

Licensing Sub-Committee

Tuesday, 28th November, 2023

PRESENT: Councillor N Buckley in the Chair

Councillors S Holroyd-Case

Prior to the start of the meeting, a Sub-Committee member was unable to attend. Best efforts were made to seek a third member, but such attempts were unsuccessful. Given this situation and in line with Licensing Procedure Rule 6, parties present are to be provided with an opportunity to agree a quorum of 2 Sub-Committee members. When seeking agreement to proceed on that basis, all parties in attendance agreed a quorum of 2 Sub-Committee members. The meeting therefore proceeded.

1 Election of the Chair

RESOLVED – That Councillor N Buckley be elected as Chair throughout the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no formal late items.

5 Declaration of Interests

Members did not declare any interests.

6 Certification of a Film – Free to Move: A night exploring freedom

The report of the Chief Officer (Elections and Regulatory) presented an application for the certification of three short films to be screened 30th November 2023, at Hyde Park Picture House, Brudenell Road, Leeds, LS6 1JD.

RESOLVED – To grant the following ratings:

Reckoning – 12A.

Negus – 12A.

Displaced – 12A.

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

The report of the Chief Officer (Elections and Regulatory) presented an application to vary a premises licence made by JD Wetherspoon Plc., for The Golden Beam, Headingley Lane, Headingley, Leeds, LS6 1BX.

The following were in attendance for this item:

- Nigel Connor, JD Wetherspoons Plc – Head of Legal

- Graham McCafferty, JD Wetherspoons Plc – Regional Manager
- Chris Donaghue, JD Wetherspoons Plc – Premises Manager
- Richard Davies, Objector
- Dr Richard Tyler, Objector

The Legal Officer outlined the procedure for the hearing and the Licensing Officer provided an overview of the application.

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

- Sale by Retail of Alcohol Sunday to Thursday 09:00 until 22:30 and Friday & Saturday 09:00 until 23:00.

The applicant is JD Wetherspoon Plc. and the application seeks 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.

There have been no representations from responsible authorities. 14 representations remain outstanding from local residents, a local association group and a local MP, mainly on the grounds of the prevention of crime and disorder, public safety, and the prevention of public nuisance.

The applicant informed the Sub-Committee of the following information:

- There will continue to be no recorded / live music and the premises will continue to provide an extensive food and drinks offer.
- The building is in a much better state following a refurbishment that took place a couple of years ago.
- The application seeks an extension of hours for late night refreshment and sale of alcohol until midnight, and not 00:30 as some of the representations imply. The additional 30 minutes will allow for patrons to finish their drink, and to disburse gradually from the premises.
- The Otley Run does not impact upon the application and the premises does not allow people on the Otley Run to enter the premises and this is enforced through a condition attached to the premises licence.
- The Golden Beam has regularly engaged with the local community and has held 9 residents' meetings which were well attended, and complaints have not typically been received at these meetings.
- Responsible authorities have not lodged any representations to the application. The police were informed of the application before it was submitted, and they did not raise any concerns or suggest any measures. The premises has a good working relationship with the police, and no reports have been made to them since the premises has opened.
- There has been 1 complaint from a resident on the Buckingham's regarding issues associated with Otley Run but this is not associated with The Golden Beam. In responding to this, The Golden Beam extended their CCTV to cover

the area affected in an attempt to monitor anti-social behaviour and to help address concerns raised by local residents.

- Issues experienced by local residents should be raised with The Golden Beam and the operators will do their utmost to rectify any issues connected to the premises and appropriate action will be taken.
- There are a significant number of comprehensive conditions connected to the licence to promote the licensing objectives and the application only seeks an additional 2 hours of trading time. It is believed that this will not adversely impact on the licensing objectives.
- There are door supervisors on Saturdays to help manage the Otley Run condition as per the premises licence, as well as extensive CCTV covering the premises.
- The premises attracts a mixed clientele, from students to the local families. The clientele reflects the demographic of the local area.
- Students typically go on a night out much later, and the premises will provide them with a place to have a drink before they venture into the city centre if the additional hours are granted.
- The additional hours allow for a gradual dispersal. It was confirmed that currently when the premises is busy, and shuts at 11pm, patrons are sometimes leaving on mass, and it is believed that a longer dispersal time will alleviate this issue.
- Staff carry out a litter sweep during the day and on an evening to mitigate any litter on the street, and broken glass.
- Graffiti problems that have been mentioned have been a big issue, but it is considered that this is not coming from patrons using the premises.

Further to questions from Sub-Committee Members, the following was confirmed by the applicants:

- The condition on the licence associated with door supervisors, is based on a risk assessment carried out by the premises. The premises currently only has door staff on a Saturday to help mitigate issues associated with the Otley Run. The premises has not experienced issues on any of the other days and this will be regularly risk assessed, if for any reason incidents increase.
- The majority of the time, door supervisors can differentiate people on the Otley Run due to what they are wearing, which is usually fancy dress, as well as people being intoxicated and in large groups. If door supervisors believe people are on the Otley Run, they will be refused entry.
- Groups of people on stag parties and hen dos are allowed to enter the premises and it is usually distinguished by 1 person being dressed up in a group.
- During the first year of opening, the premises kept a log of persons who were refused entry, and this ranged from between 1,200 – 1,300 people on a Saturday taking part in the Otley Run.
- 34 cameras cover the premises and footage is kept for 60 days, well over the requirement and there has never been a known issue where there has been a fault with any of the cameras.
- Bottles are only emptied after 09:00am by cleaning staff. Front of House staff do not empty the bottle bins.

The objectors in attendance raised the following concerns:

- Local residents are not concerned regarding the running of the pub, or how it is managed, but more the external impact, which is acknowledged, outside the control of the applicant.
- Local residents from the Buckingham Estate and the Manor Estate are affected most by the impact of patrons leaving the premises on an evening and creating noise disturbance and people urinating in their gardens. People are being woken up due to noise created in the streets. It is considered that the additional hour on an evening will add to pre-existing issues and people will suffer mentally and physically as a result of the variation in hours.
- It is considered that Headingley is notorious for student pubs, and when The Golden Beam initially applied for a licence, local residents were keen for this not to turn into another student pub in Headingley. It is considered that the variation applied for is for the student market. Additionally, it was explained that the extension of hours is not considered a compromise for the local community as there are already pre-existing issues associated with anti-social behaviour.
- Nearby streets are densely occupied, and the streets are very narrow. Damage is being caused to residents' cars in nearby streets.
- It is considered that the representations submitted as part of the application, qualify as valid complaints in association with The Golden Beam.
- It is considered that The Golden Beam has not involved all nearby residents as part of their consultation meetings and Dr Tyler forwarded on meeting invitations to residents in the Buckingham Estate.
- The locality is culturally diverse, and it is considered that a number of families do not use the premises to drink and are therefore unaware of the variation application.
- The neighbourhood has fundamental problems with alcohol already.
- It is considered that JD Wetherspoon has made efforts in applying comprehensive conditions and made attempts to respond to concerns raised by local residents. However, local residents would feel more at ease with wider engagement between The Golden Beam and the local community.

A Member acknowledged that there is no evidence to support anti-social behaviour incidents experienced by local residents and encouraged local residents to report such incidents by contacting local councillors and the police. The objector responded by saying reporting the issues will not help resolve the issues experienced by the local community and the extension of the application would add to existing issues and be a market for students.

In summarising, the applicant explained the premises will provide the same offer in terms of food and drink and a number of existing patrons are surprised that the premises stops trading at 10:30/11pm. The applicant explained there are no issues associated with students using the premises and believes the current nature of the pub will not change. The applicant confirmed that The Golden Beam will work on engagement with the local community and are conscious of their neighbours. Finally, it was confirmed that customers are well managed inside the premises and there is no evidence regarding anti-social behaviour referred to and experienced in nearby streets in connection with the premises, and it is encouraged that local residents report such incidents to responsible authorities.

At this point in the meeting, the Sub-Committee moved into private session to deliberate on the application. In reaching its decision, members considered the report of the Chief Officer of Elections and Regulatory, including the written representations opposing the application. The Sub-Committee also had regard to the relevant provisions of the Licensing Act 2003, the Guidance issued under Section 182 of the Act and Leeds City Council's Statement of Licensing Policy. The Sub-Committee also considered the oral representations, contributions, and explanations from the applicant and objectors.

RESOLVED – To grant the licence as applied for.