

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 30th 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 16th 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 5th 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 7th 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