

V
Bath & North East Somerset Council

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

1 THE ISSUE

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

2 RECOMMENDATION

2.1 That the Licensing Sub-Committee determines the application.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

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

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

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

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

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

5 THE REPORT

5.1 An application has been received to vary an existing premises licence (Annex A).

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

1) The provision of Late Night Refreshment:

Friday and Saturday 23:00 – 00:00 (midnight)

2) Opening Hours:

Monday to Thursday 07:00 – 23:00

Friday and Saturday 07:00 – 03:00 the following morning

Sunday 09:00 – 21:00

3) Conditions attached to the premises licence:

Annex 1 – Mandatory conditions – None

Annex 2 – Conditions consistent with the Operating Schedule:

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

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

Annex 3 - Conditions attached following hearing:

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

5.3 The variation application seeks to:

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

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

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

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

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

- 5.6 The Licensing Authority may vary and grant the application with or without additional conditions if they consider it appropriate and proportionate to do so.
- 5.7 The Licensing Authority can refuse the variation, or part of the variation, for the promotion of the licensing objectives.
- 5.8 The Licensing Authority may not however do anything to reduce the effect of the rights granted by the existing premises licence.
- 5.9 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3-6, 8-10, 13-14, 15, 17-23, 27, 33-36, 38-41 and 43 of the policy as revised in 2015.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised March 2015)
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 5.10 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 5.11 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.
- If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.
- On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 5.12 In accordance with the requirements of the Act the applicants served copies of the application upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, the Health Authority and the Local Safeguarding Children Board.
- 5.13 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.

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

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

6 RATIONALE

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

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

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

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

9 RISK MANAGEMENT

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

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director – Legal & Democratic Services), s.151 Officer (Divisional Director – Finance) and the Group Manager Public Protection & Health Improvement have had the opportunity to input into this report and have cleared it for publication.

	Licensing Act 2003;
Background papers	Guidance issued under s.182 of the Licensing Act 2003; Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005; and B&NES Statement of Licensing Policy.
Contact person	Terrill Wolyn, Senior Public Protection Officer (01225 396939)

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Subway Store Development Ltd

(Insert name(s) of applicant)

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

Premises licence number
15/00199/LAPRE

Part 1 – Premises Details

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

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

Part 2 – Applicant details

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

Part 3 - Variation

Please tick as appropriate

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

Yes

No

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

DD MM YYYY
[][] [][] [][][][]

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

(Please see guidance note 1) Yes

No

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

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

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment**Please tick all that apply**

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
			State any seasonal variations for the exhibition of films (please read guidance note 5)	
Sun				
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)	

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

E

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)			
			Indoors	<input type="checkbox"/>		
			Outdoors	<input type="checkbox"/>		
			Both	<input type="checkbox"/>		
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed					State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Thur						
Fri					Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	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 5)		
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 6)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</p> <p>n/a</p>

L

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

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

All existing conditions to remain.

ANNEX A

Please tick as appropriate

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

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

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

M

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

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

See existing conditions

b) The prevention of crime and disorder

See existing conditions

c) Public safety

See existing conditions

d) The prevention of public nuisance

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

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

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

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

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

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

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

activities.

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

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

The delivery of goods shall be restricted during licensable activities.

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

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

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

e) The protection of children from harm

Checklist:

Please tick to indicate agreement


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

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

Part 5 – Signatures (please read guidance note 11)

Part 5 – Signatures (please read guidance note 11)

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

Signature	Susan Pasco 
Date	18/12/2015
Capacity	Director

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

Signature	
Date	
Capacity	

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

Stuart House
Fourth Way
Avonmouth

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

**Schedule 12
Part A**

Regulation 33, 34

Premises Licence

Premises Licence Number	15/00199/LAPRE
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Part 1 – Premises Details

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

Subway
31 Southgate Street
Bath
BA1 1TP

Telephone number 01179 581 581

Where the licence is time limited the dates Not applicable

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

Late Night Refreshment (Indoors and Outdoors)

Friday and Saturday 23:00 - 00:00

The Opening Hours of the Premises

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

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

N/A

Part 2

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

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

stuart@subwaysubs.net

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

Registered Business Number - 5959466

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

N/A

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

N/A

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

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

K Morgan

Dated 3 March 2015

Annex 1 – Mandatory conditions

Annex 2 – Conditions consistent with the Operating Schedule

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

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

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

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

Bread baking will not take place during licensed hours.

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

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

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

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

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

Deliveries will not take place during licensed hours.

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

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

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

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

Bath & North East Somerset Council

Annex 4 – Plans

As submitted with application.

Part B

Premises Licence Summary

Premises Licence Number

15/00199/LAPRE

Premises Details

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

Subway
31 Southgate Street
Bath
BA1 1TP

Telephone number 01179 581 581

Where the licence is time limited the dates Not applicable

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

Late Night Refreshment (Indoors and Outdoors)

Friday and Saturday 23:00 - 00:00

The Opening Hours of the Premises

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

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

N/A

Name, (registered) address of holder of premises licence

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

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

Registered Business Number - 5959466

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

N/A

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

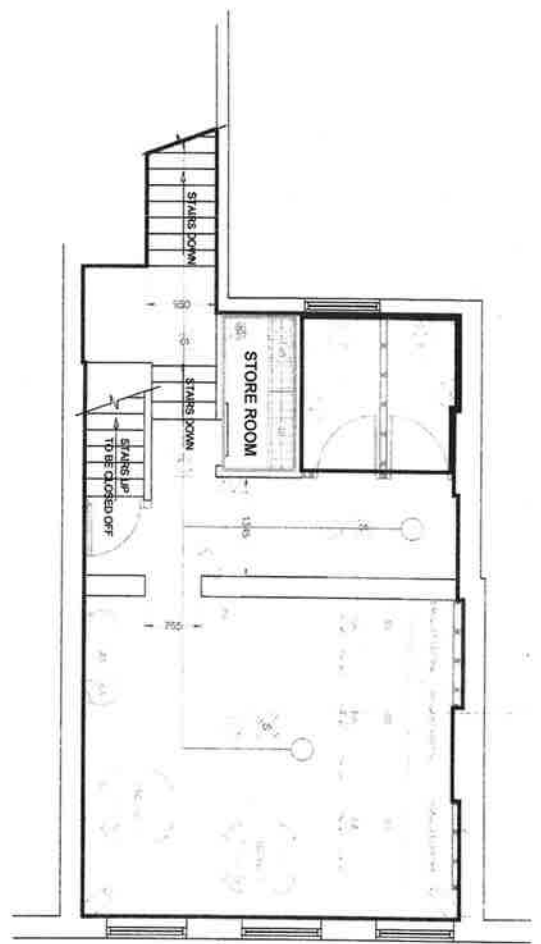
As per Operating Schedule at Annex 2.

THIS DRAWING IS SUBJECT TO A FULL SITE SURVEY

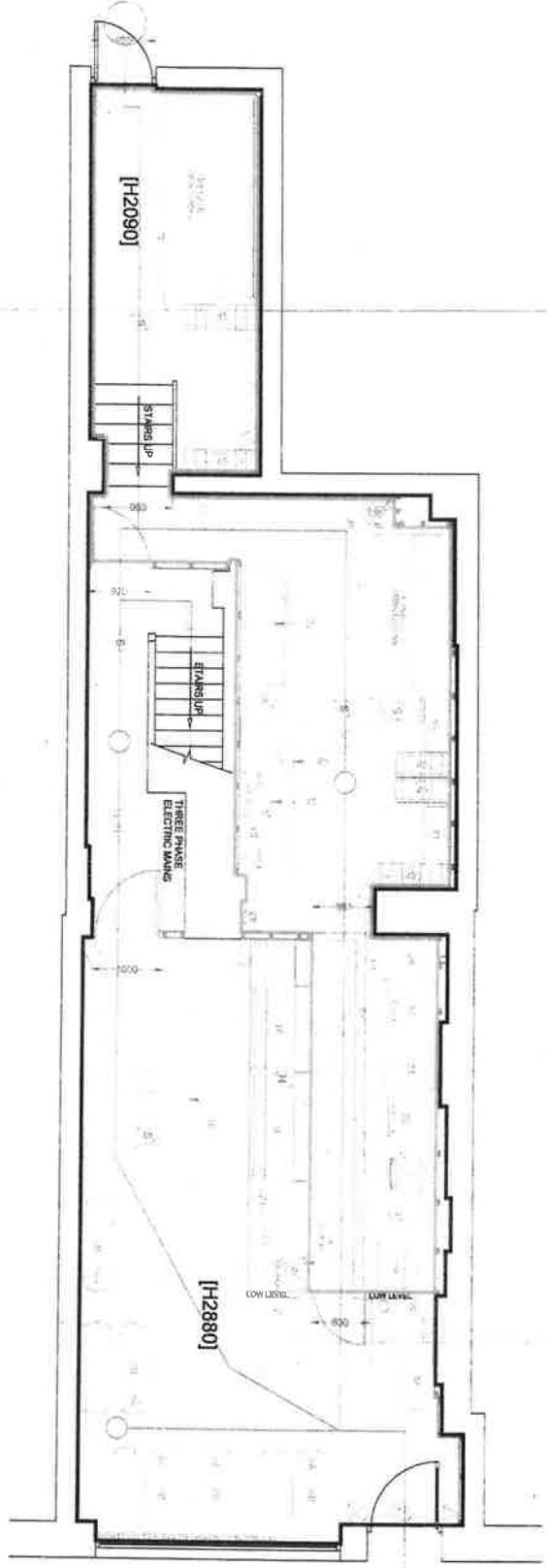
HOT LICENCE

LEGEND

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



FIRST FLOOR



GROUND FLOOR

0m 1m 2m 3m 4m 5m

BS SHOPFITTING LTD

13 BROADFIELD RD
 8TH FLOOR
 DASHWOOD WAY
 STYFRINGHAM
 ST17 1SD

T: +44 (0) 1753 819726
 F: +44 (0) 1753 819721
 WWW.BS-SHOPFITTING.CO.UK
 0800 330000

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 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SERVICES AND UTILITIES IN THE SUBSTRATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SERVICES AND UTILITIES IN THE SUBSTRATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SERVICES AND UTILITIES IN THE SUBSTRATE.

APPROVED BY: [Signature]

REVISION	DATE	DETAIL
A	22.10.13	WALK IN FRIDGE 7 SINK RELOCATED. WALK IN FREEZER MADE BIGGER AND FRIDGE IN FRIDGE REMOVED
B	26.10.13	WALK IN FRIDGE MADE BIGGER
C	28.10.13	WALK IN FRIDGE MADE BIGGER AND OTHER DOOR AMENDMENTS TO MEET THE MEANS OF ESCAPE ISSUE
D	12.08.14	AMENDMENTS TO THE DOOR LOCATIONS ON BOTH FLOORS AND BOH LAYOUT. CORE FRIDGE INTRODUCED IN BACK COUNTER LINE

CLIENT: SUBWAY
PROJECT NAME: 31 SOUTHGATE STREET SOMERSET BA1 7AD

DRAWING NO: STH01E 22.10.13 REV F

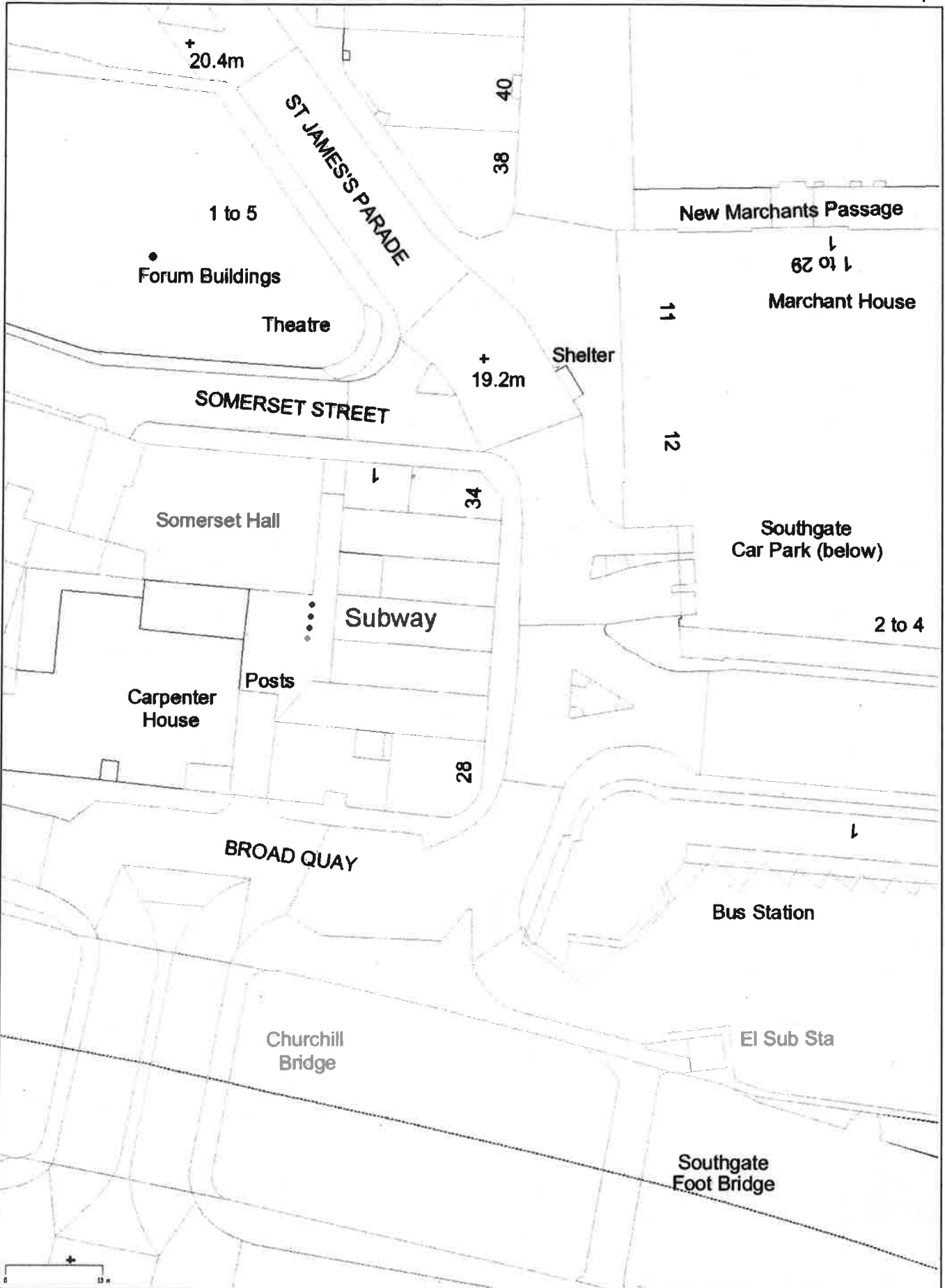
DATE: 22.10.2013

SCALE: 1:250 @ A1

DATE: 19.05.14

REVISION: E
 BATH BEAMS REMOVED. PREP BENCH AND MACHING SWAPPED OVER. FREEZER DOOR REPOSITIONED. SMALLER REV STATION. AINVO ADDED. CEILING AND DECOR PLAN DRAWN UP

DATE: 08.06.14



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

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

Thursday 14th January 2016

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

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

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

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

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

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

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

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

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

Yours sincerely,
Daniel Byrd & Emily Luff

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



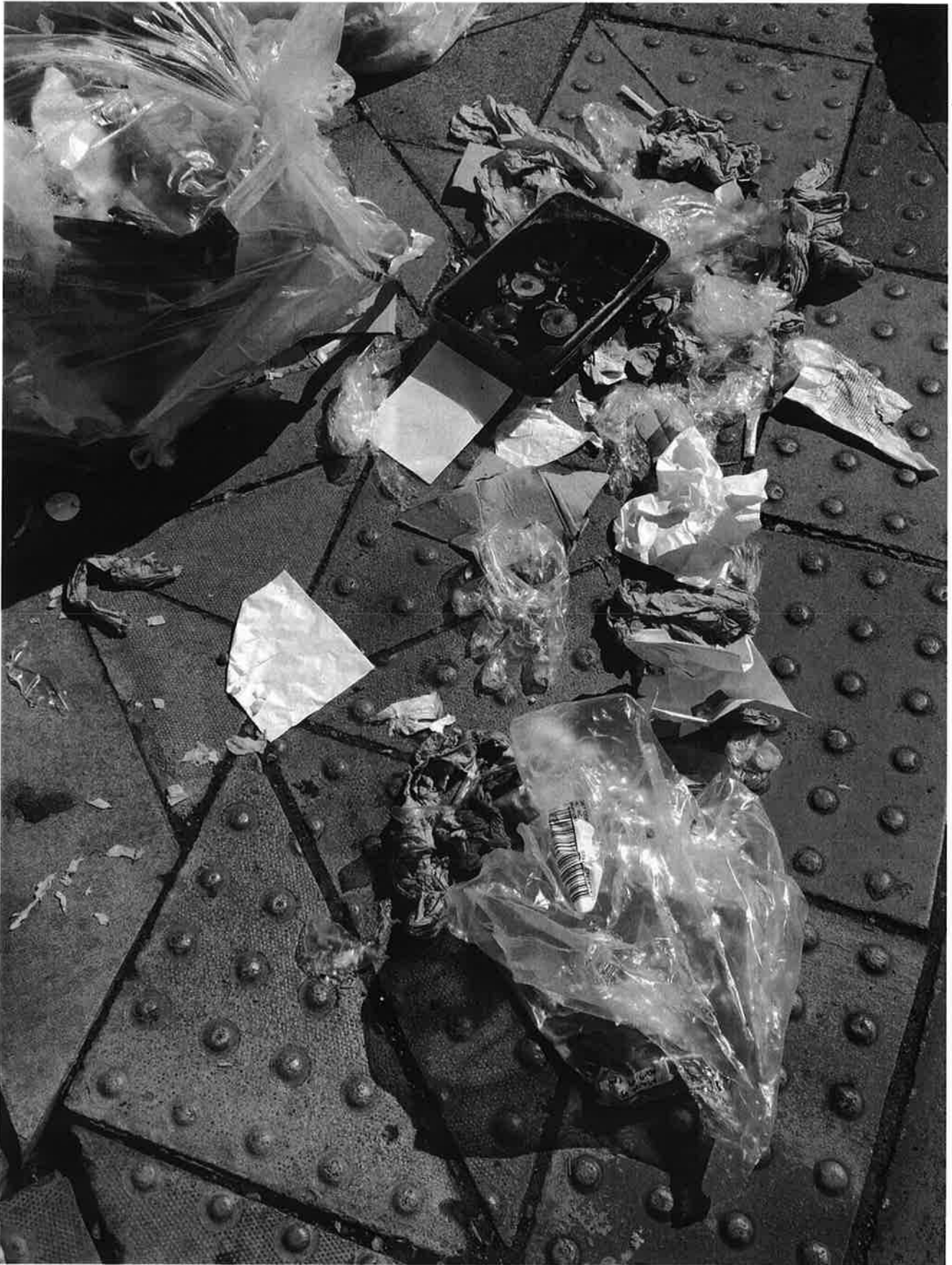
Last summer



Last summer



Last summer



Last autumn



Last autumn

ANNEX D



Taken today - a typical day

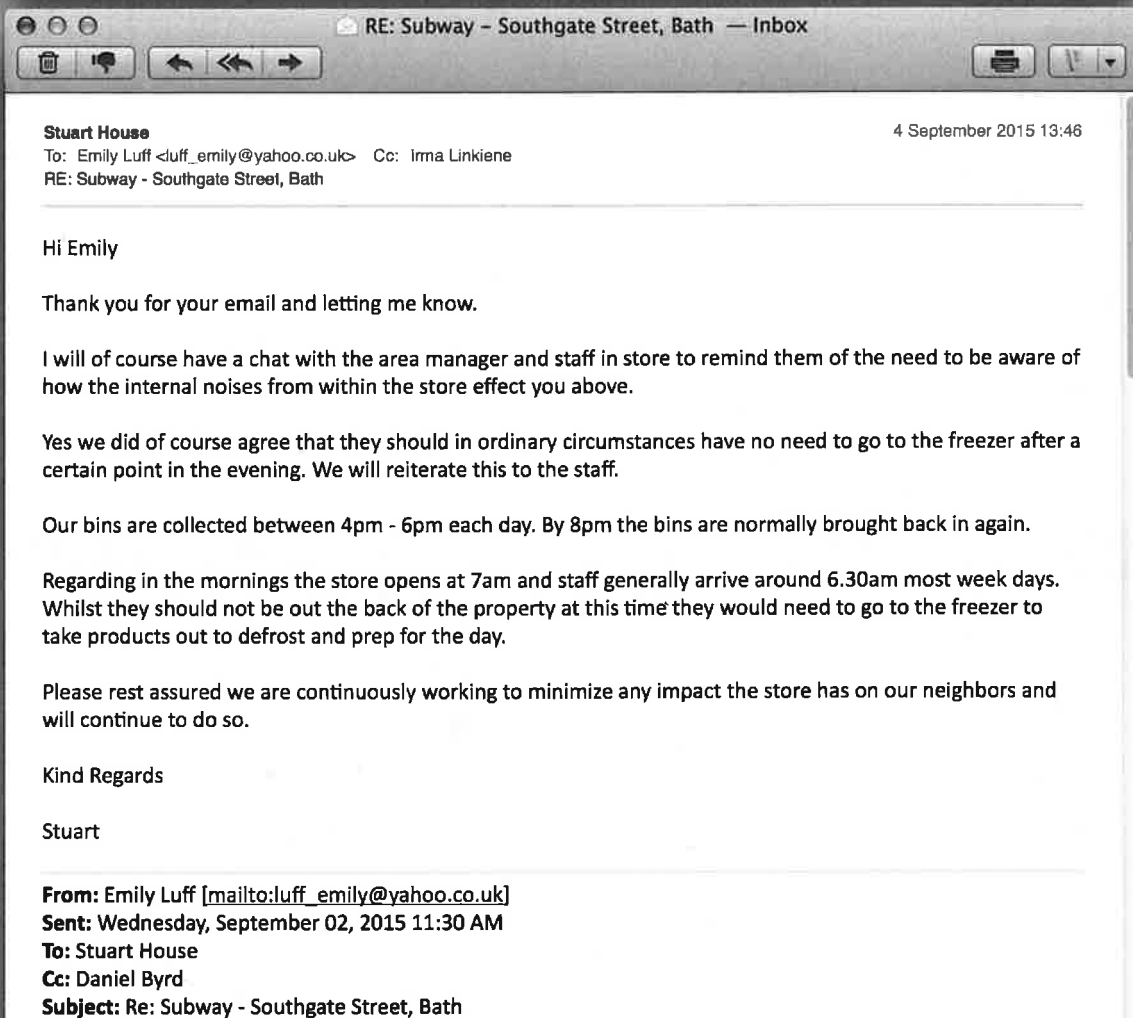
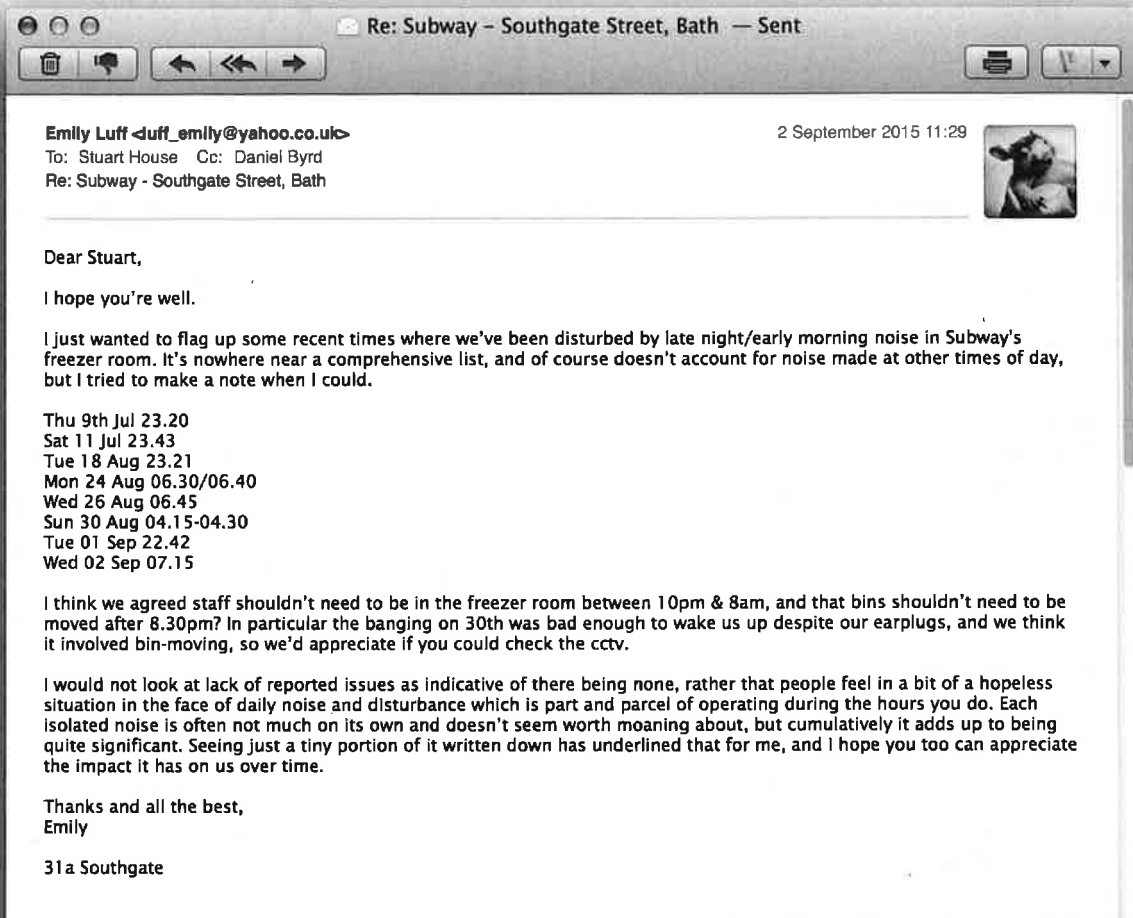


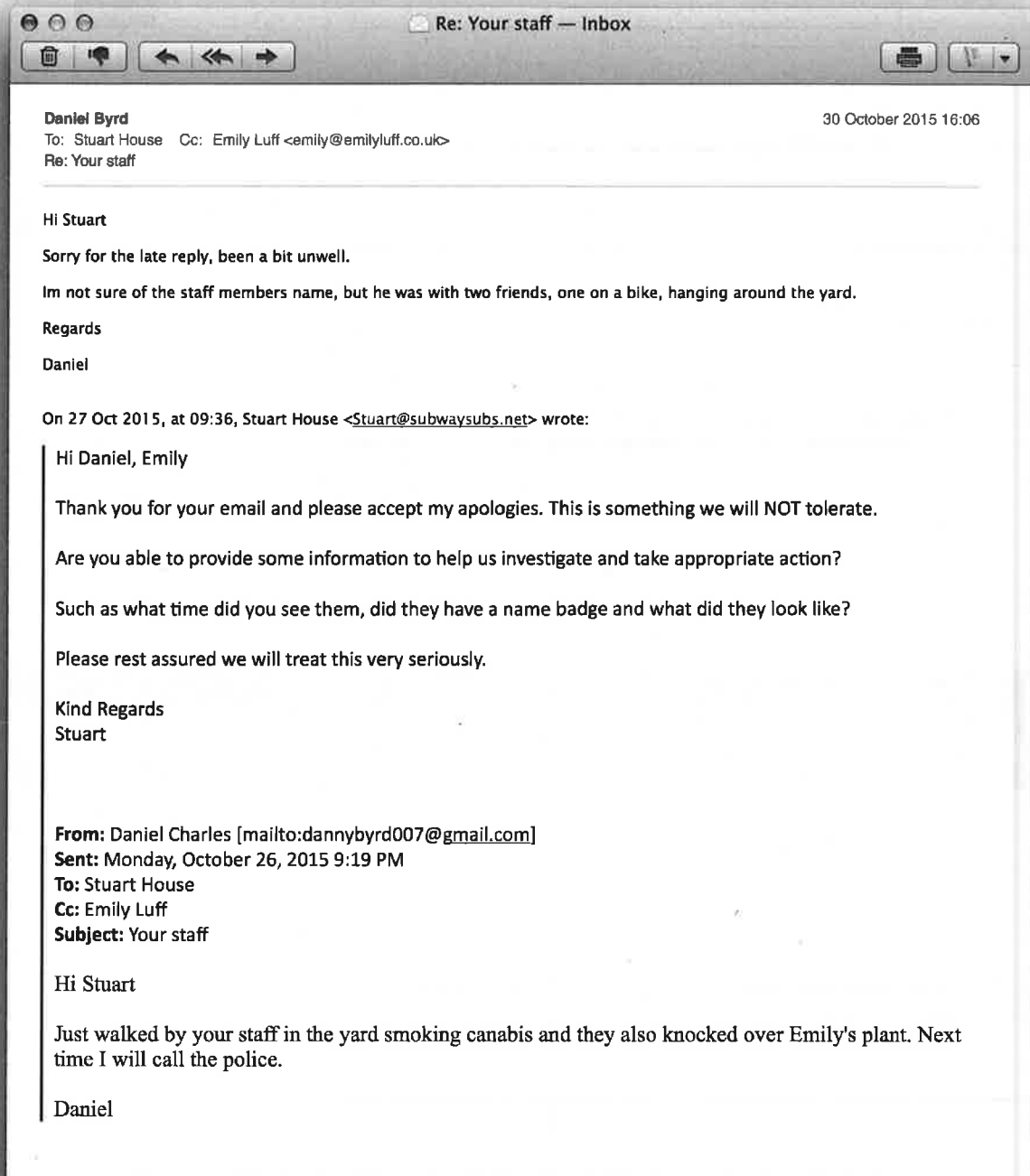
Taken today - a typical day

ANNEX D



Taken today - a typical day





BCH

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BCH PERFORMANCE SELECTION 30 SOUTHGATE BATH B&NES BA1 1TP (01225) 460200 FAX 465900

& BCH PERFORMANCE SELECTION 60 NEW ROAD, CHIPPENHAM, WILTS SN15 1ES (01249) 661501 FAX 661498

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Rayan Hussein

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OF TROWBRIDGE, CHIPPENHAM AND BATH

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

Bath And North East
Somerset Council

14 JAN 2016

BMH 10/01/2016

Received

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

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

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

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

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

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

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

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

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

(continued page 2)

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(page 2)

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

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

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

Thank you for your kind attention

Yours Sincerely,

Bryan Hussey.
(Partner and Director)

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

ANNEX D

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

8th August 2015

Dear Chris

Subway 31 Southgate Street, Bath

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

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

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

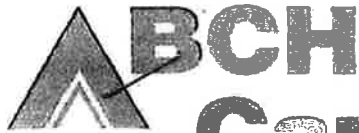
With this in mind, and having not received any communication or complaints from our neighbours we wanted to look at the possibility of applying to amend the license that was granted earlier this year. Please don't think you will see a new blue notice go up in the shop window in the next couple of days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

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

Yours sincerely



Stuart House
stuart@subwaysubs.net
07824 512 140



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Camping and Leisure

OF TROWBRIDGE, CHIPPENHAM AND BATH

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

BMH 13/08/2015

Ref: Subway 31 Southgate Street Bath.



Dear Stuart,

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

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

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

Kind Regards,

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

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Terrill Wolyn

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

Hi Wendy,

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

Kind regards,

Amber







ANNEX D

Wendy Stokes

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

14/01/16

Amber Dawkins, Susan Dawkins & Elizabeth Clark

Flat 30
Southgate Street
Bath
BA11TP

Dear Wendy,

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

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

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

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

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

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

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

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

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

With regards to the litter, please find photos attached.

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

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

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

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

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

Sincerely,

Amber Dawkins, Elizabeth Clark, Susan Dawkins

Terrill Wolyn

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

Dear Wendy,

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

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

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

Kind regards,

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

Terrill Wolyn

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

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

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

Jenny Bird
Secretary
John Hodge Solicitors

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



50 High Street | Yatton | Bristol | BS49 4HJ

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

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