

Meeting: Licensing Committee

Date: 17th January 2006 10:00hrs

APPLICATION FOR NEW PREMISES LICENCE – SUBWAY, 39 HIGH STREET

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1 PURPOSE

To determine the application for a new premises licence for Subway, 39 High Street.

2 SUMMARY OF APPLICATION

2.1 Type of Licence applied for

An application was received from Mr Faisal Sheik and Mr Nasir Ahmed for a new premises licence under section 17 of the Licensing Act 2003 (see appendix 1). The Licensing Authority accepted the application on 28th November 2005.

2.2 Summary of application

Subway is located in the High Street, Stevenage (see appendix 2 for location map, please note that the 50 and 100 metre radii marked on the location map are for information only).

The premises is a sandwich bar that has been in business at the current location since the end of October 2005. The business sells sandwiches with hot and cold fillings along with other snacks and hot/cold drinks; it is understood that the premises currently operates until 11pm.

Every premises that provides hot food and/or drink after 23:00hrs now requires a premises licence under the Licensing Act 2003. The application is to permit the provision of hot food and/or drink as follows:

Monday - Wednesday	-	until 00:30hrs
Thursday		until 01:00hrs
Friday & Saturday	-	until 03:00hrs
Sunday	-	until 02:00hrs
All days		Takeaway only after 11pm

3 BACKGROUND INFORMATION

The following background information is known about these premises:

Previous licences held:	None
Current Convictions:	None
Details of licence reviews:	None

4 PROMOTION OF LICENSING OBJECTIVES

The representations received relate to the objectives of the prevention of crime and disorder, public safety and prevention of public nuisance. Please note that the operating schedule must be converted into conditions on the premises licence should the licence be granted. The operating schedule submitted by the applicant shows that those licensing objectives will be met as follows:

4.1 THE PREVENTION OF CRIME AND DISORDER

4.1.1 We have CCTV installed in the restaurant.

Licensing Officer's Comments: In order to translate this into an enforceable condition, more information should be obtained about the specification of the system, how long recordings are kept for and an undertaking that this information is made available to the Police and Licensing Officers on request.

4.2 PUBLIC SAFETY

4.2.1 The restaurant will be takeaway only after 11pm.

4.3 THE PREVENTION OF PUBLIC NUISANCE

4.3.1 A fully trained Manager will be on the Premises at all times.

4.3.2 If required, an SIA registered Door Supervisor will be provided.

Licensing Officer's Comments: If the Committee are minded to grant this premises licence with conditions, consideration should be given to requiring 2 registered door supervisors rather than 1 to ensure the premises is covered when one of the door supervisors is on a break.

5 RESPONSIBLE AUTHORITIES

5.1 Environmental Health – see appendix 3

Environmental Health have made representations relating to the prevention of crime and disorder and the prevention of public nuisance.

The representation states that Subway is located immediately underneath residential accommodation. Although Subway refurbished the business unit, it opened with a number of gaps through to the flat above that permitted noise, heat and odours to directly enter the living accommodation. Following contact from the owner of the flat, the situation is under investigation by Environmental Health and Building Control. A formal Building Control application has been made for works to the ceiling in Subway

In addition to the problems highlighted above, Environmental Health are concerned that there is potential for noise nuisance due to customers gathering outside the shop, and deliveries/collections to the unit. Subway has 2 large commercial waste containers located in Middle Row as there is no secure external storage area for the shop.

Licensing Officer's Comments: If the committee are minded to grant the application in line with the recommendations from Environmental Health, the following information may be of use:

- ## 6 INTERESTED PARTIES

The business is also concerned about an increase in litter as result of increase trading hours.

7 POLICY CONSIDERATIONS

- a) 10. Licensing Hours
- b) 13. License Conditions
- c) 14. Licensing Objectives

The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

BACKGROUND DOCUMENTS

Licensing Act 2003

Stevenage Borough Council, Statement of Licensing Policy

National Guidance issued under section 182 of the Licensing Act 2003

APPENDICES

Appendix 1	- Copy of application
Appendix 2	- Location map
Appendix 3	- Environmental Health representation
Appendix 4a - c	- Interested Parties Representations