

A record of the meeting of the Licensing
Sub-Committee in the Council Chamber,
Selby District Council, Civic Centre,
Portholme Road, Selby on
Friday 9 January 2009 at 10:00 am

PRESENT:

Councillor Ruth Sayner - (Chair)
Councillor Debbie White
Councillor Stephanie Duckett

OFFICERS:

Jamie Hollis	-	Solicitor and Clerk
Tim Grogan	-	Licensing Enforcement Officer
Dean Richardson	-	Principal Environmental Health Officer - Commercial
Tracey Peam	-	Committee Administrator

APPLICANT:

Mr Gary Smith on behalf of Café Manyana, 1 Gowthorpe, Selby

REPRESENTORS:

Responsible Authority

Dean Richardson - Principal Environmental Health Officer - Commercial

Interested Parties:

Mr D McNiff	-	22 Audus Street, Selby
Ms P A Bassford	-	2 Audus Street, Selby

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.

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 CAFÉ MANYANA, 1 GOWTHORPE, SELBY

In attendance and entitled to speak on this application were:

Mr G Smith as the applicant, Mr D Richardson (Environmental Health Services) and Mr D McNiff and Ms P Bassford as representors.

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 nature of the application was to extend the existing licensed hours for the provision of: regulated entertainment in the form of films, indoor sporting events, live music, recorded music and performance of dance; entertainment facilities in the form of making music and dancing; late night refreshment and sale by retail of alcohol from:

(a) Sunday to Thursday between 10:00 – 00:00

(b) Friday to Saturday between 10:00 – 02:00

The variation seeks to amend the permitted hours and the licensed activities referred to above as follows:

(a) Monday to Wednesday between 10:00 – 01:00

(b) Thursday to Sunday between 10:00 – 03:00

The Licensing Officer outlined the decision options for the committee and the options for appeals.

Mr Richardson, the Principal Environmental Health Officer – Commercial advised the committee that the variation to the premises licence would not be objected to provided the following conditions are imposed on the licence:

1. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises between the hours of 23:00 and 07:00 shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.
2. No external doors and windows to the room/s where regulated entertainment is being provided shall be open during the course of the entertainment, other than for normal access and egress.

3. All external doors (including fire-exit doors and patio doors) to the premises shall not be propped open during the course of regulated entertainment.
4. Speakers used to relay amplified music, singing and speech provided as part of the regulated entertainment shall not be positioned outside the premises; where placed internally ensure that they are directed away from external doors and windows.

Mr McNiff informed the committee that his concerns were mainly in connection with noise and that this would increase with the increased hours. He reported that on certain occasions when the designated premises supervisor was not on the premises the noise became 'intolerable'.

Ms Bassford confirmed that the noise on certain occasions was intolerable and on occasions had to wear ear plugs. Ms Bassford did confirm that since she had spoken to Mr Smith the noise had subsided a little.

She felt that staff employed by Mr Smith should take more responsibility in his absence, and that noise control be monitored from outside the premises and that better communication between Mr Smith and the representors should be achieved by having a direct telephone contact to report any excessive noise.

Mr Smith confirmed that the bass speaker on the premises had been disconnected.

After both the applicant and the representors had confirmed that they had received a fair hearing the Licensing Sub-Committee adjourned to debate their decision.

Resolved:

That the variation be granted, subject to the following four conditions being attached to the licence:

Regulated entertainment in the form of films, indoor sporting events, live music, recorded music and performance of dance; entertainment facilities in the form of making music and dancing; late night refreshment and sale by retail of alcohol from:

- (a) Monday to Wednesday between 10:00 – 01:00**
- (b) Thursday to Sunday between 10:00 – 03:00**

- 1. Noise from amplified and non-amplified music, signing and speech arising from regulated entertainment at the premises between the hours of 23:00 and 07:00 shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.**
- 2. No external doors and windows to the room/s where regulated entertainment is being provided shall be open during the course of the entertainment, other than for normal access and egress.**
- 3. All external doors (including fire-exit doors and patio doors) to the premises shall not be propped open during the course of regulated entertainment.**
- 4. Speakers used to relay amplified music, singing and speech provided as part of the regulated entertainment shall not be positioned outside the premises; where placed internally ensure that they are directed away from external doors and windows.**

The meeting closed at 10:56 am.