



Meeting: **LICENSING SUB-COMMITTEE**
Date: **MONDAY, 19 JULY 2021**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors R Sweeting, I Chilvers and S Duckett**

Agenda

1. **Election of Chair**

To elect a Member to act as Chair of the meeting.

2. **Apologies for Absence**

3. **Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests. Councillors should leave the meeting and take no further part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

4. **Procedure for Licensing Hearings (Pages 1 - 4)**

To confirm the procedure to be followed at the meeting.

5. **Application for a Premises Licence for Eighty 1 Cafe Ltd, 81 Brook Street, Selby, North Yorkshire, YO8 4AT (Pages 5 - 74)**

To receive the report from the Licensing Manager, which asks Members to determine an application for a premises licence, which has been made under the Licensing Act 2003.

Janet Waggott

Janet Waggott, Chief Executive

Enquiries relating to this agenda, please contact Dawn Drury on 01757 292065
ddrury@selby.gov.uk.

Recording at Council Meetings

Selby District Council advocates openness and transparency as part of its democratic processes, therefore recording is allowed at Council, Committee and Sub-Committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting by emailing democraticservices@selby.gov.uk.

Agenda Item 4

Selby District Council Procedure for licensing hearings

Mobile phones must be turned off throughout the hearing

The purpose of this procedure is to clarify how the Licensing Sub-Committee (the “Committee”) will conduct licensing hearings made under the Licensing Act 2003 and under other licensing regimes covered by the Licensing Committee. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and guidance.

The hearing will take the form of a discussion led by the Committee. Any questions will go through the Chair.

Where a large number of interested parties are involved; they will be encouraged to appoint a spokesperson or spokespersons so as to avoid duplication of representations being made.

Licensing Sub-Committee Hearings

All Applicants, Responsible Authorities and Other Persons (who have submitted a valid representation/objection) (collectively called “Parties”) will only be able to participate in the hearing provided they take the following steps :-

(1) All Parties (and their adviser) **must register to participate** in the hearing by emailing the **Democratic Services Team of the Council** at democraticservices@selby.gov.uk no later than **12 noon on Friday 9 July 2021**.

(2) All Parties should **arrive for the hearing taking place in the Council Chamber, Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT at least 15 minutes** before the advertised start time to ensure they are ready to start at the advertised start time.

(3) After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.

Final Submissions before the Hearing

If representations have been made objecting to or supporting the application to the Council’s Licensing team within the consultation period these will automatically be part of the report and do not need to be resubmitted.

All Parties (including the Applicant) should have submitted any evidence in support of their application or representations/objections within the permitted period and should have set out the key points, policies and conditions that a Party wishes the Committee to take account of in determining the application.

Any late submissions that a Party wishes to make, **(that have not been submitted in time to be included in the committee report) should** be submitted to the Democratic Services Team at democraticservices@selby.gov.uk by **no later than 12 noon on Friday 9 July 2021**. **Please note, if you provide additional information on the day of the hearing, it will only be accepted if all other parties consent to it.**

Procedure

1. **The Chair** will open the meeting and introduce himself, the other members of the Committee, the clerk to the Committee and any other officers present.
2. Each Member of the Committee will be asked to confirm whether they have any declarations of interests to make.
3. **The Chair** will ask the parties to introduce themselves and provide details of any witnesses they will be calling. If more than one interested party, the Chair will ask whether a representative can be appointed to speak on their behalf.
4. **The Chair** will summarise the procedure of the hearing, explain how the hearing will proceed and any time limits for the speakers.
5. **The Licensing Officer** from the Licensing Authority will introduce the application, giving a brief description of the application.
6. **The Chair** will ask for questions for the licensing officer from members, and then the Applicant, interested parties and officers.
7. Each party who has registered to speak, will be invited to make their representations and will be allowed **a maximum of 15 minutes each**. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chair has the discretion to extend this time limit where it is appropriate for the determination of the application.
8. **Parties** will normally speak in the following order, (the order may change for other types of licensing applications):
 - a. The Applicant
 - b. Other Persons/objectors (e.g. including residents and residents' associations).
9. After each Party's submission, the Committee Members will ask questions of that Party if they wish to do so.
10. **The Chair** will then allow each Party to ask questions of the opposing Party for a **maximum of 10 minutes each**.
11. **The Chair** will ask each party if they wish to sum up their case, without adding any new evidence.
12. **The Chair** will confirm with all parties that they have had an opportunity to say all they wanted to say in relation to the application.
13. **The Chair** will then **close the meeting** and all Parties will leave the meeting. The Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
14. The Committee will deliberate in closed session and all Parties will be advised of the outcome in writing. Unless otherwise required by the Regulations, the Full Decision will

be made within five working days of the last day of the hearing and sent to the Parties by the Democratic Services Team.

Rules during Licensing Hearings

The following rules must be followed by all Parties to ensure the hearing can progress as successfully as possible:

- All Parties must only address the hearing when invited to do so by the Chair.
- All Parties are asked to keep their comments as succinct as possible.
- All Parties should be mindful that the hearing is being streamed live onto the Council's website and is therefore open and visible to the public unless it is in the public interest to hold them in private.
- To ensure the smooth running of hearings, a time limit will be placed on each Party's submissions. This time limit must be adhered to, but the Chair has the flexibility to amend the time limit when it is considered appropriate to do so.
- When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- The Chair has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

Council Committee Recordings

Members of the public who may wish to watch the broadcast of the hearing can do so by following the link to the hearing available on the Council's website here: <https://democracy.selby.gov.uk/ieListMeetings.aspx?Committeeld=299>

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Report Reference Number: L S-C/21/2

To: Licensing Committee
Date: 19 July 2021
Status: Non Key Decision
Ward(s) Affected: Selby
Author: Sharon Cousins, Licensing Manager
Lead Executive Member: Councillor Grogan, Lead Member for Health and Culture
Lead Officer: Alison Hartley, Solicitor to the Council

Title: Determination of a Premises Licence for Eighty 1 Café LTD, 81 Brook Street, Selby, YO8 4AT (“the Premises”).

Summary

The Licensing Authority received an application for a Premises Licence for the Premises, however, a representation against this application was received. The Licensing Authority is now under a duty to determine the Premises Licence application under Section 18 of the Licensing Act 2003 (“the Act”).

Recommendation:

The Sub-Committee to determine the Premises Licence application in respect of the Premises.

In determining this application, the Sub-Committee must have regard to the representations and take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are

- (a) To grant the licence subject to:-
 - (i) any conditions modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (the conditions in the operating schedule accompanying the application are modified if any of them is altered or omitted or any new condition is added); and
 - (ii) any mandatory conditions which must be included on the licence under section 19, 20, or 21 of the Act.
- (b) To exclude from the licence any of the licensable activities;
- (c) To refuse to specify a person in the licence as the premises supervisor; or
- (d) To reject the application

In making its decision, the Sub-Committee must act with a view to promoting the licensing objectives. The Sub-Committee must also have regards to its Statement of Licensing Policy and the Guidance issued under section 182 of the Act, issued by the Secretary of State for Culture, Media and Sports.

1. Introduction and background

The applicant is 81 Café Ltd, proposing to carry out licensable activity at the Premises. **A copy of the application is at Appendix 1. Please note Appendix 1A** of the report shows the signed declaration on the application by the applicant. This has been shown by way of a screen print due to a technical issue, and the declaration not transporting through in Appendix 1.

1.1 The application is to permit the sale of alcohol at the designated Premises, on any day of the week, between the times as detailed below:

1.2 Licensable activities:

Sale of alcohol (on and off sales)

Monday to Sunday 12:00 – 22:30 hrs

1.3 Public Hours

Monday to Sunday 08:00 – 23:00 hrs

1.4 Seasonal Variations

None

1.5 Details of the proposed operating schedule are as follows:

1.6 To promote the licensing objectives, the applicant has proposed the steps detailed section 5 (operating schedule) and part M (section 18) of the application form, **attached at Appendix 1**.

1.7 As part of the application the applicant has submitted a DPS (Designated Premises Supervisor) consent form. **Please see attached at Appendix 3**.

1.8 A plan of the building, **attached at Appendix 2**, shows the licensable area of proposed Premises outlined in red. This shows where the licensable activity would be permitted to take place.

2. PROMOTION OF LICENSING OBJECTIVES

2.1 Section 4 of the Act places a duty on the Licensing Authority to carry out its function under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- The prevention of crime and disorder

- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount consideration at all times.

RELEVANT REPRESENTATIONS

3. RESPONSIBLE AUTHORITIES

3.1 Amendments have been made to the operating schedule following representations from responsible authorities.

3.2 Conditions have been agreed between North Yorkshire Police and the applicant following a representation. These will now be included in the Operating Schedule and form the conditions of any granted licence. **Please see attached at Appendix 4.**

3.3 A representation was received from Environmental Health Protection for the Licensing Objective Prevention of Public Nuisance. **A copy of the agreed representation is attached at Appendix 5** and will be included in the Operating Schedule.

4. REPRESENTATIONS FROM OTHER PERSONS

4.1 The Licensing Authority has received 1 representation from Other Persons which is against the application. **A copy of the representation is attached at Appendix 6.** The representation is based on the grounds of the Prevention of Public Nuisance only.

4.2 A plan showing the location of the individual Other Persons in relation to the Premises has been produced in **Appendix 7.**

5 Consultation

5.1 Consultation was carried out by the applicant in accordance with the Act and the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the Premises and an advertisement in a local paper, giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. The newspaper notice was published on the 27th of May 2021 and has been attached at **Appendix 8.**

5.2 All procedural aspects of this application have been complied with.

6. POLICY CONSIDERATIONS AND S182 GUIDANCE

6.1 The following sections of the Selby District Council's Statement of Licensing Policy are relevant in considering the licensing objectives in relation to this application.

- Part 3, Paragraph 5 – Conditions
- Part 3, Paragraph 6 – Licensing hours
- Part3, Paragraph 13 – Live Music Act
- Part 3, Paragraph16 - Children
- Part 8, Paragraph 27.4 - things the applicant should consider in its operating schedule.

6.2 The following sections of the Guidance issued under section 182 of the Act issued by the Secretary of State for Culture, Media and Sport (issued April 2018) is relevant in considering the licensing objectives in relation to this application:

- 2.1 Crime and disorder
- 2.7 Public Safety
- 2.15 Public nuisance
- 2.22 Protection of children from harm

7. Corporate Plan Implications

N/A

8. Resource Implications

N/A

9. Other Implications

N/A

10. Legal Implications

10.1 As relevant representations have been made, the Sub-Committee must determine the premises licence application.

10.2 The licensing Authority must have regard to the promotion of the four licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm in exercising its functions under the Act.

10.3 Regard should be had to the statutory guidance under Section 182 of the Act and the Councils own statement of licensing policy.

Right of appeal

10.4 Schedule 5 of the Act gives a right of appeal to the applicant and to any person who has made relevant representations.

- 10.5** Any appeal must be made to the Magistrates Courts and must be made within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Conclusion

- 11** The Sub-Committee are asked to determine this Premises Licence application for the Premises. A draft copy of the licence incorporating the conditions as agreed between the applicant, the Police and Environmental Health Protection can be seen in **Appendix 9**.

11.1 External photographs of the Premises are attached at **Appendix 10**.

11.2 Additional information sent by the applicant **Appendix 11**.

11.3 The Sub-Committee has the options as set out in the above Recommendation.

12 Appendices

- Appendix 1 - Original application
- Appendix 1A – Sign Declaration of application
- Appendix 2 - Plans
- Appendix 3 - DPS consent
- Appendix 4 - Police representation
- Appendix 5 - Environmental Health representation
- Appendix 6 - Representation from other persons
- Appendix 7 - Plan showing premises location of representations received
- Appendix 8 - Newspaper advertisement
- Appendix 9 - Draft licence, incorporating agreed conditions and hours
- Appendix 10 - Photographs of the Premises
- Appendix 11 – Additional information sent from Applicant

Contact Officer:

Sharon Cousins
Licensing Manager
scousins@Selby.gov.uk
01757 292033

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* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality

Documents that demonstrate entitlement to work in the UK

[Add another applicant](#)

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OPERATING SCHEDULE

When do you want the premises licence to start? / /

dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /

dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises are located in a single storey building, adjacent to a fish and chip shop. There are 4 business premises on the block with no residential areas within 100m.
The main use to be a cafe and lounge bar, located outside of the main town adjacent to a main highway. There will be an outside seating area for approximately 24 people with tables, chairs and removable barriers to separate them from the pavement area.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

All staff fully trained on the licensing objectives and current best practices by premises supervisor.

Staff training records to be kept on site.

A refusals log will be used and kept on site.

CCTV to be in operation on the premises, with recordings stored locally and on-line for a minimum of 28 days. The only people with access to recordings are directors and managers. Posters clearly displayed showing CCTV in operation. 2 cameras to cover main room, one in back room and one exterior clearly showing the outside seating area.

i.d. checks to be carried out and challenge 21 will be in force with posters displayed.

Premises supervisor or a nominated responsible person to be on site at key times, such as Friday and Saturday evenings.

b) The prevention of crime and disorder

An anti drugs policy will be in place and staff trained accordingly with records kept on site.

i.d. checks to be carried out and challenge 21 will be in force with posters displayed.

Incident log book which staff are trained to complete and made available to Officers of the Licensing Authority and North Yorkshire Police on reasonable request will be on site at all times.

Notices clearly displayed to ask people to leave quietly.

Premises license holder or nominated trained person will always be on site when alcohol is served.

Food is always available when the premises are open as well as hot beverages.

c) Public safety

Fire risk assessment has been done and will be kept up to date.

Capacity limit set to 60 and will be closely monitored by staff.

First aid box and log book on site and all staff trained in basic first aid with a fully qualified first aider on the team.

All furniture has current fire safety certificates.

Notices detailing the actions to be taken in the event of fire or other emergency are prominently displayed.

Fire fighting equipment on site and all staff have been trained.

d) The prevention of public nuisance

Doors and windows will be kept closed when regulated entertainment is taking place.

The playing of live or recorded music in outside seating areas of the premises is not permitted.

All windows and doors are double glazed.

Regular litter picking outside premises.

Notices clearly displayed to ask people to leave quietly.

e) The protection of children from harm

The premises operates a proof of age policy, challenge 25 posters will be clearly displayed.

The only i.d that will be accepted is a current driving licence, passport, i.d bearing the PASS hologram.

Only children accompanied by an adult will be permitted in the premises after 19:00 hrs.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

I/WE UNDERSTAND IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT * IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

I/WE UNDERSTAND IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO * CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/selby/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Appendix 1A



Continued from previous page...

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as .
2. Go back to <https://www.gov.uk/apply-for-a-licence/gamises/licence/self/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

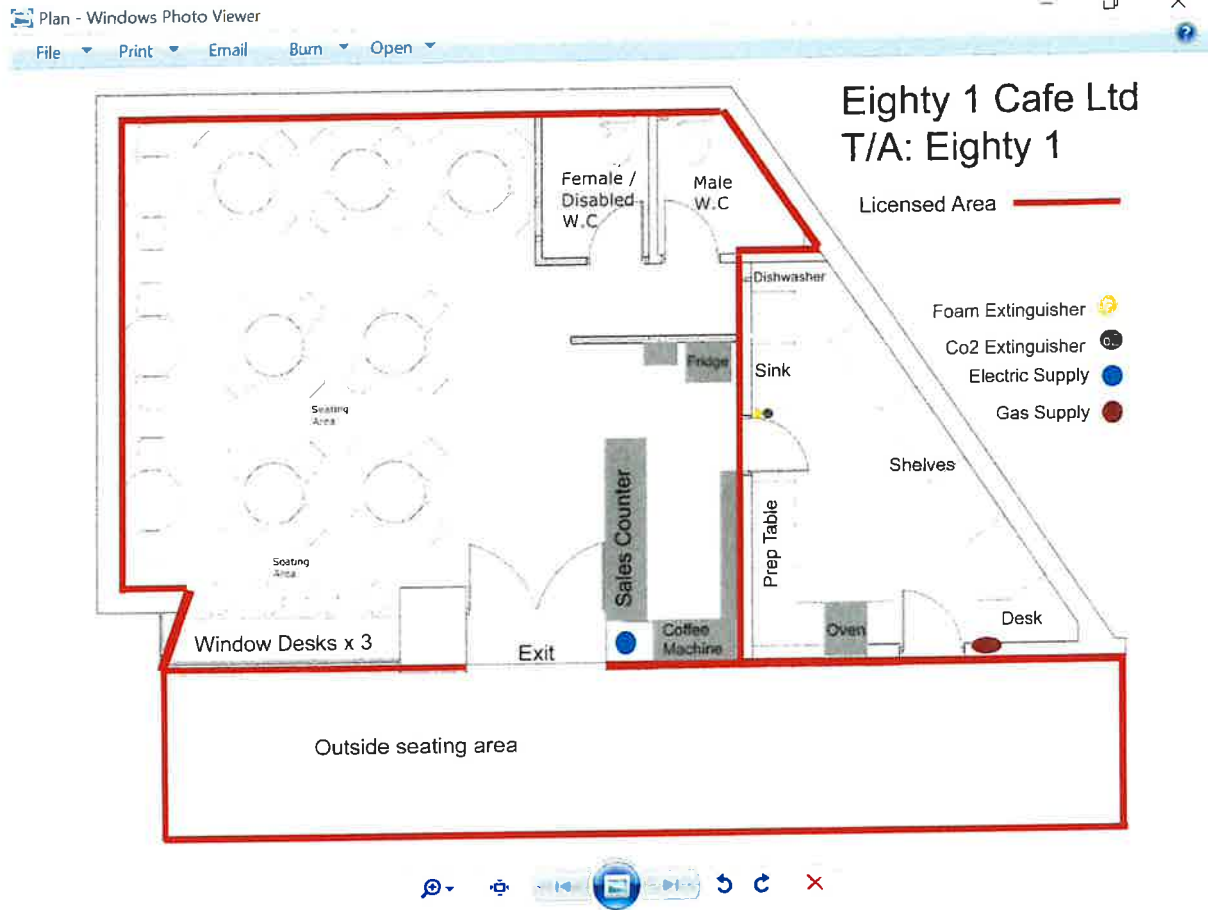
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 15B OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2004 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

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Plan 81 Brook Street 2021



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Consent of individual to being specified as premises supervisor

Ian Wright

I _____
[full name of prospective premises supervisor]

of _____

_____ *[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises licence

_____ *[type of application]*

by

Eighty 1 Café Ltd

_____ *[name of applicant]*

relating to a premises licence _____ *[number of existing licence, if any]*

for

Eighty 1, 81 Brook Street, Selby, North Yorkshire, YO8 4AT

_____ *[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

Eighty 1 Café Ltd

[name of applicant]

concerning the supply of alcohol at

Eighty 1, 81 Brook Street, Selby, North Yorkshire, YO8 4AT

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[insert personal licence number, if any]

Personal licence issuing authority

Selby

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name (please print)

Ian Wright

Date

24/05/2021

From: _____
Sent: 26 May 2021 15:59
To: info@eighty1.uk
Subject: revised premises licence application for eighty 1 brook street selby

Dear Mr Wright,

As you are aware I am a Licensing Officer for North Yorkshire Police, part of my role is to process all licensing applications that are submitted to North Yorkshire Police in our role as a responsible authority (as defined by the Licensing Act 2003). I would ask that you accept this e-mail as both an acknowledgement to your communication and the formal response.

In assessing this application, I have considered the Licensing Objectives and the police would seek the following conditions at Eighty 1 Café Ltd in addition to those offered in your application to mitigate the risk of Crime and Disorder and Public Nuisance at the premises. Should these conditions not be acceptable to you then North Yorkshire Police would submit a formal representation in respect of this matter.

1. It is the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration should be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday.
2. A personal licence holder will be on duty at the premises or a designated responsible person when it is open for licensable activities on a Friday and Saturday evening from 1900hrs till close or on a Sunday evening from 19:00 till close leading in to a bank holiday.

CCTV

A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol. It will be maintained, working and recording at all times when the premises are open. The recordings should be of good evidential quality to be produced in Court or other such hearing. Copies of the recordings will be kept available for any Responsible Authority for 28 days. **Subject to Data Protection requirements.** Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. **Subject to Data Protection requirements.**

Copies of the recordings will display the correct time and date of the recording. It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the cctv system at the request of the police or responsible authority. **Subject to Data Protection requirements.**

4. Incident & Refusals Register

A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.

Such records shall be kept for at least one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]: They will be made available immediately upon a reasonable request from any responsible authority.

5. *The premises shall operate the Challenge 25 policy for the sale of alcohol.*

The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).

Staff Training

Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises Licence
- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]

6. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.
7. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
8. The outside area will not be used by customers after 2100hrs and tables and chairs should be stacked away after this time. Patrons can continue to use the outdoor area for smoking only after 2100hrs.
9. Only toughened glass or polycarbonate vessels will be allowed in the outside area.
10. As part of the operating schedule the applicant has offered food and hot beverages to be served whilst the premises are opening however Late night refreshment has not been applied for so no food or hot drinks will be served after 2300hrs.

I would be grateful if you could respond by 5pm on Friday 10/6/21 (at the latest), if you are amenable to the above. If I have not received any communication from you by this time, I will submit a formal representation on behalf of North Yorkshire Police to the licensing authority.

If you wish to discuss any of the above please do not hesitate to contact me.

I look forward to hearing from you in relation to this matter.

Kind regards

Police Licensing Officer

Police Licensing Unit

Partnership Hub

.....

Internet email is not to be treated as a secure means of communication.

North Yorkshire Police monitors all internet email activity and content.

This communication is intended for the addressee(s) only.

Please notify the sender if received in error. Unauthorised use or disclosure of the content may be unlawful. Opinions

expressed in this document may not be official policy.

Thank you for your co-operation.

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Your ref: _____
Our ref: _____
Contact: _____
Tel: 01757 705101
Email: info@selby.gov.uk

Environmental Health and Housing
Operational Services
Selby District Council
Selby
YO8 9FT

FAO: Licensing Comments
Licensing Department
Selby District Council

11th June 2021

Dear Sir or Madam

Type of Licence: **Premises**
Applicant **Ian Wright – Eighty 1 Café Ltd**
Address: **Eighty 1, 81 Brook Street, Selby, North Yorkshire, YO8 4AT**

Further to your consultation dated 25th May 2021 concerning the above application. I have considered the information provided by the applicant and would make the following comments in relation to the prevention of public nuisance.

The proposed premises licence has the potential for causing nuisance to domestic properties close to the premises. I would recommend that the following condition(s) are attached to the licence:

1. Prominent, clear notices shall be displayed at all exits/in the beer garden requesting customers and staff to respect the needs of local residents and leave the premises and area quietly
2. The disposal of waste bottles into external receptacles shall not take place between the hours of 2300 and 0700hrs

Yours faithfully

PEHO Signature:

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To: Selby District Council
Planning Department

22nd June 2021

Dear Sirs,

Number 81 Brook Street, Selby – Application for Café/Bar Licence

As local residents we are writing to object to the above application. We believe that the current use as a café (but not with late night opening) may be permissible in terms of noise and nuisance for neighbours and safety of other pedestrians, road users etc because the comings and goings can be controlled in terms of numbers but great care must be taken to ensure road safety and no incursion onto the neighbouring railway tracks. We believe that the views of both North Yorkshire Highways and Network Rail should be sought for any use particularly one involving large numbers of people congregating and the presence of alcohol.

In the past the premises have been a local paper, confectionery and convenience shop for many years and as such were in keeping with the surrounding residential area which it serves. More recently the opening hours had varied to provide some late-night shopping until 8:00 pm but this was for grocery and other items i.e. it was a local convenience shop. As such the users of those shops were local residents who needed something in a hurry or a lottery ticket and shopped in ones or twos in keeping with normal retail customer behaviour.

The proposed licence to run a bar with music will encourage large groups of people at any one time who will be staying for much longer periods and whose behaviour may be influenced by alcohol.

The current use as a café might work so long as it was open during the daytime and the outside area was well managed in terms of overcrowding and incursion on the footpath. This is very different to past use as a local shop and does not fit with the surrounding residential area.

There are other shops located near Number 81 but these are selling lunchtime food and take-away fish and chips which, although it entails queuing outside at the moment due to Covid, would not normally mean that lots of people were hanging around outside the premises for hours. People come and go in the usual way when shopping.

Following earlier objections the café is now posting a proper menu which is an improvement on the original offer.

If permission is granted, the small size of the inside space will inevitably mean that doors will be left open and people will move from inside to outside where tables and chairs have been placed and any music will be heard by people living nearby. Those

https://selbydc.sharepoint.com/sites/Groups/Shared Documents/Comm_Minutes/1. Committees/1.5 Licensing/11. Licensing SUB-COMMITTEE/7. 19.07.21 Hearing - Eighty 1 Cafe, Brook Street, Selby/5. Reports/Appendix 6 representation other persons.docx

of us who live in this area obviously already live with the noise of trains passing through but this is intermittent and not constant like live or recorded music would be.

We understand that one of the owners previously ran another licensed live music venue in Ousegate and following objections, lost his licence. We recognise that this may only be rumour but SDC records would clarify this point

Parking is already an issue along Brook Street and beyond the level crossing into Doncaster Road and by putting tables and chairs in the outside area there is absolutely no provision for parking within the curtilage for visitors to the establishment. Because of the location of the property on the main A19 and next to the railway line no parking is allowed on the street. Where will users of this facility park without causing considerable obstruction of the highway or, much worse, the footpaths?

The proximity to the railway line and level crossing increases the safety issues for users and people who are just using the footpath to get home who may have to move out into the road in order to get round people using the outside area because there is no permanent barrier. The outside area is simply bordered by some rails and ropes which will not discourage people who are drinking from straying onto the footpath and causing an obstruction let alone onto the highway.

A bar is more suited to the town centre and not local residential areas and we understand that a recent application by The New Little Coffee House at the town-end of Brook Street for later opening was recently refused because it was deemed to be "outside the town centre". To grant this application which is even further out of town would appear to be contrary to SDC's current decisions and will certainly be open to challenge by those of us who support these objections.

Yours faithfully

To: Selby District Council
Planning Department

22nd June 2021

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In the past the premises have been a local paper, confectionery and convenience shop for many years and as such were in keeping with the surrounding residential area which it serves. More recently the opening hours had varied to provide some late-night shopping until 8:00 pm but this was for grocery and other items i.e. it was a local convenience shop. As such the users of those shops were local residents who needed something in a hurry or a lottery ticket and shopped in ones or twos in keeping with normal retail customer behaviour.

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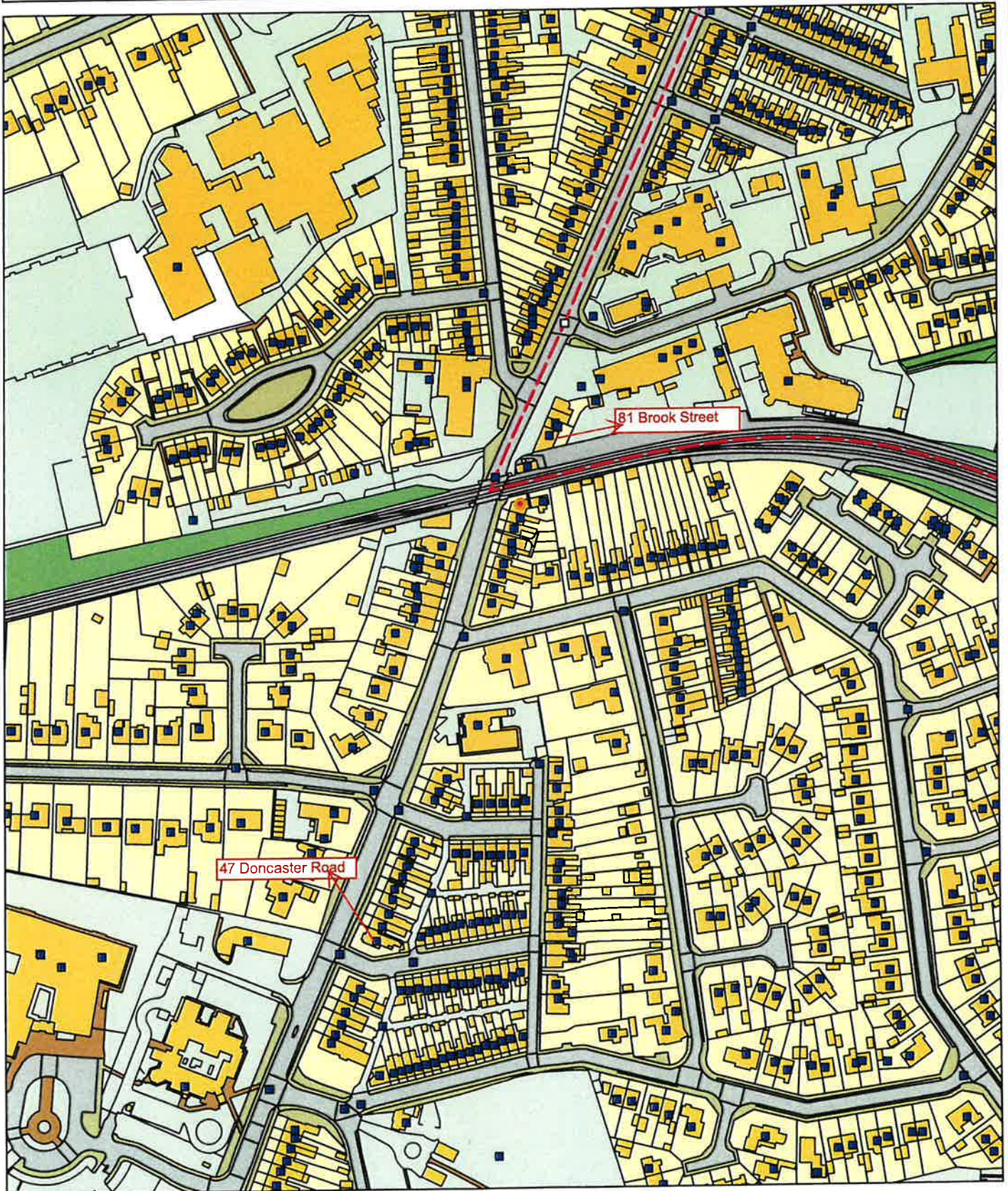
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Yours faithfully



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PREMISES LICENCE NUMBER

PREMISES DETAILS

Postal address of premises, or if none, ordnance survey map reference or description

**EIGHTY 1 CAFÉ LIMITED
81 BROOK STREET**

Post town **SELBY**

Post code **YO8 4AT**

Telephone number.

Where the licence is time limited the dates
Not Time Limited

Licensable activities authorised by the licence

SALE BY RETAIL OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

Supply of alcohol Standard days and timings			Supply of alcohol for consumption	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
Day	Start	Finish		Both	<input checked="" type="checkbox"/>			
Mon	12:00	22.30	<u>Seasonal variations for the supply of alcohol</u>					
Tue	12:00	22.30						
Wed	12:00	22.30						
Thur	12:00	22.30				<u>Non-standard timings</u>		
Fri	12:00	22.30						
Sat	12:00	22.30						
Sun	12:00	22.30						

Hours premises are open to the public Standard days and timings			<u>Seasonal variations</u>
Day	Start	Finish	
Mon	08:00		<u>Non standard timings:</u>
		23:00	
Tue	08:00		
		23:00	
Wed	08:00		
		23:00	
Thur	08:00		
		23:00	
Fri	08:00		
		23:00	
Sat	08:00		
		23:00	
Sun	08:00		
		23:00	

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Eighty 1 Café Limited
 81 Brook Street, Selby, YO8 4AT
Info@eighty1.uk

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Selby District Council

Signed:
Sharon Cousins
Licensing Manager
Selby District Council

Date Granted:

Annex 1 – Mandatory Conditions

Section 19- Alcohol

- No supply of alcohol may be made under the premises licence: -
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- That every supply of alcohol under the premises licence must be made, or authorised by, a person who holds a personal licence.

Section 19A (1)

1.— (1) The responsible person must ensure that all staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing alcohol directly into the mouth of another (other than where that other customer is unable to drink without assistance by reason of disability)

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.— (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor (in relation to the premises licence) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on

request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) holographic mark
- (b) an ultraviolet feature

4. The responsible person must ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available in the following measures–

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises: and

(c) where a customer does not in relation to the sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Section 19 (4)(4) Banning of selling alcohol below cost price

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

a) General – all four licensing objectives (b,c,d,e)

1. All staff fully trained on the licensing objectives and current best practices by premises supervisor.
2. Staff training records to be kept on site.
3. CCTV to be in operation on the premises, with recordings stored locally and on-line for a minimum of 28 days. The only people with access to recordings are directors and managers. Posters clearly displayed showing CCTV in operation.
4. There will be 2 Cameras to cover main room, one in back room and one exterior clearly showing the outside seating area.
5. ID checks to be carried out and challenge 25 will be in force with posters displayed.
6. Premises supervisor or a nominated responsible person to be on site at key times, such as Friday and Saturday evenings.

b) The Prevention of Crime & Disorder

1. It is the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration should be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday.
2. A personal licence holder will be on duty at the premises or a designated responsible person when it is open for licensable activities on a Friday and Saturday evening from 1900hrs till close or on a Sunday evening from 19:00 till close leading in to a bank holiday.

3. CCTV

A digital colour CCTV system will be installed to cover the premises and recorded coverage will include all areas (including outside areas) to where public have access to consume alcohol. It will be maintained, working and recording at all times when the premises are open.

The recordings should be of good evidential quality to be produced in Court or other such hearing. Copies of the recordings will be kept available for any Responsible Authority for 28 days. Subject to Data Protection requirements.

Copies of the recordings shall be made available to any Responsible Authority within 48 hrs upon request. Subject to Data Protection requirements.

Copies of the recordings will display the correct time and date of the recording.

It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the cctv system at the request of the police or responsible authority. Subject to Data Protection requirements.

4. Incident & Refusals Register

A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals of alcohol sales to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises. Such records shall be kept for at least one year. [For the avoidance of doubt, the one year period relates to each respective entry in the log book and runs from the date of that particular entry]: They will be made available immediately upon a reasonable request from any responsible authority.

5. *The premises shall operate the Challenge 25 policy for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, Photo card Driving Licence or identification carrying the PASS logo (until other Effective identification technology e.g. thumb print or pupil recognition, is adopted by the Premises Licence Holder).*

6. Staff Training

Documented staff training will be given regarding staff's obligation under the Licensing Act in respect of the:-

- Retail sale of alcohol
- Age verification policy
- Conditions attached to the Premises Licence
- Permitted Licensable activities
- The Licensing objectives and
- The Opening Times of the venue.

Such records shall be kept for a minimum of one year and will be made available immediately upon request from any Responsible Authority. [For the avoidance of doubt, the one-year period relates to each respective entry in the log book and runs from the date of that particular entry]

7. No drinks or drinking glasses shall be taken out of the licensed premises or (licensed area) onto the pavement or highway.
8. The sale of alcohol shall cease 30 minutes before close of business on any given day to allow for 'drinking up' time.
9. The outside area will not be used by customers after 2100hrs, and tables and chairs should be stacked away after this time. Patrons can continue to use the outdoor area for smoking only after 2100hrs.
10. Only toughened glass or polycarbonate vessels will be allowed in the outside area.
11. As part of the operating schedule the applicant has offered food and hot beverages to be served whilst the premises are opening however Late-night refreshment has not been applied for so no food or hot drinks will be served after 2300hrs.
12. An anti-drugs policy will be in place and staff trained accordingly, and records kept as in accordance with condition 6 of Prevention of Crime and Disorder
13. Food will always be available when the premises is open as well as hot beverages

c) Public Safety

1. Fire risk assessment has been done and will be kept up to date.
2. Capacity limit set to 60 and will be closely monitored by staff.
3. First aid box and logbook on site and all staff trained in basic first aid with a fully qualified first aider on the team.
4. All furniture has current fire safety certificates.
5. Notices detailing the actions to be taken in the event of fire or other emergency are prominently displayed.
6. Fire fighting equipment and first aid box on site and all staff have been trained.

d) The Prevention of Public Nuisance

1. Prominent, clear notices shall be displayed at all exits/in the beer garden requesting customers and staff to respect the needs of local residents and leave the premises and area quietly
2. The disposal of waste bottles into external receptacles shall not take place between the hours of 2300 and 0700hrs
3. Doors and windows will be kept closed when regulated entertainment is taking place
4. The playing of live and recorded music in outside seating areas of the premises is not permitted
5. There will be regular litter picking outside of the premises

e) The Protection of Children from Harm

1. The premises operate a proof of age policy. Challenge 25 posters will be clearly displayed.
2. As per condition 5 under crime and disorder
3. Only children accompanied by an adult will be permitted in the premises after 19:00 hrs.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

No Hearing Held

Annex 4 - Plans

As attached Reference: Plan Eighty 1 2021

EIGHTY1



Figure 1 Public Entrance



Figure 2 View from Level crossing



Figure 3 Right side of shop frontage



Figure 4 Left side of shop frontage



Figure 5 View of the street to the left



Figure 6 View of street to the right



Figure 7 Counter at the entrance of the shop



Figure 8 Seating area



Figure 9 Doors to the toilets on the left

Letter from Selby licencing accepted as conditions on the licence.

Dear Mr Wright,

Thank you for allowing _____ and I to visit your premises on 19/04/21 to discuss your business model. As you are aware I am a Licensing Officer for North Yorkshire Police, part of my role is to process all licensing applications that are submitted to North Yorkshire Police in our role as a responsible authority (as defined by the Licensing Act 2003). I would ask that you accept this e-mail as both an acknowledgement to your communication and the formal response.

In assessing this application, I have considered the Licensing Objectives and the police would seek the following conditions at Eighty 1 Café Ltd in addition to those offered in your application to mitigate the risk of Crime and Disorder and Public Nuisance at the premises. Should these conditions not be acceptable to you then North Yorkshire Police would submit a formal representation in respect of this matter.

1. It is the responsibility of the Designated Premises Supervisor / Manager on duty for risk assessing the need for SIA Door Supervisors at the premises. Special consideration should be given to the need for Door staff on Fridays/Saturdays or any Sunday leading into a bank holiday Monday.
2. A personal licence holder will be on duty at the premises or a designated responsible person when it is open for licensable activities on a Friday and Saturday evening from 1900hrs till close or on a Sunday evening from 19:00 till close leading in to a bank holiday.
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11. As part of the operating schedule the applicant has offered food and hot beverages to be served whilst the premises are opening however Late night refreshment has not been applied for so no food or hot drinks will be served after 2300hrs.

From:
Sent: 08 July 2021 18:45
To: info@eighty1.uk
Cc: Democratic Services
Subject: Fwd: License proposal

- >
- > Hello.
- > To whom this may concern.
- > I live a few minutes walk from cafe 81 and I will be really excited to have a licensed bar so close to my home which my family (including the dog) can walk to and enjoy a drink.
- > There is nothing at this end of town which allows this.
- > Knowing the owners from
- > Previous business in Selby I know that cafe 81 will be monitored extremely well and will be a safe environment for anyone to call in.
- > I full support the license and have no question that it will be a great success for residents close by.
- >
- > Kind Regards

>

To whom it may concern

Please take this email in support of the licensing application for Eighty One Cafe and Lounge Bar based on Brook Street.

As a local homeowner at —Doncaster Road, I welcome the opportunity to have such a great business in close proximity, which will serve alcohol - currently our only options are based in Brayton or the town centre.

I know Ian Wright to be a wholly responsible license holder in previous locations, including The Venue which was based on Ousegate.

Kind regards

To Whom It May Concern

Re License application for Eighty 1 Cafe & Lounge Bar

We are writing to express our support for Eighty 1 Cafe & Lounge Bar and their license application.

We feel the business has greatly benefitted the Armoury Road and Doncaster Road area and is proving popular by both local residents and people who visit from further afield, and we believe that being granted a license to serve alcohol would further benefit the local residents.

As local residents ourselves we are looking forward to being able to spend more time at Eighty 1, and the opportunity to have an alcoholic drink whilst enjoying a quiet and relaxed atmosphere on an evening.

We are more than happy to be contacted should you require any further information regarding our support.

Yours faithfully,

Eighty 1 directors responses in highlighted text.

As local residents we are writing to object to the above application. We believe that the current use as a café (but not with late night opening) may be permissible in terms of noise and nuisance for neighbours and safety of other pedestrians, road users etc because the comings and goings can be controlled in terms of numbers but great care must be taken to ensure road safety and no incursion onto the neighbouring railway tracks. We believe that the views of both North Yorkshire Highways and Network Rail should be sought for any use particularly one involving large numbers of people congregating and the presence of alcohol.

North Yorkshire highways have been informed of our application and have no objections.

Furthermore, Environmental Health have been informed and had the following to say, which we have agreed to as a condition:

1. Prominent, clear notices shall be displayed at all exits/in the beer garden requesting customers and staff to respect the needs of local residents and leave the premises and area quietly
2. The disposal of waste bottles into external receptacles shall not take place between the hours of 2300 and 0700hrs

Selby licencing and Selby Police are also happy with our plans and procedures we have put in place.

In the past the premises have been a local paper, confectionery and convenience shop for many years and as such were in keeping with the surrounding residential area which it serves. More recently the opening hours had varied to provide some late-night shopping until 8:00 pm but this was for grocery and other items i.e. it was a local convenience shop. As such the users of those shops were local residents who needed something in a hurry or a lottery ticket and shopped in ones or twos in keeping with normal retail customer behaviour.

This comment is irrelevant as the change of use to a café was granted in 2020

The proposed licence to run a bar with music will encourage large groups of people at any one time who will be staying for much longer periods and whose behaviour may be influenced by alcohol.

The proposed licence is not to "run a bar with music" it is to have the option to sell alcohol in the café, with the benefit of opening later if trade permits. The only form of music will be quiet background music, no louder than is currently being played.

The current use as a café might work so long as it was open during the daytime and the outside area was well managed in terms of overcrowding and incursion on the footpath. This is very different to past use as a local shop and does not fit with the surrounding residential area.

Again irrelevant as planning already passed and it actually does fit in well with the local regeneration scheme.

There are other shops located near Number 81 but these are selling lunchtime food and take-away fish and chips which, although it entails queuing outside at the moment due to Covid, would not normally mean that lots of people were hanging around outside the premises for hours. People come and go in the usual way when shopping.

There are a late night Indian takeaway as well as a late night restaurant in the same vicinity, the steakhouse restaurant also has a licence.

Following earlier objections the café is now posting a proper menu which is an improvement on the original offer.

I have no idea what this is referring to, we had to have paper menus available to customers during Covid.

If permission is granted, the small size of the inside space will inevitably mean that doors will be left open and people will move from inside to outside where tables and chairs have been placed and any music will be heard by people living nearby. Those of us who live in this area obviously already live with the noise of trains passing through but this is intermittent and not constant like live or recorded music would be.

We have invested in brand new air conditioning, so that doors do not need to be left open at anytime. The outside area would only be available to people until 9pm, as per our licence condition which we agreed to. After this time it would be for smokers only and would be monitored. No music would be played outside at anytime.

We understand that one of the owners previously ran another licensed live music venue in Ousegate and following objections, lost his licence. We recognise that this may only be rumour but SDC records would clarify this point

This is untrue and just shows the level some people will go to.

Mr Ian Wright, who is the person being referred to, has ran several bars and clubs in Selby and all have been ran professionally with total respect to neighbours and the town as a whole. Or _____ he ran _____ years and _____ years. _____ was sold on as a successful going concern, whilst _____ was wound up after issues with planning that would take too long to resolve.

He is the former _____ and the former _____ . In 2006 Mr Wright won 2 awards at the Best Bar None awards in the Selby area. Best bar for _____ and best club for _____ These awards were primarily for promoting responsible drinking and having good procedures in place.

Parking is already an issue along Brook Street and beyond the level crossing into Doncaster Road and by putting tables and chairs in the outside area there is absolutely no provision for parking within the curtilage for visitors to the establishment. Because of the location of the property on the main A19 and next to the railway line no parking is allowed on the street. Where will users of this facility

park without causing considerable obstruction of the highway or, much worse, the footpaths?

The outside area, which is part of the property, is currently used for tables and chairs with professional stainless steel barriers. We do not expect any visitors to drive as we will be serving the local community who will arrive on foot. We have been trading without the license for over 3 months and there has been no issue with any illegal or unsafe parking. If people are coming to drink they wouldn't be driving so no more of an issue with the licence than without.

The proximity to the railway line and level crossing increases the safety issues for users and people who are just using the footpath to get home who may have to move out into the road in order to get round people using the outside area because there is no permanent barrier. The outside area is simply bordered by some rails and ropes which will not discourage people who are drinking from straying onto the footpath and causing an obstruction let alone onto the highway.

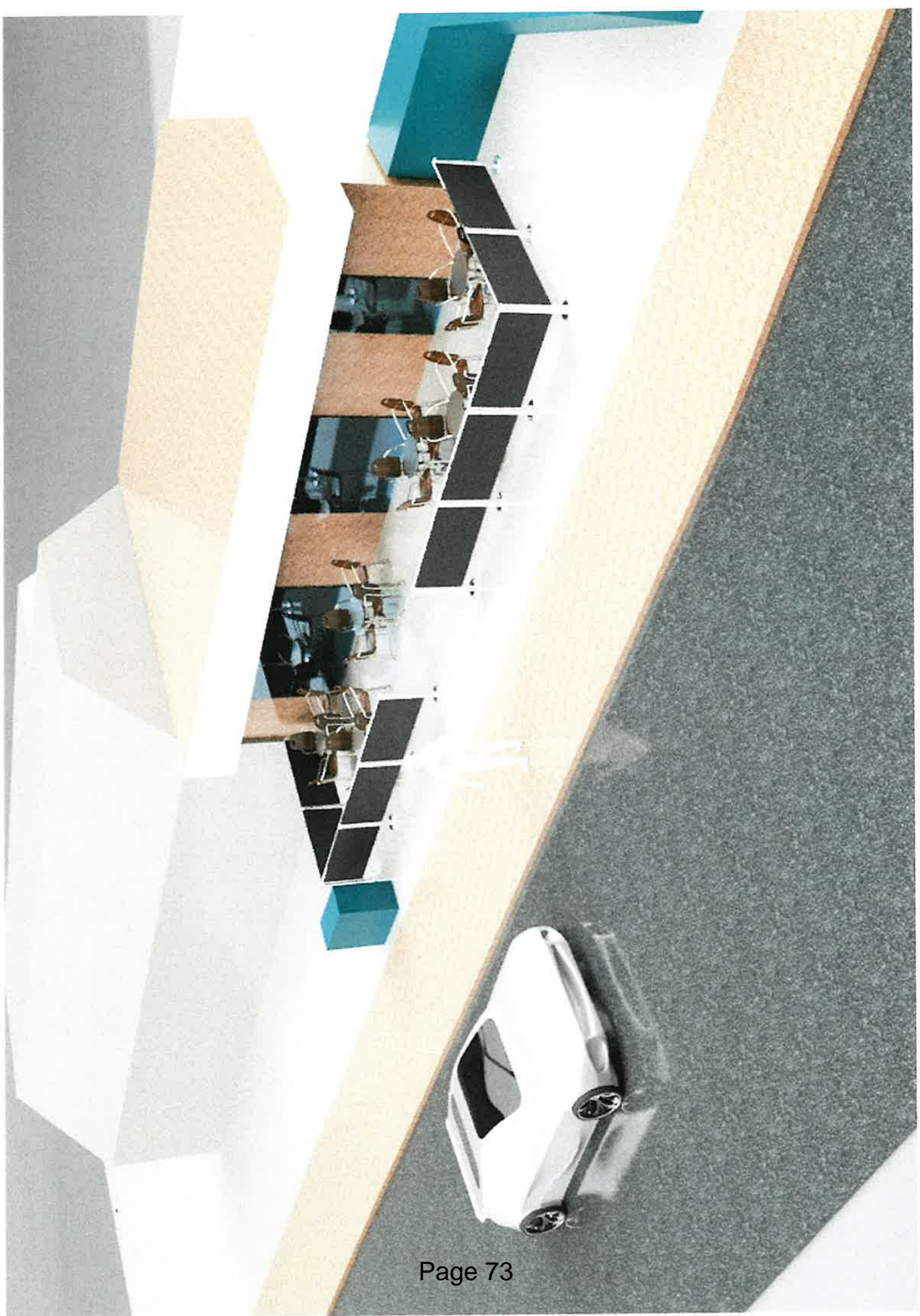
There is an outside barrier which as previously mentioned is professional hospitality barriers made from stainless steel. There are no "rope" barriers and people will always be able to use the footpath as they do not go near the footpath. I have attached an image of the barrier setup.

A bar is more suited to the town centre and not local residential areas and we understand that a recent application by The New Little Coffee House at the town-end of Brook Street for later opening was recently refused because it was deemed to be "outside the town centre". To grant this application which is even further out of town would appear to be contrary to SDC's current decisions and will certainly be open to challenge by those of us who support these objections.

This strip of buildings on Brook Street are actually all commercial and the size of the residential area away from the town at this side, would greatly benefit from this kind of licensed premises away from the centre. We have had hundreds of local people stating they would find it very beneficial, as they would prefer a relaxed, quiet bar to drink in, rather than going into the town centre.

I believe The New Little Coffee House, who have been mentioned are surrounded by residential properties, even with one above them.

Yours faithfully



Eighty 1
Cafe & Lounge bar

