

# Appendix 1

## Decision Record

**Licensing Act 2003 (all section references in this record are references to the Act)**

**Licensing Authority for Bristol**

**Licensing (Hearings) Sub Committee Meeting  
held on 4 December 2014**

### Agenda Title

Conduct of a hearing into an application for the GRANT of a licence made by: Stores Extra LLP  
in respect of: Subway, 68 Queens Road, Clifton, Bristol BS8 1QU

### Members Present:

1. Councillor Glenise Morgan (Chair)
2. Councillor Bill Payne
3. n/a

### Officers Present

Pauline Powell, Legal Advisor  
Abigail Holman, Licensing Policy Adviser  
Norman Cornthwaite, Committee Clerk

### REPRESENTATIONS RECEIVED FROM:

P S Jon Derrick  
Christian Martin  
Simon Cook  
Andy Lyle  
Tessa Connolly  
Jane Phillips  
Richard Barnes  
Clifton and Hotwells Improvement Society  
John Curran  
Richmond Area Residents Association

### Applicants, responsible authorities and interested parties

#### Applicant

### PARTIES & REPRESENTATIVE (IF ANY) in attendance

**Michael Parrott  
Marcus Lavell  
Sue Pasco  
Stuart House**

<b>Chief Officer of Police (s.13(4)(a))</b>	<b>P S Jon Derrick</b>
<b>Fire Authority (s.13(4)(b))</b>	<b>Not a party to this Hearing.</b>
<b>Health and Safety Enforcing Authority (s.13(4)(c))</b>	<b>Not a party to this Hearing.</b>
<b>Local Planning Authority (s.13 (4) (d))</b>	<b>Not present at the Hearing but the Representation was noted.</b>
<b>Environmental Health (Pollution Control) (s.13 (4) (e))</b>	<b>Not a party to this Hearing.</b>
<b>Social Services Authority (s.13 (4) (f))</b>	<b>Not a party to this Hearing.</b>
<b>Any other relevant Licensing Authority (s.13 (4) (g))</b>	<b>Andy Lyle</b>
<b>Weights and Measures Authority (s.13. (4) (i))</b>	<b>Not a party to this Hearing.</b>
<b>Others</b>	<b>Richard Barnes John Curran Rosemary Musgrave Pat Smith for Richmond Area Residents Association</b>
	<b>Councillor Cook, Councillor Martin and Jane Phillips were not present at the Hearing but their Representations were noted.</b>

**RECORD OF HEARING:**

The authority made a contemporaneous hand written (long hand) record of the hearing. Any party wishing to receive a typed transcript should contact Councillor Support Officer (Democratic Services, City Hall, College Green, Bristol) for information regarding the arrangements for transcribing and any charge levied where the authority produces the same. Set out below is a summary of the reasons for the decision, in the event of an appeal the Licensing Authority reserves the right to elaborate on the reasons.

**DECISION MADE:**

1. That the application for a licence be rejected.
2. That in accordance with Section 23 of the Act a duly authorised officer be directed to give Notice of determination to:
  - (a) Stores Extra LLP
  - (b) The Chief Officer of Police

And the following bodies that made representations:

- (a) Jon Derrick  
Christian Martin

Simon Cook  
Mr Andy Lyle  
Tessa Connolly  
Jane Phillips  
Mr Richard Barnes  
Clifton And Hotwells Improvement Society  
Mr John Curran  
Richmond Area Residents Association

## **REASONS FOR DECISION**

**The following paragraphs summarise the sub-committee's reasons for rejecting the application and for modifying the conditions on the Licence.**

**The sub-committee carefully considered the representations together with the information provided for the Hearing and that received during it. The sub-committee had regard to the Secretary of State's guidance to Licensing Authorities and the Authorities own statement of licensing policy.**

**The committee's decision was particularly influenced by the consideration of the promotion of the licensing objectives concerning the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.**

The Committee first noted that the premises was located within an area that had been designated under the Council's Statement of Licensing Policy as a Cumulative Impact Area. "Cumulative Impact" is defined in the National Guidance as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance in a town or city centre of a large concentration of licensed premises in that part of the local authority area. The effect of adopting a Cumulative Impact Policy is to create a rebuttable presumption that applications for new premises licences will normally be refused if relevant representations to that effect are received, unless it can be demonstrated by the applicant that the operation of the premises will not add to the cumulative impact already being experienced in the area.

The Licensing Policy Adviser summarised the application and confirmed that the premises are in the City Centre CIA.

Michael Parrott put the case for the applicant and answered questions highlighting the following:

- This is the second application submitted for these premises; the first was refused
- This application is for different hours; it is for a late night refreshment licence
- Although they can sell cold refreshments without a licence, they want to offer the full range of Subway food and drink
- He drew everyone's attention to the trading figures that were circulated, comparing the trading at the adjacent branch and the anticipated increases in customers should the application be granted; he explained how the figures had been calculated

- He accepted that the predicted trading figures had not been calculated scientifically and therefore not be entirely accurate, but in any event would not be sufficient to impact on the CIA
- There is a small amount of seating in the store which encourages some customers to consume their food and drink on the premises
- There is interaction between customers and the staff as customers have to choose exactly what they want to buy
- Both stores will have security staff on duty on Saturday nights
- There is no alcohol for sale
- The majority of staff are female and are comfortable working late on Fridays and Saturdays
- The store meets all the Licensing Objectives; these are well run premises; customers are well behaved and spend around 10 minutes in the store
- They have offered to have a door supervisor on duty Thursdays, Fridays and Saturdays; also CCTV and provision for litter
- An exception to the Policy should be made as there would be no impact on the CIA

Sue Pasco made a statement and answered questions highlighting the following:

- She has been a Subway franchise holder for a number of years and the business has grown considerably
- Granting the licence will not make a big difference to the number of people staying in the area
- Door staff work on Saturdays for risk management reasons rather than as a necessity
- At present a lot of people are disappointed when they cannot get a hot sandwich late at night

Stuart House stated that a number of seats in the premises are closed after 9.00 pm; deliveries take place twice a week after 6.30 am; Subway is a brand and they want to be able to sell the same range at all outlets; and explained the methodology used in calculating the predicted trading figures.

P S Derrick summarised the Police Representation highlighting the following:

- The CIA Policy should be triggered
- Granting this application would undermine the Licensing Objectives
- There are numerous other fast food outlets in the area and a number of other branches of Subway, most of which are open late

- It will attract people to the area and keep people in the area longer
- The customer numbers are only predictions
- There are a lot of late night bars and pubs in the area and hot food venues are a hub for people exiting these venues.
- Queens Road is the 5<sup>th</sup> most violent street in Bristol and it leads into Park Street which is the most violent
- 00.00 to 04.00 is the most challenging time for the Police
- Violent crime is increasing

Andy Lyle summarised his Representation highlighting the following:

- Granting this application would increase the footfall in the area
- The premises would attract people who have been drinking alcohol – they are located between two large licensed premises; there would be an impact on crime and disorder, and public safety
- The application brings nothing new to the area; there are already nine other outlets in the vicinity, including the adjacent Subway that already sells hot food
- Hot food attracts more people and adds a different character to the premises. Flashpoints can occur and the impact of additional customers would add to the cumulative impact.
- The premises fell between the Bunker with a capacity of approx. 850 persons and Lizard Lounge with a capacity of approx. 350.

Pat Smith summarised her Representation highlighting that the discussion about number of customers, based on other shops was not relevant because of the unique position of this premises being situated between the two clubs, Bunker and Lizard Lounge. She felt that the application triggered the CIA because it would keep customers in the area.

Rosemary Musgrave summarised her Representation.

Richard Barnes summarised his Representation.

John Curran summarised his Representation.

Everyone summed up their cases.

## **Decision**

The Committee decided that the CIA Policy was triggered as the presumption of refusal was not rebutted.

The Committee decided to refuse the application for the following reasons:

- The predicted trading statistics were not calculated in a scientific manner and the Members were not satisfied that they were a reliable indicator; granting the application would add to the impact in the area
- The Members were therefore not satisfied that there would not be an adverse impact on promoting the Licensing Objectives
- The Members that the premises are located between two large licensed premises and are therefore would be the nearest premises selling hot food; this would encourage people to stay in the area when the Policy is directed towards encouraging the speed of dispersal of people
- Weight was given to the Representations submitted

**Signed:**

**Chair  
Councillor Glenise Morgan**