

Minutes

Licensing Sub-Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 16 August 2021
Time:	1.00 pm
Present:	Councillors R Sweeting, S Duckett and C Pearson
Officers present:	Jade Reynolds, Solicitor, Sharon Cousins, Licensing Manager; and Dawn Drury, Democratic Services Officer
Others present:	CJ Snooker Club and Bar, Cuneyt Yazicioglu, Applicant

11 ELECTION OF CHAIR

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

RESOLVED:

To appoint Councillor Richard Sweeting as Chair for this meeting.

12 APOLOGIES FOR ABSENCE

There were no apologies for absence.

13 DISCLOSURES OF INTEREST

There were no declarations of interest.

14 PROCEDURE FOR LICENSING HEARINGS

The Committee noted the Licensing hearing procedure.

15 APPLICATION FOR A PREMISES LICENCE FOR CJ'S SNOOKER CLUB AND BAR, 2 THE CRESCENT, SELBY, YO8 4PU

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

The Licensing Manager presented the report which outlined the details of the application for the determination of a premises licence for CJ's Snooker Club and Bar, 2 The Crescent, Selby, YO8 4PU. The hearing had been necessitated by representations which had been received from seven members of the public.

The Sub-Committee heard that the application was to permit the sale of alcohol and regulated entertainment, namely, live and recorded music; the performance of dance and late-night refreshment at the designated premises, on any day of the week, between the times as detailed within the report.

The Licensing Manager informed Members that conditions had been agreed between North Yorkshire Police and the applicant, and Environmental Health and the applicant following representations made by the responsible authorities. Additionally, Environmental Health and the applicant had agreed to the removal of the mention of a beer garden from the conditions, as there was no beer garden. The necessary amendments had been incorporated into the operating schedule following these representations and formed the conditions of any granted licence.

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

Members noted that the seven people who had made representations against the application had all objected on the grounds of the prevention of public nuisance objective.

In response to a Member query regarding the maximum number of patrons allowed in the premises at any one time, the Licensing Manager explained that this aspect was regulated by, and onus placed upon, the Fire Authority rather than the licensing authority and was therefore not part of the consideration for the Licensing Committee.

Further questions were asked regarding the possible removal of the railings to the front of the premises on New Street, and the perceived parking of cars on double yellow lines to the rear of the premises in Park Row, the Chairman advised the representors that neither matter was part of the consideration for the Licensing Sub-Committee, as they fell under the remit of North Yorkshire Highways.

The Sub-Committee listened to evidence from the applicant, Mr Yazicioglu, and evidence in support of the relevant representations from two members of the public.

Mr Yazicioglu stated that he had perused the individual representations received by the Council from local residents and, in his opinion, the main concerns related to parked cars and the use of the exit door to the rear of the premises. As had been previously highlighted, car parking was not a consideration in the application, and in terms of the rear exit door, it was confirmed that this would be used, by patrons, for the purposes of a fire exit only.

In response to a query from the Chairman regarding how control of the access and egress from the rear exit door would be maintained Mr Yazicioglu advised that signage would be displayed, and, on a Friday and Saturday, security staff would patrol that area.

In response to a Member query regarding glass bottle bins, and the disposal of glass bottles late in the evening, Mr Yazicioglu stated that the glass bins would not be emptied in the evening and that the premises had requested three small glass bottle bins from the Council which would be situated at the rear of the premises.

Members queried which room within the premises would be used for the purposes of dancing and where would the live music be sited, Mr Yazicioglu explained that dancing would take place in the ground floor area, however there was no specific dance floor area, and live music would be sited at the front of the premises.

One of the representors asked questions of Mr Yazicioglu regarding provision of a designated smoker's area and how that would be controlled, as patrons would be situated at the front of the premises on the public footpath and could potentially block access, it was confirmed that patrons could not be stopped going outside to smoke but that security staff would manage and reduce the number of patrons allowed on the footpath at any one time.

In response to a representor query regarding the new signage for the club at the front of the premises, and whether planning permission had been sought prior to its erection, the Chairman stated that this was not a licensing consideration and clarification should be sought through the Planning department of the Council.

A representor commented that within the application it stated that doors and windows at the premises would be closed from 23.00 hours through to the following morning, however the Health and Safety Executive guidelines stated that due to the Covid pandemic there must be an adequate supply of fresh air within enclosed areas, it was queried how this risk would be mitigated, Mr Yazicioglu explained that there was an air conditioning and humidifying system installed at the premises.

The Chairman queried if Mr Yazicioglu envisaged that patrons would wish to play snooker until 1.30 am in a morning, it was confirmed that North Yorkshire Police and Licensing had not raised any concerns at that

aspect of the application, and further confirmed that after a certain time of the night the back area of the premises near the fire exit door would be closed, therefore no patrons would be allowed at the back of the premises after 11pm.

In relation to the protection of children from harm licensing objective, the Chairman stated that he had seen within the application that children could attend the premises but must be accompanied by an adult at all times, Mr Yazicioglu stated that this condition had been agreed with North Yorkshire Police Licensing Unit. Discussion took place regarding what age of child this condition applied to, the Licensing Manager clarified that the condition applied to persons under the age of 16 years, and further advised that no persons under 18 would be allowed on the premises after 11.00pm.

The first representor informed the Licensing Sub-Committee that she was representing another party who had entered a representation in objection to the application.

The representor stated that her understanding of the meaning of a club was somewhere that members joined and paid an annual subscription to, but she had seen no mention of this in the agenda paperwork. In terms of the application for the provision of recorded and live music, the performance of dance and poker evenings, these uses did not appear to be covered by the business name of CJ's Snooker Club and Bar, and it was queried whether planning permission for a change of use of the premises should have been obtained and if a gambling licence was required.

Member's attention was drawn to the additional condition of two SIA licensed security staff to be on duty from 9.30pm on a Friday and Saturday until the close of business which had been requested by the North Yorkshire Police Licensing Unit, and it was queried was the close of business from when the last patron left the premises or when the last patron had moved away from the perimeter of the building as this was seen, by local residents, as the time for potential noise and disruptive behaviour.

In terms of comments made within the representation from the Council's Environmental Health team which stated noise from music, singing and speech arising from regulated entertainment at the premises should not be audible inside local properties between the hours of 11.00pm and 7.00am, the representor expressed disappointment that any form of noise, at any time was considered acceptable for local residents.

The representor advised Members that local residents had been pleased when the premises had been purchased and had no objection to a snooker club however this premise licence application, in her view, was more in keeping with a disco bar or nightclub, and therefore not an appropriate use of a historic listed building centred in a residential area.

The Licensing Manager clarified in relation to smoking and public access on the pavement, the premises staff would be expected to control this on a day to day basis, and additional noise would be a consideration under the prevention of public nuisance licensing objective, however the hours between 7.00am to 11.00pm were considered to be social hours and people were permitted to make noise during these times.

In terms of Covid and windows being left open this was a separate requirement to the Licensing Act; there was a duty to protect customers, but having windows open was purely guidance, however every premises must have a risk assessment which stated how they would mitigate the risks involved.

In relation to the playing of poker, it was explained that a casino licence was not required and it did not fall under the Gambling Act, it was further explained that when a premise licence was granted to any premises, they were able to hold certain events such as poker and bingo, however there was a monetary limit on the amount which could be wagered.

In view of the representors concerns regarding smokers on the pavement to the front of the premises and patrons potentially using the rear exit door, Members queried if there was the potential for the CCTV cameras to cover these areas. Mr Yazicioglu stated that the CCTV at the premises covered the perimeters at both the front and back of the building.

The second representor informed the Licensing Sub-Committee that he was also representing another party who had entered a representation in objection to the application.

The representor stated that he was in total agreement with all the comments made by the first representor and raised further concerns regarding a history of anti-social behaviour in the local area. It was felt that by granting a Premises licence with additional hours this would exacerbate the issue and impact the local community detrimentally.

Members queried, should snooker not prove popular with patrons could the snooker tables be removed to provide space for other activities such as dancing, the Licensing Manager confirmed that yes, the snooker tables could be removed to enable another activity to take place in that area.

The second representor stated that people over the age of 18 years would be able to buy alcohol at the premises, then take this outside into the park and this presented an opportunity for disturbance and vandalising, as there was no CCTV in the park area.

The first representor commented that there had been another three or four snooker establishments in Selby where the businesses had all failed and queried what would happen at the premises should this happen.

The first representor asked Mr Yazicioglu to consider reducing the latest time that children would be allowed into the premises on an evening

during the week, Mr Yazicioglu stated that he would consider the request. The Chairman advised that as one of the four licensing objectives, this was also a consideration for the Licensing Sub-Committee if, and when, the licence was granted.

The second representor stated that more of the local residents would have attended the Committee hearing, but could not due to other commitments. The Chairman assured the representor that their representations had been received and would be taken into consideration.

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

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

RESOLVED:

The Licensing Sub-Committee considered that it was appropriate and proportionate, having considered all representations, the evidence presented and the promotion of the licensing objectives to grant the Premises Licence with the following conditions to be added to the Premises Licence:

- i) Amend the condition reducing the time from 23:00hrs to 21:00hrs that under 18s would not be allowed in the premises:**

Persons under 18 years of age playing snooker will be required to sign in and out of the premises. Persons under 16 years of age must be accompanied by an adult and no persons under 18 will be allowed in the premises after 21:00hrs.

- ii) Sale of alcohol times amended to as follows:**

Sunday to Wednesday – 10:00 – 23:00

Thursday to Saturday – 10:00 – 00:00

- iii) *The premises may hold up to 12 events per calendar year with the sale of alcohol from 10:00 – 01:00 and the Public hours from 10:00 – 01:30 in the private function room ONLY on the first floor of the premises. Notification of each event must be given to the Licensing Authority and North Yorkshire Police in advance. A log of these events must be held on the premises, available for inspection by the Local Authority and North Yorkshire Police and such records***

must be kept for a minimum of one calendar year.

iv) The Snooker room on the ground floor of the premises must only be used as a snooker room.

The meeting closed at 2.40 pm.