

# Public Document Pack

## **LICENSING SUB COMMITTEE – 27<sup>TH</sup> JUNE 2017**

ITEM 9 “TURTLE BAY” SUPPLEMENTARY PACK  
West Yorkshire Police additional submission

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# Parties Notice of Intention

Licensing Act 2003



Application No: PREM/03610/004

Name of Applicant/Premises: Turtle Bay Restaurants Limited/Turtle Bay

Date of Hearing: 27th June 2017

I am:

The applicant/licence holder

A responsible authority

An interested party

Name: PC CATHERINE ARKLE

Address: LEEDS DISTRICT LICENSING  
ELLAND ROAD,  
LEEDS

I will be attending the hearing

I will not be attending the hearing

I will be represented at the hearing by:

N/A

NB if you complete this section all further correspondence will be sent to your representative

### Note to interested parties

If you say that you will not be attending the hearing the committee will make it's decision based upon your written representation.

If you wish to withdraw your representation please tick here

or

If you consider that a hearing can be dispensed with please tick here

Please give details as to why you think a hearing can be dispensed with.  
(e.g. because you have reached agreement with the other party on conditions)

## WITNESSES

Please set out below the name of any person you wish to appear at the Hearing (other than your representative) and give brief details of what you want the witness to tell the Committee. You will only be allowed to call the witness if the Committee gives permission.

Name	Evidence to be given

## DOCUMENTS

Please list below and attach any documents (other than your application or written objections) that you wish the Committee to consider and indicate whether copies have already been sent to the other parties.

Document	Copy sent
'OPERATION CAPITAL' VISITS SHEETS X 3	YES
LIST OF CRIME SPECIFIC TO VENUE X 3	YES
CLOSURE NOTICE + CANCELLATION X 4	YES

Please return this form to:

**Entertainment Licensing  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR**

Fax: 0113 224 3885

Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)



WEST YORKSHIRE  
**POLICE**

OPERATION CAPITAL 2

Leeds District

ON-LICENSED PREMISES  
VISITS

**SILVER SERVICE**

PREMISES NAME: **Turtle Bay**

ADDRESS: **Unit A14, The Light, The Headrow, Leeds LS1 8TL**

DPS: **Daniel John Bragger**

CONTACT NUMBER:

PREMISES LICENCE HOLDER/S: **Turtle Bay Restaurants Ltd**

**Reason for visit: Saturday 27 May 2017**

1.	Violent/alcohol related incidents -
2.	Breaching of Conditions –
3.	Section 19 served –
4.	Intelligence – recent application for extra hours on a Friday and Saturday night. Objected to by WYP as in the red zone of the Cumulative Impact Area. Check for drunkenness on the premises, drinks promotions encouraging customers to drink more alcohol and for compliance with conditions re CCTV retention and use of BACIL radio. Has previously had a Section 19 served for issues with CCTV and no radio on 18/02/17.
5.	Doorstaff issues -
6.	At request of DPS/management –

**DIARY OF EVENTS**

18/02/2017 Silver Visit, Reason: recent enquiry by solicitor re possibility of trading longer. Please check for obvious drunkenness/drinks offers and behaviour of customers. Never visited before.

Visited at 2035 by SSO8359 Crane, Paul Rix

- Spoke to DPS, Daniel John BRAGGER [REDACTED] - advised PERL address to be changed to new address and then to change details on PREM)
- BRAGGER stated that they had a TEN in place for the first three weekends in December: there was a 7 day 2 for 1 cocktail offer on each evening - we noted no obvious drunkenness
- Mixed crowd of approximately 120 in attendance all eating
- Two security staff from Phoenix Security were in attendance at main entrance (no female):  
- [REDACTED]  
- [REDACTED]
- Door staff register OK
- No BACIL radio
- Check 21 Posters displayed
- No underage drink issues and no sobriety issues
- Part A of premises Licence available for inspection and Part B displayed
- Drugs safe not required by license
- Lost property being stored on site - official documents were being held but advised DPS to send to relevant locations
- Drugs swipe negative
- No excess/broken glass/bottles lying around and no evidence of glasses being taken outside
- All bar staff authorised to sell alcohol
- CCTV in operation and storage not in order: 25 days retained; time out by 20 minutes
- ID checks being carried out
- Search policy not required by licence
- No unsuitable drinks promotions
- Incident book in use for security - advised re incident and refusals books
- Visit pack signed by DPS

A section 19 was issues by LCC:

- No BACIL radio
- CCTV not meeting storage requirements/time incorrect

ELS/WYP to pay daytime visit to check BACIL and CCTV

## NOT PROTECTIVELY MARKED

27/05/2017 Silver visit. Reason: recent application for extra hours on a Friday and Saturday night. Objected to by WYP as in the red zone of the Cumulative Impact Area. Check for drunkenness on the premises, drinks promotions encouraging customers to drink more alcohol and for compliance with conditions re CCTV retention and use of BACIL radio. Has previously had a Section 19 served for issues with CCTV and no radio on 18/02/17.

Visited at 2040 by 7563, 7523, Paul Rix

- DPS, Daniel John Bragger Wandsworth, on annual leave
- Duty manager, [REDACTED] in charge
- Approximately 100 people within the venue, none of whom appeared underage
- BACIL radio test call negative - asked Jonny about this and he told us it had been on charge as the battery had died the previous night (BACIL turned on and put into use whilst we were there)
- One security officer (Phoenix Security) in attendance on the door with another due to start at 2100 - [REDACTED]
- Signing-in book present but it hadn't been signed by [REDACTED] for the past few days despite having been at work and it appeared that all signing-in was for 2100 on the dot but we were told that [REDACTED] often starts work before this
- No Check 21 posters displayed
- Part A of Premises Licence available for inspection and Part B displayed in window
- CCTV in operation and storage in order – 31 days retained
- All bar staff authorised to sell alcohol
- No drug safe – not part of licence
- Drugs swipe not carried out but no indication of illegal drug use
- No excess/broken glass/bottles lying about and no evidence of glasses being taken outside
- Search policy in place and ID checks carried out
- Lost property being stored on site – passports/documents normally handed in to police
- Drinks promotions: 2 for 1 cocktails 1130 – 1900 and 2200 to close
- Acceptable incident book present but no incidents logged - staff say they haven't had any incidents to record

Revisit WYP/ELS

NOT PROTECTIVELY MARKED

## Results -- Detailed find: Occurrence

Occ #	Dom	Type	Time	Score	Notes
1) 13160006050	WYP	Theft non specific	05/01/2016 19:17		Filed - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
2) 13160019252	WYP	Theft non specific	14/01/2016 14:09		Filed - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
3) 13160026510	WYP	Theft non specific	19/01/2016 17:11		Filed - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
4) 13160212455	WYP	Theft non specific	18/05/2016 15:16		Filed on 1st submission - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
5) 13160230791 [O]	WYP	Burglary other	30/05/2016 11:08		Filed - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY) Burglary Other, suspect in custody.
6) 13160249917	WYP	Theft non specific	11/06/2016 20:21		Filed - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District:



7)	13160253176	WYP	Theft non specific	14/06/2016 04:22	LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY) [REDACTED] IS RINGING BACK TO FINISH OFF THE CRIME REPORT. SHE ASKED THE MANAGER TO RING THE POLICE ON HER BEHALF AND GIVE THE INITIAL DETAILS BUT THERE IS A LOT TO FILL IN. Filed - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
8)	13160349067	WYP	Make Off Without Payment	13/08/2016 13:52	Filed - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
9)	13160353287	WYP	Theft non specific	16/08/2016 19:56	Filed on 1st submission - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
10)	13160492899	WYP	Lost Property	15/10/2016 02:32	Filed - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
11)	13160698396	WYP	Deception/Fraud	21/11/2016 13:22	Filed - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code:

12)	13170052797	WYP	Theft non specific	03/02/2017 09:22	E05001420A, Ward: CITY AND HUNSLET WARD A, CITY) Under investigation - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
13)	13170067040	WYP	Found Property	11/02/2017 23:17	New - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
14)	13170225138	WYP	Make Off Without Payment	18/05/2017 20:45	Filed on 1st submission - 14 THE LIGHT, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)
15)	13170262778	WYP	Lost Property	09/06/2017 23:46	Filed - THE LIGHT, THE HEADROW, # 14, LEEDS, WEST YORKSHIRE United Kingdom LS1 8TL (TURTLE BAY) (Loc. auth.: LEEDS, Force: WYP, District: LEEDS DISTRICT, Area: LDT_CI, Ward code: E05001420A, Ward: CITY AND HUNSLET WARD A, CITY)



White - COUNCIL COPY Yellow - PREMISES COPY

# CLOSURE NOTICE

Section 19, Criminal Justice and Police Act 2001

Read accompanying notes on reverse

This Closure Notice is served by the Local Authority Licensing Officer named below if he/she is satisfied that the premises are being, or within the last 24 hours have been used for the unauthorised sale of alcohol for consumption on or in the vicinity of the premises.

Date of Closure Notice: 18<sup>th</sup> 2017 Time Notice served: 21:10 AM/PM

Licensing Authority: Leeds City Council

Name and position of the Local Authority Licensing Officer serving the Closure Notice: PAUL RIX  
 \*Senior/\*Principal Liaison & Enforcement Officer (delete as applicable)

Signature of Licensing Authority Officer: [Redacted]

Name and address of subject premises: TURTLE BAY THE LIGHT  
 ALBION STREET Post Code: LS1 8TL

**Alleged unauthorised use of the premises:**

There **\*has been / \*is** the unauthorised sale of alcohol taking place for consumption on / in the vicinity of the premises in breach **\*of the licence / \*of no licence authorisation** within the last 24 hours. (\*delete whichever does not apply) (include further details below)

No BACUL RATIO CONTRARY COND. 19  
 CEN RECORDS 25 DAYS SHOULD BE 31 DAYS

Steps which must be taken to end the alleged unauthorised use of the premises, or to prevent it from reoccurring:  
 RECTIFY ABOVE WITHIN 31 DAYS OF NOTICE

**The person (if applicable) upon whom the Closure Notice has been served:**

Name: DANIEL BRADSHAW Position: General Manager O/S  
 Signature: [Redacted] Date: Time: AM/PM

**Notes:**

**'Closure Notice' – Section 19, Criminal Justice and Police Act 2001**

- A Local Authority Licensing Officer has issued this Closure Notice under Section 19 of the Criminal Justice and Police Act 2001 (CJ&PA2001) (Sections 126 and 127 of Schedule 6 to the Licensing Act 2003). The Notice alleges that the premises are / have been operating illegally, contrary to the provisions in the Premises' Operating Schedule and therefore in breach of its licence / no licence authorisation.
- Such a breach affects the authorisation to sell alcohol in compliance with the Licensing Act 2003, being a licensable activity within the meaning of Section 14 of the Act.
- The Notice sets out the actions which must be taken by the person in control of, or responsible for, the unlawful activities conducted on the premises.

**'Closure Order' - Section 20, Criminal Justice and Police Act 2001**

- Once a Closure Notice has been served under Section 19 of the CJ&PA2001, the Licensing Authority (or Police) may make a complaint to a Justice of the Peace at the local Magistrates' Court for a Closure Order.
- An application can be made to the Magistrates' Court if the local Licensing Authority is satisfied that the unauthorised sale of alcohol (as alleged in the Closure Notice) is continuing and if there is a reasonable likelihood that the premises will so be used in the future.
- Any such application for a Closure Order must not be made less than seven days and not more than six months after the service of this Closure Notice.
- Where a complaint has been made to the Magistrates' Court, the Justice of the Peace may issue a summons requiring the applicant and the person(s) upon whom the Closure Notice was served to attend a Court hearing. The summons will state the date, time and place where the hearing will take place.
- At the hearing, the Court will consider the complaint and decide whether a Closure Order should be made or not.
- The procedure on a complaint for a Closure Order shall (except as otherwise provided), be in accordance with the Magistrates' Court Act 1980.

**Appeals - Section 24, Criminal Justice and Police Act 2001**

- Subsections (1) – (2) provide that an appeal against a Closure Order can be made to the Crown Court by any person upon whom a Closure Notice was served, or by any other person who has an interest in the premises but on whom the Closure Notice was not served. Subsection (1) also permits appeals to the Crown Court in relation to discharge orders. All appeals are required to be lodged within 21 days of the Closure Order or relevant decision being made. There are no restrictions on the grounds for which the appeal can be made.
- Subsection (3) empowers the Crown Court, on appeal, to make any order it considers appropriate.


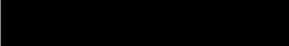

**Enforcement Powers and Offences – Section 25, Criminal Justice and Police Act 2001**

- It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a Closure Order made by the Magistrates' Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both (Not exhaustive).

**THIS IS THE END OF THE CLOSURE NOTICE**

**Private & Confidential**  
Dan Bragger  
Turtle Bay  
The Light  
LS1 8TL

**Elections, Licensing & Registration**  
Civic Hall  
Leeds LS1 1UR

Contact:  
Tel:   
Fax:   
Email:   
Our Ref: A80/LIC/PREM/TBAY  
Your Ref:

Date: 12 June 2017

Dear Sir

**CANCELLATION OF CLOSURE NOTICE AT TURTLE BAY, THE LIGHT, LS1 8TL.**  
**– SECTION 19, CRIMINAL JUSTICE AND POLICE ACT 2001**

A Closure Notice was served upon you, in respect of the above premises, by an authorised officer of Leeds City Council on 18/02/2017 under section 19(3) Criminal Justice & Police Act 2001.

The service of the Closure Notice was made due to the alleged unauthorised use of the premises as indicated on the Notice.

The authorised officer who served the original Notice is now satisfied that the premises are:-

- (a) no longer being used for the unauthorised sale of alcohol; and
- (b) there is no reasonable likelihood that the premises will be so used in the future,

In the circumstances, a "Notice of Cancellation" is being served upon you, in order to terminate the original Closure Notice.

Under section 19(8) Criminal Justice & Police Act 2001, this is a cancellation of the original Closure Notice and it shall have immediate effect once it is served upon you. This Cancellation Notice will also be served upon all the other persons upon whom that the original Closure Notice was served.

Leeds City Council will not, on this occasion, be applying to the Magistrates' Court for a Closure Order. This therefore concludes the matter as far as the council is concerned.

Yours faithfully

  
Paul Rix  
Senior Liaison & Enforcement Officer  
Entertainment Licensing

CC. West Yorkshire Police - Licensing.

**Website: [www.leeds.gov.uk](http://www.leeds.gov.uk)**  
**Switchboard: 0113 234 8080**

