

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Sub Committee

Date: Tuesday 16th June 2015

Subject: Application for the Grant of a Premises Licence for Turtle Bay, Unit A14, The Light, Albion Street, Leeds, LS1 8TL

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	City & Hunslet	
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 Turtle Bay Restaurants Limited for Turtle Bay Unit A14, The Light, Albion Street, Leeds, LS1 8TL.

The proposal is made in respect of a premises wishing to operate as a Caribbean themed restaurant/bar.

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

The application has attracted representations from West Yorkshire Police, Leeds City Council's Health & Safety Team, the Environmental Protection Team and the Licensing Authority.

Agreements have been reached over the suggested measures offered by Health & Safety and the Environmental Protection Team. The operating schedule has been revised to include these additional measures.

The outright representations on behalf of West Yorkshire Police and the Licensing Authority are made on the grounds of the premises location in the 'Red Zone' of the cumulative Impact area. These representations are a matter for Member's consideration.

1.0 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 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 This is the first application for a premises licence for these premises.

3.0 The Application

- 3.1 The applicant is Turtle Bay Restaurants Limited.
- 3.2 The application form may be found at Appendix A of this report.
- 3.3 In summary the application is for

Supply of Alcohol (for consumption both on and off the premises)
Recorded Music

10:00 until 00:00 hours Sunday to Wednesday
10:00 until 01:00 hours Thursday to Saturday

Late Night Refreshment

23:00 until 00:30 hours Sunday to Wednesday
23:00 until 01:30 hours Thursday to Saturday

Times when the premises will be open to the public

10:00 until 00:30 hours Sunday to Wednesday
10:00 until 01:30 hours Thursday to Saturday

Non-standard Timings

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On the day that British Summertime commences; one additional hour to remove its effect.

4.0 Other matters relevant to the application

- 4.1 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 proposes to take the steps identified at Appendix B of this report in order to promote the licensing objectives.

6.0 Proposed Designated Premises Supervisor

6.1 Stephen Entwistle intends to be the Designated Premises Supervisor.

7.0 Licensing Hours

7.1 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.

7.2 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.

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

8.0 Location

8.1 A map which identifies the location of this premise is attached at Appendix D.

9.0 Cumulative Impact Policy

9.1 The premises are located within the 'Red Zone' of Cumulative Impact Area 1 - Leeds City Centre.

9.2 Cumulative impact means the potential impact on the promotion of the licensing objectives here there are a significant number of licensed premises concentrated in one area.

9.3 An applicant wishing to obtain a new licence for premises falling within any of the cumulative impact areas must identify through the risk assessment process and/or operating schedule the steps that they intends to take so that the council and responsible authorities can be satisfied with that granting of a new licence will not add to the impact already being experienced.

9.4 Details of the Cumulative Impact Policy specific to Area1 and an outline of the evidence behind the reason for setting this Policy is attached at Appendix E.

10.0 Representations

10.1 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.

10.2 Representations from Responsible Authorities

- 10.2.1 In total, representations have been received from West Yorkshire Police, the Licensing Authority, Leeds City Council's Health & Safety Team and the Environmental Protection Team.
- 10.2.2 The outright representation by West Yorkshire Police is made on the grounds of the premises location within the 'Red Zone' of the cumulative impact are. A copy of this representation can be found at Appendix F.
- 10.2.3 The application has also attracted representation from the Local Licensing Authority in their capacity as a responsible authority. This representation, as above, is also made on the ground of the premises location within the 'Red Zone'. Member's attention is drawn to a copy of this representation at Appendix G of this report.
- 10.2.4 Representation made by Leeds City Council's Health & Safety Team does offer suggested measures in order to uphold the public safety objective. These measures have been agreed by the applicant prior to this hearing and the operating schedule revised to include such measures. Members can view a copy of this representation at Appendix H.
- 10.2.5 The Environmental Protection Team have made a representation to this application on the grounds of the prevention on public nuisance. This representation also offers suggested measures which have been agreed by the applicant. A copy of the representation and agreed measures is available at Appendix I.

10.3 Other representations

- 10.3.1 There are no representations from other persons.

11.0 **Options Available to Members**

- 11.1 The licensing sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- Grant the 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.
- 11.2 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.

12.0 Background Papers

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