

Bath & North East Somerset Council

MEETING:	Licensing Sub Committee	AGENDA ITEM NUMBER
MEETING DATE:	Tuesday 03 March 2015	
TITLE:	Application for a 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 for a new premises licence
- Annex B Plan of premises
- Annex C Site plan
- Annex D Representations from 'other persons'

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 £190.00.

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 plan identifying the “premises” for the purpose of this application is attached at *Annex B*.

5.3 The application proposes:

1) **Late Night Refreshment** (indoors and outdoors):

Fridays and Saturdays	23:00 – 03:00 the following morning
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2) **Opening Hours**

Mondays - Thursdays	07:00 – 23:00
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Fridays and Saturdays	07:00 – 03:00 the following morning
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Sundays	09:00 – 21:00
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5.4 A site plan is 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
- 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.

- 5.6 The Licensing Authority may grant the application with or without additional conditions.
- 5.7 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, 17, 18, 20, 23, 24, 33 - 37, 41 to 44 of the 2014 policy.
 - b) Chapters 2, 8, 9 & 10 of the Statutory Guidance revised October 2014
 - c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 23, 182, and 183 of the Act.
- 5.8 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.
- 5.9 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.
- 5.10 In accordance with the requirements of the Act the applicant served copies of the application upon the police, the fire authority, environmental health, development control, trading standards, health authority and the child protection agency.
- 5.11 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.
- 5.12 A joint representation has been received from 'BCH Camping and Leisure' and 'The Bryan and Chris Hussey Partnership along with representations from local residents. The representations allege that the applicant's

proposals undermine the prevention of public nuisance licensing objective (*Annex D*).

5.13 This report has not been sent to the Trades Union because they would have no involvement.

6. RATIONALE

6.1 As a representation has 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 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, Public Protection 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
08 JAN 2015
Post Log No:
Receipt No: 117021
CH/CA £190.00

**Application for a premises licence to be granted
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)

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			
Post town	Bath	Postcode	BA1 1TP
Telephone number at premises (if any)	01225 331910		
Non-domestic rateable value of premises	£24,750		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) 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 Subway Store Development Ltd
Address Registered: Audit House 260 Field End Road Eastcote Middlesex HA4 9LT Correspondence: Subway, 256 Southmead Road, Bristol, BS10 5EN
Registered number (where applicable) GB 5959466
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
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
1	3	02 2015

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	

Sandwich Shop selling hot & cold sandwiches and soft drinks. The premises is over two floors. The ground floor consists of a service, preparation area and customer area. The first floor consist of a customer area. Please see attached plan for dimensions.

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

n/a

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"/>
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 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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
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			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			<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)
Thur			
Fri			
Sat			
Sun			

D

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

E

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

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place 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 performance of dance</u> (please read guidance note 4)		
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 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	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
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 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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Sale of hot and 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 4)		
Thur	n/a	n/a			
Fri	23:00	00:00	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 5)		
Sat	00:00	03:00			
	23:00	00:00			
Sun	00:00	03:00			

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)

Taking in to account the needs of the local residents, police and the licencing authority we will work with all interested parties to ensure the smooth running of the premises. The appropriate measures listed in (b) – (d) will be installed to remove any impact from the residents in the vicinity. 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.

Seating areas are provided in store.

In light of and with regard to the councils Cumulative Impact Area we will seek to demonstrate that the addition of hot food and hot drinks over and above the existing offer of cold food and cold drinks will not add to the cumulative impact already experienced.

The store currently opens until 3am serving cold food and cold drinks only on Friday and Saturday nights.

b) The prevention of crime and disorder

- CCTV system in place of an appropriate standard. It is already fully operational. To be maintained 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.
- Members of staff during licensed hours to be trained to reproduce and download 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.
- Emergency exits will be kept free from obstruction at all times.
- The top seating level will be closed off during licensed hours to prevent hidden areas within the store.

c) Public safety

Please see (b)

Store to be maintained to high level at all times.

Full in store risk assessments held in bound book on site.

Any damage that possess risk to the public to be repair as soon as reasonably practical.

d) The prevention of public nuisance

- The level of any noise from any fixed plant shall not exceed the background noise level at the nearest most noise sensitive property.
- Anti vibration mounts will be used to isolate plant from fixed structures and flexible connector to connect to the flue to the fan if there is any potential to transmit vibration.
- No cooking to take place on premises at any time. Products only re-heated via toaster oven or microwave.
- Bread to be baked during non- licensed hours only.
- Notices to be displayed where customers leave the property instructing them to respect needs 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. Collection is scheduled to take place between 4pm – 6pm daily.
- Deliveries will not take place during licensed hours.
- Outdoor lighting shall be positioned, so far as is reasonably practical to limit the intrusion in to residential accommodation, whilst maintaining a level of light for the safe access and egress of customers.
- Signs posted on back staff only door to ask to close quietly and respect neighbours. Doors adjusted as required to ensure flow freely and minimise noise when used.
- Door bell added to back door for use of delivery drivers outside of licensed hours.

e) The protection of children from harm

Checklist:

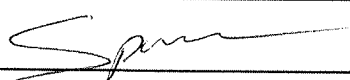
Please tick to indicate agreement

- 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	Sue Pasco 
Date	08/01/2015
Capacity	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			

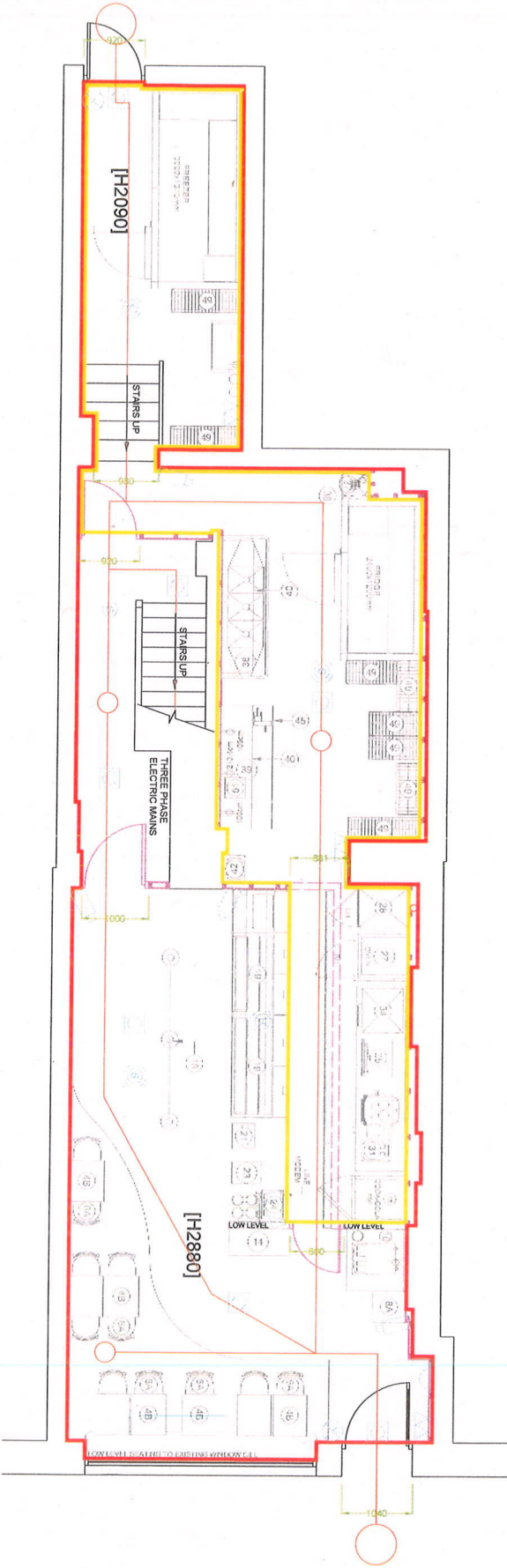
Notes for Guidance

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.

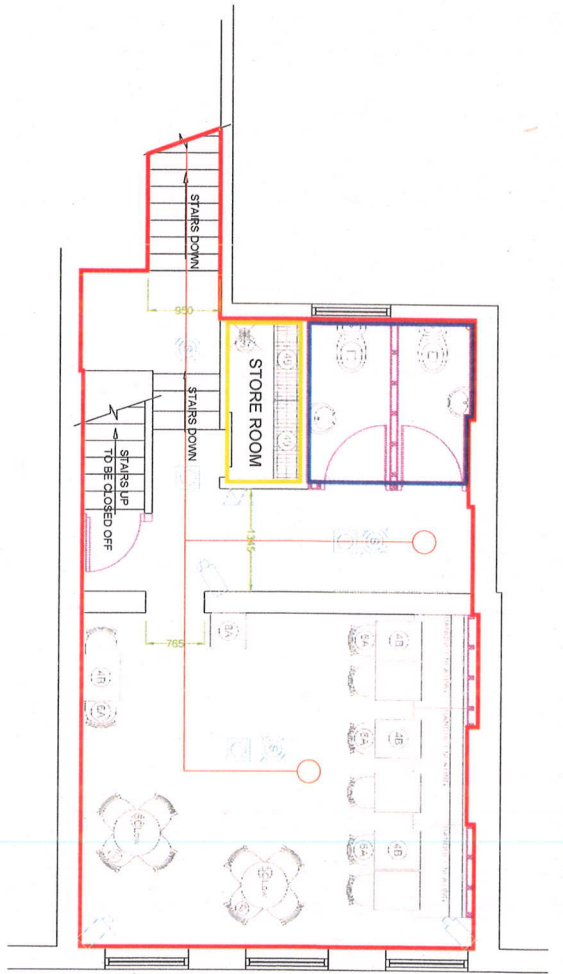
LEGEND

	- 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

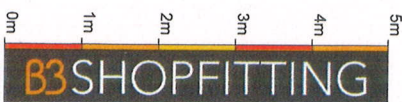
HOT LICENCE



GROUND FLOOR



FIRST FLOOR



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 THE DRAWING IS SUBJECT TO THE SPECIFICATION AND STANDARD DETAIL DOCUMENTS PROVIDED WITH THIS DRAWING. ANY AMENDMENTS TO THE SPECIFICATION AND STANDARD DETAIL DOCUMENTS SHALL BE MADE BY THE ARCHITECT AND NOT THE CONTRACTOR.

FINISHERS SCHEDULE
 REFER TO CURRENT FINISHERS SCHEDULE FOR THE FINISHES TO BE APPLIED TO THE WORK SHOWN IN THIS DRAWING. ANY AMENDMENTS TO THE FINISHERS SCHEDULE SHALL BE MADE BY THE ARCHITECT AND NOT THE CONTRACTOR.

CONFIDENTIALITY
 THIS DRAWING IS CLASSIFIED AS CONFIDENTIAL AND IS NOT TO BE DISCLOSED TO ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF B3SHOPFITTING LTD.

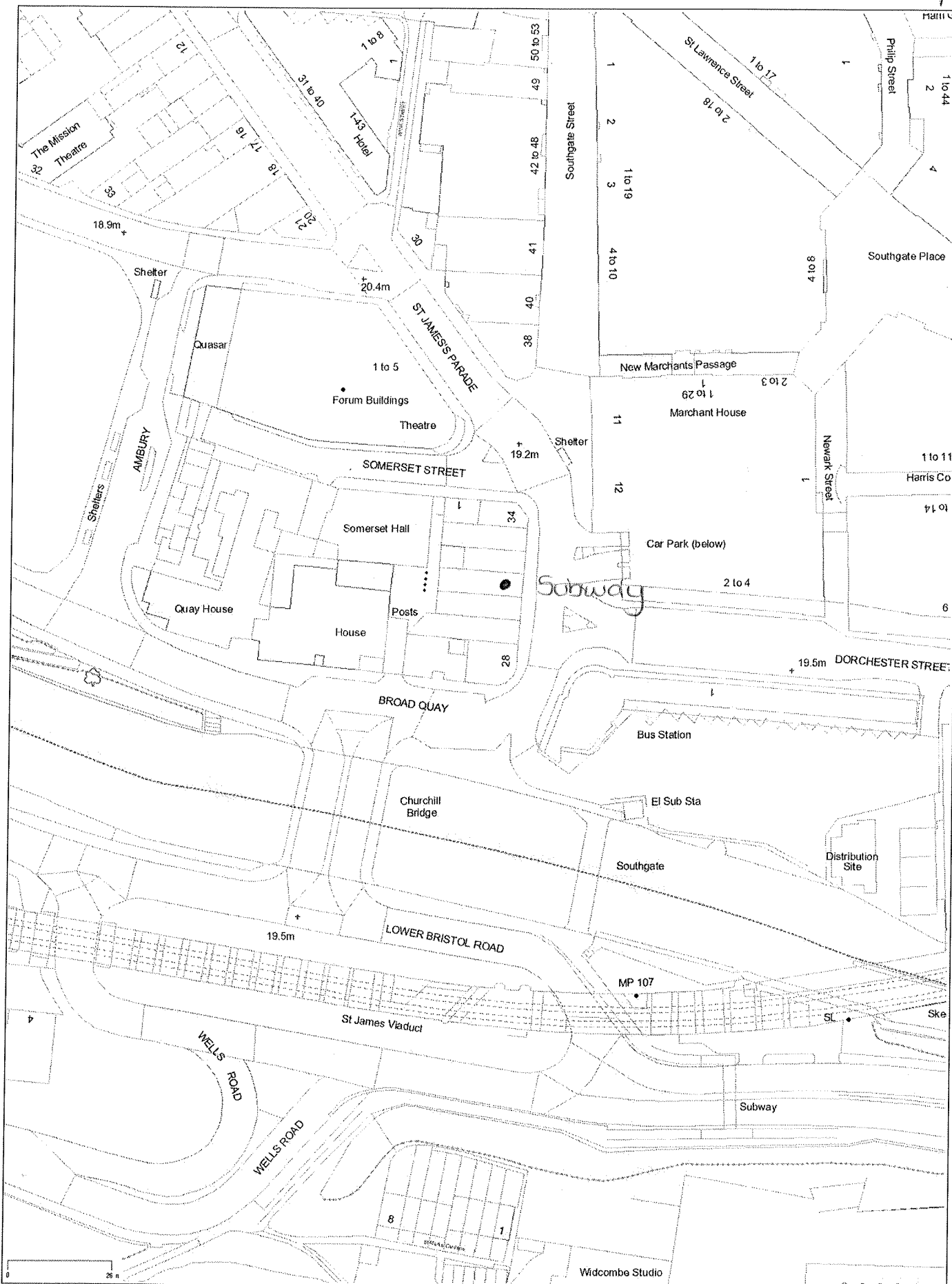
DRAWN BY: GB
REVISIONS:
 A WALK IN FRIDGE 7 SINK RELOCATED WALK IN FREEZER MADE BIGGER AND REACH IN FRIDGE REMOVED
 B WALK IN FRIDGE MADE BIGGER
 C NEW DOOR ON GF AND OTHER DOOR AMENDMENTS TO MEET THE MEANS OF ESCAPE ISSUES
 D AMENDMENTS TO THE DOOR LOCATIONS ON BOTH FLOORS AND BOH LAYOUT COKE FRIDGE INTRODUCED IN BACK COUNTER LINE

APPROVED BY:
DATE: 22.10.2013
SCALE: 1:50 @ A1

REVISIONS:
 E BAR SEATING REMOVED PREP BENCH AND RACKING SWAPPED OVER
 F FREEZER DOOR REPOSITIONED SMALLER BEV STATION ANNOTATED ADDED CEILING AND DECOR PLAN DRAWN UP

DRAWING NO: ST/HQ/TE 22.10.13 REV/F
CLIENT: SUBWAY
PROJECT NAME: SUBWAY
SITE ADDRESS: 31 SOUTHGATE STREET BATH SOMERSET BA1 1AQ
CONTACT DETAILS:

B3SHOPFITTING LTD
 THE CURVE
 STONE BUSINESS PARK
 STAFFORDSHIRE
 STAFFORD
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Camping and Leisure

OF TROWBRIDGE, CHIPPENHAM AND BATH

Lauren Latta,
Case Officer, Licensing Department, B&nes,
Lewis House, Manvers Street, Bath BA1 1JG
BMH 25/01/2015

Bath And North East
Somerset Council

20 JAN 2015

Received

Ref: - 15/00199/LAPRE 31 Southgate Street, Bath, BA1 1TP

Dear Lauren,

On behalf of 'BCH Camping and Leisure Ltd' and 'The Bryan and Chris Hussey Partnership' I wish to register our objections to this new application from Subway.

For the last 20 years BCH have leased the ground floor shop from The Partnership and the maisonette above is similarly leased to three girl tenants.

Because the new application is much like the previous one and our objections much the same, we can save time and effort by referring you to our two letters each dated 06/07/2014 objecting to application number 14/03413/LAPRE.

Whilst we are cognizant that the new application is specifically for Friday and Saturdays we remember the applicant said last time that 'it was likely that the late hours would only be used on Fridays and Saturdays in term-time'. So what's the difference? Is this some kind of war of attrition?

For the record; following complaints from our staff and the three girls living above our shop, I telephoned your Public Protection Officer Kirsty Morgan on the 17/11/2014 to enquire what could be done about the noise and litter brought about by Subway operating until 3.00am. Kirsty kindly explained that the previous resolution could not prevent the selling of cold food late into the night and advised that the girls should make their complaints to Environmental Services. She also said she would get her enforcement officers to check that hot food was not being sold in the early hours.

Interestingly, complaints from the girls included excessive noise from the upper levels (banging of doors and the dragging of chairs and tables across the floor), noise in the street below and a very noisy extraction unit that seems to be operating outside of daylight hours. For their part, my shop staff have experienced all the problems predicted in our letter of the 6th of July.

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

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

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

I have in recent days received a letter from Subway (copy enclosed) in which they claim to have implemented a number of measures (in their words) to: 'prevent where possible disturbance to our neighbours.

We have no doubt that Subway would like us to believe their list of best intentions but we are fearful that in the real world much of the list will fall by the wayside and the surrounding community will be the losers. Certainly our experiences to date are not conducive to believing otherwise.

Frankly, the likes of Subway purporting to be a collection of small local entrepreneurs belies the fact that they are an integral part of a huge multi-national company and the need to increase revenues to cope with the higher than average rents in the area cuts no ice with us. Perhaps 'the experienced' franchisees should have done more homework before moving in.

We respectfully suggest that you refuse the current application.

Yours Sincerely

Bryan Hussey

(Director BCH Camping and Leisure Ltd)

and:

(Joint Partner The Bryan and Chris Hussey Partnership.)



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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

COPY

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

Dear Lauren,

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

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

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

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

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

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

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

Yours Sincerely,
Christopher Hussey (Director)

ONE STOP LEISURE SUPERSTORE 8-12 ISLINGTON TROWBRIDGE WILTS BA14 8QE (01225) 764977 FAX 774295
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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

COPY

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)



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

13th January 2015

Dear Bryan, Chris

**Subway 31 Southgate Street, Bath
Late License Application**

By way of introduction my name is Stuart and I work for the franchisee of the Subway store on Southgate Street, Bath.

You may recall we applied originally for a license in July last year and you had some concerns over possible noise and disturbance from customers and long trading hours. As our neighbours at BCH Camping & Leisure we would really like to work with you to ensure we do not impact on your business in any way.

We have recently applied again for a hot food license to sell hot sandwiches and drinks after 11pm. Our application is vastly different this time in that we have curtailed the application to only two days a week, Friday and Saturday, and until only 3am in the morning.

You may be aware we have been open for these hours serving cold sandwiches and drinks only since September and have implemented a number of measures to prevent where possible any disturbance to our neighbours. These have included, but are not limited to:

- 8 waste collections per week, over 6 days with set times (during working hours) for collections
- Closed off the top level of the store, to keep activity on ground level.
- Installed closing mechanisms and resized internal doors to reduce noise from closing them.
- Installed a bell at the rear to prevent suppliers from having to bang for attention.
- Scheduled deliveries where possible during working hours.
- Worked with staff to ensure they do not have any need to go out the back from early evening onwards, and keep noise levels in store to a minimum.
- Liaised with the local police licensing officer to ensure we meet their requirements for trading late.
- Restricted bread baking, and the need for extraction, to day time hours. Our only heating after 11pm would be by way of microwave and toaster oven.

Our trading history has shown that since we started opening late our customer numbers are on average only nine per hour over the Friday & Saturday nights. We do not foresee a significant increase on these levels if we were able to sell hot sandwiches and drinks, our aim is just to be able to sell our full menu offering to our customers for our full trading hours.



Since we have been open post 11pm we have had no incidents in store.

If you do have any concerns or feedback, regarding our application or anything else since we have been open, please let us know.

Subways stores are not owned and operated by a multinational company but each individual store is owned and operated by a local franchisee. The franchisees of this store are Sue & Steve Pasco, who are experienced franchisees of over 15 years and live locally in Bristol. Our application is not be greedy but in order to help meet the higher than average rents in the area, of which I'm sure you will understand.

I am happy to meet with you, or discuss over the phone, at a time and place that is convenient to you should you have continuing concerns.

I look forward to hear from you.

All the best

Yours sincerely

A handwritten signature in black ink, appearing to be "Sue & Steve Pasco".

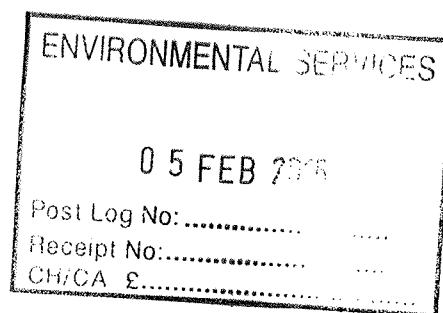
Stuart House

01179 581 583

Stuart@subwaysubs.net

CC B&NES Licensing Department

Flat 30, Southgate Street
Bath
BA11TP



Dear Lauren,

On behalf of all three residents at Flat 30 Southgate Street, I wish to register our objection to Subway's new application.

Many of our objections remain the same as those previously stated when the last application was made.

We have had issues with litter outside of our door, some of it Subway branded and also discarded plastic gloves which are used by their employees. Although Subway have introduced rubbish collections 6 days a week they seem unable to keep the communal area outside of our doors (Flat 30, BCH, Flat 31A) free from their litter.

As there is clearly already a rat problem, there are council rat traps in place, the excess litter only exacerbates the situation. By increasing the hours that Subway are allowed to serve hot food, will by their own admission, bring more customers. Therefore our fear is that more customers equals more litter.

As we spoke about in our last letter and meeting, the noise pollution is most definitely still existent, and still an issue.

I will start by mentioning the upstairs dining area, noise of scraping chairs and banging against the walls can be heard from the downstairs bedroom. On the level above, the wall joining onto what I assume to be the staff room, banging doors can be heard through both bedroom walls. In an email recently sent out by Stuart House (Subway's 'Franchisee and Administration Advisor') he claims they have 'closed off the top level of the store, to keep activity on ground level.' we can still hear activity on that level whether that be customers or staff moving furniture. Also that they have 'installed closing mechanisms and resized internal doors to reduce noise from closing them.' This may or may not be the case upstairs, but either way, we can still hear the doors banging shut.

Secondly, the noise that it has attracted outside, especially during late hours (the shop has been open until 4am on Fridays and Saturdays for a while now) has been disruptive. As pubs and clubs close shortly before this time it has attracted groups of people under the influence who are rather vocal. I feel that by serving hot food until 3am, which is an hour past kick out time for most venues, will encourage even more drunk party goers to loiter on the street upon which two of our bedrooms face, especially on Friday and Saturday nights.

Although the third bedroom faces away from the street, the loud refrigeration unit placed just outside of it (that switches on and off throughout day and night, 24/7) creates enough noise to also make the noise pollution a significant problem for that particular tenant.

Stuart House also claims, 'We do not foresee a significant increase on these levels (amount of customers per evening) if we were able to sell hot sandwiches and drinks, our aim is just to be able to sell our full menu offering to our customers for our full trading hours.' I would imagine that this would sound an unusual claim to anyone and that the realistic reason that they wish to pass this license is to maximize their clientele and therefore boost revenue. Therefore meaning more noise pollution, more litter.

We understand that this particular branch of Subway claims they have made adjustments to accommodate the residents adjoining their building but unfortunately this has not been the case/has not been successful. By granting Subway a licence to serve hot food until 3am, the only outcome that could realistically be expected is that customer numbers will go up. To suggest that the aim is anything other than increased customer flow is nonsensical. As we already have issues with noise pollution and littering with the current number of customers I'm sure you can understand why we would be objecting to a licence which will only make these issues worse.

We respectfully suggest that you refuse the application.

Kind regards

Miss Amber Dawkins
Miss Elizabeth Clark
Miss Joanna Bradshaw

From: Emily Luff [mailto:luff_emily@yahoo.co.uk]

Sent: 06 February 2015 01:51

To: Licensing

Subject: Objection to new Subway late licence - REF: 15/00199/LAPRE 31 Southgate Bath

31a Southgate
Bath
BA1 1TP

Date 5th Feb 2015

Dear Lauren Latta

REF: 15/00199/LAPRE 31 Southgate Bath BA1 1TP

This is a letter objecting to Subway's latest application for a late licence. You may recall my partner and I both objected to the first Subway late licence application, which I sent to you on 2nd July 2014. We attended the hearing and voiced our concerns, and felt satisfied that we were acknowledged as the application was refused.

What's different about this proposal is that all of the fears from our first objection have been realised. Although Subway were not granted a hot food licence they now sell cold food till 3am, with the shop closing some time after that, every Friday and Saturday night. This has been a difficult time for our neighbours and ourselves with many issues contradicting the terms of a hot food licence.

1) Noise

Like most, my partner and I work hard and look forward to relaxing on a Friday evening with a good night's sleep. That's made quite tricky when a bin is being hauled about and the back door slammed, quite literally shaking the foundations of the house and waking us with a jolt at 3.30am. A fridge door being slammed and someone running up and down uncarpeted stairs at 2am. Someone cleaning and dragging tables around at 3.30am. A very noisy generator drone that clunks on and off every few minutes around the clock. Drunk patrons wandering outside our house that strangely enough weren't there 6 months ago. A bit of late night disturbance is part and parcel of living in the town centre, but Subway workers arrive again at 6/6.30am every day and we are reawoken by slamming doors and other vibrations. We consider the other nights of the week, when they leave at 12.30am, to be 'good days'. Sorry to sound emotive, but we feel we are being crushed by an industrial franchise machine. I have a fan. I have earplugs. It's still a nightmare. I had to go to the doctor suffering with anxiety issues over the Subway noise (I can provide the doctor's note if you wish). It's been very tough for both of us, and there has been no recourse. The shop staff, as you would expect, aren't even aware that people live above them. Sadly I think Subway see us as a nuisance; the people that stopped them lining their pockets even more, and they've done some petty things like pinning up a sign saying "SUBWAY PARKING ONLY" on a public road - which was clearly done to irritate the neighbours.

2) Rubbish

We have seen on more than one occasion passers-by taking pictures of Subway's overflowing bins on Broad Quay, and tweeting them with complaints to the @welovebath or @nowbath local feeds. This has invariably been on a Sunday - obviously more rubbish is generated from a near 24hr operation on Friday and Saturday. Every time I go out for a stroll on the weekend there is always Subway rubbish blowing up and down the street, accumulating near their back door (which they do not clean up), and full bin-bags sitting

around. This business has not thought about their waste collection and storage carefully enough.

3) Sanitation/Public Safety

My partner and I went for an evening out two months ago and came back at about 2am to find someone drunk and urinating next to our property with a Subway wrapper in hand. When we asked him to move along, he swore, gesticulated at and threatened us. Living next to Carpenter House we have had the odd student ringing our doorbell in error, and probably plenty of urinating has gone unnoticed too, but we've never had to confront aggressive drunk people on our doorstep before. There is demonstrably more drunken activity in the area. I have also seen more rats and the general cleanliness of the area has dropped. This is not what Bath is about - people choose to live here because it is clean, safe and has a friendly evening atmosphere. Women like my partner walking alone late at night should not feel afraid of stopping outside their front door. Southgate should not be condemned to being town's rough quarter, a no-go area on a Saturday night. It is the first part of Bath most see when arriving, and the last they see on leaving. The SouthGate centre was obviously developed with this in mind - granting Subway a hot food license is a big step backwards.

4) Public Safety

At the last hearing Subway let us all know that they weren't expecting an increase of more than say 10-12 people per hour, if you recall. They attempted to paint a picture of just wishing to offer a few people a late night meatball roll on the way back from the theatre. Yet BCH and I have both been informed by Stuart House of Subway that the shop is losing money specifically because of their lack of a late license. That indicates that they are expecting and indeed depending on a large increase in footfall in order to be profitable, certainly more than 'just a few'. It strikes me that they looked to McDonalds as an indication of late night weekend traffic when they first decided to open a franchise here. It is about big numbers, otherwise they would not be so hell bent on this licence. I think we would all be very naive to think that Subway just 'wish to offer their full menu' to ten more people on a Friday night. This raises the same issues raised last time regarding public order and safety, with no security and people falling out onto a main road on a blind bend. People do not look before crossing the road there when sober, as we see every day and accidents indicate.

I wish to note that I have been speaking to Stuart House of Subway, and that we had a meeting to discuss the problems. It is a shame, but not unexpected, that he only acknowledged my concerns when a renewed license application was put in. However I am an optimist and don't wish to have a bad relationship with my neighbours. I spoke to Stuart at length about the noise and other problems and to his credit he did listen and take down notes. He suggested that they are looking into putting some soft closures on the back door and trying to dampen the fridge noise. I did explain to him that should he address my concerns seriously I would be willing to endorse the license - simply because I would know that the business is taking its neighbours and Bath residents into consideration and we would have a person to raise concerns with, rather than a brick wall. None of the things he suggested have been implemented sadly, nor have we had any indication that they will be.

I object to being crushed by a corporate giant like Subway. Please don't take this husband and wife team from Bristol 'family business' line seriously. If it were, they might take a more personal interest in ours and our neighbours' deep concerns. Please let's try and keep Southgate a clean, safe and respectable place to live...

Kindest Regards

Daniel Byrd and Emily Luff