

Licensing Sub-Committee

Wednesday, 9th December, 2020

PRESENT: Councillor A Hutchison in the Chair

Councillors H Bithell and A Garthwaite

1 Election of the Chair

RESOLVED – That Councillor Andrew Hutchison be elected as 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 formal late items. However, there was supplementary information which had been published to the web page and circulated.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

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

The report of the Chief Officer Elections and Regulatory requested Members consideration of an application to vary a premises licence held by Turkuaz Restaurant, 20-22 Harrogate Road, Rawdon, Leeds, LS19 6HJ.

In attendance at the meeting were:

- Mr Kenan Karaaslan (Applicant)
- Mr Ali Yalcin (Applicant's Representative)
- Margaret Thompson (Objector)

The Licensing Officer informed the Sub-Committee of the following points:

- Amend condition 27 of the current license to extend the time customers are permitted to use the front garden/external area up to 22:00 hours, Monday to Sunday. The current permission allows use of this area up to 20:00 hours, Monday to Sunday. Also requested the allowance for the sale of alcohol and recorded music until 00:30 hours on Christmas Eve and New Year's Eve.
- History of the premises was set out at paragraph 2 of the submitted report;
- Schedule copy of the existing premises licence was appended to the report at Appendix A;
- The application was attached to the report at Appendix B;
- Entertainment Licensing were in receipt of nine individual letters of objection, one of which was submitted on behalf of Rawdon Parish Council. The representations oppose this application mainly on the grounds of public nuisance;
- Supplementary information had been received from West Yorkshire Police setting out agreed measures with the applicant.

Mr Yalcin on behalf of the applicant informed the Members of the following points:

- Turkuaz has been operational for 10 years;
- During the pandemic the restaurant has been practising social distance and whilst reducing the space inside the premises have used the outside space. Therefore, they would like to increase the hours of use for outside by an extra two hours, until 22:00 hours;
- There have been no objections received from Environmental Health;
- There are 19 businesses within 50 yards of the premises, one is a bistro and one is bar, Rawdon Moustache. Also nearby there is the Peasehill Hotel and Restaurant which is licensed until 11:00pm, it was also noted that there is an Italian restaurant which has the same operating times as the hotel;
- The outside area would not become a beer garden, alcohol would only be served outside with food;
- There is enough parking space, with most customers using taxi's or family members to drop them off and pick up. Residents nearby use the parking area in front of the premises and it was noted that there was a car park nearby;
- Currently the restaurant is open until 10pm. However, the applicant wishes to open for longer on Christmas Eve and New Year's Eve until 12:30am, so that his customers can stay longer if they wish to;
- Mr Yalcin was of the view that some of the claims made by the residents were personal issues.

Miss Thompson one of the objectors advised Members of the following points:

- This area is largely residential with a number of families living in the area. However, the area is a mix of residential and commercial premises, with a number of commercial premises having apartments above them. The Peasehill Hotel is behind Turkuaz;
- The neighbourhood is quiet and on summer evenings it would be nice to sit with windows open;
- People arriving or departing whether in vehicles or on foot late at night would cause a disturbance;
- Miss Thompson said that Turkuaz had served beyond their operating hours and this had been a nuisance;
- Miss Thompson was of the view that a 12:30am close on Christmas Eve and New Year's Eve would disturb the sleep of both the younger and older residents;
- The Peasehill Hotel has been very quiet this year, but it has been a business for a long time holding events and functions until 11:00pm. During functions the windows are closed so that noise does not escape. It was noted that there is a new bar on the same parade as Turkuaz, but due to the pandemic the bar has not yet been operational;
- The area has changed from small local shops, but none of the other businesses have a licence for serving alcohol outdoors;
- It was noted that Turkuaz currently have planning permission until 6:00pm for the outside area with covers limited to six people. It was also noted that planning needed to consider the parking issues outside the premises as many residents did not have off street parking;
- Members attention was drawn to the photographs within the agenda pack, which showed people eating and drink outside the premises and also of cars parked on pavements;

- There had been 9 individual letters of objection and it had only been a few weeks since an application had been submitted for a minor variation which had been refused. Miss Thompson was of the opinion that nothing had changed, there were still issues of noise and parking.

Responding to Members questions the Licensing Sub-Committee were provided with the following information:

- The restaurant wanted to match up licensing and planning permission for both inside and outside. No music was allowed outside and the permission was only for six people outside with glasses collected regularly;
- 70% of the year the outside area was unusable due to the weather in this country;
- Alcohol is served to accompany the meal, although alcohol would be served after the customer had eaten if they wanted another drink, but the alcohol was expensive as served at restaurant prices. Therefore, not many people would just sit and drink.
- They were not allowed to serve beyond 10:00pm;
- The road on which the restaurant is located is a main road to the airport, therefore is busy. It was the applicants opinion that taxi's dropping off and picking up would not be an issue as engines were much quieter and it was only a matter of seconds for people getting in to or out of cars;
- The restaurant had not taken part in the 'eat out to help out' initiative because of concerns in relation to social distancing. It was noted that this was why there had been a number of tables stored outside, although the tables were now stored elsewhere;
- The customers who use the restaurant are well mannered, this is a local restaurant. The busiest nights are Friday and Saturday, the restaurant is closed on Monday night, most nights the restaurant is closed at 9:00pm;
- It was clarified that 30 people can sit inside it was noted that due to Covid 19 restrictions this is currently less, only 6 people can sit outside;
- The reason for the application was due to requests from customers for longer hours;
- The outside is used for those wishing to eat a meal and alcohol can be served with the meal. The front of the premises is also used for those wishing to smoke;
- Last orders are at 9:30pm with the kitchen not used after 9:30pm;
- The applicant was requesting the extended hours Monday to Sunday as the outside area could only be used when the weather was good and this could not be guaranteed on a weekend;
- The applicant was of the view that he had a good relationship with his neighbours and that many of the customers were from the local area;
- Miss Thompson said that the noise had intruded in to people's homes when they had served after 8:00pm. She said that tables are regularly moved outside, she did not mind the occasional disturbance but did not want it on a regular basis.

In summing up the applicant said that within the 10 years that they had been there, there had been a number of changes to the little high street with more cafes and

bars opening up. It was not their intention to disturb the neighbours and would address any complaints.

There was noise from the Peasehill Hotel after functions where they could hold up to 120 people. There were a number of businesses in the area that sold alcohol up to 10:00pm, including the Italian restaurant and the off licence.

Harrogate Road is a busy main road which is used by people using the airport and travelling towards Otley and Harrogate.

In relation to questions about the photographs and the fact that they showed more than six people sat eating and drinking outside the premises, the Sub-Committee were informed that these pictures were on the website and were used to advertise the business and would be removed if thought that they were giving the wrong impression of the premises.

Member's discussions included:

- The photographs from the website;
- Other licensed premises in the area;
- Extended opening hours on weekdays, Christmas and New Year's Eve.

RESOLVED – to grant the variation but not to the full extent sought by the Applicant.

1. The Committee agreed to amend Condition 27 of the licence to extend the latest time at which customers are permitted to use the front garden/external area from 20:00 to 21:00 hours, Sunday to Thursday and from 20.00 to 22.00 on Friday and Saturday; and
2. The Committee agreed to allow the sale of alcohol and playing of recorded music (in each case, indoors only) as non-standard timings for New Year's Eve, but not for Christmas Eve.

The meeting concluded at 12:10