

Minutes

Licensing Sub-Committee

Venue:	Microsoft Teams – Remote
Date:	Monday, 19 July 2021
Time:	2.00 pm
Present remotely via Teams:	Councillors R Sweeting, I Chilvers and S Duckett
Officers present remotely via Teams:	Jade Reynolds, Solicitor, Sharon Cousins, Licensing Manager; and Dawn Drury, Democratic Services Officer
Others present remotely via Teams:	Eighty 1 Café Ltd, Ian Wright, Applicant

6 ELECTION OF CHAIR

It was proposed, and seconded, that Councillor Richard Sweeting be elected as Chair for this meeting.

RESOLVED:

To appoint Councillor Richard Sweeting as Chair for this meeting.

7 APOLOGIES FOR ABSENCE

There were no apologies for absence.

8 DISCLOSURES OF INTEREST

There were no disclosures of interest.

9 PROCEDURE FOR LICENSING HEARINGS

The Committee noted the Licensing hearing procedure.

10 APPLICATION FOR A PREMISES LICENCE FOR EIGHTY 1 CAFE LTD, 81 BROOK STREET, SELBY, NORTH YORKSHIRE, YO8 4AT

The Chair introduced all the parties present at the meeting and summarised the Licensing hearing procedure which had been circulated as part of the agenda pack. All parties confirmed that they had received a copy of the hearing procedure.

The Licensing Manager presented the report which outlined the details of the application for the determination of a premises licence for Eighty 1 Café Ltd, 81 Brook Street, Selby, YO8 4AT. Members were made aware of an error on page one of the report, the address of the premises was 81 Brook Street, and not 8 Brook Street, as stated. The hearing had been necessitated by a representation which had been received from a member of the public.

The Sub-Committee heard that the application was to permit the sale of alcohol at the designated premises, on any day of the week, between the times as detailed within the report, with no seasonal variations.

The Licensing Manager informed Members that conditions had been agreed between North Yorkshire Police and the applicant and Environmental Health and the applicant following representations made by the responsible authorities. The necessary amendments had been incorporated into the operating schedule following these representations and formed the conditions of any granted licence.

Members noted that the person who had made the representation against the application had objected on the grounds of the prevention of public nuisance objective. It was further noted that letters and a petition in support of the application had also been received and were contained within the agenda pack.

It was confirmed that a consultation had been carried out by the applicant in accordance with the Act and the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, and that the applicant had complied with all the statutory requirements.

The Sub-Committee listened to evidence from the applicant, Mr Wright, and evidence in support of the relevant representation from a member of the public.

Mr Wright advised Members that he had held a personal liquor licence for a period of twenty years and, during this time, had managed six venues within the Selby area, and clarified that although he had operated live music establishments in the past, this was not the intention for this premises.

Mr Wright confirmed that the aim of the application for the premises licence was to provide a café and lounge bar with a small outside seating area to create a relaxed, European café environment, which would serve

alcohol through the day with food, and open on a Friday and Saturday evening. It was explained that the intention was to appeal to customers walking from the Brayton area of Selby in the early evening, to encourage people to stop and take refreshments at the premises on the way into Selby town.

The Sub-Committee heard that no food or drink would be served in the outside seating area after 9.00 pm, at this time the area would only be used by customers as a smoking area, last time for drink orders would be 10.30 pm and that the number of customers would be limited.

Mr Wright informed the Sub-Committee that he had consulted with his nearest neighbours, within a 200-metre radius of the premises, who had confirmed that they were in support of the application. Additionally, in terms of the petition in support of the premise licence application, it was stated that since the publication of the agenda, which contained two pages of names and signatures, this had risen to contain five pages of names and signatures in support of the application.

In response to a Member query regarding what age group of customer the café was hoping to attract, and what procedures were in place to check for possible underage customers attempting to purchase liquor, it was confirmed that the core age of customers was between 30 to 60 years of age, and that the café already had a regular clientele of families, and the café was a dog friendly premises. It was further confirmed that Challenge 25 posters were displayed throughout the premises, and would be enforced, furthermore, all five of the company Directors worked at the premises, of which two of the Directors held personal licenses; and staff would receive training on the Challenge 25 procedure.

In relation to the applicant stating that the premises would only open on a Friday and Saturday evening, Members queried why therefore had the applicant applied for a premise licence to finish at 10.30 pm, seven days a week, and if the intention was to expand Friday and Saturday to other evenings. Mr Wright confirmed that he had applied for a 10.30 pm finish to provide flexibility for special themed evenings or if the premises was being used for a private party. It was further confirmed that the themed evenings would not include music, they would be purely food served with accompanying wines, and the number of guests would be limited by the number of tables.

Members heard that should the decision be taken to have music at the premises it would be light background music or acoustic guitar which would not be heard outside the premises.

In terms of the outside seating area, it was queried at what time the tables and chairs would be stacked up, and if this would create noise when moving them inside the premises. Mr Wright confirmed that consideration had been given to the removal of the furniture and two options were outlined. The tables and chairs would be stacked outside at 9 pm and then either left in situ until the premises closed for the evening and then carried indoors; or alternatively, they would be stored in the kitchen area

at 9 pm.

Members queried where the fire assembly point was located at the premises, Mr Wright confirmed that this was at the private area to the front of the premises, or in the event of a major fire, then the assembly point would be on the opposite side of the road.

The representor explained that she was both a local resident and a town councillor, however she was speaking at the meeting in a personal capacity.

The representor stated that she had made the representation objecting to the application on the grounds of prevention of public nuisance objective and informed the Sub-Committee that most of her concerns had been raised within her representation. However, it was brought to Member's attention that the representor had been approached by other local residents who had grave concerns that if the sale of alcohol was made available then it must be a consideration that this would increase noise levels and be a public nuisance to local residents.

The representor explained that, in her view, there were sufficient licensed premises in Selby, and that the area in which she resided already suffered from noise and anti-social behaviour from people walking home in the early hours of the morning when the public houses had closed. It was felt that granting the premises licence would exacerbate the issue and impact the local community detrimentally.

It was however conceded that having listened to the applicant's responses at the hearing, the representor felt reassured in relation to some of her concerns, particularly in relation to the initial premise licence application which had included the provision of live music; this had since been removed from the application.

It was noted that there were still ongoing concerns regarding the location of the premises, which was extremely close to a busy main road and to the railway line and railway crossing; and vigilance was called for.

The representor stated that it had been brought to her attention that one of the owners had previously run another licensed venue in Selby, which following objections, the licence had been revoked, and clarification was sought on the matter. The legitimacy of the names and signatures pertaining to residents living in the Doncaster Road area of Selby which were contained within the petition of support was also questioned, and it was requested that these details were checked against the electoral role.

Members were informed that the representor had filed a complaint against the Council with the Information Commissioner as it was felt that her confidentiality had been breached, as although the representation had been redacted, the agenda pack contained a map which showed individual addresses, and this information had not been redacted.

The Licensing Manager clarified that all licensing authorities provide a plan within the Licensing Sub-Committee agendas, and that most local authorities do not redact any of the information contained within the agenda packs.

Additionally, Members were asked to note that in regard to the playing of music at the premises, under the De-Regulation Act 2015 permission was not required by the applicant to play recorded and live music. If the licence was to be granted today, then the applicant would be allowed to play music between the hours requested on the application, as the playing of music was not a licensable regulated activity under the Licensing Act 2003.

Finally, the Chair asked the representor at what time the noise from the public passing her residence started on an evening, when they were returning to their homes, the representor stated that it commenced at 11 pm until approximately 2.30 am in the morning.

The Chair confirmed with all parties that they had said all that they needed to say in relation to the application.

Mr Wright re-emphasised that the premises would not be used as a live music venue and stated that he had not, at any time, had his licence revoked by the licensing authority.

The representor had further concerns around the music aspect and felt that had other people been aware that music was not a regulated activity then more objections to the application would have been lodged. The Chair assured the representor that should complaints about the premises be received then the Police could raise an objection, and the matter would be brought back to the Licensing Sub-Committee.

The Chair thanked all parties for attending the Licensing Sub-Committee and requested that they leave the meeting. It was explained that the Members of the Sub-Committee would retire together with the Democratic Services Officer and Solicitor to consider the application, and in doing so Members would consider the written and oral representations as well as the operating schedule, the Licensing Act 2003 having regard to the Secretary of State's Guidance issued under section 182 of the same, and the Council's Statement of Licensing Policy when arriving at the decision.

The Licensing Sub-Committee considered that it was appropriate and proportionate, having considered all representations and all the evidence presented and the promotion of the licensing objectives to **grant** the Premises Licence, as applied for, to the applicant.

RESOLVED:

To grant the Premises Licence, as applied for, to the applicant.

Reasons for Decision:

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The Licensing Sub-Committee considered that it was appropriate and proportionate for the promotion of the licensing objectives.

The meeting closed at 3.23 pm.