

## **Licensing Sub-Committee**

**Tuesday, 11th February, 2020**

**PRESENT:** Councillor P Wray in the Chair

Councillors A Marshall-Katung and  
A Wenham

### **1 Election of the Chair**

**RESOLVED** – That Councillor Wray, would be elected as Chair for the duration of the meeting.

### **2 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal.

### **3 Exempt Information - Possible Exclusion of the Press and Public**

There was no exempt information.

### **4 Late Items**

The Sub-Committee were in receipt of the following formal late items, in the following format for Agenda Item 6 – Application for the grant of a premises licence for JD Wetherspoon Former Elinor Lupton Centre, Headingley Lane, Headingley, Leeds, LS6 1BX:

- Mr Whur, who had submitted a representation to the application, requested to submit a copy of the previous Licensing Sub-Committee decision issued on 9 December 2016 refusing the Applicant's previous application, and the appeal decision in relation to that decision as part of the submissions. The applicant made no objections.
- A local resident, who had submitted a representation to the application, requested to submit some incident related information in regard to various Wetherspoon premises. The applicant made no objection for Members to consider the submission, however asked that the Sub-Committee give less weight, as the applicant had not had the opportunity to collect information in advance to object.

Members were also in receipt of supplementary information, which had been distributed prior to the hearing.

### **5 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **6 Application for the grant of a premises licence for JD Wetherspoon Former Elinor Lupton Centre, Headingley Lane, Headingley, Leeds, LS6 1BX**

The report of the Chief Officer Elections and Regulatory, set out an application for the grant of a premises licence made by JD Wetherspoon Plc, for JD Wetherspoon Former Elinor Lupton Centre, Headingley Lane, Headingley, Leeds, LS6 1BX.

Mr Nigel Connor (Head of Legal), Mr John Hutson (Chief Executive) and Bernard Lawrence (Architect), were in attendance for the hearing, on behalf of JD Wetherspoon.

Those who spoke in objection to the application were:

- Paddy Whur (on behalf of Arc Inspirations Ltd)
- Councillor Walshaw (on behalf of local residents)
- Mrs Jane Norton
- Dr Richard Tyler

Approximately 20 local residents who had submitted representations objecting to the application, also attended the hearing to observe.

The Licensing Officer informed the Members that this application sought the grant of a premises licence for:

***Sale of alcohol Sunday – Thursday 09:00 – 22:30, and Friday and Saturday – 09:00 – 23:00.***

The applicant had previously applied for a premises licence for the premises in October 2016, and at that time, the Sub Committee refused the application. It was noted that the premises no longer falls within the CIA.

The Licensing Authority had received a number of individual objections, including a letter of objection from the MP for Leeds North West, most opposing the application on the grounds of public nuisance, crime and disorder, public safety and the protection of children from harm. Additionally, 3 letters of support citing valid licensing considerations had been received.

Mr Connor on behalf of the applicant, addressed the Sub-Committee:

- The appeal dismissed in October 2017, had been determined whilst being in the Headingley and Hyde Park CIA. A review had been undertaken in 2018, and the premises no longer formed part of the CIA;
- Planning permission had been granted at the South and West Plans Panel on 7<sup>th</sup> November 2019;
- A meeting had taken place prior to the hearing with a local ward councillor, in regard to additional conditions, which now formed part of the operating schedule;
- A community meeting had taken place with local residents prior to the hearing;
- The proposed timings aligned with the planning permission application served;
- There are currently 874 Wetherspoon premises in the UK, including strong traditional pubs in the Leeds city centre – additional pubs across Pudsey, Bramley, Garforth, Yeadon, Chapel Allerton, and a pub due to open in Cross Gates;
- There would be a 30 minute ‘wind down’ period, to ensure customers disperse appropriately;

- The Former Elinor Lupton premises had been unoccupied since 2010, and the investment required would be in the region of 3 million pounds;
- It was reported that JD Wetherspoon had a track record of re-developing properties;
- A copy of the layout of the premises was referred to. The fencing around the premises would mitigate groups spilling out and congregating onto the road;
- There would be full CCTV coverage, including the cellar and staff room;
- The creation of 55+ jobs in the locality, and managed by a local manager, with links to the city and community;
- There would be no music, and no small scale entertainment;
- News and sport would be shown on two small TV's;
- The premises would be an affordable food and drink orientated business, offering different 'food clubs' on each day of the week, aiming to cover a wide range of customers;
- The building had a capacity for 1000 customers, but the occupancy would be limited to 500 customers;
- The premises wished to adopt the same approach as other businesses in the vicinity, and did not want to allow 'Otley Run' groups into premises. Measures would be put in place to ensure colleagues could handle refusing entry to large groups;
- The majority of customers would travel by foot, and there are 17 car parking spaces to the rear of the premises;
- Reference was made to statistics regarding trips to a pub. As an estimation, it was forecasted by transport survey figures that there would be 1600 trips during the week, and 3000 on a weekend;
- It was expected that there would be between 12-14 deliveries per week, and planning permission conditions prevented deliveries before and after certain timings;
- Two managers on duty at all times;
- Staff training is provided at all levels, including proof of age, not serving to intoxicated customers, and liaising with the police;
- The supplementary bundle highlighted work undertaken by the company in regard to charities, career opportunities and community events;
- The company have experience of sporting events and arenas/stadiums, and were aware of the stadium nearby;
- There would be a sound insulated acoustic fence installed to the rear of the property;
- In line with the planning approval, a contribution of £100,000 would be provided for a pedestrian crossing on Headingley Lane, or alternate wider scheme contributions;
- The premises would be a family friendly pub, and children would be welcomed up until 9.30 p.m.;
- There would be no external advertisement and would be in accordance with the guidelines, without the promotion of alcohol.

The Licensing Sub-Committee heard from those objectors listed and in attendance, and put forward their reasons for objecting as follows:

- The mass of the building and the occupancy remained the same as the previous application and both previous application and current, have had no objections from responsible authorities;
- The premises is situated in a densely populated area, and is within close proximity to two primary schools, sheltered housing, and a nursing home;
- The visits per week statistics would not promote the licensing objectives whilst being located in a residential area;
- Highways concerns with people crossing the road to enter JD Wetherspoon, and fears of people spilling out potentially being endangered by vehicles;
- 17 parking spaces would not suffice and concern was raised that neighbouring residential streets would be used for parking;
- There would be an increase in numbers of visitors particularly on match days at the Headingley Stadium, being a disproportionate amount of public nuisance;
- Low cost drinking would encourage students to use the premise as a location on the 'Otley Run';
- The surrounding areas consisted of families with younger children, and the elderly – windows being within close proximity of a 'mega pub';
- Residents have had previous engagement with intoxicated people showing signs of aggression who are not participants in the Otley Run;
- The pub would be the second largest in the city and the outside area would be noisy for neighbouring streets;
- Heavy goods vehicles and the high number of estimated deliveries, adding to the pre-existing parking concerns;
- Further anti-social behaviour including damage to bins and cars, caused by the intoxicated drinkers;
- Concern for children and toddlers with the increase in traffic, litter and broken glass on the pavements;
- To the South of the premises consisted of student shared housing, and students would have to pass through the streets to enter the premises, and fears that dispersal on an evening would be noisy;
- Children would pass the pub on the way to and from the school and Rose Court is due to become a special needs school;
- The children would be disturbed when trying to sleep at night;
- There is already an existing Public Space Protection Order (PSPO) in place to mitigate ASB issues in the locality.

In making final submissions to Members, Mr Connor summarised by providing the following points:

- This was a new application, and considerations should be based upon their own merits;
- There had been a material alteration with the premises no longer being in a CIA;
- The occupancy level would be measured by a clicker that would be used by the door staff;
- Pubs historically built in residential areas have become an asset to the local community;
- No free alcohol would be provided on the premises;
- There had been no objections from the police nor environment officers.

Those in attendance at the hearing, were informed that a decision would not be forthcoming that day, and a decision would be sent out within 10 working days.

Members of the Sub-Committee retired to consider all of the information presented to them in written submissions, and at the hearing in oral submissions and the formal late items. Members also considered information including the Leeds City Council's Statement of Licensing Policy, the relevant sections of the Licensing Act 2003 and the s182 Home Office Guidance and took account of the four licensing objectives:

- The protection of children from harm
- Public Safety
- Prevention of crime and disorder
- Public Nuisance

At this point, the meeting was adjourned

The meeting was reconvened on Monday, 17<sup>th</sup> February 2020

Councillors: Wray, Wenham and Marshall-Katung were in attendance.

**RESOLVED** – To grant a premises licence as applied for.

*The meeting ended at 12:25.*