

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

1 THE ISSUE

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

2 RECOMMENDATION

- 2.1 That the Sub Committee determines this application.

3 RESOURCE IMPLICATIONS

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

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or other significant issues were found.
- 4.2 Consideration must be given to the Human Rights Act 1998 and the "convention rights".
- 4.3 The Sub Committee have been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.

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

5 THE REPORT

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

5.2 The application proposes:

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

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

Sunday 23:00 - 00:00

2) **Opening hours:**

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

Sunday 07:00 - 00:00

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

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

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

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

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

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

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

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

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

6. RATIONALE

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

7 OTHER OPTIONS CONSIDERED

- 7.1 None

8 CONSULTATION

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

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

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

Bath & NES Council

ENVIRONMENTAL SERVICES

17 JUN 2014

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

866216
190.00

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Stores Extra LLP

(Insert name(s) of applicant)

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

Part 1 – Premises Details

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

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

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

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	1	0	7	2	0	1	4

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

DD		MM		YYYY			
N	A	±	±	±	±	±	±

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

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

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

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
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 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur								
Fri						<u>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</u> (please read guidance note 5)		
Sat								
Sun								

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

G

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

H

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

I

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

J

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

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

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

K

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

L

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

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

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

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

b) The prevention of crime and disorder

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

c) Public safety

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

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

d) The prevention of public nuisance

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

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

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

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

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

Signature	
Date	
Capacity	

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

Stuart House
Subway 256 Southmead Road Bristol BS10 5EN

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

Notes for Guidance

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

Kirsty Morgan

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

Hi Kirsty

Thank you for the call.

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

As discussed the blue notice wording will be amended.

Any other queries please let me know.

Kind Regards

Stuart House

Franchisee and Development Administrator

T : 01179 581 581

M : 07824 512140

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

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

Dear Stuart,

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

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

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

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

Kind regards,

Kirsty

Kirsty Morgan

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

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

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**Bath and North East Somerset:
District Online**

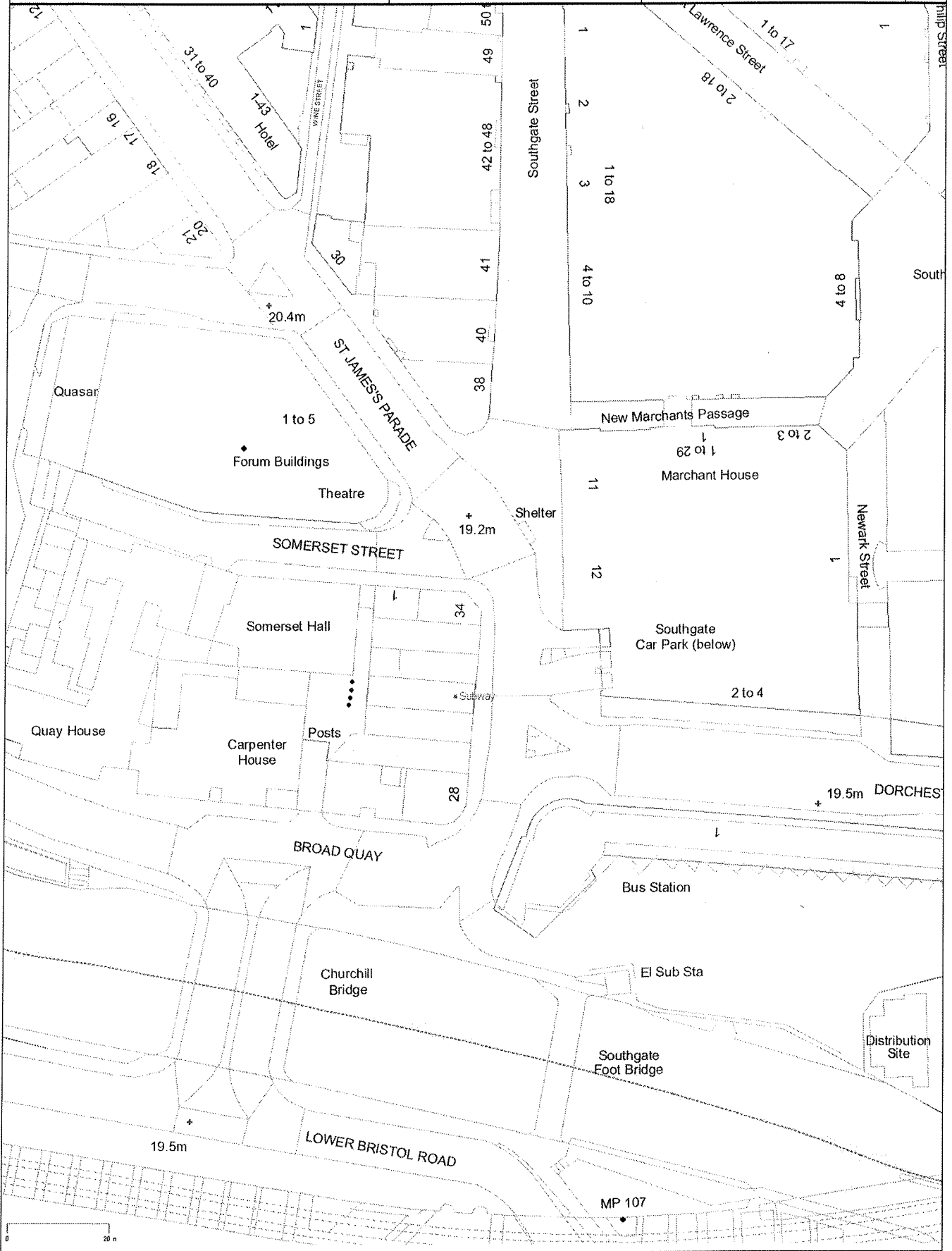
Date: 11-7-2014
Scale: 1:1000

Bath & North East
Somerset Council

Subway, 31 Southgate Street

Map Centre - easting / northing:
375050 / 164431

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

Dear Lauren Latta,

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

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

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

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

Regards,
Linda Lee



Camping and Leisure

OF TROWBRIDGE, CHIPPENHAM AND BATH

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

RECEIVED
- 8 JUL 2014
LEWIS HOUSE

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

Dear Lauren,

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

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

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

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

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

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

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

Yours Sincerely,
Christopher Hussey (Director)

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



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

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

Dear Lauren,

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

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

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

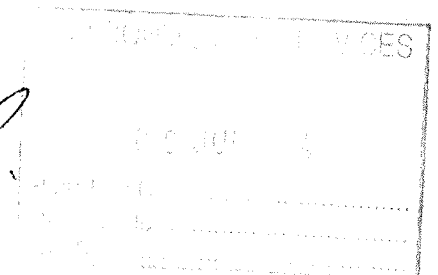
In our opinion the opening hours requested are geared to the selfish greed of the applicant and, if approved, would be extremely detrimental to the lives of those residents living close by who have a right to the quiet enjoyment of their homes and a good night's sleep.

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

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

I trust you will give these matters your serious consideration.

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



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

Dear Lauren,

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

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

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

Yours sincerely

Felicity Walker

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

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

31a Southgate
Bath
BA1 1TP

Date: 2nd July 2014

Dear Lauren Latta

Ref 14/03413/LAPRE

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

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

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

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

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

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

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

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

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

Kindest regards

Daniel Byrd & Emily Luff

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

30 Southgate Street
Bath
BA1 1TP

07/07/14

Dear Lauren Latta,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

You sincerely,

Amber Dawkins

Elizabeth Clark

Sophie Coleman

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

To Lauren,

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

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

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

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

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

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

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

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

Kind regards, Sophie Coleman.

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

Dear Lauren Latta,

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

I live in the building next door to this.

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

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

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

Yours sincerely

Elizabeth Clark

Sent from my iPhone

