

**Report of the Head of Elections, Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: Tuesday 24<sup>th</sup> April 2018**

**Subject: Application to Vary a Premises Licence Held by 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 to vary the premises licence held by Turtle Bay Restaurants Limited for Turtle Bay, Unit A14, The Light, Albion Street, Leeds, LS1 8TL.

This application is made to extend the terminal hour of each current licensable activity on Friday and Saturday evenings.

These premises reside within the 'Red Zone' of the Leeds City Centre Cumulative Impact Area.

A previous application to vary the premises licence was considered by the Licensing Sub Committee on the 27th June 2017 and refused entirely following careful consideration. On this occasion the applicant has provided additional information to help alleviate concerns with the premises location in the Cumulative Impact Area.

It should also be noted that this application was originally heard on the 20<sup>th</sup> March 2018 and adjourned at the request of the applicant's representative.

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

Representations opposing the application entirely have been received from West Yorkshire Police and the Licensing Authority.

## **1 Purpose of this Report**

- 1.1 To advise Members of an application made under Section 34 of the Licensing Act 2003 ("the Act") to vary 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 History of Premises**

- 2.1 An application for the initial grant of this premises licence was received on the 20th April 2015.
- 2.2 The application attracted outright objections from both West Yorkshire Police and the Licensing Authority due to the premises location within the 'Red Zone' of the Leeds City Centre Cumulative Impact Area. A representation was also received from the Environmental Protection Team that suggested added measures to uphold the prevention of public nuisance licensing objective. These were agreed prior to the application being heard.
- 2.3 Members considered the representations from West Yorkshire Police and the Licensing Authority at hearing on 16th June 2015. In accordance with the evidence heard, Members resolved to grant the application subject to a number of amendments to the operating schedule.
- 2.4 These amendments included a reduction in hours for both licensable activities and the opening hours of the premises, the implementation of further conditions in relation to a minimum number of covers, a full meals menu and waiter/waitress service being available, prohibiting entry to the premises beyond midnight and the use of the Albion Street outside seating area ceasing at 22:00 hours.
- 2.5 An application to vary the existing premises licence was received by the Licensing Department on 2nd May 2017. This application proposed to extend the terminal hour for licensable activities and similar to initial application, it attracted representations from West Yorkshire Police and the Licensing Authority objecting entirely on the grounds of the Cumulative Impact Policy.
- 2.6 Members on this occasion determined to reject the application on the grounds that to do so was appropriate for the promotion of the Licensing objectives.
- 2.7 Details of the current premises licence can be viewed at Appendix A of this report. This includes the currently permitted licensable activities/hours and all measures within the operating schedule.

### **3 The Application**

3.1 The applicant is Turtle Bay Restaurants Limited.

3.2 In brief the application is to:

- To permit the sale of alcohol and recorded music until 01:00 hours on Fridays and Saturdays;
- To permit the provision of Late Night Refreshment until 01:30 hours Fridays and Saturdays;
- To permit the opening hours of the premises until 01:30 hours on Friday and Saturdays.

3.3 The applicant acknowledges the premises location within the 'Red Zone' of the Impact Policy and has included supplementary documentation to demonstrate how the premises will not add to the effects that are currently being experienced in that area. These documents include a cumulative impact statement, a dispersal policy and licensing presentation on the background, branding and style of operation. Member's attention is drawn to Appendix B.

### **4 The Operating Schedule**

4.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary. It also explains that there is no intention to amend the condition regarding the restriction on entry beyond midnight.

### **5 Location**

5.1 A map which identifies the location of these premises is attached at Appendix C.

### **6 Representations**

6.1 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.

#### Representations from Responsible Authorities

6.2 The representation submitted by West Yorkshire Police expresses concern that an extension of hours for a premises in an area that is already saturated with other licensed premises, will provide an additional opportunity for persons to become intoxicated, remain in the area and add to the effects already being experienced. Member's attention is drawn towards a full copy of this representation at Appendix D of this report.

6.3 The representation made by the Licensing Authority expresses similar concerns as based on the CIP evidence, the severity of the problems being experienced in the area are rising. A copy of the representation can be viewed at Appendix E.

## **7 Cumulative Impact Policy**

- 7.1 The premises are located within the 'Red Zone' of the Leeds City Council Cumulative Impact Area.
- 7.2 Cumulative impact means the potential impact on the promotion of the licensing objectives due to significant number of licensed premises concentrated in one area.
- 7.3 An applicant wishing to vary a licence for premises which fall within any of the cumulative impact areas must identify, through their operating schedule, the steps they intend to take so that the council and responsible authorities can be satisfied that granting this variation would not add to the impact already being experienced.
- 7.4 Details of the cumulative impact policy specific to this area and an outline of the evidence behind the reason for setting this policy is attached at Appendix F.
- 7.5 Members are directed to paragraphs 7.67 to 7.70 of the Statement of Licensing Policy which provides examples of how an application may be considered as demonstrating there will be no impact on the licensing objectives and the matters that the council would not normally take into consideration.

## **8 Licensing Hours**

- 8.1 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.
- 8.2 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.
- 8.3 A list of premises in the local area and their licensed hours and activities is provided at appendix G.

## **9 Equality and Diversity Implications**

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

## **10 Options Available to Members**

10.1 The licensing subcommittee 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.

10.2 Members of the licensing subcommittee 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.

## **11 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Statement of Licensing Policy