

Re: By-Law No. 6616, Burnaby Pool Room Regulation By-Law 1975
 (Item 4, Report No. 82, December 9, 1974)
 (Item 1, Report No. 5, January 27, 1975)

Appearing for Third Reading on the Agenda for the March 10, 1975 meeting of Council is By-Law No. 6616, Burnaby Pool Room Regulation By-Law 1975.

On February 24, 1975, Council during discussion of this matter suggested that it might be feasible to issue different licences to pool halls so that the hours of operation can be varied as may be required by circumstances, e.g., certain establishments to be licenced to operate on a 24-hour a day basis, and others to be restricted in the number of hours in which they can remain open. The Solicitor's opinion is that it is not possible to discriminate in licencing pool halls. By way of example, he advises that we have no authority to permit one pool hall to remain open for 24 hours and another to close between 12:00 midnight and 8:00 a.m. The licencing requirements in all instances must be the same.

With respect to the revocation of a licence, Section 458(3) of the Municipal Act provides that Council may revoke a licence for reasonable cause after giving notice to the licensee, and giving the licensee an opportunity to be heard. The Act does not define reasonable cause. However, in our Solicitor's opinion, any of the complaints made against the pool hall in question could constitute reasonable cause.

If Council wishes, there is no reason why Section 3(b) of By-Law No. 6616 should not be amended to reduce the age of 21 to 18 years.

During Council's deliberations of the proposed By-Law, statements have been made to the effect that the owners of the Jubilee Pool Hall have never been informed of the complaints which have been received by the R.C.M.P. in connection with this particular operation. The Superintendent, Officer-in-Charge, Burnaby Detachment, R.C.M.P., in this regard advises that -

"Complaints of damage, drugs and excessive noise originating from the area of the Pool Hall commenced in 1973 and continued into the next year. Around March 31, 1974, the Pool Hall was visited by the Health Department and later that day by Cst. Jacques of this Detachment. Cst. Jacques personally informed Mr. Hoult of complaints emanating from the residents of the Pool Hall locale. Mr. Hoult's position at the time was that this could not be attributed to the Pool Hall itself, and expressed displeasure at the Police likely having the Health Department inspect the premises.

On October 4, 1974, S/Sgt. Starek and Sgt. Fortems visited the Pool Hall and spoke to Alan Dobbs, Mr. Hoult's son-in-law. Mr. Dobbs was informed of complaints made against the Pool Hall remaining open all night. He felt that most of the disturbance could be attributed to youngsters during summer school recess. A seventeen-year age minimum was imposed by management, according to Mr. Dobbs."

The Health Department routinely inspects the Jubilee Pool Hall because it is in possession of a Health Permit which allows hot dogs, hamburgers, coffee and soft drinks to be sold on the premises. The premises were last inspected relative to food services on February 26, 1975, and were found to be satisfactory. The Department has not assessed the noise emissions level emanating from the establishment, but will check this factor during future night inspections.

It has been determined that the operating hours for the four pool halls in Burnaby are as follows:

<u>Pool Hall</u>	<u>Opening</u>	<u>Closing</u>
1. Brentwood Lanes Ltd. 5502 Lougheed Highway	9:00 a.m.	Between 12:00 midnight and 12:30 a.m., depending on business, Sunday through Thursday. The closing time is 1:30 a.m. on Friday and Saturday.
2. Boomer Billiards 7870 Edmonds Street	10:30 a.m.	Between 12:00 midnight and 2:30 a.m., depending on business.
3. Robmark Billiards Ltd. 495 Sperling Avenue	10:00 a.m.	2:00 a.m.

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MANAGER'S REPORT NO. 17

COUNCIL MEETING Mar. 10/75

Re: By-Law No. 6616, Burnaby Pool Room Regulation By-Law 1975 - Cont'd.

<u>Pool Hall</u>	<u>Opening</u>	<u>Closing</u>
4. Jubilee Billiards 1973 Ltd. 6733 Jubilee Avenue	This Pool Hall is open 24-hours a day.	

All of the preceding establishments are open 7 days a week.

Mr. Edward Hault, an owner of the Jubilee Pool Hall, advises that the operation grosses approximately \$80,000 per annum. Over the course of a year, about \$10,000 is earned between midnight and 2:00 a.m., and approximately \$25,000 between 2:00 a.m. and 10:00 a.m. (these amounts are earned between these hours over the course of an entire year).

Vancouver, Surrey, New Westminster, Delta, Coquitlam, Richmond, Port Moody, West Vancouver and North Vancouver City and District have by-laws that regulate hours of operation for Pool Hall establishments. It appears that Jubilee is the only Pool Hall in the lower mainland that is operated on a 24-hour a day basis.

RECOMMENDATION:

1. THAT the By-Law before Council be amended as follows:
 - a. No operator shall open or keep open a pool room between the hours of 2:00 a.m. and 9:00 in the forenoon of the day following or permit any persons to be therein during the said hours; and
 - b. No operator shall leave a pool room in charge of a person under the age of 18 years.