

ITEM 17

MANAGER'S REPORT NO. 21

COUNCIL MEETING Mar. 24/75

Re: By-Law 6616, Burnaby Pool Room Regulation By-Law 1975
(Item 4, Report No. 82, December 9, 1974)
(Item 1, Report No. 5, January 27, 1975)
(Item 20, Report No. 17, March 10, 1975)

Council, at its meeting of March 10, 1975, tabled further consideration of the subject By-Law until March 24, 1975, and referred the matter back to staff for information, particularly with respect to revocation or suspension powers available to Council and the Chief Licence Inspector.

There is little doubt that Jubilee Billiards is serving customers from well beyond Burnaby's boundaries. We understand that the majority of the police reports have involved people who were not residents of Burnaby, but we are presently trying to verify this.

Attached is the report of the Chief Licence Inspector regarding the subject matter.

RECOMMENDATIONS:

1. THAT By-Law 6616, Burnaby Pool Room Regulation By-Law 1975 be amended to provide:
 - (a) No operator shall open or keep open a pool room between the hours of 2:00 a.m. and 9:00 a.m. 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 18 years of age.

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TO: MUNICIPAL MANAGER March 18, 1975
FROM: CHIEF LICENCE INSPECTOR
RE: POOL ROOMS-HOURS OF OPERATION AND SUSPENSION OF LICENCES

The licencing of pool rooms is in accordance with provisions of the Burnaby Trade Licence By-Law 1950 as authorized by the Municipal Act.

Section 458 (1) of the Act provides:

The Council may by by-law delegate to any official designated in the by-law power to grant a licence where he is satisfied that the applicant therefor has complied with the requirements of the by-laws of the municipality regulating building, zoning, health, sanitation, and business, and may also delegate to such official the power to suspend for such period as he may determine any licence if the holder of the licence

- (a) is convicted of an offence indictable in Canada;
- (b) is convicted of any offence under any municipal by-law or Statute of the Province in respect of the business for which he is licensed or with respect to the premises named in his licence;
- (c) has, in the opinion of such official, been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in his licence as to warrant the suspension of his licence;
- (d) has ceased to meet the lawful requirements to carry on the business for which he is licensed or with respect to the premises named in his licence.
- (e) has, in the opinion of such official,
 - (i) conducted his business in a manner; or
 - (ii) performed a service in a manner; or
 - (iii) sold, offered for sale, displayed for sale, or distributed to a person actually or apparently under the age of sixteen years any thing that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen years.

In accordance with section 453 (5) of the Municipal Act, the by-law provides for business licences to be issued for the period from January 1, to December 31.

An applicant(s) for a pool hall licence is screened by the R.C.M. Police to determine if the individual(s) has ever been involved in criminal activity. The premises are examined for compliance with Building, Health and Fire Department regulations and the location must be in conformity with provisions of the Zoning By-Law.

A suspension of a licence must relate to Section 458 (1) of the Municipal Act and the licensee may appeal the decision to Council. The maximum period of suspension cannot exceed the unexpired portion of the licence period, less one day.

Complaints originating from the area of Jubilee Billiards are against customers of the pool hall and their associates, for activities on the sidewalks, roadways and surrounding properties. The resulting police action has been against the customers only, and does not provide grounds for suspension of the licence.

With respect to revocation of a licence, Council may wish to consider that it is possible for a licensee to circumvent such action by incorporating a company or restructuring an existing company under new registration and applying for a new licence.

The Jubilee Pool Hall is located in a C2 Community Commercial District. The Burnaby Zoning By-Law describes a C2 zone as being a district to provide for the daily and occasional shopping needs of residents of several neighbourhoods. The operation of pool rooms and similar entertainment facilities are permitted uses, to serve the recreational needs of local residents.

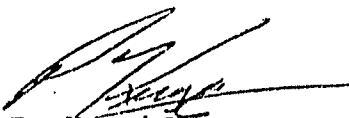
A by-law requiring pool rooms to be closed between 2:00 a.m. and 9:00 a.m. would enable the operator to provide reasonable recreational service to residents of the local neighbourhoods. Persons from other areas, particularly those interested in using the premises as a base of operations for other than recreational activity, would find it inconvenient for their purposes, therefore less attractive. Further, a by-law should reduce the possibility of similar problems developing under another operator or at some other location.

Surrounding areas that regulate the age of employees or persons in charge of pool rooms provide for a minimum age between 16 and 21 years.

RECOMMENDATIONS

That Council direct that the by-law be amended to provide;

- a. No operator shall open or keep open a pool room between the hours of 2:00 a.m. and 9:00 a.m. in the forenoon or permit any person to be therein during the said hours; and,
- b. No operator shall leave a pool room in charge of a person under 18 years of age.


P. Kenzie
CHIEF LICENCE INSPECTOR

PK:jf