this pitch during the morning trade.

The estate is generally vacated by businesses after the hours of 6.00pm. We cannot see any viable business existing after this time unless main road advertising directs potential customers to this pitch from the Fosseway.

The estate is currently un-policed at night/weekends and already vulnerable to break-ins/vandalism. We feel granting this application would encourage and give validity to the criminal element of our society to be on the estate, together with the probable increased consequences.

There is no shortage of take away food outlets in the Westfield area. A fish and chip shop is only yards away from the entrance of the trading estate in one direction and a Chinese take away in the other, both selling identical type foods. A further outlet is un-necessary.

Yours sincerely

A.J.Jones
Avonsoft Water Treatment Ltd.

Registered Office: 15/16 First Avenue, Westfield Trading Estate, Midsomer Norton, Radstock BA3 4BS
Company Reg. No. 1380077 V.A.T. Reg. No. GB 601 0121 31



10. Lee Swain – Whitstone’s Fish & Chips (Norton Hill Ltd)

From: lee swain [mailto:swain_lee@sky.com]
Sent: 01 July 2014 11:36
To: Andrew Tapper
Subject: Street Trading Application

Hi Andy

I would like to register objection to Referencing - 14/03014/STTRAD.

Reasons of objection -

- 1 - There being already 2 - Fish & Chip Shop plus 1 - Kebab and Pizza Shop already servicing the area.
- 2 - The congregation of youths and cars causing disturbance to the Trading Estate.
- 3 - The disruption of neighbours with noise and litter.

Kind Regards

Lee Swain

Director

Whitstone`s Traditional Fish & Chips (Norton Hill Ltd)

11. Andrew Butcher – Westfield Parish Council

From: Andrew Butcher [<mailto:abwpc10@gmail.com>]
Sent: 01 July 2014 12:50
To: Licensing
Cc: Lesley Welch; Geoff Fuller
Subject: Objection To Street trading Application No. 14/03014/STTRAD

Dear Sirs,

I write to object to the Street Trading Application relating to Pitch 64, Westfield Industrial Estate, Radstock, BA3 4BS.

I believe that trading in this location and at the proposed times would have a detrimental effect upon Westfield and would result in increased anti-social behavior, vandalism, litter and disturbance to nearby residents. There has also been a problem with high speed driving in the area and this may be exacerbated.

Please present and support the objections to Mr Mahmut Yurt's Application.

Yours faithfully,

Andrew Butcher
Vice Chair of Environmental & Development Committee
Westfield Parish Council
(And a resident)

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**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR HEARING AN APPLICATION FOR A NEW PREMISES
LICENCE OR FOR A VARIATION OF A PREMISES LICENCE**

*The Chair will allow the parties an equal maximum period of time in which to make representations that will not normally exceed **twenty minutes**. Where more than one party makes relevant representations this time will be split between the parties and where several parties make similar representations it is suggested one representative is appointed to avoid duplication.*

The term “party” or “parties” will mean anyone to whom notice of this meeting has been given.

1. The Chair will introduce Members of the Sub-Committee, the Officers present and explain the procedure to be followed.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
3. (i) The Applicant/Licence Holder , or representative, addresses the Sub-Committee who may be asked relevant questions by the other parties and Members.
(ii) witnesses may be called in support of the application who may be asked relevant questions by the other parties and Members.
4. (i) Any party making relevant representations, or representative, will address the Sub-Committee who may be asked relevant questions by the Applicant, other parties and Members.
(ii) witnesses may be called in support of such representations who may be asked relevant questions by the Applicant, other parties and Members.
5. Responsible Authorities making representation will address the Committee and may be asked relevant questions by the Applicant, other parties and Members.
6. The other parties will be invited in turn to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Applicant/ Licence Holder will be invited to summarise the application.

8. *The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the room by all other persons.*

Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.

The Committee will reconvene the meeting and the Chair will announce the Committee’s decision with reasons and advise that the decision will be released in writing within the statutory time limits or advise that the decision will be

released in writing with reasons within the statutory time limit, in this instance, 5 working days.

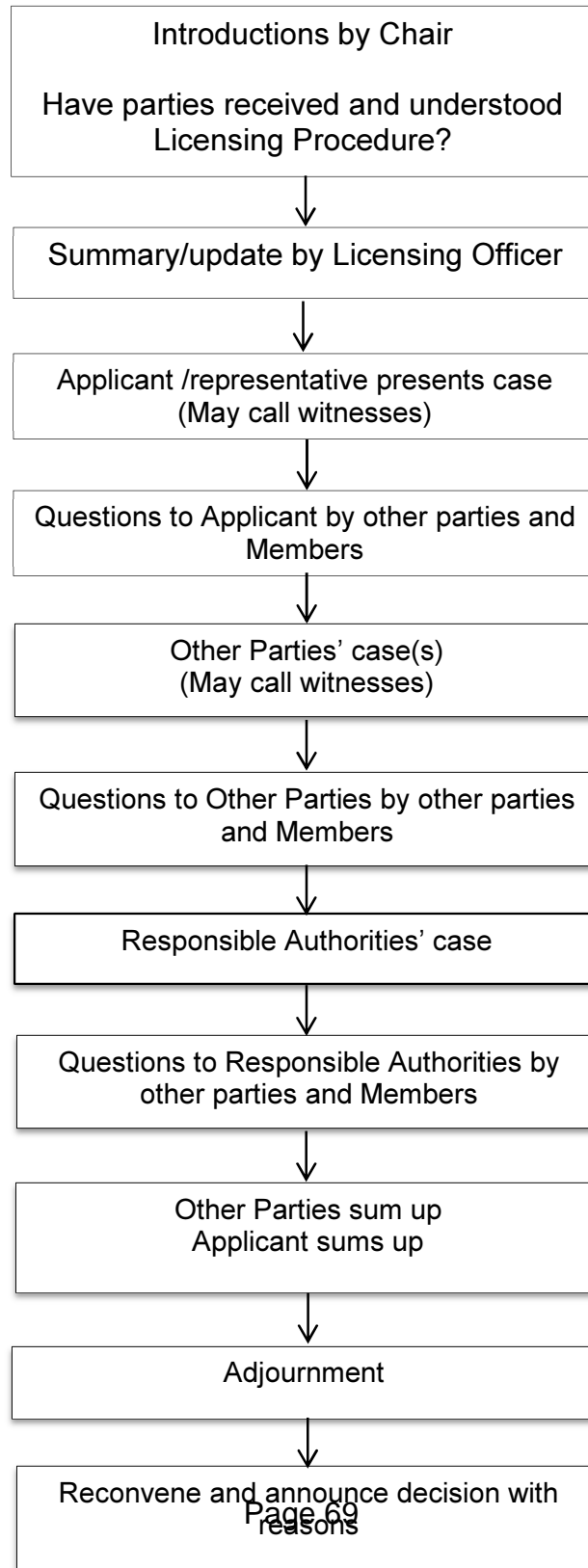
PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take into account any additional late documentary or other information produced by an existing party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.
- The hearing will take the form of a discussion and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and make efficient use of the allocated time.
- Where an objection is made by an association or residents group, a duly authorised person – as notified to the Licensing Authority – may speak on behalf of that association or group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.

Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.

**LICENSING SUB-COMMITTEE
LICENSING ACT 2003
PROCEDURE FOR NEW APPLICATIONS AND VARIATIONS**

*The parties will be allowed an equal maximum period of time not normally exceeding **twenty minutes**. Where more than one party make representations the time should be split equally between them. Where several parties make similar representations one representative should be appointed avoiding duplication and making the best use of the available time*



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Bath & North East Somerset Council		
MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 5 th August 2014	
TITLE:	Application for a Premises Licence for Subway , 31 Southgate Street, Bath BA1 1TP	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Annex A Application for a new premises licence</p> <p>Annex B Site plan</p> <p>Annex C Representation from 'other persons'</p>		

1 THE ISSUE

1.1 An application has been received for a new Premises Licence under s.17 of the Licensing Act 2003 in respect of **Subway**, 31 Southgate Street, Bath BA1 1TP.

2 RECOMMENDATION

2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.

4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".

4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

5 THE REPORT

5.1 An application has been received for a new Premises Licence (*Annex A*).

5.2 The application proposes:

1) The provision of **Late Night Refreshment:**

Monday to Saturday 23:00 - 03:00 the following morning

Sunday 23:00 - 00:00

2) **Opening hours:**

Monday to Saturday 07:00 - 03:00 the following morning

Sunday 07:00 - 00:00

5.3 A site plan is attached at *Annex B*.

5.4 The Licensing Act 2003 (*Section 4*) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- a) The Prevention of Crime and Disorder
- b) Public Safety
- c) The Prevention of Public Nuisance
- d) The Protection of Children from Harm.

Each objective is of equal importance. As there are no other licensing objectives, these four are of paramount consideration at all times. When considering applications, representations or notifications, the Licensing Authority will have regard to these licensing objectives.

5.5 The Licensing Authority may grant the application with or without additional conditions.

5.6 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-

- a) Paragraphs 3, 5, 6, 9, 10, 16, 17, 18, 20, 23, 24, 33 - 37, 41 to 44 of the 2011 policy.
- b) Chapters 2, 8, 9 and 10 of the Statutory Guidance (as revised in June 2014).

c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.

- 5.7 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.8 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates' Court. If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates' Court. On appeal the court may either dismiss the appeal, substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.9 In accordance with the requirements of the Act the applicants served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.10 The applicant is required to place a notice at the premises for a period of 28 consecutive days starting the day after the application is made, and to place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 5.11 Representations have been received from local business owners/landlords of nearby residential properties, the University of Bath (landlord of student accommodation) and local residents all of whom allege that the applicant's proposals will undermine the prevention of public nuisance licensing objective (*Annex C*).
- 5.12 The premises lie within the cumulative impact area. As representations have been received there is a presumption that the application will be refused unless the applicant can demonstrate that the operation of the premises will not add to the cumulative impact already being experienced.
- 5.13 This report has not been sent to the Trades Union because they would have no involvement.

6. RATIONALE

- 6.1 As representations have been received the Sub Committee must determine the application in accordance with the Licensing Act 2003.

7 OTHER OPTIONS CONSIDERED

- 7.1 None

8 CONSULTATION

- 8.1 In accordance with the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application in the manner prescribed, both at the premises and within a local publication.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

10 ADVICE SOUGHT

- 10.1 The Council's Monitoring Officer (Divisional Director-Legal & Democratic Services), section 151 Officer (Divisional Director-Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

Contact person	Kirsty Morgan, Licensing Officer 01225 396719
Background papers	Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 B&NES Statement of Licensing Policy

Bath & NES Council

ENVIRONMENTAL SERVICES

17 JUN 2014

**Application for a premises licence to be granted
under the Licensing Act 2003**

866216
190.00

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Stores Extra LLP

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 31 Southgate Street Bath (formerly Tony & Guy)			
Post town	Bath	Postcode	BA1 1TP
Telephone number at premises (if any)		Awaiting installation – office contact 01179 581581	
Non-domestic rateable value of premises		£24,000	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Stores Extra LLP
Address Registered: Audit House 260 Field End Road Eastcote Middlesex HA4 9LT Correspondence: Subway, 256 Southmead Road, Bristol, BS10 5EN
Registered number (where applicable) Partnership Number: OC389793
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Liability Partnership
Telephone number (if any) 01179 581 581
E-mail address (optional) stuart@subwaysubs.net

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	1	072014

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
N	A	± ± ± ± ± ±

Please give a general description of the premises (please read guidance note 1)

The premises are a terraced property on Southgate Street. It is adjoined by a Camping Retail Shop to the right and vacant premises to the left. The sole use of the premises will be as a Subway sandwich shop. The premises consist of two floors. The lower ground floor consists of customer seating/service area and food prep/storage space. There will be 11 seats on the ground floor. The first floor consists of customer seating, a store room and customer toilets. There will be 22 seats on the first floor. See attached plan for dimensions.

Ambient back ground music can be played at an agreed level.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>		
				Outdoors <input type="checkbox"/>		
				Both <input type="checkbox"/>		
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed					State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur						
Fri						
Sat					Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	07:00	03:00	<u>Please give further details here</u> (please read guidance note 3) Late night freshment will consist solely of standard Subway menu. No food is cooked on the premises, and bread will not be baked during licensed hours (after 23:00). Food will only be heated or kept hot by means of hot bain, toaster oven and microwave. Ambient background music will be played at agreed level, but can be turned off if required.		
Tue	07:00	03:00			
Wed	07:00	03:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) N/A		
Thur	07:00	03:00			
Fri	07:00	03:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) N/A		
Sat	07:00	03:00			
Sun	07:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

We will not single shift during licensed hours. All staff will be fully trained.

b) The prevention of crime and disorder

Digital CCTV system will be fitted to premises. This will hold recordings for 30 days and will be date and time stamped. Images and recordings will be in line with required police format to make it easy for police and any necessary parties to have access too. The system will be simple to use and staff will be trained on how to turn off images/recordings to assist the police and any necessary parties.

c) Public safety

Signage will be installed inside the premises, at visible points, to ask patrons to quietly leave the premises and to respect residents.

We will undertake regular checks to ensure the immediate vicinity of the premises is kept clean and tidy. Refuse receptacles will be situated within the store for patrons to use.

d) The prevention of public nuisance

Signage will be installed inside the premises, at visible points, to ask patrons to quietly leave the premises and to respect residents.

We will undertake regular checks to ensure the immediate vicinity of the premises is kept clean and tidy.

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	16/06/2014
Capacity	Sue Pasco – Director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Stuart House
Subway 256 Southmead Road Bristol BS10 5EN

Post town	Bristol	Postcode	BS10 5EN
Telephone number (if any)	01179 581 581		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) stuart@subwaysubs.net			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Kirsty Morgan

From: Stuart House <stuart@subwaysubs.net>
Sent: 17 June 2014 13:29
To: Kirsty Morgan
Cc: Licensing
Subject: RE: Subway - New Premises Licence

Hi Kirsty

Thank you for the call.

Yes the hours below are our initial opening hours whilst we establish trading patterns. They may then be reduced.

As discussed the blue notice wording will be amended.

Any other queries please let me know.

Kind Regards

Stuart House

Franchisee and Development Administrator

T : 01179 581 581

M : 07824 512140

P : 256 Southmead Road, Westbury on Trym,
 Bristol, BS10 5EN

Passion. Pride. Perfection



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From: Kirsty Morgan [mailto:Kirsty_Morgan@BATHNES.GOV.UK]
Sent: Tuesday, June 17, 2014 1:24 PM
To: Stuart House
Cc: Licensing
Subject: Subway - New Premises Licence

Dear Stuart,

Re: Subway, 31 Southgate Street, Bath BA1 1TP – New Premises Licence Application.

Further to our telephone conversation can you please confirm the opening times being applied for? We discussed that you proposed:

Monday – Saturday: 07:00 to 03:00 hours
Sundays: 07:00 to 00:00 hours

I can also confirm that Late Night Refreshment starts at 23:00 hours.

Kind regards,

Kirsty

Kirsty Morgan

Public Protection Officer (Licensing)
Public Protection and Health Improvement Service
Bath & North East Somerset Council
Tel: 0122539(6719)
Email: kirsty_morgan@bathnes.gov.uk
Licensing@bathnes.gov.uk

A revised version of our Statement of Licensing Policy is available for you to view and submit comments at www.bathnes.gov.uk/licensing-consultation.

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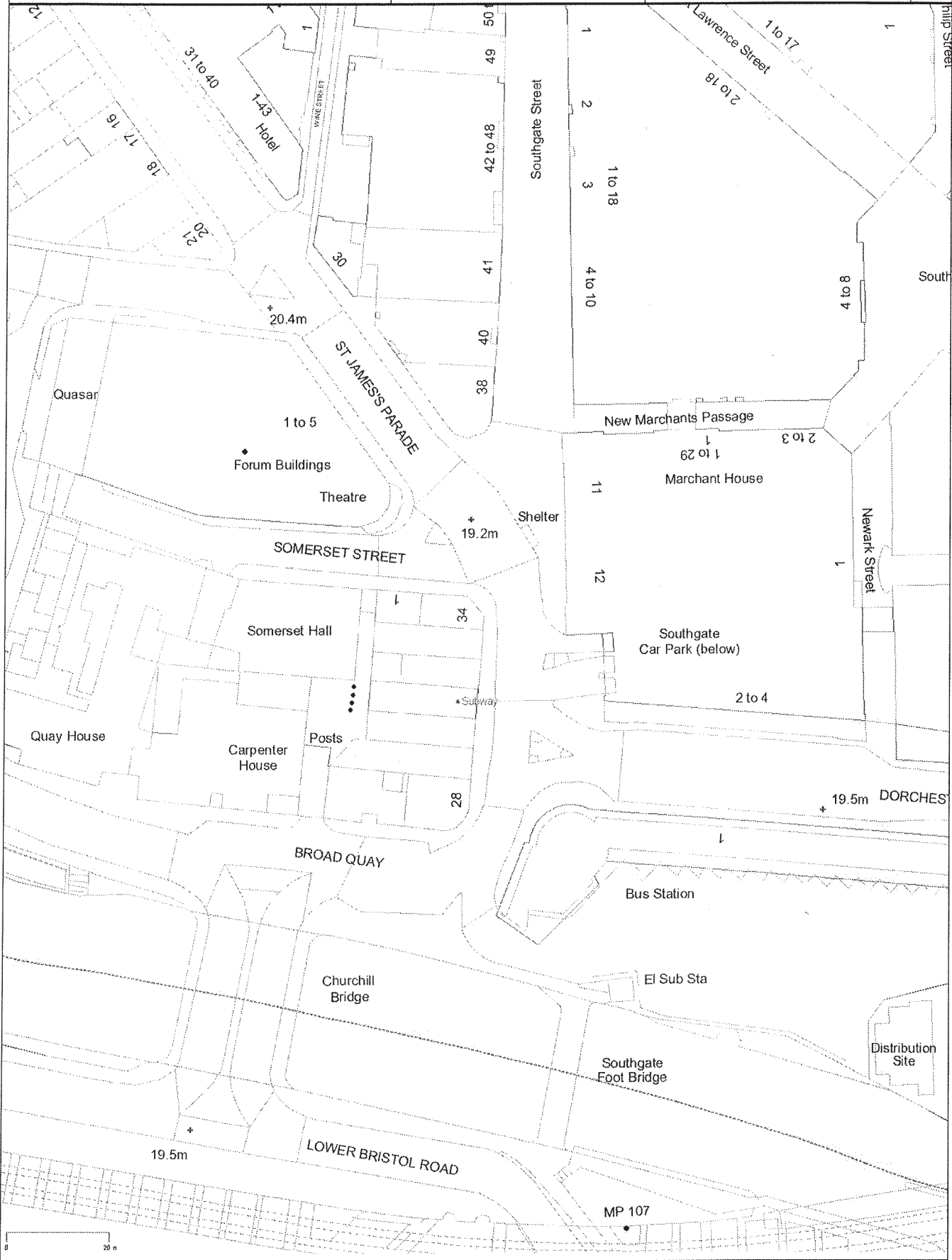
Making Bath & North East Somerset an even better place to Live, Work and Visit.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.3480 / Virus Database: 3955/7684 - Release Date: 06/16/14

<p>Bath and North East Somerset: District Online</p>	<p>Date: 11-7-2014 Scale: 1:1000</p>	<p>Bath & North East Somerset Council</p>	
<p>Subway, 31 Southgate Street</p>	<p>Map Centre - easting / northing: 375050 / 164431</p>	<p>© Crown copyright and database right. All rights reserved (100023334) 2014</p>	



From: Linda Lee
Sent: 07 July 2014 23:35
To: Licensing
Subject: Case ref 14/03/413/LAPRE

Dear Lauren Latta,

My name is Linda Lee. I am the owner-operator of Hong Kong Bistro of 33 Southgate, Bath.

I am writing to object to the extended opening hours that Subway has made application for. I do believe 3am is too intrusive for the general public that lives nearby. I have staff that live above the restaurant and I fear there will be negative effects on them. They work hard during the day and look forward to relaxing at night. I imagine the vibration from the commercial extraction system and sounds from the kitchen would very difficult for the people that live directly next to the shop. There are many residents that live nearby. Students that have early morning lectures will not appreciate being kept awake at 3am. Neither does the worker who has a 9am shift.

I have been running Hong Kong Bistro for the past 5 years but have 20 years experience in the catering trade. I have never had the urge to open later than 11pm. I find it is wasteful of energy and human resources, as well as attracting a few unpleasant customers. The only beneficiary of extended opening hours is Subway, who can command a higher premium for its franchise.

Please do not allow a corporate business to degrade the standard of living for the people that are its neighbours. Those people have the right to live comfortably in their own homes. I hope Subway will not be successful in its application.

Regards,
Linda Lee



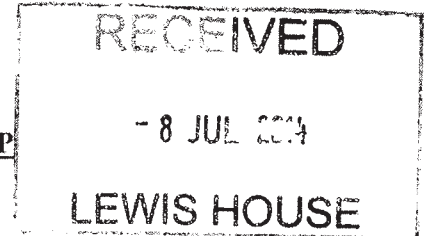
Camping and Leisure

OF TROWBRIDGE, CHIPPENHAM AND BATH

Lauren Latta,
Case Officer, Licensing Department, B&nes,
Lewis House, Manvers Street, Bath BA1 1JG
BMH 06/07/14

Ref: - 14/03413/LAPRE 31 Southgate Street, Bath, BA1 1TP

Dear Lauren,



On behalf of 'BCH Camping and Leisure Ltd' I wish to register my objection to the above application and explain my reasons for doing so.

We lease the ground floor shop from 'The Bryan and Chris Hussey Partnership' and have run a successful independent retail business from these premises for 20 years.

Historically, Number 31 has been occupied by fairly upmarket businesses but nothing is forever and we raised no objection to its change of use to a 'Subway'. However, we object to their subsequent greedy, unnecessary and ridiculous application to open 20 hours a day.

Firstly, the outlet will have to be staffed, serviced and stocked and by the time all these things are attended to at closing time and preparation is made for opening time we are looking at 24 hours of operation not 20.

Secondly, all the commuters, cinema and theatre goers et cetera will have returned home by 11.30 pm which will leave, for the most part, drunks and late night revelers with the associated problems of rubbish, urination, vomiting and criminal damage in the porch entrance to our shop and the surrounding area.

Thirdly, all the local residents who live above the shops (three in ours, five in Number 29 and two in 31A plus all those in the University of Bath building) have always, given the restraints of living in a City, enjoyed reasonable peace and quiet and cannot be expected to perform well at work or at study without adequate sleep.

If this avaricious application is successful it will be at great cost to B&nes and the good people of Bath and I urge you to refuse it in its present form.

Yours Sincerely,
Christopher Hussey (Director)

ONE STOP LEISURE SUPERSTORE 8-12 ISLINGTON TROWBRIDGE WILTS BA14 8QE (01225) 764977 FAX 774295
BCH PERFORMANCE SELECTION 30 SOUTHGATE BATH B&NES BA1 1TP (01225) 460200 FAX 465900
& BCH PERFORMANCE SELECTION 60 NEW ROAD, CHIPPENHAM, WILTS SN15 1ES (01249) 661501 FAX 661498
Email: mail@bchcamping.co.uk www.bchcamping.co.uk

BCH Camping & Leisure is the trading name of BCH Camping & Leisure Limited

Registered office: 8-12 ISLINGTON TROWBRIDGE WILTSHIRE BA14 8QE - Registered in England Number 4184376

The Bryan and Chris Hussey Partnership
 C/O 49 Victoria Road,
 Trowbridge,
 Wiltshire, BA14 7LD.
 01225 765153



Lauren Latta,
 Case Officer, Licensing Department, B&nes,
 Lewis House, Manvers Street, Bath BA1 1JG
 BMH 06/07/14

Ref: - 14/03413/LAPRE 31 Southgate Street, Bath, BA1 1TP

Dear Lauren,

On behalf of 'The Partnership' I wish to express my concerns about the above application and to register our objection to it.

We are the owners of Number 30 Southgate Street and lease the ground floor to BCH Camping and Leisure Ltd and the maisonette above to three residential tenants.

My brother Christopher will be objecting under separate cover for the retail business so I will confine myself to our worries for our residential tenants who are all hardworking responsible members of the community.

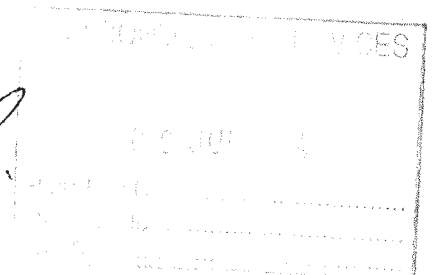
In our opinion the opening hours requested are geared to the selfish greed of the applicant and, if approved, would be extremely detrimental to the lives of those residents living close by who have a right to the quiet enjoyment of their homes and a good night's sleep.

Besides the 20 hours of opening each day, one has to factor in time for staff to arrive, leave, prepare the food ready for opening, wash up clanging pots and pans, attend to bins, Hoover around, cash up et cetera et cetera and in the real world we are looking at something approaching 24 hours of noise and disruption.

Our tenants are realistic and would not have chosen to live where they do if they didn't enjoy the hustle and bustle of City life, but surely there are limits? In our opinion opening hours for a fast food business in this location should be determined only by the needs of early morning commuters and the last bus or train home (11.30 pm?)

I trust you will give these matters your serious consideration.

Yours sincerely,
 Bryan Hussey
 (The Bryan and Chris Hussey Partnership)



From: Felicity Walker
Sent: 14 July 2014 17:57
To: Licensing
Subject: Case Ref: 14/03/413/LAPRE

Dear Lauren,

I am writing on behalf of the University's interests at Carpenter House, which backs on to the new Subway. We wish to raise concerns about the long opening hours proposed and would ask that consideration be given to the following:

If the Subway is open 20 hours per day, 6 days per week we believe that this would generate vast quantities of waste and litter. As there is very little space around the back of the shops in the Courtyard where we have our refuse bins and some designated parking spaces, it is not clear where Subway propose to store the number of bins required or how often these would be emptied. Will Subway be recycling any of their waste, especially the amount of food waste which will no doubt be produced?

The University already invests a considerable amount of money in vermin control in the Courtyard and also endeavours to keep the area completely free of litter at all times. Having such a busy eatery in close proximity could potentially jeopardise this and it is important that these standards be maintained. It is difficult to imagine that this will be the case if the shop is open for 20 hours per day. We would be concerned that the students in our accommodation at Carpenter House could be blamed for the extra rubbish and increase of rats should this not be carefully managed.

Yours sincerely

Felicity Walker

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Felicity Walker, Accommodation Operations Manager University of Bath
Marlborough Office, Bath BA2 7AY, United Kingdom |

From: Emily Luff
Sent: 11 July 2014 10:13
To: Licensing
Subject: 14/03413/LAPRE

31a Southgate
Bath
BA1 1TP

Date: 2nd July 2014

Dear Lauren Latta

Ref 14/03413/LAPRE

I am writing to you to express mine and my partner's extreme concern at the application for the late licence by the new Subway business at 31 Southgate, Bath. We live behind/above Subway at Rear Maisonette, 31a Southgate, BA1 1TP.

Our main objection is obviously noise. Although we live in town our row of buildings is in fact quite sheltered from the usual town centre noise and quiet, particularly later in the evenings and once the buses and trains have stopped running. There aren't any pubs or bars nearby and people tend to pass by rather than congregate. We are quite a little residential neighbourhood that the majority of people don't know exists. I accept that living in town you have to put up with some business noise and we in fact have a Chinese restaurant as a neighbour. This is absolutely fine as they close at 11pm and the owner lives onsite.

What I am really objecting to is the prospect of a business underneath me being open and noisy from 7am to 3am six days a week. That is a total working day of 20 hours, six days a week. 20 hours a day of people coming and going, doors slamming, cars moving, rubbish being put out, and drunk people. 20 hours almost every day with no respite. Can I ask how you would feel living with that? I am a reasonable person and have never written a letter of this kind before but I feel I must in this instance. I know your counter argument would be that is the price you pay for living in town but this is not a main central drag with other late night activity, it is a quiet road at night, on the fringe of the town centre. This is not like the McDonald's nearby - which is on a pedestrianised shopping street with no residents at close quarters. We are a residential community, and we have personally lived here happily alongside all our neighbours for the last 10 years. I would love to invite you into my property to let you see our point of view.

I am a successful musician who is well known to be from Bath (I am on the Bath wikipedia as a notable resident). Whenever I go to Radio 1 for an interview I am

always asked about Bath as people are aware that I am from the area and I have chosen not to move to a bigger city like London. But I fear Bath is changing for the worse. It really feels like the council would rather support massive conversions of commercial property into student lets and big corporations like Subway than proud Bathonians who want to live in the town centre simply because they enjoy its vibrancy.

I feel that allowing this kind of business these trading hours encourages the kind of drinking culture that makes most towns and cities no-go areas on weekend evenings. I've enjoyed living in the town centre for 10 years but if this goes ahead I feel I'll have no choice but to leave with the centre of Bath becoming more and more devoted to students and eateries and less to the people who actually want to live & work here.

We do have other concerns: we already have a rat problem (you can easily see all the rat traps dotted around the yard) which is exacerbated by being near the river. A food business which is open 20 hours a day will likely attract & allow some of them in - and therefore into our property. On a final note having a food business open below you seriously affects the value of my property, and in fact in some cases makes the property unsuitable for mortgage lenders, this is a fact as I also have some buy to let properties in the area.

I hope you come to the right conclusion on this matter and that it would be drastically detrimental to our small residential area.

If you have any questions or would like to get in contact with me you can call me on

Kindest regards

Daniel Byrd & Emily Luff

From: Amber Dee [mailto:amberdee@live.com]
Sent: 14 July 2014 16:06
To: Licensing
Subject: Case Ref: 14/03/413/LAPRE

30 Southgate Street
Bath
BA1 1TP

07/07/14

Dear Lauren Latta,

I am writing to you to express my extreme concern regarding Subway's application for a late license at 31 Southgate Street, Bath.

I am writing to you from the views of myself and the other two residents here at 30 Southgate Street.

I would like to first note that during the work that has been carried out in preparation for the store's opening, the noise has been absolutely diabolical. I am writing this now at 7am as I have been woken for the past few hours, as have I on numerous occasions, by builders drilling and hammering into the other side of my bedroom wall. I found the "Code of Practice - Noise on Construction Sites" document on the Bath council website and I can assure you that many of the rules to follow are most certainly not being followed. I have printed off and passed on a copy of this to one of the men working next door this morning and have asked him to give it to his superior. He informed me that they had started work there today at 4am. I have contacted your office and logged a complaint.

This all began at the worst time, waking me at ridiculous hours during the time that all my coursework was due in and I was attending exams to pass the last two years of my education. It made it extremely difficult to attend early morning exams, I was tired and found it difficult to concentrate, which was more than frustrating considering I have worked so hard in preparation to do well over these past two years to have it tainted by people building a sandwich shop.

All my exams and coursework are now over, but the noise is still ongoing.

With regards to the license, this rings alarm bells as I can hear not only the power tools next door but people's voices. All three of us here have bedrooms connected to the wall that joins onto 31 Southgate Street, in fact, the only rooms that do not join onto that wall are our bathrooms. To think that this is going to be a busy restaurant not only in the day but until late at night worries me that we are never going to have much time day or night, without unreasonable levels of noise.

Of course we are a city centre flat and are used to the general hustle and bustle. We can hear people outside on their way to and from work, nights out and people travelling via bus and train. We can hear the trains which stop late in the evening, the same goes for the buses. But this has never been an issue, we moved in knowing that this was the case and as the noise dies down around or even before 11pm it has never been a concern.

Of course Subway is going to attract people in the daytime but as these are our waking

hours and we are used to the noise I don't feel this is going to be an issue, my concern lies with the fact that they wish to open later than 11pm. I'm unsure as to whether they will do this one night a week or up to seven nights a week but either way I feel this is going to greatly affect us.

As I have mentioned before, it will affect our sleep as although I assume the walls are thick, we can indeed hear everything that goes on next door, our windows are single glazed and two of our bedrooms look out onto the road and are within 5 metres of the store's front doors, we can hear even quiet conversations between people on the pavement in front. I assume these late opening hours are mainly to attract people leaving pubs and clubs and I can assure you their conversations are never quiet. This has never been an issue with the McDonalds on Southgate Street as although we can often hear people outside, as it's further along the road, it has never greatly affected us. All three of us who live here work and the noise/lack of sleep would seriously affect our day to day life just as it has done while the construction site has been in place. I feel it would affect us just as the construction work has, but instead of early starts being the issue, it would be late finishes. Though the issue of noise at unsociable hours would remain the same.

I am also a musician, I study music and I work from home to cover the business and recording side of things. Again I've already had issues with noise during the building work and my concern remains that I can hear all that's going on next door and outside. It is not only difficult to work with these levels of noise but impossible to record. Again, during the daytime in the city centre it is to be expected, but early in the morning as it has been and late in the evenings of which it will be if this license is passed, is overly disruptive. I tend to keep all recording work and most work regarding the business side of things until the evenings, as it's easier to concentrate, there is little or no background noise during recording. This way, I just wait for the 'city noise' to die down in the evening and then it enables me to do my work without too much of a late finish. If the shop is open late, it will disrupt my being able to work and make recording impossible. This not only affects my work and my sleep, but my education. I have already had to book to use a professional studio while this work has been carried out as I have been unable to record from my home set up because of the noise. I do not want and can not afford to have this as a regular occurrence.

My other concern is parking. Our door is very private, most people don't even know it's there. We have a garage next to our door which will be in use to store my car once our landlord can clear it out, he has been unable to do so at the present time as the builders are blocking it. The small amount of parking we share is currently used by our neighbours Linda and Daniel who each have a car and my housemate Sophie who has a Vespa. If ever any of the vehicles are in the way there has never been any issue in them being moved and we're all very respectful of each other's space. With the garage being in use there will not be room for any other cars as the only parking would be in the University's parking spaces, which they pay for and are strictly of use for people associated with the Bath University accommodation and in front of our garage.

I would like an agreement to be set up of which the parking is not used by customers and employees of Subway have to respect the parking space. From the university's point of view, not to park in their spaces, from our neighbours point of view, not to block their cars in if they're not able to move them when asked and from our point of view, to not park in front of our garage and give me enough space to open the doors and get my car out.

I feel that if the new Subway store is not to open at unsociable hours to reduce noise pollution and if we can work together to come to an agreement with regards to parking, we would not have any issue with the opening and running of the store. We would retain our sense of community between the residents and businesses and it would remain a happy, peaceful place to live and work.

Please take this letter as three objections to the application of the late license for Subway 31 Southgate Street from Elizabeth Clark, Sophie Coleman and myself, Amber Dawkins all current residents of 30 Southgate Street, Bath.

You sincerely,

Amber Dawkins

Elizabeth Clark

Sophie Coleman

From: Sophie Coleman
Sent: 15 July 2014 21:00
To: Licensing
Subject: Subway. Case ref 14/03/413/LAPRE

To Lauren,

I am writing to express my concern of the opening and closing hours of the new subway restaurant on Southgate street. I am a resident at number 31, and feel that with these hours opening til late, I will be very disturbed.

I understand that there are restaurant nearby, and this end of town is becoming a livelier place week by week, however, the other restaurants within earshot of my flat encourage unwanted people, for example, drunks. The Chinese restaurant closes at a respectable time and mcdonalds is too far away to really keep me up at night.

I understand at these hours, that McDonald's will be the competition: late at night, convenient before getting the train/bus. However, there is already a subways that open late at night not too far away, and opening til three am will only cause a huge disruption to me and my flat mates.

Another concern of mine is that during the time these building works have taken place, I have found it very difficult to park outside my flat. I own a Vespa, a small scooter/moped and it has been moved on several occasions by someone. Now I'm not pointing the finger at the workers, however, considering how they have been taking over the back area to all the shops along the street, it is indeed, the very front entrance to our flat. I have had I warn them on many occasions that where they have been placing their building works, if my flat door opens, that could potentially be a danger, for me, my housemates, or surrounding vehicles.

I understand that I live in the centre of town, and such things like heavy bus engines, traffic lights beeping, or pedestrians at any time of night are appreciated, as it's in a very popular area in town, I can only feel that encouraging the restaurant to open at these times and so late is unfair. If they really wanted to go to a subway, they can go to the one that's a short five minutes away and already opens at antisocial areas.

We have enough drunks and homeless people hanging around this street as it's got the bus shelter, and also the benches in southgate, by sainsburys.

The business and the residents that live on Southgate street are very respectful of each other, and I fear that this little friendly community my housemates and I have with said businesses and residents could be ruined, if we are forced to put up with the noise of people OUTSIDE the shop, INSIDE the shop (as we could hear the builders, what would make it different if there were customers?), the attraction of pests as we are near the river, and the general disruption of possible workers hanging around the back doors, and the inevitable vehicles and delivery vans.

I look forward to hearing from you, and for my invitation to the hearing.

Kind regards, Sophie Coleman.

From: Elizabeth Clark
Sent: 15 July 2014 21:09
To: Licensing
Subject: Case ref 14/03/413/LAPRE

Dear Lauren Latta,

I am writing to you to voice my objections about the proposed opening hours of the new Subway franchise on Southgate Street.

I live in the building next door to this.

Over the past couple of months we have had to endure the building works that have been going on. Starting, on certain days, at 4am and going on till 8pm. The building works have also continued on Saturdays and Sundays, so there has been no respite at all. As all of our bedrooms back directly onto next door, we have been kept awake and had our lives disrupted at almost all times whilst at home. As well as the drilling and banging, directly on the other side of our walls, we have also had various other disruptions, including chairs and tables being piled up outside our front door, stopping us from leaving our own home, rubble coming down our chimney (not sure why as the builders should not have been on our roof), cars/vans parked in illegal spaces and rubbish/litter around our door. Whilst I appreciate that people have to do their jobs, various laws and regulations have most definitely been broken during this process.

Whilst this has been a great inconvenience and disruption to our lives, at least we could see an end to it. However, if the proposed opening hours of this new business are to be granted, there will be absolutely no respite for myself and fellow tenants at all! What the building works have shown us, is that we can hear everything that goes on next door (including voices). Whilst this is to be expected with any adjoining buildings, and all neighbours have to allow for the general noise etc from fellow neighbours, if this shop is to be open until 3am 6 nights a week, then reopening a few hours later, we will never have any time when we are free from unpalatable disruption. All three of us have busy jobs and the idea that we will never have anytime to rest/sleep without unbearable noise disturbance, is not a pleasant thought. Living in the centre of town we expect the daily hustle and bustle noises. But as this is during the daytime, it's to be expected and does not disrupt our daily lives. The bus and train stations are near to us as is a Chinese restaurant that opens until 11pm, so we're also used to noise until around 11.30pm every evening. This too is to be expected when living in the centre of town. But were the opening hours of Subway to be until 3am six nights a week, with it reopening again a few hours later, taking into account the time after close and before opening that staff will still be working in the building, there literally will be no peace for our community at all. Especially for the three of us living directly next door, as I've said before all our bedrooms adjoin to next door and we can hear almost everything that happens there. On top of this, their exterior refrigeration units are almost directly below my bedroom window. As I'm sure you can imagine this is not a sustainable way for three working people to live. We are really pleased to hear of new business's opening in the town we live, but can't possibly be expected to deal with that level of disruption 24/7.

I hope that we can find a solution to these issues that is amenable to all parties.

Yours sincerely

Elizabeth Clark

Sent from my iPhone

