

Report of the Chief Officer Elections and Regulatory

Report to the Licensing Sub Committee

Date: 11th February 2020

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

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|---|---|--|
| 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: | | |

Summary of main issues

This is 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.

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

The application has attracted representations from members of the public, most expressing concerns in relation to all four licensing objectives. These remain a matter for Member's consideration.

1 Purpose of this report

- 1.1 To advise Members of an application made under section 17 of the Licensing Act 2003 ("the Act") for a new 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 the premises

- 2.1 The applicant previously applied for a premises licence for these premises in October 2016. The Licensing Authority was in receipt of representations from members of the public, to the application. At that time, the premises were located in the CIA (Cumulative Impact Area). The application was heard before the Licensing Sub Committee and refused on these grounds. The premises no longer falls within this area.

3 The application

- 3.1 The applicant's name is JD Wetherspoon Plc.
- 3.2 The proposed designated premises supervisor is Ms Jennie Odell.
- 3.3 In summary the application is for:

Sale of alcohol

Sunday to Thursday 09:00 - 22:30

Friday and Saturday 09:00 - 23:00

Non standard timings

No non-standard timings for bank holidays or special occasions are proposed.

- 3.4 A redacted version of the application has been attached at Appendix A.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in section 18 of the application form.

4 Location

- 4.1 A map which identifies the location of this premises is attached at Appendix B.

5 Representations

- 5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of a member of the public, 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 representation from members of the public (described as 'other persons' in the legislation).

The licensing authority is in receipt of 118 individual letters of objection, most of which are opposed to this application on the grounds of public nuisance, public safety and the protection of children from harm. One representation has been received from the MP for Leeds North West.

One of the representations received from a member of the public, expressed concern that they may be at risk of retribution should their details be made public. As such their personal details have been redacted and they will remain anonymous. For this reason, despite their strength of feeling they will not be attending the hearing and would like their representations to be considered fully in their absence.

5.4 In order to protect personal data, redacted copies of the representations are attached at Appendix C. Unredacted copies will be available at the hearing for Members consideration.

5.5 A petition was received, containing 126 signatures, a copy of the body of the grounds for objection can be found at Appendix D. Signatures have been removed.

5.6 Another petition was received, containing 53 signatures, a copy of the objection can be found at Appendix E. Signatures have been removed.

5.7 The licensing authority is also in receipt of three letters in support of the application, who think it is a good idea for the building and public safety. Copies of the same are available at Appendix F.

6 Licensing hours

6.1 Members are directed to paragraphs 6.6 to 6.13 of 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 6.12 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.

6.3 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 adversely impact on the licensing objectives.

6.4 A list of premises in the local area and their licensed hours and activities is provided at Appendix G.

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 subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

8.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

9 Background papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy