

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.**