

A record of the meeting of the Licensing
Sub-Committee in the Council Chamber,
Selby District Council, Civic Centre,
Portholme Road, Selby on
Monday 26 November 2007 at 10:00 am

PRESENT:

Councillor Ruth Sayner
Councillor John McCartney
Councillor Stephanie Duckett

OFFICERS:

Wahid Khan - Solicitor
Tim Grogan - Licensing Officer
Tracey Peam - Committee Administrator

OBJECTOR:

Councillor Mrs Nichols representing 5 constituents within Selby South Ward.

1. ELECTION OF CHAIRMAN

It was resolved:

That Councillor R Sayner be elected as Chairman for the duration of this Licensing Sub-Committee.

2. INTRODUCTIONS

The Chairman introduced herself and the other Members of the Licensing Sub-Committee.

For the benefit of all present, the Clerk summarised the Hearings Procedure, as appended to the agenda, and said that each category of participant was entitled to 5 minutes in which to explain their case. He concluded by highlighting the right to appeal.

3. LICENSING ACT 2003 – APPLICATION FOR A VARIATION TO A PREMISES LICENCE IN RESPECT OF THE CAPRI RESTAURANT

In attendance and entitled to speak on this application were:

Mr P Bouvet, Solicitor for the applicant and Mrs W Nichols who was representing the objectors to the application.

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The Licensing Officer gave a summary of his report. He advised that the application was for a variation of the existing licence as set out in the operating schedule included in the report.

The Licensing Officer informed the hearing that there was an error on page 3 of the application to vary the premises licence under Part 4 – Operating Schedule. It was agreed that (g) performance of dance should be struck out as this had not been formally applied for.

Mr Bouvet, Solicitor for the applicants produced a written submission to the members of the Sub Committee. He then outlined a verbal submission suggesting that the application should be granted because customers frequenting the premises had never given any cause for concern. He confirmed that the Police had made no representations and that the application was simply an effort by the owners to enjoy the hours and activities of their competitors.

He respected the views and concerns of the objectors, but felt that these were generalised and not specific to the Capri. He maintained the restaurant was very well run.

Mr Bouvet concluded by saying that the applicants always intended that the premises should be a high class restaurant and that they were restricted as to the manner in which they operated by a lease attached to the property.

Councillor McCartney on behalf of the Licensing Sub Committee raised the issue of the precise terms of the application. Mr Bouvet confirmed that the application was to extend the hours and to include the provision of live music but to exclude facilities for dancing. At this stage, Mr Puliga revealed that the live music was intended to be incidental to the provision of food and would be used mainly on “theme nights” and never involve more than one instrument.

Councillor Nichols, representing the four representors, outlined the problems faced by local residents on a weekly basis and considered that the granting of extended hours would impact upon their quality of life. In particular, Councillor Nichols revealed that the extra hour whereby hot snacks would be supplied would increase the risk of customers loitering outside their addresses consuming this food.

At this point the Licensing Officer confirmed that a late night licence was required for all hot food served between 11.00 pm and 5.00 am and that the application in question was for food supplied for consumption on the premises only.

Councillor Nichols then summed up the case for the residents outlining that it was their desire that the application be refused and the original hours be retained.

Mr Bouvet summed up by revealing that the premises was a well run establishment seeking to obtain the same benefits enjoyed by his competitors.

It was resolved:

That the variation be granted, subject to the following amendments:

- (1) That noise from amplified and non amplified music, singing and speech from regulated entertainment at the premises (between the hours of 23:00 to 00:30) shall not be audible inside habitable rooms of noise sensitive properties in the vicinity;**
- (2) That any live music will consist of one performer using an instrument not powered by electricity;**
- (3) That all external areas of the premises should not be used by customers after 23:00 and 00:30;**
- (4) All external doors and windows to the room(s) where regulated entertainment is being provided shall remain closed between 23:00 and 00:30.**

The meeting closed at 11:05 am.