

## **Licensing Sub-Committee**

**Thursday, 12th November, 2020**

**PRESENT:** Councillor B Garner in the Chair

Councillors A Hutchison and A Wenham

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

**RESOLVED** – That Councillor B Garner be elected to Chair for the duration of the meeting.

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

There were no appeals against refusal of inspection of documents.

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

There were no exempt items.

### **4 Late Items**

There were no late items.

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

There were no declarations of disclosable pecuniary interests.

### **6 Application for the Grant of a Premises Licence for Lost At Sea Restaurant 1 Ground Floor, Unit 11, Central Arcade, Leeds, LS1 6DX**

The report of the Chief Officer Elections and Regulatory advised Members of an application made under Section 17 of the Licensing Act 2003 ("the Act") for a new premises licence in respect of Lost At Sea Restaurant, 1 Ground Floor, Unit 11, Central Arcade, Leeds, LS1 6DX.

The Legal Adviser to the Sub Committee set out the procedure to be followed and the Senior Licensing Officer outlined the application.

In summary, the application was for:

Sale by Retail of Alcohol, Plays, Films, Live Music, Recorded Music, Performance of Dance and Entertainment of a Similar Description to Live Music, Recorded Music or Performances of Dance - Everyday 10:00 -02:00

Late Night Refreshment - Everyday 23:00 - 02:00

The application had received a total of 31 individual letters of objection and a letter from a ward Councillor, all of which were opposed to the application on the grounds of crime and disorder and public nuisance.

The following were in attendance:

Mr Neil Smedley (Applicant)  
Mr Paddy Whur, Woods Whur Ltd (Applicant's representative)  
Mr James Greenhalgh (Local business owner, objector)  
Ms Natasha Handley (Witness for Mr Greenhalgh)  
Ms Fay Kesby (Witness for Mr Greenhalgh)  
Mr Leon Fleming (Witness for Mr Greenhalgh)

Mr Whur addressed the Sub-Committee on behalf of the applicant, noting that the application has been submitted predominantly to allow the premises to serve an alcoholic drink to customers during their appointment at the barbers, and to then open the barber shop again in the evening as a bar, with 20 seats. Members were advised that a selection of bottled beers, wines and gin would be available to purchase, and that a percentage of sales would be donated to the Royal National Lifeboat Institution. There would be no draught beers served on the premises. Mr Whur noted that although the premises is situated in the Cumulative Impact Area, along with the majority of the city centre, it does not fall within the 'Red Zone'. Mr Whur advised Members that the applicant is committed to being a careful and considerate neighbour and promoting an inclusive environment, by managing a robust operating schedule, as agreed by West Yorkshire Police, along with carrying out comprehensive risk assessments and continuing to work with those who have concerns.

In response to questions from the Sub-Committee, Mr Smedley confirmed that the premises will cease operation as a barbers and become a bar between approximately 7.00 p.m. and 8.00 p.m., with no intention to become a bar similar to establishments on the nearby Call Lane with music at the same level as during the day. Additionally, it was confirmed that the food offering will be cold seafood from the Leeds Kirkgate Market and the entrance via the arcade would not be used once the premises stopped functioning as a barber shop.

Mr Greenhalgh, owner of the neighbouring premises 'Flamingos Coffee House', addressed the Sub-Committee. Mr Greenhalgh advised Members that his premises is the only alcohol-free and accessible LGBTQ+ venue in Leeds, which is considered a safe space within the community. Mr Greenhalgh noted that the new bar could be a fantastic addition, however, only with a number of safeguards in place to protect the LGBTQ+ community.

Mr Greenhalgh advised that his first concern was in regards to public nuisance associated with noise. Mr Greenhalgh noted that there had been some minor issues relating to noise in the past, which have been resolved by speaking with the owners. As a venue that hosts a number of community group meetings, including spoken word poetry groups and book clubs, loud music from the premises next door into the evening would significantly impact activities. Mr Greenhalgh said he would like to see the licence made subject to a condition that the door which opens into the arcade be

kept closed whilst the bar plays music, and a condition that sound proofing be installed in the wall between the units.

Mr Greenhalgh's outlined his second concern, in relation to anti-social behaviour. Mr Greenhalgh highlighted that the surrounding area of Central Arcade has had a history of drug and alcohol use in the streets, and therefore suggested a condition that the premises employ door staff from 7.00pm onwards.

Mr Greenhalgh then called three witnesses to speak of their experiences – Ms Handley, Ms Kesby and Mr Fleming. The witnesses reiterated the importance of dry venues such as Flamingos for the LGBTQ+ community, and the heightened risk of homophobic and transphobic abuse if an alcohol-based venue was situated next door. They also noted the vulnerability of some people who attend meetings and events at Flamingos, such as children and those recovering from addiction, and the further heightened risk of harm associated with a bar next door.

Mr Greenhalgh said that Mr Smedley had shown him his plans for the premises and that these did not necessarily match the application. He said the plan only shows part of the premises being licensed, whereas Mr Smedley had told him he planned to use the entire premises. Mr Greenhalgh also said that he did not believe that the premises is fire safe, as the premises are not connected to the arcade's fire safety system and he suggested the inclusion of a condition that any measures suggested by the fire service, once provided, be incorporated in the licence.

In response to a query, Mr Greenhalgh noted that he was confident that Mr Smedley would not tolerate homophobic or transphobic abuse from staff, and there had not been reason to make complaints of this nature to date. However, he felt that the addition of a bar would create a different situation and incidents would be more likely to occur.

The Sub-Committee sought clarification on the licensable activities and where they would take place on the premises, and were advised by Mr Whur that the red line on the premises plan dictates the licensed area, and that the off sale provision would only be appropriate during the day for alcoholic beverages to be taken into the barber shop area to customers whilst having their hair cut, along with, on occasion, the flexibility for evening customers to sit in the barber shop with an alcoholic drink.

The Licensing Sub-Committee carefully considered the report of the Chief Officer (Elections and Regulatory), the Statement of Licensing Policy and the representations submitted and made at the hearing on behalf of the applicant and those from the objector.

**RESOLVED** – To grant a premises licence as applied for, subject to the following conditions:

That there shall be no persons under the age of 18 permitted to be on the premises after 19:00 hours;

That the licence holder shall ensure that there shall be no use of the door to the arcade by patrons after 19:00 hours;  
There shall be no customer use of the area of the unit outside the licensed area (shown outlined in red on the plan which accompanied the application) after 19:00 from Sunday to Thursday, other than as customers of the barber shop up to 19:30 hours.