
Bath & North East Somerset Council

Democratic Services

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Date: 25 January 2016

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To: All Members of the Licensing Sub-Committee

Councillors:- Paul Myers, Caroline Roberts and Mark Shelford

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Tuesday, 2nd February, 2016

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 2nd February, 2016 at 10.00 am** in the **Aix en Provence 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

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 Sean O'Neill who is available by telephoning Bath democratic_services@bathnes.gov.uk or by calling at the Guildhall Bath (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 Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Reception: Civic Centre - 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, 2nd February, 2016

at 10.00 am in the Aix en Provence 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. MINUTES: 5TH JANUARY 2016 (Pages 7 - 12)

6. TAXI PROCEDURE (Pages 13 - 16)

7. EXCLUSION OF 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 and the reporting of the meeting be prevented under

Section 100A(5A) 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.”

8. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR LH (Pages 17 - 30)
9. CONSIDERATION OF CAUTION OBTAINED: MR DRJ (Pages 31 - 44)
10. LICENSING ACT PROCEDURE (Pages 45 - 48)

The Chair will, if required, explain the licensing procedure.
11. APPLICATION TO VARY THE PREMISES LICENCE FOR SUBWAY, 31 SOUTHGATE STREET, BATH BA1 1TP (Pages 49 - 114)

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

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 5th January, 2016, 10.00 am

Councillors: Paul Myers (Chair), Mark Shelford and Caroline Roberts

Officers in attendance: Carrie-Ann Evans (Senior Legal Adviser), Alan Bartlett (Public Protection Team Leader) and Michael Dando (Senior Public Protection Officer)

103 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure.

104 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

105 DECLARATIONS OF INTEREST

There were none.

106 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

107 MINUTES OF THE 15TH DECEMBER 2015

These were approved as a correct record and signed by the Chair.

108 TAXI PROCEDURE

The Chair drew attention to the procedure to be followed for agenda items 8 and 9.

109 EXCLUSION OF THE PUBLIC

RESOLVED that, the Sub-Committee having been satisfied that the public interest would be better served by not disclosing relevant information, the public be excluded from the meeting for agenda items 8 and 9 in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, and that the reporting of these items be prevented in accordance with Section 100A(5A) of the Act, 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.

110 CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE AND COMPLAINTS RECEIVED AND ENFORCEMENT ACTION TAKEN - MR DM

Mr D M confirmed that he had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer summarised the updated report and invited the Sub-Committee to determine the issue.

Mr D M gave an oral statement and was questioned by Members.

Mr D M explained that, for the last six months or so, he had been going through difficulties in his personal life which had had an impact on his actions and behaviour and compromised his integrity. In relation to the incident on 24.03.15 Mr D M did not accept that he had a hostile and rude attitude towards his client. He said that there was no agreed price because he only charged the fare on the meter as he was the only car available. Mr D M did say that he would have charged different price only if there were drivers at the other end to confirm an agreed price. Mr D M took full responsibility for speeding incident. Mr D M also claimed that he did not open letters sent to his home address hence why he had not submitted a valid DBS certificate.

Mr D M was questioned by Members and made the following responses:

On a question from a Member why he didn't produce a valid DBS check or respond to letters from the Council – Mr D M responded that the effects of not being able to see his daughter were that he didn't open and answer any mail (letters) for which he apologised. Mr D M said that he was not clear about the DBS check procedure. He felt that he only needed to pay renewal by credit card and he didn't realise that he had to produce new DBS check for year 2015. Mr D M believed that he only needed to complete renewal form electronically without the need of sending new DBS check.

Senior Public Protection Officer said that Mr D M had been asked to produce new DBS check in March 2015.

Mr D M said that his personal problems had started at around that time and that his behaviour started to deviate from that time.

On a question from a Member about how he can explain the chronology of incidents over the last 8 years – Mr D M responded that he was a lot younger and not thinking of consequences then. He felt that he had nothing to lose then. In relation to the incident from 24.03.15 he said that he felt the girl who complained was over exaggerating; he was entitled to the full fare and was not aware that there was a road closed. He said he already had her over a barrel as he was the only taxi in the rank, so he had no need to stronghold her. Mr D M also said that he had had anger management therapy in the last couple of years and that he had learned how to control his temper and that when he is wrong he now admits he is wrong.

On a question from a Member as to how the Committee could be assured that he would be dealing with the letters and paperwork appropriately and on time in the future – Mr D M responded that he was always late in submitting applications in the past, for which he apologised. Mr D M also said that applications were much simpler in the past and he had apologised for not fully understanding the current process even though at the time he thought he did understand. He explained that at the time he did not feel he was in any hurry and was trying to hold on to his sanity. Mr D M also said that he had never overcharged any of his clients and that he considered himself fairly honest and not one for lying. He said that in the past he would 'over stand up for' his rights whereas now he will say if he believes he is right but will give passengers his badge details if they want to complain. Mr D M said that he may

have been rude but he was not derogatory or over threatening towards his clients but he said 'if you're threatening, I'm threatening' but he explained that he has tried to improve, whilst accepting that he is not perfect. He said that he has a vested interest in getting better at handling situations. As far as the incident of 23.07.15 was concerned, he apologised for speeding but explained that he was later going to Bristol.

Mr D M confirmed that he remembered filling out the forms for his DBS check. He said he had kept all of his mail so he will definitely have it if it has been sent to him.

A Member clarified with Mr DM exactly when he did the anger management course and Mr D M confirmed it was 2 years ago.

A Member asked Mr D M was asked to respond to the allegation from October 2015 that he refused to take a fare. Mr D M said that he was guilty of that and apologised.

On a question from a Member about the consequences of an incident from 2014, outside the bank – Mr D M responded that he was not charged with anything as he was not guilty of anything. He explained that the passenger said she was not paying and had gone into the bank after he had done nothing wrong. He had gone into the bank after her and he stands by that.

Mr D M made a closing statement by saying that the issues in his personal life had been all consuming and had become his only concern which is why he found it difficult to focus on more than one issue. He said that at that time, nothing else mattered. He had tried to keep everyone around him 'sweet' and he apologised to the Committee for his actions.

Following an adjournment the Sub-Committee **RESOLVED** to revoke Mr D M's combined Hackney Carriage/Private Hire Drivers Licence.

Reasons

Members have had to determine what action to take against the holder of a combined Hackney Carriage/Private Hire Driver's Licence who has failed to provide a valid DBS certificate and received complaints against him during the course of his licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Members were due to determinate what action, if any, to take against Mr D M for failure to provide a valid DBS Certificate on 1st December 2015. Mr D M did not attend the LSC on that date, nor did he provide any explanation for his non-attendance. On that occasion Members were advised that further information had come to light which should be reported to the LSC, accordingly in the interests of fairness, openness and transparency they resolved to defer determination of this matter to a later date where an updated report could be considered and the licensee would have the opportunity to present his case.

In making a determination Members took account of the licensee's oral representations and balanced this against the evidence in relation to his failure to

provide a valid DBS certificate and the evidence in relation to complaints on his driving record.

Members noted that Mr D M's licence had been renewed in February 2015 on the condition that (amongst other conditions) he provided a satisfactory police check, namely a valid DBS Certificate. Members note that this condition is clearly stated on the combined Hackney Carriage/Private Hire Driver's Licence issued to Mr D M. Furthermore, Mr D M was reminded by letter on 8th June and 23rd July 2015 that he must provide a copy of a valid DBS Certificates and yet, he failed to do so. Checks revealed that a DBS certificate was issued to Mr D M on 12th March 2015, however he failed to forward this certificate to the Council. Mr D M explained that he had been experiencing personal difficulties which had been all consuming and had resulted in him not being able to focus on anything else which included not opening his mail. He accepted that he had completed the forms in relation to his DBS check but explained that he was confused by the new process and was not aware that he had to provide the certificate to the Public Protection Team. He accepted that his failure to deal with letters meant he had not seen the certificate nor the reminders sent to him about his DBS certificate.

Members noted that the results of a DBS check are important evidence in relation to whether or not a licensee or new applicant is a fit and proper person.

Members noted that since 2004 there have been a number of entries on Mr D M's taxi licence record which relate to convictions for traffic offences, numerous complaints regarding poor attitude and behaviour whilst on duty as a licensed taxi driver, changing the agreed fare and refusing a fare entirely. Mr D M had received penalty points to his driving licence as well as short periods of disqualification from driving, internal penalty points on his taxi licence, a formal caution, words of advice, and several formal written warnings. Members take into account the fact that some of these matters are relatively historic and that between 2009 and 2014 there are no complaints recorded against Mr D M however, since 2014, there have been 6 complaints made against Mr D M. These complaints concern Mr D M's attitude and behaviour as well as his manner of driving whilst he was on duty and a refusal to take a fare. Notably, Mr D M received a final written warning from the Public Protection Team in June 2014 and there have been 3 complaints against him since then, all of which occurred in 2015. Mr D M acknowledged that there was a history of incidents on his file. In respect of complaints from 2015 he accepted 'speeding' on 23.07.15 and the refusal to take a fare on 30.10.15 however, in relation to the incident of 24.03.15 he did not accept that he had a hostile and rude attitude and said he charged the fare on the meter. Mr D M indicated that he had undertaken an anger management course approximately 2 years ago.

Members took on board the licensee's representations but find on balance that Mr D M is no longer a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's licence and therefore revoke his licence. Members' reasons for this decision are: Mr D M's failure to provide a valid DBS Certificate, his explanation for which they find to be unacceptable; his taxi driving record and notably, the complaints against him since the final written warning was issued in June 2014. Members are not satisfied that their friends, family or loved ones would be safe in a taxi driven by the licensee. Mr D M does not seem to have learnt from the warnings issued by the Public Protection Team or be able to conduct himself as a fit and proper person should.

111 CONSIDERATION OF CONVICTION OBTAINED - MR J R

The Senior Public Protection Officer summarised the updated report and invited the Sub-Committee to determine the issue. The Senior Public Protection Officer provided Members with copies of the statement from Mr J R with his version of events leading to the Caution, together with a copy of the Police Caution. The meeting was adjourned to allow Members time to read these documents.

After the meeting reconvened, Mr J R stated his case. Mr J R said that he had made a mistake and that he was one to blame. Mr J R apologised for his actions on 17th August 2015 and added that this was a one off incident which had happened whilst he was off duty.

Mr J R made a closing statement by saying that he had learnt a lesson and apologised for his actions on 17th August 2015.

Following an adjournment, it was **RESOLVED** to issue Mr J R with a stern warning in relation to his conduct.

Reasons

Members have had to determine what action to take against a licensed driver having obtained a caution during the course of his Hackney Carriage/Private Hire Driver's Licence. In doing so they took account of the Local Government Miscellaneous Provisions Act 1976, Human Rights Act 1998, case law and Council Policy.

This matter came before the LSC on 15th December 2015 when the Licensee failed to attend and whilst the Licensee had consented to the matter being dealt with in his absence Members were concerned about the circumstances of the matter and deferred for his attendance.

Members took into account the Licensee's oral representations, statement and balanced these against the formal police caution.

The Licensee was very apologetic towards the LSC for his conduct and said that he had expressed his remorse to the Licensing officers and the police involved in the incident. He explained that he was off duty when the incident took place, that it was out of character and that he has taken steps to improve his lifestyle since. Furthermore, he informed Members that he had learnt his lesson.

Members noted that the Council's Policy states that a licensee is expected not to have been cautioned by the police within the previous 2 years. Members were mindful that each case will be decided on its own merits and may depart from the policy where there are reasons for doing so. In this case the formal police caution was received in September 2015. Whilst this falls squarely within the policy Members felt that there were reasons to depart from it, those reasons being Mr J R's remorse, the fact that this was a one off incident that was out of character; Members were satisfied Mr J R had learnt his lesson and had taken steps to avoid this happening again. Members therefore took the view that Mr J R remained a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence however,

they took a very dim view of his behaviour and therefore issued Mr J R with a formal warning in relation to his future conduct.

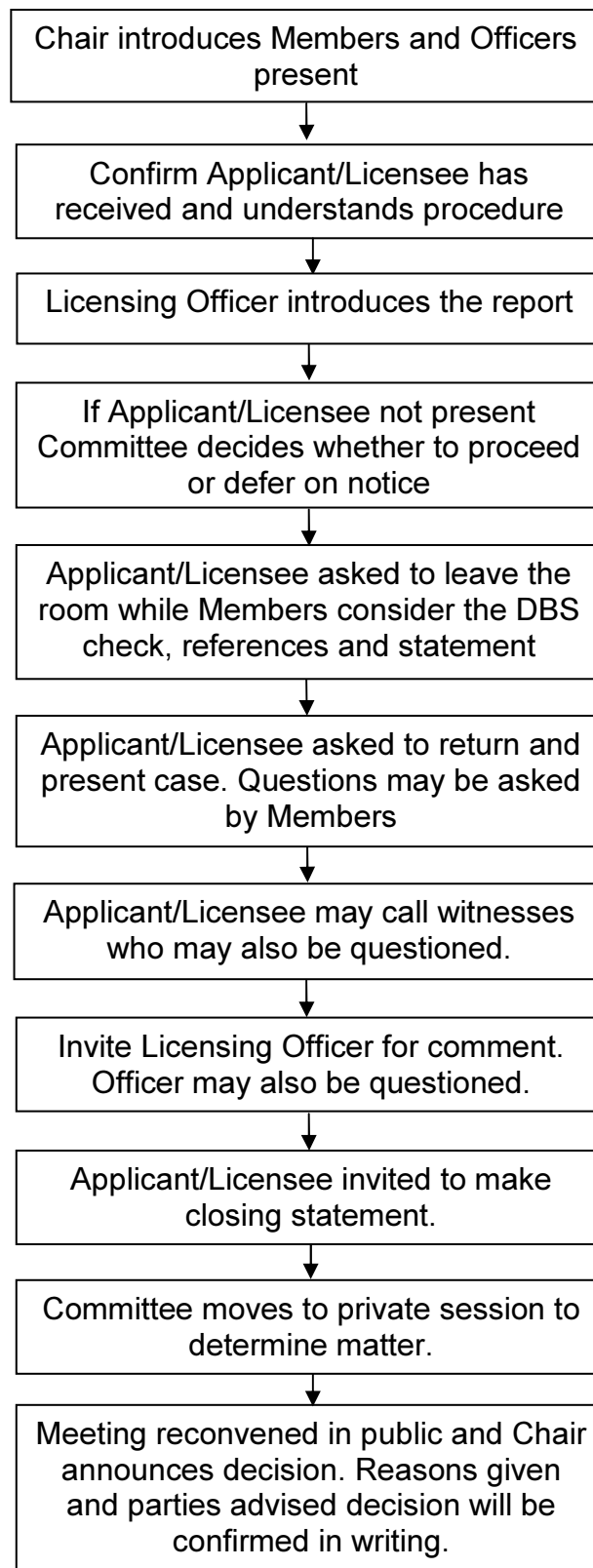
The meeting ended at 12.55 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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



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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.

Updated November 2013

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.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 167/16

Meeting / Decision: Licensing Sub-Committee

Date: 2/2/16

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 Previous 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.

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 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. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

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, 2, 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 0186/16

Meeting / Decision: Licensing Sub-Committee

Date: Tuesday 2nd February 2016

Author: John Dowding

Exempt Report Title: Consideration of Caution Obtained

Exempt Appendix Title:

List of attachments to this report:

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

Annex B – Current Council Policy.

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
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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. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

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

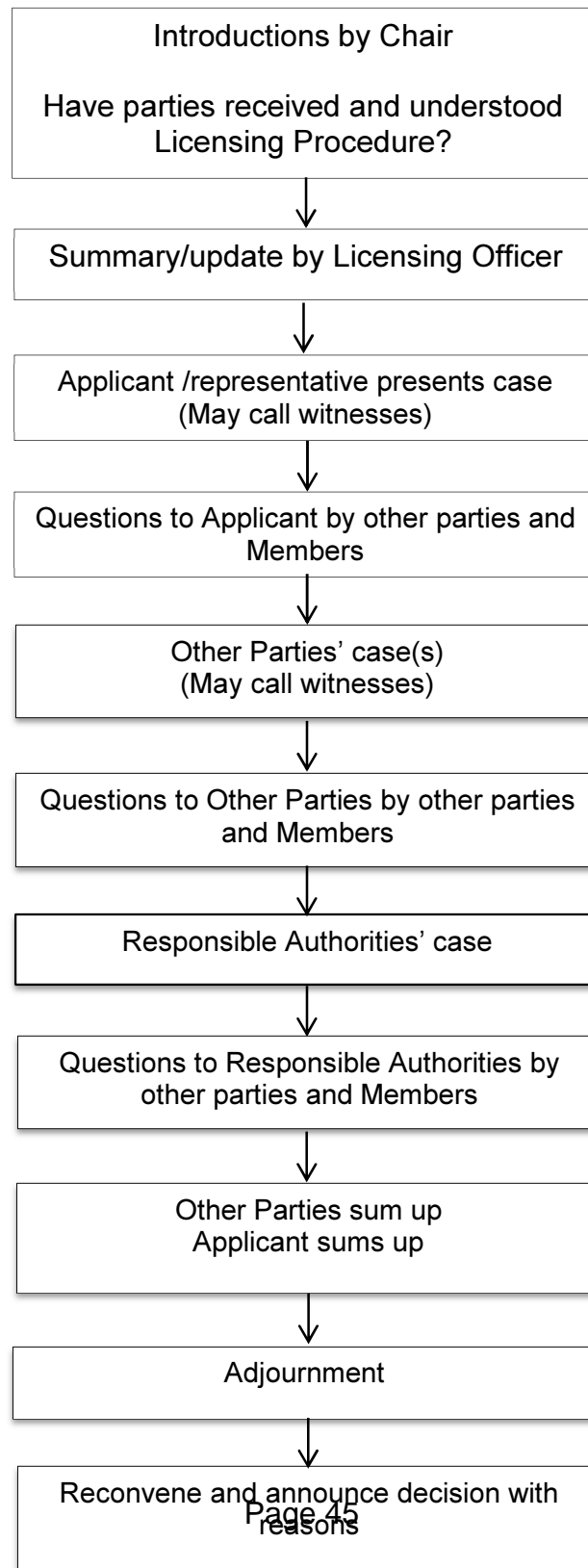
By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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**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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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.

Bath & North East Somerset Council

MEETING:	Licensing Sub-Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 2 February 2016	
TITLE:	Application to Vary the Premises Licence for Subway , 31 Southgate Street, Bath BA1 1TP	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application to Vary the Premises Licence		
Annex B Current Premises Licence		
Annex C Plans (site plan and plan of premises)		
Annex D Representations received from Other Persons		

1 THE ISSUE

- 1.1 An application has been received for the variation of an existing premises licence under Section 34 of the Licensing Act 2003 in respect of Subway, 31 Southgate Street, Bath BA1 1TP.

2 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The costs of processing licences are covered by the fees charged. The fee for this application is £190.00.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (EqIA) 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 Licensing Sub-Committee has 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 to vary an existing premises licence (Annex A).

5.2 The current premises licence as detailed in Annex B, authorises the following:

1) The provision of Late Night Refreshment:

Friday and Saturday	23:00 – 00:00 (midnight)
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2) Opening Hours:

Monday to Thursday	07:00 – 23:00
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Friday and Saturday	07:00 – 03:00 the following morning
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Sunday	09:00 – 21:00
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3) Conditions attached to the premises licence:

Annex 1 – Mandatory conditions – None

Annex 2 – Conditions consistent with the Operating Schedule:

- Members of staff during licensed hours to be trained to reproduce and download CCTV images on to removable format at the request of an authorised officer.
- Clear signage indicating that CCTV equipment is in use and recording at all times will be displayed.
- The top seating level will be closed off during licensed hours.
- Only the heating by toaster oven or microwave will take place on the premises during licensed hours to reduce odours.
- Bread baking will not take place during licensed hours.
- Notices to be displayed where customers leave the property instructing them to respect needs of local residents.
- No speakers for the amplification of music shall be placed outside of the store.
- Adequate measures shall be put in place to remove litter/waste from the immediate vicinity of the premises.

- Adequate waste receptacles will be placed within the store for customers to use.
- The collection of refuse shall not take place during licensed hours.
- Deliveries will not take place during licensed hours.
- Outdoor lighting shall be positioned, so far as reasonably practicable, to limit the intrusion in to residential accommodation, whilst maintaining a level of light for the safe access and egress of customers.
- Signs to be posted on back "staff only" door to ask to close quietly and respect neighbours.

Annex 3 - Conditions attached following hearing:

- CCTV system to be installed and maintained throughout the premises including the staff areas in good working order at all times. Images to be retained for a period of 30 days. The correct time and date to be generated on recorded and real time images.

5.3 The variation application seeks to:

- Add the provision of late night refreshment on Thursdays from 23:00 hours to 03:00 hours the following morning;
- Extend closing time on Thursdays from 23:00 hours to 03:00 hours the following morning;
- To increase the terminal hour for the provision of late night refreshment on Friday and Saturday to 03:00 hours the following morning;

5.4 A site plan and plan of the premises are attached at Annex C.

5.5 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, and
- d) The Protection of Children from Harm.

Each objective is of equal importance; there are no other licensing objectives so 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.

- 5.6 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.
- 5.7 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.
- 5.8 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.
- 5.9 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 3-6, 8-10, 13-14, 15, 17-23, 27, 33-36, 38-41 and 43 of the policy as revised in 2015.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised March 2015)
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 5.10 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.
- 5.11 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 it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.12 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, the Health Authority and the Local Safeguarding Children Board.
- 5.13 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.

5.14 Representations have been received from Other Persons expressing concern that the applicant's proposals are likely to undermine the **Prevention of Public Nuisance** licensing objective by adding to the noise nuisance and litter already experienced (Annex D).

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

6 RATIONALE

6.1 As relevant representations have been received the Licensing 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.

8.2 Issues relating to Safeguarding have been considered in respect of this application.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and the 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), s.151 Officer (Divisional Director – Finance) and the Group Manager Public Protection & Health Improvement have had the opportunity to input into this report and have cleared it for publication.

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; and B&NES Statement of Licensing Policy.
Contact person	Terrill Wolyn, Senior Public Protection Officer (01225 396939)

Application to vary a premises licence under the Licensing Act 2003

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 Subway Store Development Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
15/00199/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Subway 31 Southgate Street			
Post town	Bath	Postcode	BA1 1TP
Telephone number at premises (if any)	01225 331 910 (Store) 01179 581 581 (Office)		
Non-domestic rateable value of premises	£24,750		

ENVIRONMENTAL SERVICES	
17 DEC 2015	
Post Log No.
Receipt No.	176830
CHECK £	190.00

Part 2 – Applicant details

Daytime contact telephone number	01179 581 581		
E-mail address (optional)	stuart@subwaysubs.net		
Current postal address if different from premises address	Subway Store Development Fourth Way Avonmouth		
Post town	Bristol	Postcode	BS11 8DL

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The proposed variation is to extend our current provision of hot late nigh refreshment until 3am the next morning following each Thursday, Friday and Saturday evening.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all 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 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
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 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<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 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		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 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)			
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 6)			
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Thur						
Fri						
Sat			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 6)			
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			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 (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Sale of Hot & Cold Sandwiches, Snacks and Non Alcoholic Drinks.			
Mon	n/a	n/a				
Tue	n/a	n/a				
Wed	n/a	n/a	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Thur	n/a	n/a				
	23:00	00:00				
Fri	00:00	03:00	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 (please read guidance note 6)			
	23:00	00:00				
Sat	00:00	03:00				
	23:00	00:00				
Sun	00:00	03:00				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)		On the premises <input type="checkbox"/>
					Off the premises <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

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 9).

n/a

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	23:00	<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 6)</p>
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	00:00	
Fri	00:00	03:00	
	07:00	00:00	
Sat	00:00	03:00	
	07:00	00:00	
Sun	00:00	03:00	
	09:00	21:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

All existing conditions to remain.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☒
☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

See existing conditions

b) The prevention of crime and disorder

See existing conditions

c) Public safety

See existing conditions

d) The prevention of public nuisance

No speakers for amplification of music shall be placed on the outside of the premises or the outside of any building forming part of the premises at any time.

No amplified music will be played inside the premises after 8pm each evening.

Pneumatic tyres (or equivalent) will be fitted to any moving bins to be used outside.

Any moveable furniture will be fitted with rubber (or equivalent) feet.

The premises license holder will ensure suitable signage is positioned at the exit to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.

All doors and windows shall be kept shut during regulated activities other than for access and egress. All doors and windows shall be maintained in good order.

All internal doors shall be fitted with automatic self-closers and not wedged open during regulated

activities.

The Premises holder will instruct and remind staff not to exit the premises via the rear exit of the premises after 8pm each evening when noise generated could cause a nuisance to neighbouring properties.

The Premises holder will instruct and work with staff to ensure access to the rear corridor of the premises is limited after 8pm where operationally this should not be needed.

The delivery of goods shall be restricted during licensable activities.

All the rubbish produced by the premises shall be stored securely in a designated area inside the premises. The bins will only be left outside premises during agreed collection times each day. These will be restricted to between the hours of 4pm and 8pm daily.

The Premises license holder shall ensure that sufficient measures are in place to remove litter or waste arising from their customers and to prevent such litter accumulating in the immediate vicinity of the premises. The Premises license holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for depositing of waste materials such as food wrappings and drinks containers, inside the premises.

The Premises license holder shall ensure that all packing provided with takeaway food is marked to show its point of origin.

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.


<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

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 5 – Signatures (please read guidance note 11)

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Susan Pasco 
Date	18/12/2015
Capacity	Director

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Stuart House
Fourth Way
Avonmouth

Post town	Bristol	Post code	BS11 8DL
Telephone number (if any)	0117 9 581 581		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) stuart@subwaysubs.net			

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	15/00199/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Subway
31 Southgate Street
Bath
BA1 1TP

Telephone number 01179 581 581

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Late Night Refreshment (Indoors and Outdoors)

Friday and Saturday 23:00 - 00:00

The Opening Hours of the Premises

Monday to Thursday 07:00 - 23:00
Friday and Saturday 07:00 - 03:00
Sunday 09:00 - 21:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Subway Store Development Ltd
Audit House
260 Field End Road
Eastcote
Middlesex
HA4 9LT

stuart@subwaysubs.net

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number - 5959466

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

This licence is issued by Bath & North East Somerset Council as licensing authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Signed for and on behalf of
Bath & North East Somerset Council:

K Morgan

Dated 3 March 2015

Annex 1 – Mandatory conditions

Annex 2 – Conditions consistent with the Operating Schedule

Members of staff during licensed hours to be trained to reproduce and download CCTV images on to removable format at the request of an authorised officer.

Clear signage indicating that CCTV equipment is in use and recording at all times will be displayed.

The top seating level will be closed off during licensed hours.

Only the heating by toaster oven or microwave will take place on the premises during licensed hours to reduce odours.

Bread baking will not take place during licensed hours.

Notices to be displayed where customers leave the property instructing them to respect needs of local residents.

No speakers of the amplification of music shall be placed outside of the store.

Adequate measures shall be put in place to remove litter/waste from the immediate vicinity of the premises.

Adequate waste receptacles will be placed within the store for customers to use.

The collection of refuse shall not take place during licensed hours.

Deliveries will not take place during licensed hours.

Outdoor lighting shall be positioned, so far as is reasonable practical to limit the intrusion in to residential accommodation, whilst maintaining a level of light for the safe access and egress of customers.

Signs to be posted on back 'staff only' door to ask to close quietly and respect neighbours.

Annex 3 – Conditions attached after a hearing by the licensing authority

CCTV system to be installed and maintained throughout the premises including the staff areas in good working order at all times. Images to be retained for a period of 30 days. The correct time and date to be generated on recorded and real time images.

Annex 4 – Plans

As submitted with application.

Part B

Premises Licence Summary

Premises Licence Number

15/00199/LAPRE

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Subway
31 Southgate Street
Bath
BA1 1TP

Telephone number 01179 581 581

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Late Night Refreshment (Indoors and Outdoors)

Friday and Saturday 23:00 - 00:00

The Opening Hours of the Premises

Monday to Thursday	07:00 - 23:00
Friday and Saturday	07:00 - 03:00
Sunday	09:00 - 21:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

N/A

Name, (registered) address of holder of premises licence

Subway Store Development Ltd
Audit House
260 Field End Road
Eastcote
Middlesex
HA4 9LT

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number - 5959466

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

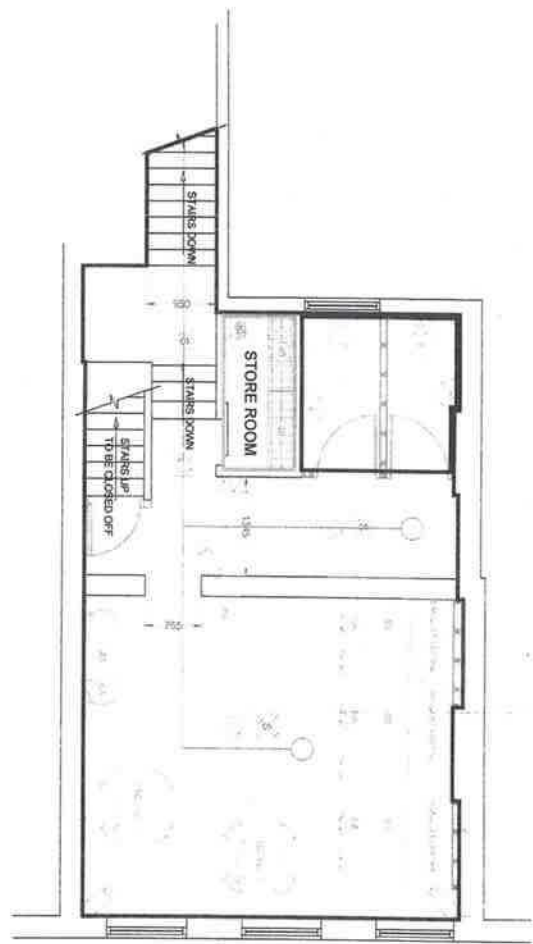
State whether access to the premises by children is restricted or prohibited

As per Operating Schedule at Annex 2.

THIS DRAWING IS SUBJECT TO A FULL SITE SURVEY

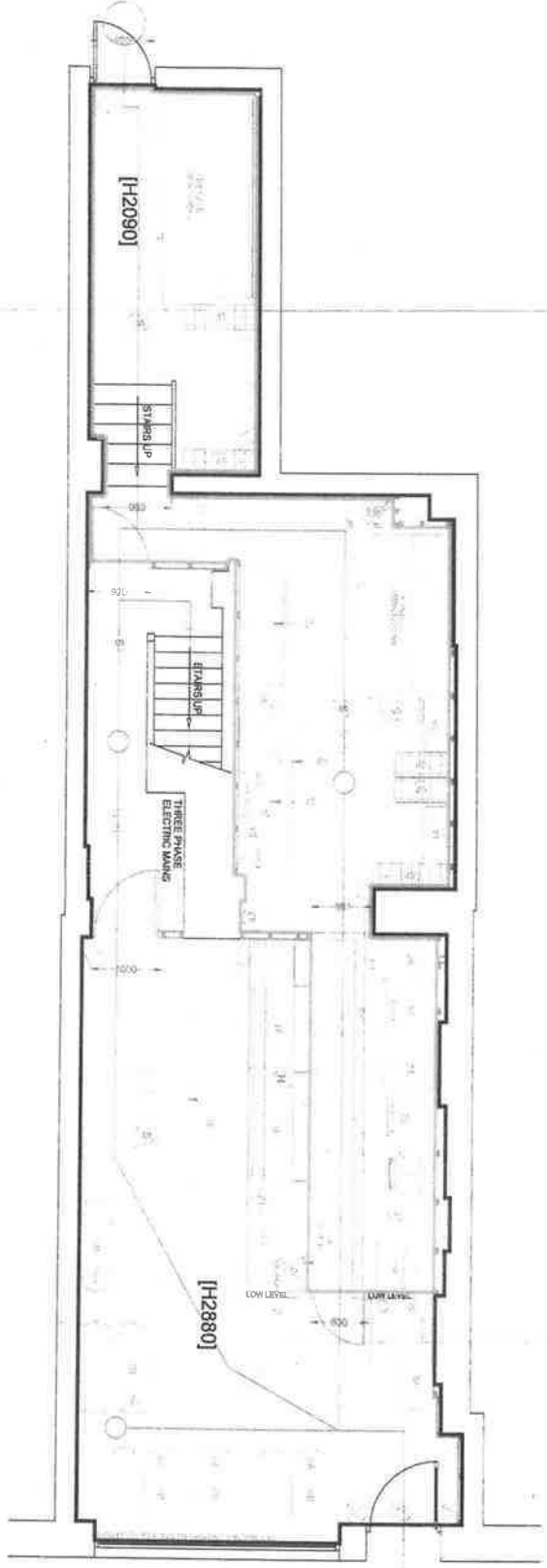
LEGEND

- PROPERTY OUTLINE	- KITCHEN & STAFF ONLY AREAS
- EMERGENCY ESCAPE ROUTES	- TOILETS
- EMERGENCY LIGHTING	- FOAM / CO2 / POWDER FIRE EXTINGUISHER
- FIRE BELL	- SMOKE / HEAT DETECTOR & SOUNDER
- FIRE ISOLATION SWITCH	- SMOKE DETECTOR, SOUNDER & BEACON
- BREAK GLASS CALL POINT	- SMOKE DETECTOR
- FIRE BLANKET	- BEACON
- RELEVANT DIMENSIONS	- CCTV



FIRST FLOOR

HOT LICENCE



GROUND FLOOR



CONSENTING NOTICE
THE CONTRACTOR'S REPORT AND DESIGN, REPORT IN THIS DRAWING, IS BASED ON THE INFORMATION PROVIDED TO THE CONTRACTOR BY THE CLIENT. THE CONTRACTOR HAS NOT CONDUCTED A FULL SITE SURVEY AND HAS NOT VISITED THE SITE. THE CONTRACTOR HAS NOT CONDUCTED A FULL SITE SURVEY AND HAS NOT VISITED THE SITE. THE CONTRACTOR HAS NOT CONDUCTED A FULL SITE SURVEY AND HAS NOT VISITED THE SITE.

REVISIONS

REV	DESCRIPTION	DATE
A	WALK IN FRIDGE 7 SINK RELOCATED. WALK IN FREEZER MADE BIGGER AND BEACH IN FRIDGE REMOVED	22.10.13
B	WALK IN FRIDGE MADE BIGGER	26.10.13
C	WALK IN FRIDGE MADE BIGGER	28.10.13
D	WALK IN FRIDGE MADE BIGGER	12.06.14

REVISIONS

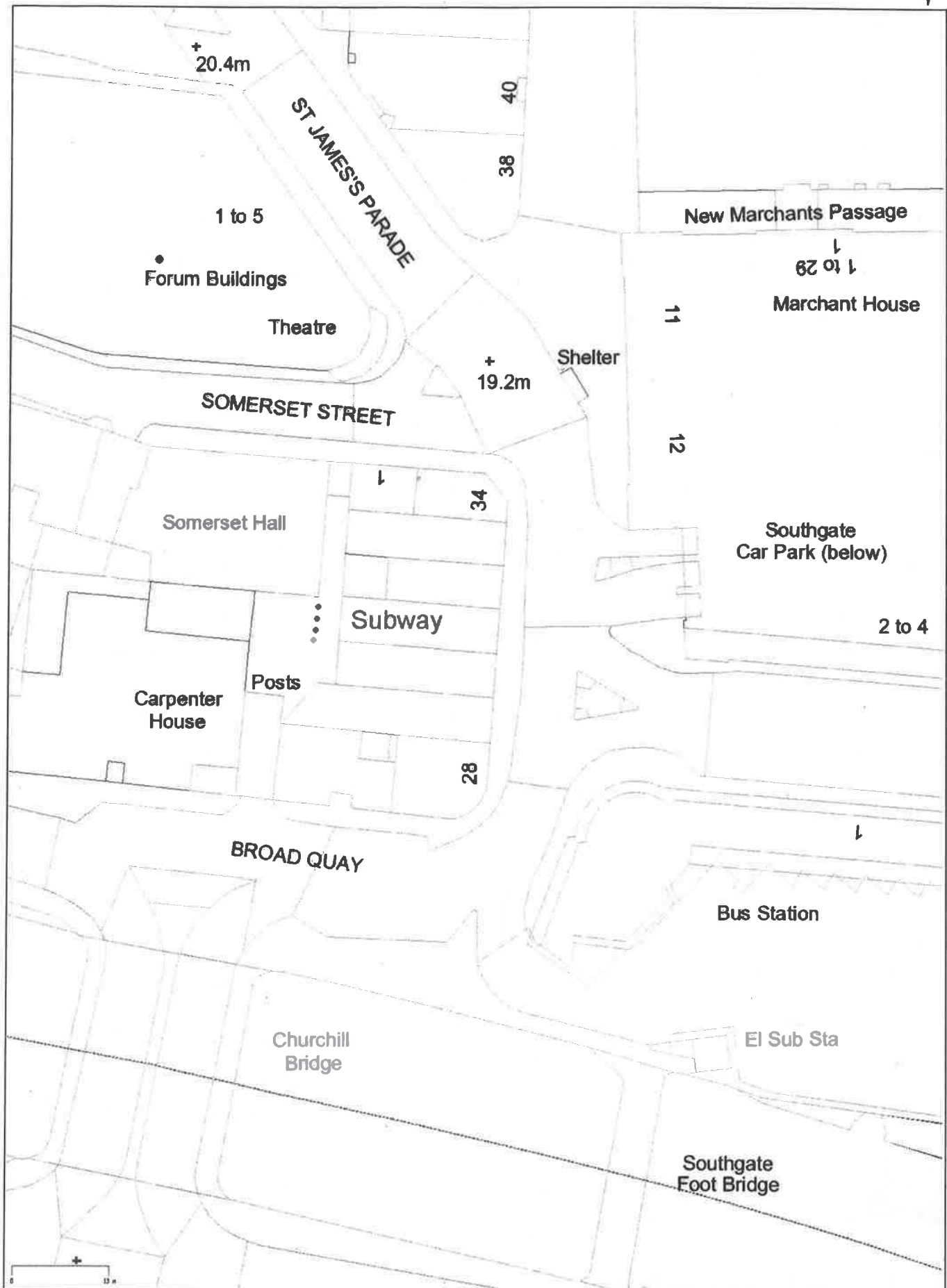
REV	DESCRIPTION	DATE
E	BAR SEATING REMOVED. PREP BEACH AND WASHING SWAPPED OVER. FREEZER DOOR REPOSITIONED. SMALLER BEV STATION. AINCOATED ADDED. CEILING AND DECOR PLAN DRAWN UP	19.05.14
F	BAR SEATING REMOVED. PREP BEACH AND WASHING SWAPPED OVER. FREEZER DOOR REPOSITIONED. SMALLER BEV STATION. AINCOATED ADDED. CEILING AND DECOR PLAN DRAWN UP	08.05.14

CLIENT
SUBWAY

PROJECT NAME
SUBWAY

WIT ADDRESS
31 SOUTHGATE STREET
SOMERSET
BA1 1AD

CONTACT DETAILS
B3 SHOPFITTING LTD
31 SOUTHGATE STREET
SOMERSET
BA1 1AD
T: +44 (0) 1755 819720
F: +44 (0) 1755 819721
WWW.B3SHOPFITTING.CO.UK



Daniel Byrd & Emily Luff
Rear Maisonette,
31a Southgate,
Bath BA1 1TP

Wendy Stokes,
Case Officer, Licensing Department
B&NES
Lewis House
Manvers Street
Bath BA1 1JG

Thursday 14th January 2016

Dear Wendy,
Ref: -15/03818/LAPRE Subway 31 Southgate Street Bath

We are the owner occupiers of the maisonette directly behind/above Subway at 31a Southgate, and wish to lodge our objection to Subway's renewed application for a late hot food licence.

Since Subway began operating, we have seen a marked increase in the amount of litter, both in the back yard, on Broad Quay, and on Southgate Street. Some of this is down to rubbish being put out for collection incorrectly (see attached photos). The rest is we assume down to Subway staff and customers. (Both the residents and the other businesses in the yard have been living and operating here for years without littering, and the photos clearly show Subway branding on the litter.) The problem is particularly bad in the yard, because despite being a public road it isn't swept by the council and so it falls on the residents and businesses to clean up after themselves. Subway staff do not clean up out there despite assurances to the contrary, and the litter has started a cycle where passers-by see the yard as an uncared-for space and dumping ground. The students in Carpenter House frequently leave their rubbish (the sacks & Christmas tree behind the blue van in the attached photo). And other passers-by drop litter, urinate, loiter and make noise. This tends to happen late at night, and is a new problem that didn't exist during the 10 years we were here before Subway arrived. As we are at the gateway to the new Bath Quays project, we would imagine this litter problem should be a concern, and we feel it will only be worsened by the increased volume of late night customers a hot food license would allow.

Our particular problems with internal noise have continued. We tried to be proactive about the situation by making a list of times when we were disturbed/woken by banging in the back room and bins moving after 10pm (after which time Stuart House in the last hearing assured us staff wouldn't be present there). We sent the list to Stuart asking him to check the CCTV as he assured the board he would if requested. I received a stock reply making it clear he had no intention of doing so and would simply have a chat with the area manager (see attached correspondence). To be fair to him, the banging improved for a while, and we emailed to let him know, but it soon returned to its original volume and frequency. We gave up on the listmaking as it seemed obvious that nothing could be done – both due to staff turnover and Subway's disinclination to help. Like all practised politicians they always say all the right things but nothing is ever done. The banging and bin-moving continues at all times of day and night. I have had to be prescribed valium for the anxiety this has caused me; feeling constantly under siege is both mentally and physically exhausting. We have the right to the quiet enjoyment of our home, as do those of our neighbours who have the same issues.

As for external noise, it's more of a problem for our neighbours that face Southgate. Students directly pass Subway on their way home to halls of residence on Lower Bristol Road; they are undoubtedly the target customer, and we are all aware of the problems of late-night drinking in town centres. It's unclear what the late night refreshment both indoors and outdoors referred to on the application means, but the implications are worrying. The late-night noise and nuisance, both internal and external, will only increase if this license application is granted.

We have witnessed Subway staff smoking cannabis in the yard with their friends late at night, and informed Stuart (see attached). It's not very nice to come home to. To be clear, we do not mind staff having cigarette breaks (who can blame them) but Subway's assertion in a past hearing that 'we do not employ staff who smoke' is an example of them disingenuously saying what they think the committee wish to hear when it's obvious to everyone that it's nonsense.

Many different Subway staff cars appear at various times of day and night making it very difficult to deal with parking. Again, we were told in the first hearing that staff would not bring cars to work. Recently a Subway staff member parked their car in the yard, blocking several of us in, just to go shopping in town. Mr Morgan from The Woodworks shop was unable to get his van out and the driver was nowhere to be found – the staff in Subway had no idea he had parked there. Another example of a business that claims to be local and approachable but with very little care or consideration for the community they work in, and no accountability. There is no-one in the Subway shop that knows the neighbours, knows the problems, or has any interest in sorting them out. We do not know who the area manager is.

There is nothing to prevent them bringing cars or smoking and it is not that in particular we object to; it's the way Subway have been proven to say one thing at a hearing and then disregard it/do the opposite. This should be of concern to the licensing committee as well as to ourselves. The conditions outlined on the application all sound very nice, but why on earth are they not already in place? Why is a CCTV system to be installed – from the last hearing we understood a comprehensive system was already up and running? Perhaps that is why Stuart was unwilling to check it. Many of the conditions are not even provable items – you can ask customers and staff to be quiet, but it's up to them whether they take any notice. And many are items Subway have made promises about before, and have not made any effort to resolve. Do we just have to take Subway's word that conditions are being upheld?

If Subway were to engage with their neighbours, and demonstrably try to mitigate or solve the problems they cause, we would not necessarily object to their license application – because we would know we had recourse should there be an issue. As it stands, their assurances at all of the previous hearings have been empty platitudes. We are sure that the problems outlined above – all of which relate to either the prevention of crime and disorder, public safety, or the prevention of public nuisance – have become worse since their last application granted them an extra hour of hot food provision, and would be exacerbated even more if their license application was granted this time, and that we would simply have little option but to put up with them.

Yours sincerely,
Daniel Byrd & Emily Luff

P.S. It did not go unnoticed that Subway made their license application on 17th December, undoubtedly hoping that people would be busy/away and forget about it.



Last summer



Last summer



Last summer



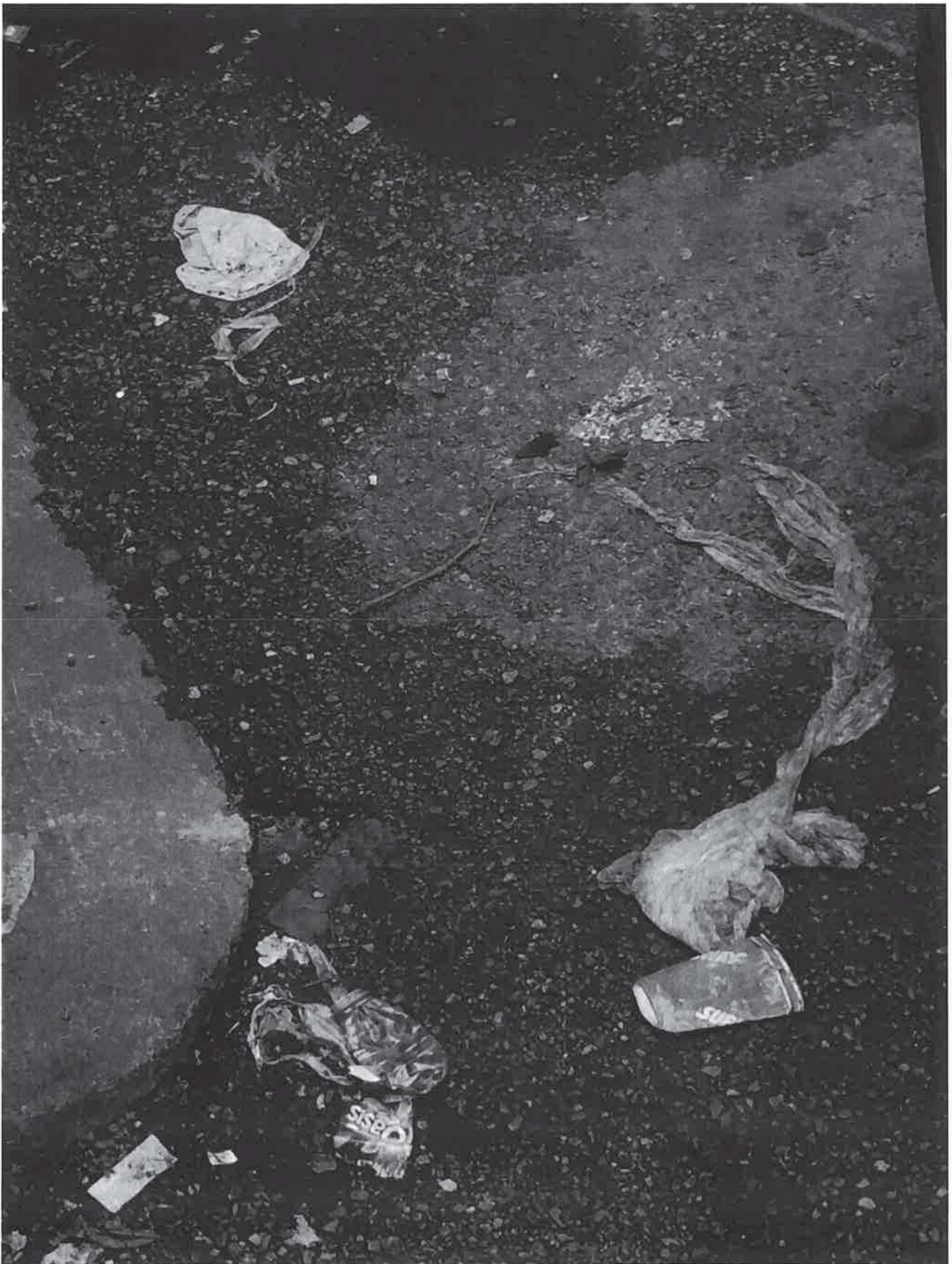
Last autumn



Last autumn



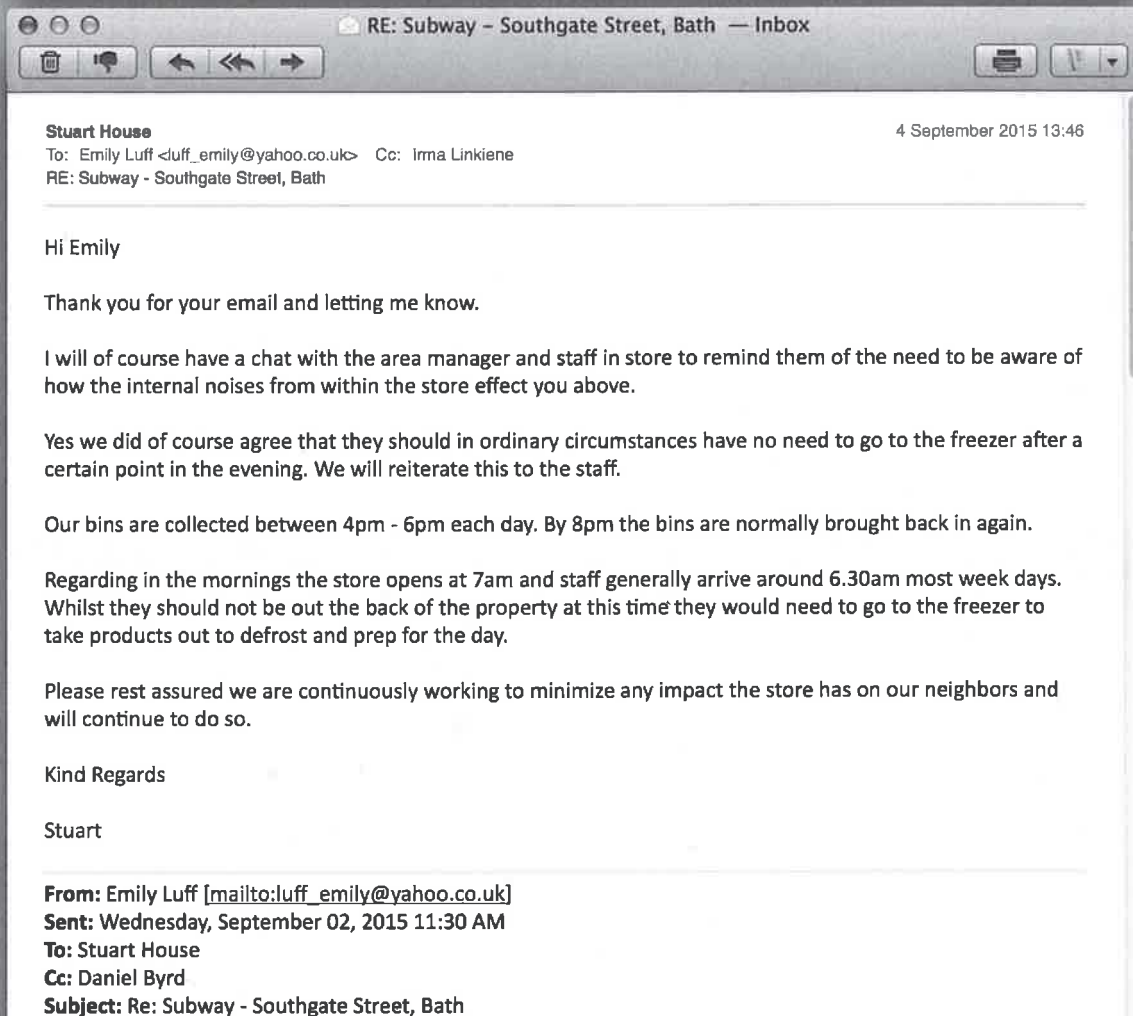
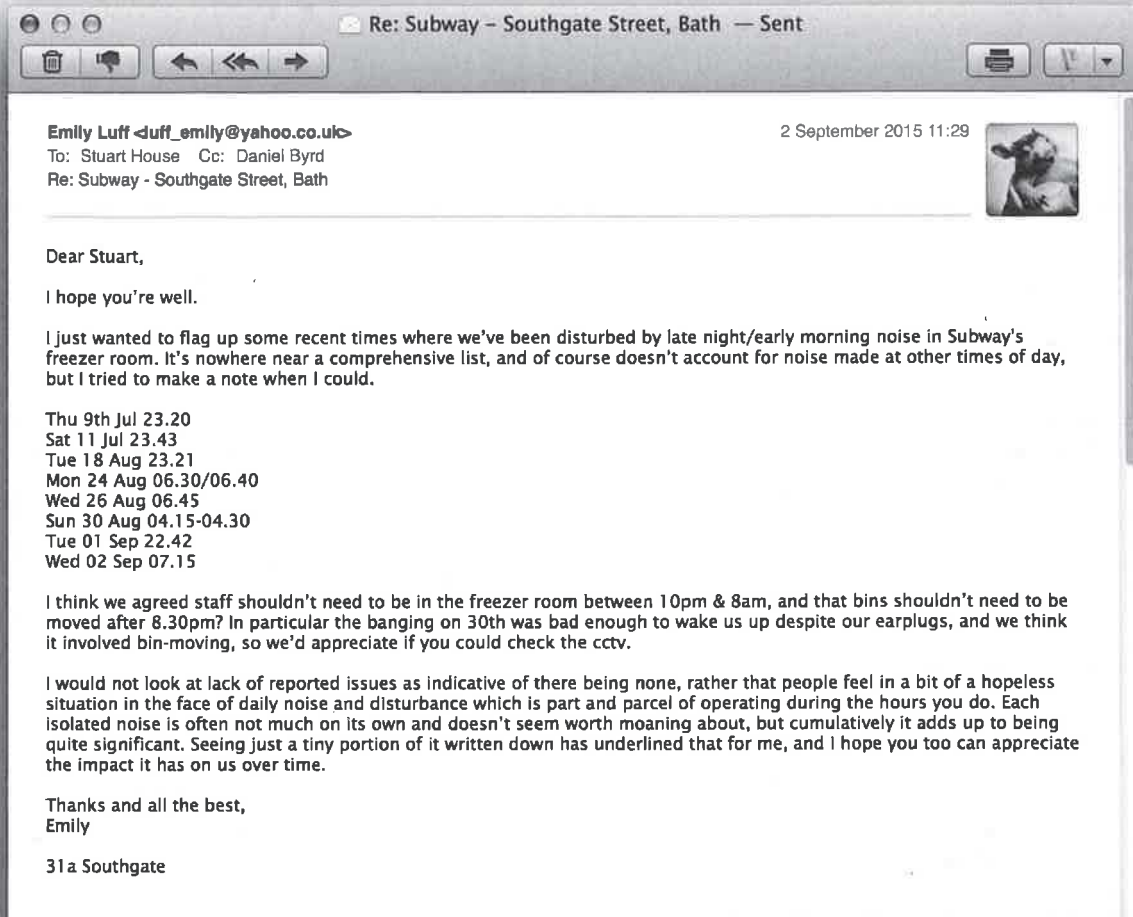
Taken today - a typical day

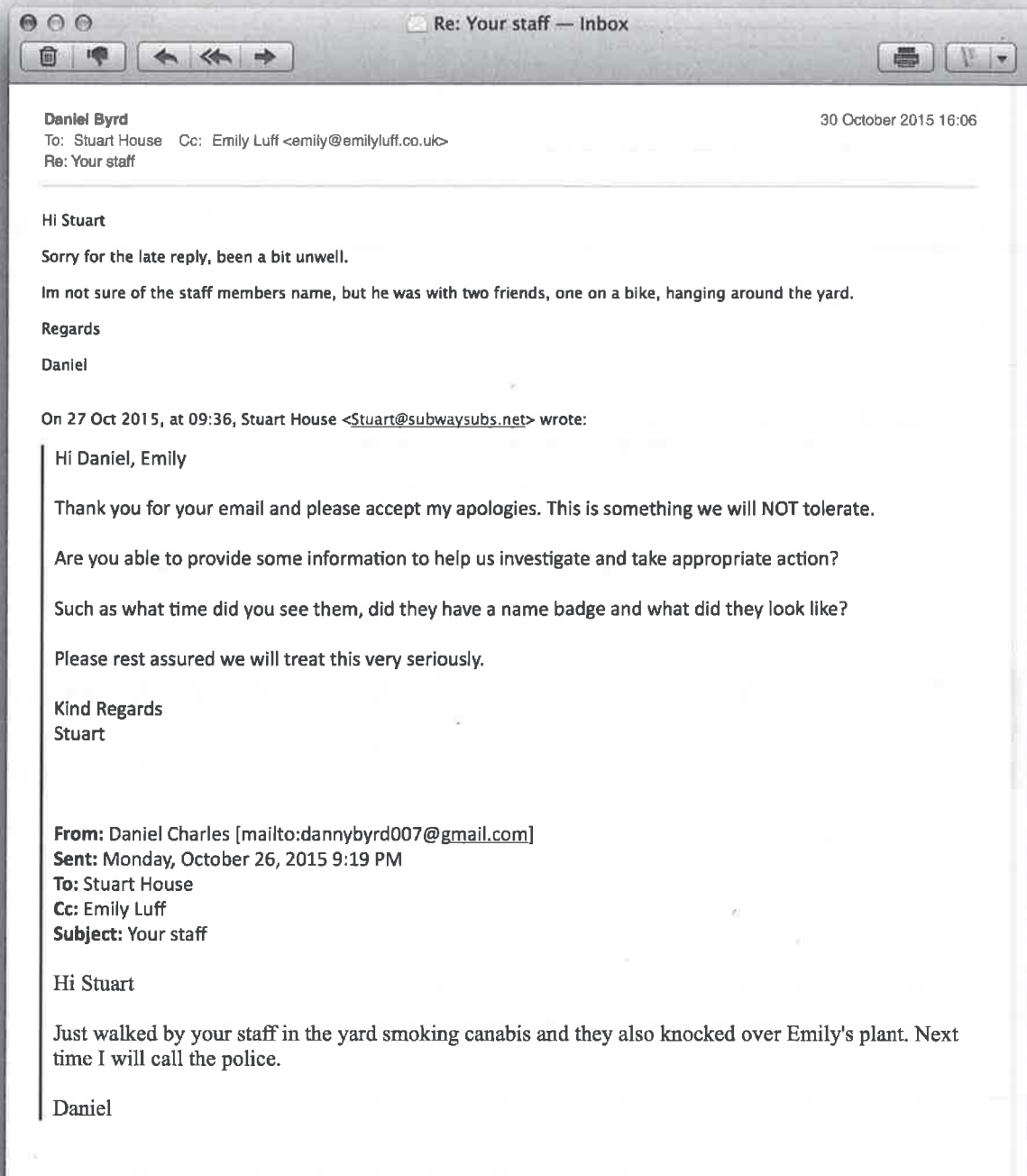


Taken today - a typical day



Taken today - a typical day







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OF TROWBRIDGE, CHIPPENHAM AND BATH

I HOPE TO ATTEND THE HEARING, AND I

AM HAPPY FOR MY SUBMISSION & DETAILS TO

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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

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BE PUBLISHED

Bryan Hussey

BCH Camping and Leisure

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OF TROWBRIDGE, CHIPPENHAM AND BATH

Wendy Stokes,
Case Officer, Licensing Department, B&NES,
Lewis House, Manvers Street, Bath, BA1 1JG.

Bath And North East
Somerset Council

14 JAN 2015

BMH 10/01/2016

Received

Dear Wendy,
Ref:-15/03818/LAPRE Subway 31 Southgate Street Bath

I write on behalf of 'The Bryan and Chris Hussey Partnership' owners of the shop and maisonette at 30 Southgate Street and for 'BCH Camping and Leisure Ltd' who rent the shop from the partnership.

My objection to the above application will come as no surprise as my past objections to Subway's applications are well documented. ~~Please refer to my two letters dated 06/07/14 (14/03413/LAPRE) and letter dated 25/01/2015 (15/00199/LAPRE).~~

Subsequent to the last hearing, my staff, tenants and neighbours have all complained about the excessive rubbish, noise and general nuisance brought about by Subway's activities but; as my tenants and neighbours will be making their own representations, I will confine myself to specific points.

At the last hearing I mentioned that I was unlikely to object to hot food being served until midnight on Friday and Saturday nights and the hearing was determined along those lines. With the benefit of hindsight I have lived to regret my words because Subway has failed to deliver on almost every front and in my opinion their assurances and promises count for nought.

(1) My tenants report noise and furniture movement from the upper floors despite the so called 10.00 pm curfew.

(2) The noise from the restaurant continues unabated with staff seemingly paying little heed to the 'silly' warning signs dotted around.

(3) Subway Staff continue to use the rear alleyway as a smoking/break area and the massive amount of accumulated rubbish includes latex gloves and drink containers discarded by Subway Staff. This is despite documented assurances at the last hearing that staff would go outside to clear up litter.

Subway would have us believe that should their application be approved that the resultant extra footfall would be minuscule but would result in much 'happier customers'. So there we have it: customer happiness over Subway avarice, oh yes and elephants fly too.

(continued page 2)

ONE STOP LEISURE SUPERSTORE 8-12 ISLINGTON TROWBRIDGE WILTS BA14 8QE (01225) 764977 FAX 774295
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& BCH PERFORMANCE SELECTION 60 NEW ROAD, CHIPPENHAM, WILTS SN15 1ES (01249) 661501 FAX 661498
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(page 2)

At the last hearing, Subway presented a word picture of highly skilled food consultants creeping around in carpet slippers with 'cat like tread' dispensing whispered words of culinary advice to their discerning clientele. NO, no, no. More like typical noisy fast food operatives selling some sort of meatball baguette to those who, after midnight, will probably be in some stage of intoxication.


I deliberately have waxed lyrical to emphasise to the hearing members that I am desperate to protect the interests of my three hardworking tenants (two 24 hour carers and a final year student) who deserve and are entitled to a good night's sleep and the quiet enjoyment of their home. Also, for my staff that does battle every day with someone else's detritus.

We are all realistic and understand we will probably have to live with the status quo but would respectfully suggest that the hearing reject this latest application which I believe is motivated by greed.

Thank you for your kind attention

Yours Sincerely,

Bryan Hussey.
(Partner and Director)

A handwritten signature in black ink, reading "Bryan Hussey". The signature is written in a cursive, flowing style with a large initial 'B' and a long, sweeping underline.

ANNEX D

Bryan & Chris Hussey Partnership
C/O 49 Victoria Road
Trowbridge
Wiltshire
BA14 7LD

8th August 2015

Dear Chris

Subway 31 Southgate Street, Bath

I hope you are well and your tenants are finding things ok with no issues.

We have recently been reviewing our trading figures for the switch from cold to hot food between the hours of 23:00 – 00:00 on Friday and Saturday evenings. We have not seen any increase in customers for this period, and have fortunately seen much happier customers who are now able to get a hot Sub and a coffee on their way home.

On reviewing the figures 8 weeks prior to and after the change we saw a nominal increase of 1-2 customers in that hour on some but not all days.

With this in mind, and having not received any communication or complaints from our neighbours we wanted to look at the possibility of applying to amend the license that was granted earlier this year. Please don't think you will see a new blue notice go up in the shop window in the next couple of days – that is not the case or our intention, but we did want to look at any potential impact this may have, both in store and for our neighbours.

If there is anything you would like to discuss please give me a call and we can run through. And again please rest assured we are not looking to do anything that would affect you or your tenant's enjoyment of the property.

Yours sincerely



Stuart House

stuart@subwaysubs.net

07824 512 140



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Camping and Leisure

OF TROWBRIDGE, CHIPPENHAM AND BATH

Stuart House
Subway Store Development,
Forth Way, Avonmouth, Bristol, BS11 8DL

BMH 13/08/2015

Ref: Subway 31 Southgate Street Bath.



Dear Stuart,

Further to your latest letter dated the 8th August and the previous one on the 8th of June, I am pleased to respond as a partner in the Bryan and Chris Hussey Partnership and as a director of BCH Camping and Leisure Ltd.

Firstly, one should not read too much into an absence of complaints from our end, rather that: having accepted, indeed suggested, the current status quo as a reasonable compromise, it would be churlish of us to complain about extra noise and litter that we knew would inevitably ensue.

Secondly, any lack of communication between us should not be construed as indicating our preparedness to accept any extension or modification to the hours and conditions determined at the last hearing.

Kind Regards,

Bryan Hussey,

On Behalf of: Bryan and Chris Hussey Partnership and BCH Camping and Leisure Ltd.

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Terrill Wolyn

From: Amber Dee <amberdee@live.com>
Sent: 16 January 2016 13:48
To: Licensing
Subject: Subway - REPRESENTATION from Amber Dawkins, Susan Dawkins and Elizabeth Clark
Attachments: SubwayLetter3.pdf

Hi Wendy,

Please find letter against Subway's proposed opening hours and photos attached. These photos are pictures of the litter outside of our front door, garage and BCH's back door.

Kind regards,

Amber







Wendy Stokes

Case Officer, Licensing Department, B&NES,
Lewis House, Manvers Street, Bath, BA11JG

14/01/16

Amber Dawkins, Susan Dawkins & Elizabeth Clark

Flat 30
Southgate Street
Bath
BA11TP

Dear Wendy,

I write on the behalf of all three tenants of Flat 30, Southgate Street.

We have previously objected twice before to the proposed opening hours for the Subway sandwich shop located next door to us. Our previous objections still stand as little or nothing has been done to combat any of our ongoing issues.

As before, our main issues with the proposed extended hours are: noise, safety, litter, access and pest control.

As it stands we already have issues with regards to the noise that Subway's trade creates. This includes noise coming from both inside and outside of their shop. Outside we are disturbed by their customers during unsociable hours. A shop providing food at this time attracts many intoxicated people who are not inclined to keep their noise levels to a minimum. These extended hours will only exacerbate this. For example, club kick out times being 2-3am and the last student buses for both universities leaving at this time and their being open attracting this sort of intoxicated, noisy clientele. Previously it has been mentioned by Subway's solicitors that they intend for customers to purchase their food and leave to catch their bus or taxi. This will not happen as hot food is not permitted on buses or in taxis. This means they will be gathering on the pavements below our windows. The groups of people gathering, most likely in an intoxicated state, increases the chances of altercations, public disturbances and fights as we have seen with the McDonalds located very close by, having to have security staff etc.

We also have issues with noise coming from inside of the shop. We hear tables and chairs being dragged across the floors at quite some volume on a daily basis. It was previously mentioned by Subway's solicitors that they have closed the upstairs to the public from 9pm to avoid this problem. I am unsure as to whether this is the case, but the noise remains the same whether the furniture is being moved by clientele or staff, perhaps during their close down, which is again, at an unsociable hour.

We have also had many issues with regards to the litter Subway creates both at the front of the shop and behind the shop, where our front door and garage doors are located.

Litter such as the packaging from their deliveries, their plastic gloves they use while creating sandwiches and their food and drink packaging (drinks cartons, straws and sandwich wrappers), a large portion of which ends up literally right outside of our front door. This problem will only worsen should the hours be extended and the number of clientele at that time of night increase. People leaving pubs and clubs at that time of night usually have little regard for littering laws and staff will be even less inclined to keep everything tidy at that hour, approaching the end of their shifts.

This also raises concerns in regards to the pest issue we already have.

There are numerous council rat traps in place and rats are regularly seen by us, our neighbours and our visitors.

With regards to the litter, please find photos attached.

Finally we also have issues with regards to access of both our garage doors and our front door. The staff and franchisee support members have absolutely no regard to the inconvenience they cause us on a daily basis. Staff members park in front of our garage, without contact details, sometimes overnight and have often taken a long time to move their vehicles or have claimed they don't know who's vehicle it is and at a later date it has become obvious that it's theirs. There has also been instances where they have been parked so close to the doors or so close to the other cars either side of the doors that we are actually unable to exit our house and have to climb over them to be able to leave. This also raises concern in terms of emergency service access. Last year one of our tenants was taken by ambulance to A&E with suspected septicemia, which is potentially life threatening, and the emergency services were unable to access the property meaning she had to be carried between cars and to another road where the ambulance was able to park.

Extended hours means more staff and an increased number of cars parking there. Therefore this raises concern.

We are aware that sometimes Subway opens at later hours and only serves

cold food. Our concerns are worsened by the idea of them serving hot food and their number of late night clientele increasing. They are wanting to serve hot food to lure in a higher number of customers at this hour and most definitely not to just 'increase customer satisfaction' as mentioned in previous hearings. This will only heighten our outstanding issues.

We hope that you can appreciate the inconvenience caused to us and our neighbours on a daily basis and that passing this license will only make things worse.

Sincerely,

Amber Dawkins, Elizabeth Clark, Susan Dawkins

Terrill Wolyn

From: osama rashed <ossy94@hotmail.co.uk>
Sent: 15 January 2016 19:06
To: Licensing
Subject: Subway - REPRESENTATION from OSAMA RASHED and Others

Dear Wendy,

Ref: 15/03818/LAPRE Subway 31 Southgate Street Bath

We are the current occupiers of 29a Southgate street, and wish to lodge or objection to Subway's renewed application for a late hot food licence.

For us, the particular problems come in the form of noise and litter. With the windows facing the shared courtyard being very thin, late night noise from the shop is easily heard and causes a great nuisance to us as we try to sleep. Further to this, piles of rubbish and litter have recently started piling up at our door, which we understand may not all relate to the shop, though we believe some parts do. This then leads to more rubbish being dumped here from other people, and the state has now become intolerable. As such, we strongly object to the aforementioned application renewal as we all believe that this not only worsens the situations described, but in fact initiates them.

Kind regards,

Osama Rashed, Jack Possee, Andrew Trick, Elizabeth Miles, Farhan Khan, Cara Clark, Catherine Paap.

Terrill Wolyn

From: Jenny Bird <jenny.bird@johnhodge.co.uk>
Sent: 15 January 2016 12:22
To: Licensing
Subject: 15/03818/LAPRESUBWAY31SOUTHGATE

We act for Mr C J & Mrs C M Cole, the owners of the freehold at 29 Southgate, Bath.

We understand that Subway have made an application to extend their hot food service from midnight to 3.00am on Fridays and Saturdays and we would like to object to this application on the grounds that it will cause additional noise which will interrupt the sleep of our student tenants and will also involve additional litter being left on the pavement.

Jenny Bird
Secretary
John Hodge Solicitors

Tel: 01934 833208
Email: jenny.bird@johnhodge.co.uk
Web: www.johnhodge.co.uk



50 High Street | Yatton | Bristol | BS49 4HJ

A list of partners is available for inspection at the above address

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