

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 22 DECEMBER 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD IN RESPECT OF AN VARIATION OF A PREMISES LICENCE; GALAXY CAFFE, 28 ROUNDSTONE STREET, TROWBRIDGE

Present:

Cllr Liz Bryant, Cllr Trevor Carbin and Cllr Rod Eaton

Also Present:

Richard Francis - Senior Environmental Health Officer, Wiltshire Council
Maggie Jones – Licensing Officer, Wiltshire Council
Paul Taylor – Solicitor, Wiltshire Council
Mr D Siegmuller and Mr S Siegmuller - Applicants

1. **Election of Chairman**

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

2. **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 1 – 6 of the Agenda refers).

3. **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

4. **Declarations of Interest**

There were no interests declared.

5. **Licensing Application**

Application by Sebastian Siegmuller and Damian Siegmuller for a variation of a Premises Licence in respect of Galaxy Caffe, Trowbridge

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. She added that she believed that the applicants had agreed with the Police to amend their application but so far had received nothing in writing.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and the Interested Parties were given the opportunity to address the Sub-Committee.

Key points raised by the Applicant were:

- They want to have light music, for example just one person with a guitar, use the premises for events such as birthday parties and exhibit art.
- Don't want to upset neighbours. Prepared to fit acoustic curtains to reduce any noise from the large front windows.
- Would like to have a proper restaurant and have spent a lot of money improving the premises so would like to be able to recoup that money.

Cllr Eaton asked the applicants if they had agreed with the Police to amend their application and the applicants replied that they had.

Cllr Bryant asked about late night refreshments – would they be indoors or outdoors? The applicants replied that they would be indoors.

Cllr Carbin asked about the steps that had been proposed to monitor noise from the premises; how would these work? The applicants replied that they planned to keep checking outside the premises and listen, if the music was too loud then they would simply turn it down. If there were any events or parties planned then they would alert their neighbours in advance.

Key points raised by the Responsible Authority (Richard Francis of the Environmental Protection Department, Wiltshire Council) were:

- His objection was on the grounds of public nuisance.
- The shop frontage is large with a single pane window with no acoustic properties. There was also a residential flat above the premises.
- The main concern was trying to combine live music with residential premises. The premises were not designed for live music.

- Acoustic measures would require an acoustic report and would be very expensive to carry out.
- There had been complaints in relation to smoking areas and it would be good to have the smoking area to the rear of the premises however he would like to see a condition regarding the times that this area could be used.
- He suggested that a condition saying that no drinks or food to be taken outside after 8pm because of the closeness of the neighbours.
- Could agree to a single acoustic performance until 11pm but a live band with amplified music would create a public nuisance.
- He objected to karaoke as it was uncontrolled and could cause a public nuisance.

The Sub-Committee then retired to consider the application at 11.10am

The Hearing reconvened at 12.30pm

Following the deliberations of the Sub-Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session.

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

Resolved:

The Western Area Licensing Sub Committee has resolved to grant the application for a variation of the Premises Licence for Galaxy Caffe, 28 Roundstone Street, Trowbridge, as amended and detailed below:

Sale of Alcohol (on sales)

Monday to Sunday 10.00 to 01.30

Recorded Music (indoors)

Monday to Sunday 10.00 to 00.00

Live Music (amplified)

Monday to Sunday 10.00 to 00.00

Live Music (acoustic)

Monday to Sunday 10.00 to 01.00

Late Night Refreshment

Monday to Sunday

23.00 to 01.30

And subject to the following additional conditions:

1. No karaoke on the premises at any time.
2. No glasses, bottles or food to be taken outside the front of the premises at any time, or into the garden area at the rear of the premises after 21.00.
3. Doors and windows are to be kept closed when amplified music is performed.
4. A nominated member of staff to monitor noise in the vicinity of the premises, both to the front and the rear, with particular regard to changes of volumes when the doors are opened. Action to be taken if necessary. A log book to be kept to include the time and date of checks, name of staff and action taken.

Reasons:

1. The reduction in hours for both recorded and live music, was considered necessary to address concerns regarding public nuisance, in particular noise.
2. The conditions on the restriction of removal of glasses, bottles and food from the premises were considered necessary to reduce the levels of noise arising from persons congregating at the front of the premises and in the rear area late in the evening.

The Sub Committee considered the written representations from the Environmental Health Officer, Wiltshire Police, and Natasha Owen of the Polebarn Hotel presented in the agenda, together with the oral representations given at the hearing on behalf of the Applicant and the Public Protection Team.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

(Duration of meeting: 10.30 am - 12.30 pm)

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