

AGENDA

Meeting: Western Area Licensing Sub Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge,
BA14 0RD
Date: Thursday 22 December 2011
Time: 10.30 am
Matter: Variation of a Premises Licence; Galaxy Caffe, 28 Roundstone
Street, Trowbridge

Please direct any enquiries on this Agenda to Pam Denton 01225 718371 or
pam.denton@wiltshire.gov.uk, of Democratic Services, County Hall, Bythesea Road,
Trowbridge, BA14 8JN.

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's
website at www.wiltshire.gov.uk

Membership:

Cllr Liz Bryant
Cllr Trevor Carbin

Cllr Rod Eaton

AGENDA

1. **Election of Chairman**

To elect a Chairman for the meeting of the Sub-Committee.

2. **Procedure for the Meeting** (*Pages 1 - 8*)

The Chairman will explain the attached procedure for the members of the public present.

3. **Chairman's Announcements**

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

4. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

5. **Licensing Application** (*Pages 9 - 40*)

To consider and determine an Application for a Variation of a Premises Licence by Sebastian Siegmuller and Damian Siegmuller in respect of Galaxy Caffe, 28 Roundstone Street, Trowbridge

LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“Applicant” means the person who has submitted an Application for consideration by the Committee.

“Applicant’s Premises” means premises subject to the Application.

“Applicant’s Representative” means a person attending a Hearing to assist or represent an Applicant including a lawyer.

“Application” means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

“Chairperson” means the Member who is the Chairperson of the Committee for the particular Hearing.

“Committee” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“Committee Lawyer” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“Committee Manager” means the Council’s Officer who is present at a Hearing to take minutes.

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible Authority or their Representative or an Interested Party or their Representative.

“Hearing” means a meeting of the Committee at which an Application is considered.

“Licence” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“Licensing Officer” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“Licensing Authority” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“Member” means a Member who is a Member of the Committee that is considering an Application.

“Responsible Authority” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

“Interested Party” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as an Interested Party, and includes any person who is present to assist or make representations on behalf of the Interested Party including a Lawyer.

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:

- 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
 - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or an Interested Party/Parties;
 - 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or an Interested Party/Parties.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
 - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
 - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
 - A refuse to permit them to return;
 - B permit them to return only on such conditions as the Committee may specify;
 - C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.

- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there is a multiple of Interested Parties who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those Interested Parties.

5 Presentation of Submissions

- 5.1 The Chairperson will introduce the Application.
 - 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
 - 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
 - 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
 - A the options available to it;
 - B the considerations that are relevant in reaching its decision.
 - 5.3.2 The Review Applicant (or the Applicant's Representative) will orally present its submission which may include:
 - A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
 - B confirming key information and answer pertinent questions; and
 - C calling witnesses in support of the Application (see paragraph 4.3).
- A Responsible Authority/Authorities and/or an Interested Party/Parties will orally present their representations in turn which shall include:
- A the grounds of the representation to the Application; and
 - B any condition(s) that the Responsible Authority/Authorities and/or an Interested Party/Parties would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

The Premises Licence Holder and/or their representative will orally present their representations which shall include;

- A The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties; and
- B Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or an Interested Party/Parties to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any Interested Party's premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.

- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
 - 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
 - 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and the Interested Party/Parties to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Hearing Procedure Summary

1. The Chairperson welcomes all those present and introduces the Application.
2. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or Interested Party/Parties.
3. The Chairperson outlines the Hearing Procedure.
4. The Licensing Officer presents the Committee Report.
5. The Applicant addresses the Committee.
6. Questions to the Applicant by Responsible Authority/Authorities and/or Interested Party/Parties.
7. Questions to the Applicant by Members of the Committee.
8. Comments by Responsible Authority/Authorities and/or Interested Party/Parties.
9. Questions by Applicant.
10. Questions to Responsible Authority/Authorities and/or Interested Party/Parties by Members of the Committee.
11. Summing up by Parties who have made representations.
12. Summing up by Applicant.
13. Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
14. Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee, and invites the parties present to make any comments on that advice.
15. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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Wiltshire Council

Western Area Licensing Sub Committee

22 December 2011

Application for a Variation of a Premises Licence; Galaxy Caffe, 28 Roundstone Street, Trowbridge, Wiltshire, BA14 8DE

1. Purpose of Report

- 1.1 To determine an application for a variation of a Premises Licence in respect of Galaxy Caffe made by Sebastian Siegmuller and Damian Siegmuller trading as Galaxy Caffe.

2. Background Information

- 2.1 An application for a variation of a Premises Licence in respect of Galaxy Caffe has been made by Sebastian Siegmuller and Damian Siegmuller trading as Galaxy Caffe for which relevant representations have been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers necessary for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To modify the conditions of the licence
 - ii) To reject the whole or part of the application.
- 2.5 On 31 October 2011 an application for a variation of a Premises Licence at Galaxy Caffe was received and accepted as a valid application.

2.6 The variations applied for are summarised as follows:

Licensable Activity	Current Days and Timings	Proposed Days and Timings
Sale of Alcohol (on sales)	Monday – Sunday 10.00 – 23.00	Monday – Sunday 10.00 – 02.00
Recorded Music (indoors)	Monday – Sunday 10.00 – 23.00	Monday – Sunday 10.00 – 02.00
Live Music & Karaoke		Monday – Sunday 10.00 – 02.00
Late Night Refreshment		Monday – Sunday 23.00 – 02.00

A copy of the application is attached as **Appendix 1**.

2.7 This is an existing business which is currently trading from 10.00 until 23.00 with the sale of alcohol (on sales) and recorded music

2.8 A location plan of the area to be licensed is attached as **Appendix 4** to this report.

2.9 A copy of the plans submitted by the Applicant with the application will be available at the hearing.

3. Consultation and Representations

3.1 The application process requires a public notice to be posted on the premises for a period of 28 days, in addition to a notice in a local publication. During the consultation period relevant representations have been received from one Responsible Authority and one Interested Party.

3.2 Responsible Authority

- Public Protection – Environmental Protection

3.3 Interested Parties

- Natasha Owen, The Polebarn Hotel, Polebarn Road, Trowbridge

3.4 A summary of the representations made, is detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
Noise from music	Public Nuisance	Yes	
Patrons congregating outside of premises to smoke	Public Nuisance	Yes	

3.5 The relevant representations are attached as **Appendix 2**. Attached as **Appendix 4** is a plan which shows the locations from where representations have been made from Interested Parties.

3.6 Following an exchange of correspondence during the 28 day consultation period between the Applicants and the Wiltshire Police, the Applicants have confirmed to the Police that they agree to amend their application as follows:

- The sale of alcohol is to cease at 01.30 hours with the premises closing at 02.00

As part of this exchange of correspondence, Wiltshire Police also requested that the following condition was attached to the licence:

- No persons will be permitted to take bottles or glasses off the premise unless using the garden area at the rear of the premises

To date the Licensing Authority have not received confirmation directly from the Applicants that they agree to either of the above amendments.

E-mail correspondence between Wiltshire Police and the Applicants is attached as **Appendix 3**

4. Legal Implications

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant, all Responsible Authorities and Interested Parties who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those Responsible Authorities and Interested Parties who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. Officer Recommendations

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

- 6.1 It should be noted that the Applicant, the Responsible Authority and Interested Parties who have made representations, may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 6.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.
- 6.3 A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but if requested by an Interested Party, will not normally be granted within the first 12 months except for the most compelling circumstances.

Report Author: Jo Quartley
Mrs J Quartley, Licensing Officer – Licensing Team, West Hub
Date of report: 9 December 2011

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Application for a Premises Licence under the Licensing Act 2003.**
- 2 Copies of relevant representations.**
- 3 Copy of email correspondence between Wiltshire Police and Applicant.**

- 4 Location map of the area/premises to be licensed and includes the locations of where representations have been made.**

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RECEIVED

31 OCT 2011

11/00136/LAPRVA

PUBLIC PROTECTION

Cons up 28.11.11

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/W GALAXY CAFE (SEBASTIAN SIEGMULLER) (DAMIEN SIEGMULLER)
e (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 WW 1100050 LAPRE

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
28 ROUND STONE STREET
TROWBRIDGE
Post town Post code BA 148DE

Telephone number at premises (if any) 01225 768 222
Non-domestic rateable value of premises £ 20000

Part 2 - Applicant details

Daytime contact telephone number 01225 768 222
E-mail address (optional)
Current postal address if different from premises address
Post Town Postcode

Part 3 - Variation

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

Please tick yes



Day

Month
Year

If not do you want the variation to take effect from

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Extension of licensing hours -
all activities to 0200hrs.
To include live music & karaoke,
Late night refreshment.

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

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 yes

- | | |
|--|-------------------------------------|
| 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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" 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 checked="" type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10 ⁰⁰	2 ⁰⁰	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10 ⁰⁰	2 ⁰⁰			
Wed	10 ⁰⁰	2 ⁰⁰	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	10 ⁰⁰	2 ⁰⁰			
Fri	10 ⁰⁰	2 ⁰⁰	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	10 ⁰⁰	2 ⁰⁰			
Sun	10 ⁰⁰	2 ⁰⁰			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			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 5)		
Fri					
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			
Thur			<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)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10 ⁰⁰	2 ⁰⁰			
Tue	10 ⁰⁰	2 ⁰⁰	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	10 ⁰⁰	2 ⁰⁰			
Thur	10 ⁰⁰	2 ⁰⁰	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)		
Fri	10 ⁰⁰	2 ⁰⁰			
Sat	10 ⁰⁰	2 ⁰⁰			
Sun	10 ⁰⁰	2 ⁰⁰			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10 ⁰⁰	2 ⁰⁰			
Tue	10 ⁰⁰	2 ⁰⁰			
Wed	10 ⁰⁰	2 ⁰⁰	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10 ⁰⁰	2 ⁰⁰			
Fri	10 ⁰⁰	2 ⁰⁰			
Sat	10 ⁰⁰	2 ⁰⁰	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)		
Sun	10 ⁰⁰	2 ⁰⁰			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10 ⁰⁰	2 ⁰⁰	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10 ⁰⁰	2 ⁰⁰			
Wed	10 ⁰⁰	2 ⁰⁰	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	10 ⁰⁰	2 ⁰⁰			
Fri	10 ⁰⁰	2 ⁰⁰	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 (please read guidance note 5)		
Sat	10 ⁰⁰	2 ⁰⁰			
Sun	10 ⁰⁰	2 ⁰⁰			

X

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 Karaoke		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10 ⁰⁰	2 ⁰⁰		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10 ⁰⁰	2 ⁰⁰	Please give further details here (please read guidance note 3)		
Wed	10 ⁰⁰	2 ⁰⁰			
Thur	10 ⁰⁰	2 ⁰⁰	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	10 ⁰⁰	2 ⁰⁰			
Sat	10 ⁰⁰	2 ⁰⁰	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	10 ⁰⁰	2 ⁰⁰			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10 ⁰⁰	2 ⁰⁰			
Tue	10 ⁰⁰	2 ⁰⁰			
Wed	10 ⁰⁰	2 ⁰⁰			
Thur	10 ⁰⁰	2 ⁰⁰			
Fri	10 ⁰⁰	2 ⁰⁰			
Sat	10 ⁰⁰	2 ⁰⁰			
Sun	10 ⁰⁰	2 ⁰⁰			
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			Please give a description of the facilities for dancing you will be providing		
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	2300	2 00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	2300	2 00			
Wed	2300	2 00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	2 00			
Fri	2300	2 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	2300	2 00			
Sun	2300	2 00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both <input type="checkbox"/>
Mon	10 00	2 00		
Tue	10 00	2 00		
Wed	10 00	2 00		
Thur	10 00	2 00		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 5)
Fri	10 00	2 00		
Sat	10 00	2 00		
Sun	10 00	2 00		

N

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 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10 ⁰⁰	2 ⁰⁰	<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 5)</p>
Tue	10 ⁰⁰	2 ⁰⁰	
Wed	10 ⁰⁰	2 ⁰⁰	
Thur	10 ⁰⁰	2 ⁰⁰	
Fri	10 ⁰⁰	2 ⁰⁰	
Sat	10 ⁰⁰	2 ⁰⁰	
Sun	10 ⁰⁰	2 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

- Please tick yes
- 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 failed to enclose the premises licence or relevant part of premises licence

n/a

P 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,e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

Doors & Windows will be kept closed when amplified music is performed. Nominated responsible members of staff to monitor at nearest residential premises. Action to be taken if necessary. Log book to be kept to record checks. Time & Date, name of staff, action taken.

e) The protection of children from harm


- I have made or enclosed payment of the fee
- 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

Please tick yes

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	31.10.11
Capacity	OWNER

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 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	31.10.11
Capacity	OWNER

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish

From: Quartley, Jo
Sent: 29 November 2011 09:36
To: Denton, Pam
Cc: Thurman, Anna
Subject: FW: Variation of Premises Licence - Galaxy Cafe

Hi Pam/Anna

Please see below representation for Galaxy café.

Regards

Jo Quartley

Public Protection Officer - Licensing
Wiltshire Council - West Hub
Direct Dial: 01225 770271
e-mail:jo.quartley@wiltshire.gov.uk

From: Jones, Maggie
Sent: 22 November 2011 16:53
To: Quartley, Jo
Subject: FW: Variation of Premises Licence - Galaxy Cafe

From: The Polebarn Hotel [<mailto:info@thepolebarnhotel.co.uk>]
Sent: 22 November 2011 16:35
To: Jones, Maggie
Cc: Francis, Richard
Subject: Variation of Premises Licence - Galaxy Cafe

Dear Maggie,

It has come to my attention that The Galaxy Cafe have recently applied for a variation to their Premises Licence to allow selling and consumption of alcohol with accompanying live or amplified music until 2am.

I would like it noted that I completely object to this proposal.

My family and I work and live at The Polebarn Hotel. From our living accommodation we have already experienced noise disturbance from The Galaxy Cafe on Saturday 5th November 2011, which I reported to the out of hours EHO, this continued into the early hours. We could hear amplified music disco with accompanying amplified DJ and my husband and I were unable to sleep, as were my guests. The noise level increased in volume every time someone went in or out of the cafe to smoke and in the end they propped the door open.

In addition to the noise disturbance that would be created by allowing this variation, we would also suffer from a secondary scene created by the lack of a designated smoking area which will of course bring groups of people out onto the streets congregating outside whilst smoking and drinking - which is of course noisy.

There are many people living in this area, especially in the flats above the cafe and neighbouring shops (in addition to my family) whose quality of life (and sleep) would suffer with the noise levels should this proposal should go ahead.

When The Galaxy Cafe first opened, I had no objections to their licence as they promised me it would not be a late night venue and I was very happy for them to create their cafe, which is very nice indeed, I really hope it stays that way.

Kind Regards
Natasha Owen

The Polebarn Hotel
Polebarn Road
Trowbridge
Wiltshire
BA14 7EG
tel: +44 (0) 1225 777006
fax: +44 (0) 1225 754164
email: info@thepolebarnhotel.co.uk
web: www.thepolebarnhotel.co.uk

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Appendix 3 Galaxy Caffè

From: Gallimore, Jacqueline
Sent: 28 November 2011 14:03
To: Quartley, Jo
Cc: Nuttall, Tim
Subject: FW: Application for a premises licence Galaxy Caffè Trowbridge

Jo

Please see Mr Siegmuller's comments at the bottom of the email trail.

Regards

Jacqui Gallimore

-----Original Message-----

From: sebastian siegmuller [mailto:]
Sent: 24 November 2011 14:24
To: Gallimore, Jacqueline
Subject: Odp: Application for a premises licence Galaxy Caffè Trowbridge

Dnia 23-11-2011 o godz. 18:25 Gallimore, Jacqueline napisa?(a):

> Mr Siegmuller

>

> Thank you for meeting with me to discuss your application and your
> future plans for the premises at 28 Roundstone Street Trowbridge, it
> was helpful to understand the nature of the business. As discussed
> police request that the hours be amended to cease the sale of alcohol
> at 01.30 hours with the premises closing at 02.00 hours, and that a
> condition be applied to the licence as follows -

>

> - No persons will be permitted to take bottles or glasses off the
> premise unless using the garden area at the rear of the premises.

>

> (I appreciate that your garden is not yet under construction but this
> condition will mean you will be able to use the planned garden in the
> future but you must stop customers using the front of the premises to
> smoke taking their glasses and bottles with them)

>

> Please can you confirm to Mrs Linda Holland at Wiltshire Council that
> you are happy for the amendments above to be made to your application
> not later than the 27th of November 2011, subject to these changes I
> can confirm that police have no objection to the grant of the
> variation to the licence number ww1100050 LAPRE.

>

> Regards

>

> Jacqui Gallimore
> Licensing Officer

>

> I have copied this email to Mrs Holland and her email address is
> therefore provided for your reply.

>

> *****

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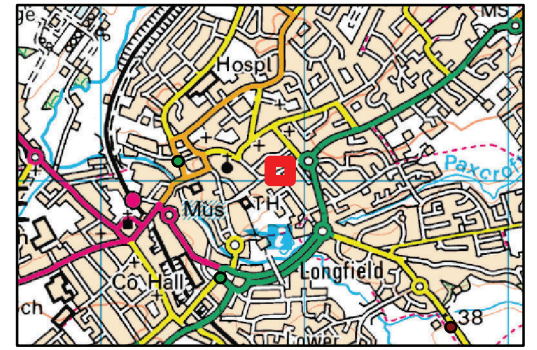
Appendix 3 Galaxy Caffe

> *****

I AGREE WITH CHANGES IN MAIN APLICATION TO THE OPENING HOURS WITH
REGHARDS SIEGMULLER

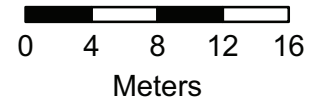
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Galaxy Cafe Roundstone Street Trowbridge, BA14 8DE

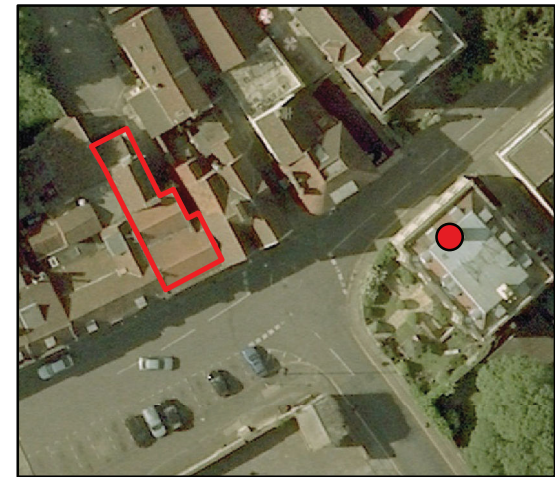


Scale

1:461



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Where everybody matters

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