

## **DECISION NOTICE**

### **Western Area Licensing Sub Committee**

**Decision made on 30 May 2012**

**In respect of an application for a Review of the Premises Licence for Galaxy Caffe made by the Public Protection Team of Wiltshire Council.**

#### **Decision:**

The Western Area Licensing Sub Committee has resolved to amend the Premises Licence for the Galaxy Caffe, 28 Roundstone Street, Trowbridge as follows:

1. To remove recorded music (indoors) and live music (amplified) from the licensable activities. This is considered appropriate to address concerns regarding public nuisance, in particular noise. It is considered that the premises are unsuitable for these activities.
2. To reduce the hours of live music (acoustic) to between 10.00 hours and 23.00 hours. This is considered appropriate to prevent public nuisance and in particular to respect residents' right to peaceful enjoyment of their property as stated in Wiltshire Council's Statement of Licensing Policy.

The Sub Committee considered the written representations from Richard Francis, Senior Environmental Health Officer, Mr Lee of Ho Wah restaurant and Natasha Owen of the Polebarn Hotel as presented in the agenda, together with the oral representations given at the hearing on behalf of the Public Protection Team, the Interested Parties and the Licence Holder.

In coming to the decision the Sub-Committee accepted the evidence presented by Richard Francis, Senior Environmental Health Officer that structure of the premises, having three large single-glazed windows looking out on Roundstone Street and a single door entrance with no lobby, meant that noise is easily transmitted out into the street,

The Sub-Committee accepted the evidence given by Linda Holland, Senior Licensing Officer which detailed a late night inspection of the premises on 28/29 January 2012 where the officers considered that the volume of the music being played at the Galaxy Caffe constituting a public nuisance.

The Licence Holders denied receiving the noise abatement order issued on 17 February 2012, however the Sub-Committee accepted that these had been served.

The Sub-Committee accepted that a late night monitoring visit carried out on 25 February 2012 had established that music coming from the Galaxy Caffe was clearly audible at the entrance to Raleigh Court as presented in the statement from Mrs Susie Vowles, Public Protection Officer and that excessive noise levels coming from the premises had also been identified by Council officers on 10 March 2012

The Sub-Committee heard from Mrs Natasha Owens from the Polebarn Hotel, who detailed the effect of the noise nuisance on both her business and her family, who are resident at the same address. Mrs Owens stated she fully supported the Galaxy Caffe both as a customer and as an advocate of business in Trowbridge and was concerned only about the noise nuisance, which was having a detrimental effect on her children and her customers. Mrs Owens gave details of two other premises close by where live music was no longer allowed. Under questioning Mrs Owens confirmed that the situation had recently improved.

The Sub-Committee acknowledged that the Licence Holder had refurbished the back of the venue to create an outside smoking area to reduce the number of people going in and out of the front of the venue for cigarettes, and had purchased equipment to monitor noise. However, the grounds for review related to nuisance caused by the playing of live and recorded music and the Sub-Committee were satisfied that it was appropriate to modify the premises licence as set out above, in order to promote the licensing objective of preventing public nuisance.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. The amendments to the licence will not come into effect until the period for appeal has expired or, if an appeal is made, until that appeal has been disposed of.