Licensing Sub-Committee

Thursday, 12th December, 2024

PRESENT: Councillor N Buckley in the Chair

Councillors D Seary and S Hamilton

1 Election of the Chair

RESOLVED – To elect Cllr N Buckley as Chair for 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. However, supplementary information was received and published on the Council's website regarding Agenda Item 6 – Grant of a Premises Licence for Lounges, 22 – 24 Headingley Central, Otley Road, Headingley, Leeds, LS6 2UE. Minute No.6 refers.

5 Declaration of Interests

Members did not declare any interests.

6 Application for the Grant of a Premises Licence for Lounge, 22 - 24 Headingley Central, Otley Road, Headingley, Leeds, LS6 2UE

The report of the Chief Officer (Elections and Regulatory) presented an application for the grant of a premises licence made by Loungers UK Limited, for Lounges, 22 - 24 Headingley Central, Otley Road, Headingley, Leeds, LS6 2UE.

The report notes that the premises proposes to be a restaurant/café, and the premises is also located within an area that is covered by a cumulative impact policy (CIP).

Supplementary information in the form of additional information was received from the applicant and West Yorkshire Police, this was published on the council's website and provided to the Sub-Committee.

In summary the application is for:

Sale by retail of alcohol	Provision of late-night refreshment	The opening hours of the premises	Non-standard timings
Sunday to Thursday 10:00 - 23:00 Friday & Saturday	 Friday & Saturday	Sunday to Thursday 08:00 - 23:00 Friday & Saturday	No non-standard timings for bank holidays or special occasions are

10:00 - 23:59	23:00 - 23:59	08:00 - 23:59	proposed.

The following were in attendance for this item:

- Robert Botkai, Winckworth Sherwood LLP – Applicant's Representative
- David Matthews, Operations Director for Applicant – Loungers UK Ltd
- Robert Stirk, Entertainment Licensing – Objector
- Vanessa Holroyd, Environmental Protection Team – Objector
- Sarah Blenkhorn, West Yorkshire Police – Objector
- Councillor Tim Goodall – Objector
- Councillor I Wilson – Objector
- Martin Cook – Objector
- Michael Hurwood – Objector
- Christopher Webb, on behalf of North Hyde Park Neighbourhood Association – Objector

The Legal Officer outlined the procedure for the hearing, and the Licensing Officer presented the application. The following points were highlighted:

- An overview of the proposed hours as per above.
- A summary of the supplementary information provided by the applicant in terms of upholding the licensing objectives.
- Representations have been received from West Yorkshire Police, Environmental Protection Team, the Licensing Authority and also three individual objections on behalf of Headingley & Hyde Park and Weetwood Ward Councillors as well as 99 individual objections from members of the public.
- West Yorkshire Police and Environmental Protection Team has offered conditions to be attached to the licence, but an agreement has not been reached and their representations remain a matter outstanding.
- The premises is located within the cumulative impact area for Headingley where there is a high number of licensed premises concentrated in one area.
- An overview of licensed premises in the area as provided at Appendix H of the submitted report.
- The options available to members of the Sub-Committee as outlined at paragraph 9.1 of the submitted report.

The applicant's representative informed the Sub-Committee of the following:

- There are 242 Lounges diners, and they are family orientated with a range of food. They are not typically a well-known chain due to them having individual names specific to the local area.
- The premises will be a food-led establishment, and the busiest times are typically brunch, lunch and afternoon.
- The supplementary information contains additional conditions Responsible Authorities have requested. The applicant agrees most of them, apart from the condition regarding the sale of alcohol being ancillary to food orders. Patrons will be greeted by a host at the door and served at the table. Nobody will be walking around with drinks. There are 242 other premises that operate safely without the condition being imposed.

- The applicant has visited other licensed premises nearby to check out their operation of business and to seek guidance on the operation during their busiest times.
- The applicant is aware of the Cumulative Impact Assessment (CIA) for the Headingley area and aware of issues associated with the Otley Run. People will not be allowed entry to the premises if it is obvious they are taking part in the Otley Run. There are conditions proposed to negate issues associated with the Otley Run and there may be a risk with a licence review if the premises changes their business operation. A condition has also been proposed to stop the transfer of the licence to negate future occupier risk.
- Other premises in the area saw that they could make money by being a drink led business, but that is not the intention for Lounges. Alcohol is a small part of the business model.

In response to questions from Sub-Committee Members, the applicant's representative confirmed:

- Their understanding of the CIA and issues associated with the Otley Run. In the other 242 premises run by Lounges, they are also in challenging areas without issues.
- The possibility of an addition of a condition to not permit people in fancy dress.
- The applicant is intending on leasing the building but is waiting on the decision for the licence.
- Planning permission is not required for change of use of the premises. However, permission is required for signage and an extraction fan.
- Clarity on what constitutes a meal and the wording of the condition which refers to alcohol being supplemented by 'food' is not clear.
- It is not considered that Lounges will be attractive for people to purchase 'cheap' drinks and most customers at Lounges will be sat at a table having an alcoholic drink with their food.
- The applicant wants to engage and work with the local community. Loungers UK Ltd will recruit local people and work with local charities and wishes to promote a nice environment for people.
- Condition 5 of the supplementary information refers to the policy for dealing with unwell members of the public, but it has not yet been produced.
- Condition 12 of the supplementary information relates to not permitting entry for anybody believed to be taking part in the Otley Run. This is something that is on other premises licences nearby. Alternative wording for this condition can be considered.
- There is a condition which covers the outside area so that people can only sit outside if they are having a meal.
- There is a comprehensive list of conditions proposed by the applicant.
- The premises cannot open if alcohol is ancillary to food and this style of business is not applicable to the applicant.
- It is believed that the premises will not add to the cumulative impact of the on-going issues in the area.
- The premises is currently vacant, and prior to that it was Wilko.

The representative from West Yorkshire Police addressed the Sub-Committee, informing them of the following points:

- Headingley is already suffering from issues presented in the CIA area, with problems which undermine the licensing objectives.
- The premises is situated in the middle of Otley Road, and the Arndale Centre parade of shops.
- The proposed hours of the premises contradict mean it would be open during peak hours of the CIA and is inconsistent with the council's duty to promote the licensing objectives.
- People taking part in the Otley Run are not always in fancy dress or in big groups of people and may sometimes consist of 2 or 3 people.
- Any drinking establishment will encourage the Otley run.
- The issues in Headingley make life a misery for residents.
- Further to the supplementary information, the logs of crime for the period 15th November – 22nd November, 6 out of the 15 calls related to Headingley. Ms Blenkhorn confirmed that she covers the whole of North and West Leeds and Inner South Leeds and that 40% of those reports were for Headingley.
- Further to a conversation with a taxi and private hire driver, they commented that Headingley is bad for people stepping out into the road whilst they are intoxicated.
- An agreement was reached with the applicant in terms of the conditions put forward as per the supplementary information, apart from coming to an agreement with the condition about the sale of alcohol being ancillary to food. It is believed that alcohol is an important part of their business model. 26% of their sales relate to alcohol sales.
- Supplementary information shows that the applicant refers to themselves as a café/bar, and not a restaurant/café.
- They're offering a range of different drinks as outlined in the supplementary information.
- A lot of work has gone into multi-agency work and days of action in the area. With focused work for the Otley Run. Headingley already has an existing issue with alcohol, and it is believed that granting the licence will hinder work that has taken place.
- Other premises are trying to remove the condition on their licence regarding not permitting Otley Run participants due to them wanting to increase their sales.
- The police are not opposed to Lounges having a licence, subject to the addition of a condition which makes alcohol ancillary to food.

Further to some concerns raised by the applicant's representative, the police representative confirmed that she has not been to a Lounges premises and there is one premises trying to remove the condition on the licence regarding Otley Run participation. It was confirmed that there is also another pub who did not permit Otley Run participants but are now permitting them.

The representative from the Environmental Protection Team (Leeds City Council) informed the Sub-Committee of the following points:

- A lot of residents have reported incidents of public nuisance and there are on-going concerns regarding the Otley Run.

- Environmental health does not have an issue with the premises opening where alcohol is ancillary to food.
- The target market Lounges intend to attract will not go out on a Saturday afternoon due to the Otley Run. People are unable to walk down the street due to queuing and language used by Otley Run participants. It is envisioned that the premises will not be busy on a Saturday unless they are selling alcohol to people.
- The only way to prevent public nuisance and promote public safety is to ensure that alcohol is ancillary to food.
- The element of alcohol will add to the cumulative impact of existing issues in Headingley.
- Otley Run participants are not just students and are people of all ages and group sizes. They are also not often local people. The issues as a result of the Otley Run are adding to officer's time in respect of anti-social behaviour.
- Further to issues with the Otley Run, funding that was made available to provide additional officers and resources has now concluded and residents are concerned about on-going enforcement and the management of the Otley Run.
- The condition regarding alcohol being ancillary to food, is important to ensure that it slows people down from consuming alcohol and acts as a deterrent for Otley Run participants.
- The applicant's representative confirmed that she has not attended a Lounges restaurant before.

The representative from Entertainment Licensing (Leeds City Council) addressed the Sub-Committee and explained that the proposed condition relating to alcohol being ancillary to food, to be suspended whilst Loungers UK Ltd. held the licence, would not prevent the applicant from changing their business model. It was also commented that the proposed condition relating to the licence lapsing on it being transferred is not enforceable – a licence lapses only on death, insolvency or incapacity. Anybody can apply to take on the premises licence and there is no condition to stop that. It was also noted that the Council's Statement states that "the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint…" does not meet the standard of rebuttal and it is not considered.

Councillor Goodall addressed the Sub-Committee, highlighting the following points:

- Otley Run is the biggest issue in the ward. Otley Run has been affecting residents for years and it has got worse. Residents do not want another licensed premises in Headingley.
- Residents were content going to Arcadia Ale House as it was one of the only premises not accepting Otley Run participants, and they are now permitting them. The Otley Run is having a huge impact on the local community.
- There is a wide pavement outside of the Arndale Centre, but due to the massing of queues, it is difficult to get past people. A resident experienced getting knocked into and her shopping fell all over the floor, and her granddaughter nearly got knocked over. People do not have any sense, when they are intoxicated.

- A restaurant in Headingley has recently been changed to a Sports Bar and this has been problematic with people walking out in-front of cars.
- The Golden Beam in Headingley is pushing to remove a condition on their licence, to allow participants of the Otley Run to enter the premises. They have recently said they will apply for a Temporary Event Notice (TEN) to trial permitting participants.
- Otley runners are not always easy to identify and don't always wear fancy dress.
- The Otley run is a problem not only on Saturdays but regularly on Sundays and through the week. At Halloween and Bonfire Night every night.
- A member of the community was threatened with bad behaviour and violence. Residents experience Otley Run participants urinating in their garden and people are sometimes that intoxicated they're leaving their friends unconscious. There have also been situations where people have been drinking and then driving getting into the cars of strangers which is traumatic for the driver and dangerous for the person drinking. People are also often high on drugs and acting inappropriately.
- Local non-alcohol-based businesses are suffering because of the Otley Run due to residents and customers wanting to avoid the area. There is a big safeguarding issue for people.
- Otley Run participants have abused people entering 21 Co. Café, particularly people working there who have disabilities. Children ready to go out on their own and teenagers cannot do so.
- The Otley Run is having a massive impact on residents who live in Headingley, and the area cannot take another licensed premises.

Mr Cook, a resident of Headingley for 35 years addressed the Sub-Committee highlighting the following:

- Work of the Headingley Network to improve public amenity and the detrimental impact of the community. The community were supported by the council by enabling grants for design statements and neighbourhood plans to make the streets of Headingley safer.
- For people not living in Headingley the Otley Run sounds like a fun event, but not for residents who live in Headingley.
- Granting the licence contradicts the 4 licensing objectives.
- Headingley has a CIA, and the applicant has not demonstrated that granting the licence will not add to the cumulative impact of issues existing in Headingley.
- In planning terms, the use class order was amended by the previous government and there is nothing to stop shops and banks becoming licensed premises.
- Several licensed premises in Headingley have made changes to their business model and expanded to allow for participants of the Otley Run.
- Residents are concerned that the Lounges premises will become another drinking establishment on Saturdays to allow for Otley Run participants.
- Prior to 2005, there were 2 licensed premises and there is now 20.
- Crowds also gather to watch cricket, and rugby matches as well as licensed premises televising sporting events. The problems are not just restricted to

the Otley Run, and there are several issues which already exist in the Headingley area.

Councillor Wilson addressed the Sub-Committee by commenting on the following:

- Difficulties with reviews in terms of tying certain behaviours to the premises and directly linking them. Licensed premises in Headingley are generally well managed making it difficult to bring a review against a particular operator and it is the volume of customers and high saturation of licensed premises causing issues.
- Work is on-going with Responsible Authorities to tackle issues regarding Otley Run. All licensed premises in Headingley have a combined impact on this issue and there has been investment to tackle such issues. A new premises licence undermines any efforts to tackle existing issues in Headingley.
- The quality of life for residents is important. Constituents experience bad behaviour from participants of the Otley Run a lot.
- The problems in Headingley affect residents of other wards as it is a “high street” for surrounding wards.
- The attendance at the Sub-Committee and the large number of representations speak volumes in terms of the issues Headingley face.
- The vacant unit was a retail shop, and Headingley need more of those amenities.
- Otley Run participants are not just students and sometimes adults with larger disposable incomes who can afford to drink cocktails and other higher priced drinks. There is an issue with the target market, transferability of the licence and a risk that the business model can change.
- There is already a health and safety issue in Headingley, and it is important that the premises is food-led if the licence is granted, and that people are not allowed to sit and drink on the tables outside the premises.
- The generic condition about not permitting Otley Run participants is supported.

Mr Hurwood addressed the Sub-Committee, highlighting the following:

- Headingley doesn’t need another licensed premises. Weekend life for residents is unbearable due to the number of licensed premises in a small geographic area.
- Mr Hurwood lives 30 yards away from one of the premises that allow Otley Run participants and 400m away from the Arndale Centre and has lived there for 24 years and he explained how over the last 4 years of living there it has drastically changed. Otley run participants are urinating on the track of houses, bottles have been thrown at residents, residents have been assaulted and people have been seen carrying out sexual acts outside of residential properties.
- Residents put £10001k together to put a metal gate across the terrace to prevent people from coming in and carrying out anti-social behaviour related incidents.
- There is a danger taking children into Headingley centre on a weekend due to the queuing and people being intoxicated and acting dangerous.
- The extensiveness of the issues is replicated in 98 other objections from members of the public.

- The proposal adds to the cumulative impact of issues experienced by residents.
- Otley Run is considered a national phenomenon, attended by people of all ages and not just local people. People are also often drunk before their first drink on the Otley Run.
- Another licensed premises will worsen the experience of being a resident in Headingley.

Mr Webb attending on behalf of the North Hyde Park Association representing residents and businesses, addressed the Sub-Committee. He commented on the Neighbourhood Plan for Headingley and touched on the Original Oak expansion which broke the law as they did not have permission. 10.9 of the Neighbourhood Plan focuses on the aspirations of Headingley as a town centre and highlights commercial and retail use classes to improve the vitality of local centre diversities. It is considered that the proposal is not a sit-down restaurant and can operate as a bar and therefore does not add to the diversity of attractiveness of the town centre. Mr Webb urged the Sub-Committee to reject the application.

The applicant's representative summarised by explaining that he is aware of the existing issues relating to the Otley Run. He added that the Lounges premises adds diversity to Headingley. The premises will not turn into a pub on the evening, and the busiest periods are over brunch, lunch and the afternoon. He also added that licence reviews are not relied upon Responsible Authorities and that members of the public are able to put in a review application to deal with issues associated with the Otley Run. The applicant's representative welcomed people to visit other Lounges premises and explained that they operate in a family friendly manner. The premises wishes to invest in a vacant unit, will be food-led and will not allow Otley Run participants.

At this point in the meeting, the Sub-Committee went into private session to deliberate on the application.

Upon returning to a public forum, the Sub-Committee did not have any further questions and therefore confirmed that a decision will be shared to all interested parties within 5 clear working days.

Following further consideration, it was
RESOLVED – To refuse the application.

The meeting concluded at 13:00.