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**Report of the Chief Officer Elections and Regulatory**

**Report to Licensing Sub Committee**

**Date: Tuesday 28 November 2023**

**Subject: Application to Vary a Premises Licence held by The Golden Beam,  
Headingley Lane, Headingley, Leeds, LS6 1BX**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Headingley & Hyde Park		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

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**Summary of Main Issues**

This is an application to vary a premises licence made by JD Wetherspoon Plc., for The Golden Beam, Headingley Lane, Headingley, Leeds, LS6 1BX.

The application is made following a successful application to vary the planning permission to allow opening of the premises until 00:30 hours on Friday and Saturday evenings.

In accordance with the recently granted planning permission the application to vary the premises licence proposes to extend the sale by retail of alcohol, to extend the hours the premises are open to the public and to include the provision of late night refreshment.

Responsible authorities and Ward Members have been notified of this application.

The application has attracted representations from other persons.

## **1 Purpose of this Report**

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") to vary a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2 History of Premises**

- 2.1 The premises currently has the benefit of a premises licence authorising the following:

<i>Sale by Retail of Alcohol</i>	
<i>Sunday to Thursday</i>	<i>09:00 until 22:30</i>
<i>Friday &amp; Saturday</i>	<i>09:00 until 23:00</i>

- 2.2 The existing licence for these premises was applied for in December 2019 when the premises were known as, 'The Former Elinor Lupton Centre'. The application attracted representations from other persons.
- 2.3 A hearing to consider the application was held February 2020. At the hearing references were made by parties to a previous decision to refuse an application for a licence for these premises in 2016/2017 and the dismissal of the Applicant's appeal in 2017. The Licensing Sub Committee were advised that neither the decision to refuse nor the appeal judgment were binding on the application before the Committee and the Committee agreed to consider and determine the application on its own merits.
- 2.4 Having taken all matters into account the Committee unanimously resolved to grant the application as applied for.
- 2.5 A minor variation application was served on the Licensing Authority in April 2021 proposing minor internal alterations to the premises and to change the name of the premises to, 'The Golden Beam'. No comments were received and the application was granted as requested.
- 2.6 A copy of the existing licence is attached at Appendix A.

## **3 The Application**

- 3.1 The applicant is JD Wetherspoon Plc.
- 3.2 Briefly, the application is to:
- Increase the terminal hour for the Sale by Retail of Alcohol on Friday and Saturday to midnight;
  - Include the provision of Late Night Refreshment on Friday and Saturday from 23:00 until midnight; and
  - Amend the opening hours of the premises on Friday and Saturday to 08:00 until 00:30.
- 3.3 A redacted copy of the application is attached at Appendix B.

3.4 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

#### **4 Location**

4.1 A map which identifies the location of the premises is attached at Appendix C.

#### **5 Representations**

5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of members of the public, they must not be frivolous or vexatious.

##### Representations from Responsible Authorities

5.2 There have been no representations from responsible authorities.

##### Other Representations

5.3 The application has attracted representations from local residents, a local residents' association and a local MP (categorised as 'other persons' in the legislation).

5.4 In total the Licensing Authority is in receipt of fourteen individual letters of objection, lodged mainly on grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance.

5.5 In order to protect personal data, redacted copies of the representations are attached at Appendix D and original copies have been provided to Members of the Licensing Sub Committee in advance of the hearing.

#### **6 Licensing Hours**

6.1 Members are directed to paragraphs 6.8 to 6.15 for the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.

6.2 In brief the Policy states at 6.14 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives.

6.3 A list of premises in the local area and their licensed hours and activities is provided at appendix E.

#### **7 Equality and Diversity Implications**

7.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the licensing subcommittee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

## **8 Options Available to Members**

8.1 The Licensing Sub Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

8.2 Members of the Licensing Sub Committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives and relevant to the application.

## **9 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy