



## LICENSING SUB-COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

MONDAY, 7TH JULY, 2014 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

B Gettings - Morley North;  
K Bruce - Rothwell;  
R Downes - Otley and Yeadon;

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Agenda compiled by:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR  
Tel No: 2243836

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<b><u>PRELIMINARY PROCEDURES</u></b>  <b>ELECTION OF THE CHAIR</b>	
2			<b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b>  To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)  (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	

Item No	Ward	Item Not Open		Page No
3			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1) To highlight reports or appendices which:</p> <p>a) officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>b) To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>c) If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p> <p>2) To note that under the Licensing Procedure rules, the press and the public will be excluded from that part of the hearing where Members will deliberate on each application as it is in the public interest to allow the Members to have a full and frank debate on the matter before them.</p>	
4			<p><b>LATE ITEMS</b></p> <p>To identify any applications as late items of business which have been admitted to the agenda for consideration</p> <p>(the special circumstances shall be identified in the minutes)</p>	

Item No	Ward	Item Not Open		Page No
5			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> <p><b><u>HEARINGS</u></b></p>	
6	Guiseley and Rawdon		<p><b>APPLICATION TO VARY A PREMISES LICENCE HELD BY TURKUAZ RESTAURANT 20 - 22 HARROGATE ROAD, RAWDON, LEEDS, LS19 6HJ</b></p> <p>To consider the report of the Head of Licensing and Registration on an application to vary the existing premises held at Turkuaz Restaurant, 20-22 Harrogate Road, Rawdon</p>	1 - 36

### **Third Party Recording**

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

#### **Use of Recordings by Third Parties– code of practice**

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.



Report author: Miss Janice Archibald  
0113 2474095

## Report of the Head of Licensing and Registration

### Report to the Licensing Sub Committee

**Date:** 7th July 2014

**Subject:** Application to vary a premises licence held by Turkuaz Restaurant 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Guiseley and Rawdon	
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 to vary a premises licence, made by Mr Kenan Karaaslan, for Turkuaz Restaurant 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ.

A full description of the variation can be seen at 3.3 of this report.

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

The application has attracted representations from responsible authorities.

## **1.0 Purpose of this Report**

- 1.1 To advise Members of an application made under section 34 of the Licensing Act 2003 ("the Act") for a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2.0 History of Premises**

- 2.1 The premises currently have the benefit of a premises licence.
- 2.2 The premises previously traded as a café bar known as Mocha Express at 22 Harrogate Road but have since extended and now incorporate 20 Harrogate Road into the premises.
- 2.3 On the 30<sup>th</sup> July 2010, an application was made for the grant of a premises licence. The premises were known as Nabu. Representations were made to the application, therefore a sub committee hearing was arranged to determine the application.
- 2.4 The sub committee decided to grant the application, the hours being 08:00 until 18:00.
- 2.5 On the 16<sup>th</sup> March 2011, a variation application was submitted. This was to vary the terminal hour for activities to 22:00. No objections were received to this application, therefore it was deemed granted as applied for.  
  
On 5<sup>th</sup> May 2011, a minor variation was submitted. This was to include off sales of alcohol as this was omitted from the original variation application by error. This application was granted.  
  
On the 7<sup>th</sup> December 2012, a transfer application was submitted, to transfer the premises licence into the name of Kenan Karaaslan. This was granted, there being no representations. The name of the premises was now Turkuaz.
- 2.6 A copy of the existing licence is attached at Appendix A.

## **3.0 The Application**

- 3.1 The applicant is Mr Kenan Karaaslan,
- 3.2 The application form may be found at Appendix B to this report.

3.3 In summary the application is for:

The sale of alcohol both on and off the premises  
11:00 am until midnight every day

Late night refreshment  
23:00 until midnight every day

Non Standard Timings

The non standard timings proposed are an additional hour on Christmas Eve and New Years Eve.

#### **4.0 Other matters relevant to the application**

##### **4.1 Equality and Diversity / Cohesion and Integration**

4.2 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

#### **5.0 Steps to promote the Licensing Objectives**

5.1 The applicant does not propose any change to the steps already being taken to promote the licensing objectives.

#### **6.0 Licensing Hours**

6.1 Members are directed to paragraphs 6.8 to 6.15 for 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 6.14 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. 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 impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

6.3 A list of premises in the local area and their licensed hours and activities is provided at appendix C.

## **7.0 Location**

7.1 A map which identifies the location of this premises is attached at Appendix D.

## **8.0 Representations**

8.1 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

### **8.2 Representations from Responsible Authorities**

8.2.1 Representations have been received from Planning Services and Environmental Protection Team in their capacity as a responsible authority.

8.2.2 The representation submitted by Planning Services remains as a matter for Members consideration. A copy of the same may be found at Appendix E.

8.3 The representation submitted by Environmental Protection Team remains as a matter for Members consideration. A copy of the same may be found at Appendix F.

### **8.4 Other representations**

8.4.1 There are no other representations.

## **9.0 Options Available to Members**

9.1 The licensing sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

9.2 Members of the licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.



## **10.0 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Other persons

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## Details of premises licence

**For: Turkuaz Restaurant**

This document provides details of the premises licence issued to the stated premises and is not a licence itself.

**Licence number:** PREM/02920/005

**Premises the licence relates to:** Turkuaz Restaurant, 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ

**Date licence first effective:** 11th October 2010

**Date current version effective from:** January 9, 2013

**Licensable activities authorised by the licence:**

Sale by retail of alcohol  
Every Day 08:00 - 22:00

**Opening hours of the premises:**

Everyday 08:00 - 22:00

**Premises licence holder(s):**

Mr Kenan Karaaslan, 8 Grasmere Court, Leeds, LS12 1LY

**Designated premises supervisor:**

Mr Halil Kurban

**Access to the premises by children**

Access to the premises by children is unrestricted

## Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
  - a. unauthorised access or occupation (e.g. through door supervision), or
  - b. outbreaks of disorder, or
  - c. damage
2. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or activities which require or encourage, or are designed to require or encourage, individuals to -
  - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
  - i. the outcome of a race, competition or other event or process, or
  - ii. the likelihood of anything occurring or not occurring;
- e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

## **Annex 2 – Conditions consistent with the operating schedule**

### **Additional details in respect of licensable activities authorised by this licence**

Concerns in respect of children:   None

### **Conditions consistent with the operating schedule relating to the licensing objectives**

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

### **The prevention of crime and disorder**

8. The Premise Licence Holder, Designated Premise Supervisor and all members of staff will ask for acceptable evidence (as agreed by WYP/WYTSS) from any person appearing to be under the age of 21 who attempts to purchase alcohol at the premises.
9. A suitable CCTV system will be maintained and be operational on the premises at all times when licensed activities are being carried out.
10. CCTV security footage will be made secure and retained for a minimum period of 31 days time to the satisfaction of WYP.
11. At all times that the premise licence has effect, the sale/supply and consumption of alcohol shall be ancillary to the provision of food and other non-alcoholic beverages.
12. The sale/Supply of alcohol shall be limited to the licensed area only, which shall not include the outside dining area as identified on the premise licence plan.
13. The consumption of alcohol in the outside dining area will be allowed but only if accompanied with an order for food and supplied from within the premises.

### **Public safety**

14. Written records of all accidents and safety incidents involving members of the public will be kept. These will be made available at the request of an authorised officer.
15. A suitably trained and competent person must ensure regular safety checks of the premises including decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
16. Electrical installations will be inspected on a periodic basis (at least every 3 years or at a frequency specified in writing) by a suitably qualified and competent person. If used, any temporary electrical wiring and distributions will also be inspected. Inspection

records/certificates will be kept. These will be made available at the request of an authorised officer.

17. One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models:
  - a) Each socket-outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30mA.
  - or
  - b) Each individual socket-outlet shall be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.

The current operation of all residual current devices shall be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets associated with a faulty residual current device.

18. A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner
19. Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scalds or burns to them.
20. A suitably trained First Aider or appointed person will be provided at all times when the premises are open.
21. Adequate and appropriate First Aid equipment and materials will be available on the premises.

Prem/09292/008 Appendix B  
JA



**PREM7**

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

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/we KENAN KARASLAN (insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number PREM 1029201005\*

**Part 1 - Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <u>TURKUAZ CAFE BAR &amp; RESTAURANT 20-22 HALLOGATE ROAD, RAWDON LEEDS</u>	
Post town <u>LEEDS</u>	Post code <u>LS19 6HT</u>

Telephone number of premises (if any) 0113 2502822

Non domestic rateable value of premises £7,500.00. per ANNUM "B"\*

**Part 2 - Applicant Details**

Daytime contact telephone number AS ABOVE OR 07506780227

Email address (optional) KKARASLAN@GMAIL.COM\*

Current postal address if different from premises address AS ABOVE

Post Town

**ENTERTAINMENT LICENSING**

12 JULY 2014

**RECEIVED**

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes  No

If not, from what date do you want the variation to take effect?

Day	Month	Year

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

Yes  No  †

Please describe briefly the nature of the proposed variation (please read guidance note 2)

We propose to change the sale of alcohol from 0800am - 10.00pm to 11am - MIDNIGHT. Also late night refreshments & recorded music

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend



**Part 4 - Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

**Please tick all that apply**

**Provision of regulated entertainment**

- a) play (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment (if ticking yes, fill in box I)**

**Sale by retail of alcohol (if ticking yes, fill in box J)**

**In all cases complete boxes K, L and M**

# A

<b>Plays</b> Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

# B

<b>Films</b> Standard days and timings (please read guidance note 7)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

### C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

### D

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Both		Please give further details here (please read guidance note 4)	
Tue			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 5)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 6)			
Fri						
Sat						
Sun						

# E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed				State any seasonal variations for the performance of live music (please read guidance note 5)	
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 6)		
Sat					
Sun					

# F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	10 AM	00.00 <del>11.30 PM</del>	Please give further details here (please read guidance note 4) Background recorded music	Both	
Tue	10 AM	00.00 <del>11.30 PM</del>			
Wed	10 AM	00.00 <del>11.30 PM</del>	State any seasonal variations for the playing of recorded music (please read guidance note 5) * Xmas additional hour to 1am on news hours Xmas eve.		
Thur	10 AM	00.00 <del>11.30 PM</del>			
Fri	10 AM	00.00 <del>11.30 PM</del>	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 6) * additional hour to 1am on Xmas & news hours eve.		
Sat	10 AM	00.00 <del>11.30 PM</del>			
Sun	10 AM	00.00 <del>11.30 PM</del>			

# G

<b>Performance of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors
Day	Start	Finish		Outdoors
Mon			Please give further details here (please read guidance note 4)	Both
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 6)	
Sat				
Sun				

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			<b>Will the entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors
Day	Start	Finish		Outdoors
Mon			Please give further details here (please read guidance note 4)	Both
Tue				
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 6)	
Sat				
Sun				

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	11:00 2300	00:00 MID 2359	Please give further details here (please read guidance note 4) Background recorded music during operating hours of the restaurant.		
Tue	11:00 2300	00:00 MID 2359			
Wed	11:00 2300	00:00 MID 2359	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	11:00 2300	00:00 MID 2359	* additional 1 hour on Xmas eve & new years eve.		
Fri	11:00 2300	00:00 MID 2359	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat	11:00 2300	00:00 MID 2359			
Sun	11:00 2300	00:00 MID 2359	* additional 1 hour on Xmas eve & New years eve.		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	11 am	00:00 2359	State any seasonal variations for providing dancing facilities (please read guidance note 5)		
Tue	11 am	00:00 2359			
Wed	11 am	00:00 2359	1 am New Years eve. 1 am XMAS EVE		
Thur	11 am	00:00 2359	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Fri	11 am	00:00 2359			
Sat	11 am	00:00 2359	* additional 1 hour on Xmas and new years eve.		
Sun	11 am	00:00 2359			

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

NIL

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	<p>1 am New Years Eves</p> <p>1 am XMAS EVE</p>
Mon	10 am	11:00 PM	
Tue	10 am	11:00 PM	
Wed	10 am	11:00 PM	
Thur	10 am	11:00 PM	
Fri	10 am	11:00 PM	
Sat	10 am	11:00 PM	
Sun	10 am	11:00 PM	<p>Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 6)</p> <p>additional One hour to 1 am on Xmas eve &amp; New Years eve</p>

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

ALCOHOL ~~Time~~ change ~~from~~ 0800 am to  
Ham. 23.59 ~~from~~ 0800 - 2200  
N. A.

Please tick  yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence



## M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

Sale of Alcohol only during licensed times.  
All existing conditions as per existing premises license

b) The prevention of crime and disorder

C.C.C.T.V cameras on premises

As per existing license.

c) Public safety

Full Public and employment liability insurance.  
All health and safety procedures adhered to.  
Full first aid and accident log on premises.

As per existing license.

d) The prevention of public nuisance

No Alcohol will be sold to any person under the influence of Alcohol. or 18yrs of Age.

As per existing license

e) The protection of children from harm

All children must be supervised by an Adult. No Alcohol will be served to under 18's.

As per existing license.

- Please tick  Yes
- I have made or enclosed payment of the fee
  - I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
  - I have sent copies of this application and the plan to responsible authorities and others where applicable
  - I understand that I must now advertise my application
  - I have enclosed the premises licence or relevant part of it or explanation
  - I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent.** (See guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature ..... *[Handwritten Signature]* .....

Date ..... *01/02/2014* .....

Capacity ..... *LICENSEE & OWNER* .....

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date .....

Capacity .....

<b>Contact Name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 14)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

**Issued premises licences and club certificates within an area**

**PREM/03282/001 - A Comer, 3B Harrogate Road, Rawdon, Leeds, LS19 6HW,**

Sale by retail of alcohol	
Every Day	07:00 - 20:00
Performance of recorded music	
Every Day	07:00 - 20:00

**PREM/02920/005 - Turkuaz Restaurant, 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ,**

Sale by retail of alcohol	
Every Day	08:00 - 22:00

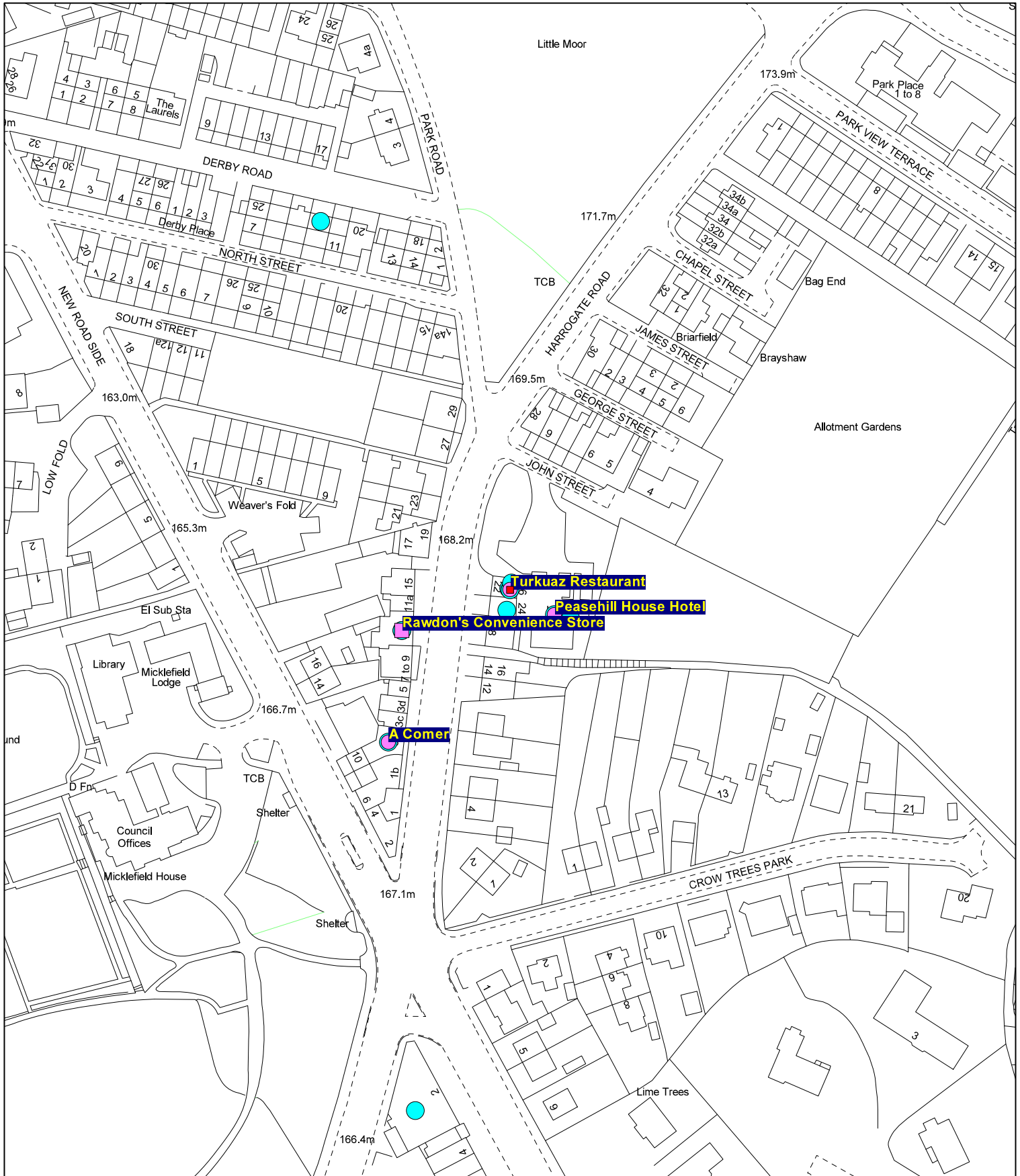
**PREM/03087/001 - Rawdon's Convenience Store, 11 Harrogate Road, Rawdon, Leeds, LS19 6HW,**

Sale by retail of alcohol	
Monday to Saturday	06:00 - 21:00
Sunday	06:00 - 18:00

**PREM/01322/002 - Peasehill House Hotel, Harrogate Road, Rawdon, Leeds, LS19 6HJ,**

Sale by retail of alcohol	
Monday to Saturday	10:00 - 00:00
Sunday	12:00 - 23:30
Performance of live music (Restaurant)	
Monday to Friday	07:00 - 23:00
Saturday	08:00 - 00:00
Sunday	08:00 - 23:00
Performance of recorded music	
Every Day	00:01 - 00:00
Performance of dance (Restaurant)	
Monday to Friday	07:00 - 23:00
Saturday	08:00 - 00:00
Sunday	08:00 - 23:00
Entertainment similar to live music, recorded music or dance (Restaurant)	
Monday to Friday	07:00 - 23:00
Saturday	08:00 - 00:00
Sunday	08:00 - 23:00
Provision of facilities for making music (Restaurant)	
Monday to Friday	07:00 - 23:00
Saturday	08:00 - 00:00
Sunday	08:00 - 23:00
Provision of facilities for dancing (Restaurant)	
Monday to Friday	07:00 - 23:00
Saturday	08:00 - 00:00
Sunday	08:00 - 23:00
Provision of facilities for anything similar to making music or dancing (Restaurant)	
Monday to Friday	07:00 - 23:00
Saturday	08:00 - 23:00
Sunday	08:00 - 23:00

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





This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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Key	
	On licence
	Late night refreshment
	Off licence
	Other

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Mr Kenan Karaaslan  
8 Grasmere Court  
Leeds  
LS12 1LY

**Planning Services**  
The Leonardo Building  
2 Rossington Street  
LEEDS  
LS2 8HD

Contact: **Chris Sanderson**  
Tel: 0113 2478216  
Fax: 0113 2478230

Your Ref:  
Our Ref: Licence Applications

Date 6<sup>th</sup> June 2014

Dear Mr Karaaslan,

**Subject: APPLICATION FOR PREMISES LICENCE**

**PART A**

Thank you for submitting your application for licensed activities at:

Name of venue:- Turkuaz Restaurant

Address:- 20-22 Harrogate Road, Rawdon, Leeds, LS19 6HJ.

We write to inform you we shall be objecting to your application and a copy of this letter will be sent to the Licensing Authority.

The premises were granted planning permission for variation of condition no.3 of planning approval 10/01082/FU in February 2011 reference number 10/04934/FU subject to a condition restricting the hours of use of the premises. The proposed hours of use set out in your Premises License application exceed those hours allowed by the planning permission.

Planning Services objects to the granting of a Premises License in the terms as applied for due to noise and disturbance being caused to nearby residential occupiers as a result of the comings and goings of customers and their motor vehicles and from activities within the building and customer congregating outside the building. It is considered that the opening hours applied for at these premises would conflict with the Licensing objective of preventing public nuisance.

Planning Services considers that the extended opening hours proposed are unlikely to be acceptable and that a Premises Licence should not be granted outside the hours specified in the existing planning permission unless and until an express planning permission or a Certificate of Lawful Development is obtained by the operator of the premises to extend those operating hours.



If you are willing to amend your application to the hours as specified in the existing planning permission, details of which are contained in Part B, then we shall withdraw our objection.

**PART B**

Licensing Act 2003 – Application for Premise Licence

On behalf of :

Turkuaz Restaurant

For the premises known as and located at :

20-22 Harrogate Road, Rawdon, Leeds, LS19 6HJ.

I am the applicant / representative authorised by the applicant (delete as appropriate)

In signing this document I request that the Licensing Authority accept this letter signifying my wishes to amend the application to reflect the hours as detailed in the existing planning consent, as follows :

Planning permission has been granted for the variation of condition no.3 of planning approval 10/01082/FU for opening hours to be 07.00 hours to 22.00 hours (permission ref 10/04934/FU dated 15-02-2011) subject to the following condition:

THE HOURS OF USE OF THE INSIDE OF THE CAFÉ SHALL BE 7AM TO 10PM ONLY. THE EXTERNAL SEATING AREA SHALL ONLY BE USED BETWEEN 8AM AND 6PM AND SHALL NOT BE USED AT ANY OTHER TIME.

THE REASON FOR THE CONDITION WAS IN THE INTERESTS OF AMENITY OF NEARBY RESIDENTS.

Signed :

Dated :

Please return this document to :

Planning Services  
Planning Compliance Service  
The Leonardo Building  
2 Rossington Street  
LEEDS  
LS2 8HD

Yours sincerely

Chris Sanderson  
Principal Compliance Officer





Mr Kenan Karaaslan  
8 Grasmere Court  
Leeds  
LS12 1LY

Environmental Protection Team  
Leeds City Council  
Millshaw Park Way  
Leeds  
LS11 0LS

Contact: Michael Ward  
Tel: 0113 3951414  
Fax: 0113 247 6282

Our reference: PREM/02920/006  
4 June 2014

Dear Mr Karaaslan

**Licensing Act 2003**

**Name of Premises: Turkuaz Restaurant**

**Address: 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ**

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important aim of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

You could meet this aim by agreeing to certain measures within your operating schedule that we suggest are reasonable and relevant to your application. The suggested measures are contained in part 1 of the enclosed document.

If you agree with the measures then please complete and sign part 2 of the enclosed form and return it to us as soon as possible. Once we receive the form we will take it that you wish the licensing authority to amend your operating schedule to include those measures as conditions on the licence.

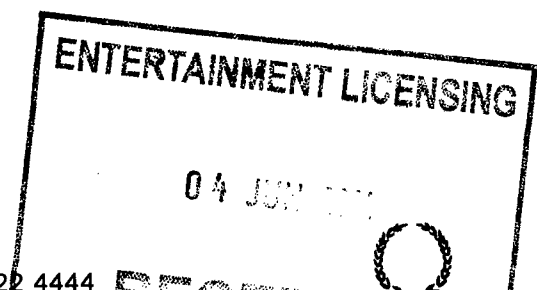
If you disagree with the suggested measures then please complete part 3 and return it to us as soon as possible. If you tell us that you do not agree to the suggested measures that matter will go to a formal hearing, where we will expand on the matters we outline in this letter by providing documented evidence. If you have any questions please do not hesitate to contact us.

If the opening hours you propose under this application are different to those on the current planning approval then you should also apply to Planning Services to vary the hours. If you operate without planning permission you may have not met the relevant planning condition. You can contact Planning Services by phoning the Development Enquiry Centre on 0113 222 4409.

Yours sincerely

Michael Ward  
Senior Environmental Health Officer

Encs



## **PART 1**

**To be completed by the responsible authority**

### **Leeds City Council's Environmental Action Service Proposed Controlled Measures under the Licensing Act 2003**

**Name of Premises: Turkuaz Restaurant  
Address: 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ**

We base our concerns on the following matters:

1. The potential for disturbance from odour arising from cooking and a kitchen extraction system.
2. The potential for noise disturbance associated with licensable activities to break out of the premises or pass through the fabric of the building to cause noise disturbance to nearby residential/business premises.
3. The potential for noise disturbance from the use of outside areas whilst smoking/drinking in the area/s provided/whilst arriving/leaving, including that from vehicles.

We base our concern on experience including that specifically associated with the premises and the area including data relating to complaints received from members of the public.

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us.

#### **Description of the surrounding area**

The area around the applicant premises consists of a mix of commercial and residential premises. This includes at least one flat above commercial premises 25 meters away on the other side of Harrogate Road and a hotel, with a residential flat that adjoins the applicant premises.

The area is situated close to a road junction where the Harrogate Road meets New Road Side and Micklefield Lane. The Junction is busy by day but can reasonably be expected to become less so as the evening progresses, where the background noise levels may also reasonably be expected to fall.

There are three other licenced premises in the close vicinity of the applicant premises. Two close many hours before the current and intended hours of opening in the application. The nearby Hotel offers opening hours that may be considered to set a precedent for the application but with due consideration to the concerns we express in this document.

The area 100M radius around the application site is not known for complaints. We have received two complaints concerning the applicant premises since 2011 that involve odour fumes and the kitchen extraction.

#### **Description of the applicant venue and the application:**

The applicant premises adjoin the hotel that also has a residential flat. It also faces at least one residential flat above the commercial premises on the opposite side of Harrogate Road (about 25M away).

The applicant premises is a single story building with a seating area available outside the frontage by the pavement / roadside.

The business website states that the business opens Tuesday – Saturday 11:00 – 23:00 and Sunday 10:00 – 23:00. These hours do not meet the current licensing hours or the planning consent. The business offers breakfast, lunch and an a la carte menu with alcohol.

The applicant wishes to alter the licensable hours for the provision of alcohol to 11:00–midnight each day from that currently operated, which is 08:00-22:00. The application also seeks to provide late night refreshment and recorded music for the same times. They also wish to extend the times by one hour, to 01:00 for Christmas and New Year.

The current licence has no conditions concerning the public nuisance objective. The planning consent (10/04934/FU) to vary the opening hours until 22:00 does have several relevant conditions in place. The applicant has stated within their operating schedule (part M of their application) that alcohol will only be sold within licenced times and the applicant points to the existing licensing conditions as how generally they may meet the four licensing objectives. Within part M(d) of their application they state that no alcohol will be sold to any person under the influence of alcohol or 18 years. The offered measures do not show how the applicant will meet the licensing objective, 'the prevention of public nuisance' in regard to noise, odour or other nuisance issues.

The onus is on the applicant to demonstrate such matters (Items 8.33 to 8.41 of the amended guidance issued under Section 182 of the Licensing Act 2003 – June 2013).

The existing planning conditions include (not all quoted):

- The hours of use of the inside of the café shall be 07:00 a.m. to 10:00 p.m. only. The external seating area shall only be used between 08:00 a.m. and 6:00 p.m. and shall not be used at any other time. (condition 3).
- Condition 5. The use of bollards to prevent parking outside may reduce the overall potential for noise from vehicles.
- Condition 6. The limit of the amount of covers (inside 30 and outside 6) may reduce the potential for noise.

Some of the planning conditions may not be wholly effective when considering prevention of public nuisance however:

- The applicant appears not to meet Condition 3 based on the opening hours they have advertised. Even if the business remains open until 23:00 the effect of a further extension until midnight and 01:00 on certain days appears untested and may reasonably be expected to cause complaints concerning noise.
- Condition 3 does not take account of smokers who are still likely to use the area directly outside the venue. This may cause noise issues especially during the later opening hours.
- Condition 4 restricts the use of the premises to that of a cafe within Use Class A3. The business refers to itself on its website as a café, bar and restaurant.
- Condition 5. Taxis, etc may still stop at the roadside to collect patrons and so noise from this source may still be a concern especially during the later hours.
- Condition 6. It should be noted that people will be outside for reasons other than to eat during the opening times. For example smokers.

### **Complaint and other history specific to the applicant premises**

Of the two complaints we have received concerning odour, one is current and the subject of an ongoing investigation. The complainant is the adjoining hotel and it is alleged the odour affects people whilst they wait to be seated at the hotel restaurant. The odour is alleged to include smoke

due to an inadequate extraction system. We consider that the changed hours may not exacerbate the complaint but in any event we must acknowledge that the allegation exists for the purposes of this application. The other complaint in 2011 effected the flat above the applicant premises at the adjoining hotel and was alleged to fill the residence with cooking odours and prevented window/s from being opened.

We have received no complaints relating to noise concerning the applicant premises. As we have no evidence to the contrary we have assumed for the purposes of this application that the opening hours operated go on until 23:00. We consider that there will be greater likelihood for noise disturbance should the opening hours be extended to meet times that local residents may retire to sleep. For example from voices, music break out through the front door whilst in use, vehicles, etc.

### **Conclusions reached**

We consider that the premises has reached its reasonable operating time at 22:00 and that any extension of hours could result in disturbance due to noise whilst people nearby are trying to sleep. We are also currently investigating an alleged odour nuisance.

Having considered the application under the Licensing Act 2003 for the above premises, we consider that the following measures are relevant and reasonable in order to meet the following aim of the licence:

- Prevention of public nuisance

### **Noise and Vibration**

1. Licensable activities shall be conducted and the facilities for licensed activities shall be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
2. Noise from a licensable activity at the premises will not be audible at the nearest noise sensitive premises, which are at Peasehill House Hotel and the adjoining residential Flat and residential accommodation above commercial premises opposite the premises subject to this licence on Harrogate Road.
3. There shall be no external loudspeakers.
4. Bottles will not be placed in any external receptacle between 11 pm and 7 am the following day to minimise noise disturbance to neighbouring properties.
5. Noise from plant or machinery shall not be audible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery shall be regularly serviced and maintained to meet this level.
6. The PLH/DPS will ensure patrons use external areas in a manner which does not cause disturbance to nearby residents and business in the vicinity.
7. Seating and tables made available for patrons to use before the outside seating area is closed at 18:00, will be suitably withdrawn and not be available for use by patrons after 18:00.
8. The activities of persons using the external areas to smoke shall be monitored after 11 pm and they shall be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary.

9. The premises shall be operated so as to prevent the emission of unwanted odours to minimise disturbance to neighbouring properties.

**Transport / Pedestrian Movement**

10. Clear and legible notices will be displayed at exits and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.
11. The designated premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.
12. A facility will be provided for customers to order hackney taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent position on the premises.
13. The premises supervisor will liaise with any local hackney taxis/private hire vehicle company whose details they provide in order to meet condition 11 of this licence in order to request that they operate with due regard to the needs of local residents, in particular emphasising the need to refrain slamming car doors, sounding horns and loud use of vehicle stereos.

Signed:

Dated:

**PART 2**

**To be completed by the applicant or applicant's representative**

**Consent for Proposed Controlled Measures under the Licensing Act 2003**

**Name of Premises: Turkuaz Restaurant**

**Address: 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ**

I / We .....

confirm that I am / we are the applicant / the applicant's representative (*delete as appropriate*) for the premises as stated above.

In signing this document I / we agree with the measures proposed by Leeds City Council's Environmental Action Service, and we provide our consent for the licensing authority to incorporate the said measures into the operating schedule for the stated premises.

Signed:

Dated:

Please return this document to:

Environmental Protection Team  
Leeds City Council  
Millshaw Park Way  
Leeds  
LS11 0LS

**PART 3**

**To be completed by the applicant or applicant's representative**

**Proposed Controlled Measures under the Licensing Act 2003**

**Name of Premises: Turkuaz Restaurant**

**Address: 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ**

I / We .....

confirm that I am / we are the applicant / the applicant's representative (*delete as appropriate*) for the premises as stated above.

I / We formally advise that we are not prepared to accept the proposed measures as suggested by Leeds City Council's Environmental Action Service.

In this instance we understand that Leeds City Council's environmental action service will maintain their representation to my /our application, which will now proceed to a hearing before the licensing sub-committee.

Signed:

Dated:

Please return this document to:

Environmental Protection Team  
Leeds City Council  
Millshaw Park Way  
Leeds  
LS11 0LS

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