

Application for the review of a premises licence or club premises certificate 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 Wiltshire Council Public Protection

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Galaxy Caffe 28 Roundstone Street Trowbridge	
Post town Wiltshire	Post code (if known) BA14 8DE
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Sebastian Siegmuller and Mr Damiani Siegmuller	
Number of premises licence or club premises certificate (if known)	
WW1100136LAPRVA	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Richard Francis Senior Environmental Health Officer Public Protection Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD
Telephone number (if any) 01225 776655
E-mail address (optional) richard.francis@wiltshire.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Following the grant of a licence for the Galaxy Caffe in December 2011 the Public Protection department of Wiltshire Council received a number of complaints relating to the provision of regulated entertainment in the form of amplified music.

An investigation into the complaints confirmed the existence of a nuisance and subsequently it is my opinion that the prevention of public nuisance licensing objective is currently not being met.

Please provide as much information as possible to support the application
(please read guidance note 2)

A premises licence application for The Little Daisy Deli, 28 Roundstone Street, Trowbridge, Wiltshire was received by the council in May 2011, the applicants being Sebastian and Damian Siegmuller. The application related to a restaurant only and no provision of regulated entertainment was requested at that time.

In September 2011 concerns were made regarding the potential provision of recorded and live music at the premises, which had changed its name to Galaxy Caffe. Discussions with the premises licence holders revealed that there was no intention to provide regulated entertainment at the venue, however following this conversation an application to vary the licence was received by the Council on 31 October 2011. The variation was to include live music, recorded music and anything of a similar description.

On 06 November 2011 an out of hours call was received by the Public Protection department about noise from recorded music at the premises. In this instance an officer witnessed excessive noise levels from the venue.

Having been informed of excessive levels due to amplified music I had concerns about the acoustic properties of the premises, and subsequently I met with the applicants on a number of occasions to discuss my concerns. At the time I did not feel that the prevention of public nuisance licensing objective could be achieved and therefore I made a representation to the licensing authority dated 24 November 2011.

In addition a representation was made from an Interested Party regarding this variation. An Area Licensing Sub Committee meeting was held on 22 December 2011 to hear the application in full. Whilst I again raised concerns about the acoustic properties of this premises a licence was granted permitting recorded music until midnight Monday - Sunday and live music until midnight Monday - Sunday.

On 18 January 2012 a number of complaints were received regarding loud music coming from the Galaxy Caffe. On 19 January 2012 a letter was sent to Mr Sebastian Siegmuller and Mr Damian Siegmuller advising that complaints had been received. The Council continued to receive complaints and Wiltshire Council licensing officers witnessed excessive noise levels from the premises on 28 January 2012. In view of the continued complaints and the officer observations noise abatement notices were served on Mr Sebastian Siegmuller and Mr Damian Siegmuller under Section 80 of the Environmental Protection Act 1990 on 17 February 2012.

On 25 February 2012 at 2220 Susie Vowles, Public Protection Officer witnessed excessive noise levels coming from the Galaxy Caffe. The noise witnessed constituted a breach of the noise abatement notices and also clearly demonstrated that the prevention of public nuisance licensing objective was not being met.

On 10 March 2012 from 2200 onwards myself and Susie Vowles witnessed a number of further breaches of the noise abatement notices and again the prevention of public nuisance licensing objective was not being met.

Following the service of the notices and officers having witnessed a number of breaches I am satisfied that the prevention of public nuisance licensing objective has been and continues to be ignored by the two holders of the premises licence, Mr Sebastian Siegmuller and Mr Damian Siegmuller and therefore I have no other option than to request a review of the premises licence.

It is clearly evident that the premises are unsuitable for the provision of recorded and live music and as such I would request that these provisions be removed from the premises licence.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Yes - a representation was made at the hearing on 22 December 2011 in relation to the variation application dated 24 November 2011.

Please tick yes

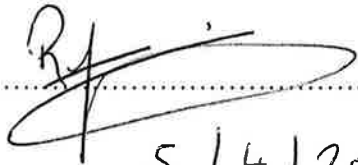
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

5 / 4 / 2012

Capacity Senior Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.