

## **Turtle Bay, The Light, Leeds**

### **Cumulative Impact Statement**

#### **Introduction**

As noted in the variation application, Turtle Bay Restaurants Limited acknowledge that this premises (or at least part of it) falls within the Red Zone of Leeds City Council's Cumulative Impact Area. However, they are confident that, for the reasons explained in this statement, this application is a genuine exception to that policy, and further that the grant of this application would uphold the aims of Leeds City Council's Statement of Licensing Policy (the "Policy").

We would submit that there is ample evidence to show that this is the case, and we provide that evidence as part of this application.

#### **Background**

Turtle Bay was granted its licence at this site in 2015, in the Red Zone, as an exception to the Policy. At the time, Turtle Bay applied for hours for licensable activities until 01:00 on a Friday and Saturday, but the licence was granted until 00:00 daily.

After 17 months trading, in May 2017, Turtle Bay applied to extend hours on a Friday and Saturday until 01:00 (plus 30 minutes dispersal) but this application was refused. The reason for this decision was stated to be the location of the premises in the Red Zone, which creates a presumption against the extension of any existing licences. The Policy states that the Council will only grant applications in the red zone in exceptional cases. In this instance, the Committee did not feel that the application was sufficiently exceptional to rebut the presumption.

We would respectfully submit that this application, seeking an additional hour for licensable activities (and an additional 30 minutes opening) on a Friday and Saturday, is exceptional, as a result of the style of operation of the premises; its trading history; and the conditions

attached to the premises licence currently. As a result of all of these factors, we would suggest that the granting of this application is in line with the Policy, and we set out a detailed analysis of this below.

### **Style of Operation**

It is useful at the outset to examine the unique features of Turtle Bay which meant that the Committee felt able to grant the licence as an exception to policy in 2015. It is clear from the grant of the licence in the Red Zone in itself that Turtle Bay is an exceptional operation.

These factors combine to create a unique premises, which doesn't just not add to cumulative impact, but, we would submit, actually has the capacity to improve the situation by raising the bar.

Turtle Bay is a Caribbean themed restaurant and bar, which has been trading across the country for 7 years, having opened in Milton Keynes in 2010. The vision of the operation is to become the definitive casual Caribbean restaurant in the UK. What Jamie's is to Italian, Wagamama is to Japanese and Las Iguanas is to South American; Turtle Bay is to Caribbean.

The focus of the operation is on fresh, quality food. Indeed, no more than 10% of takings per site come from customers using the bar for drinks only. Turtle Bay sites have A3 planning use with ancillary bar.

Whilst it is not reasonably practicable for the sites to operate by only serving alcohol to customers taking a meal, Turtle Bay is genuinely a food led premises and the proportion of those attending the premises for drinks only is very small. Turtle Bay like to offer people the opportunity to come and sit at their bar and enjoy a drink or two so that they can see what Turtle Bay is all about and hopefully be enticed to dine, or come back and enjoy their food in the future. They also have no issue with a group of people coming to eat at the premises but, for example, one or two members of the group deciding not to eat and accompanying the party to enjoy a drink. However, generally the people visiting Turtle Bay will be doing so to eat. They believe that this relaxed approach reflects the modern, less formal way that large sections of the public now wish to dine.

Turtle Bay attracts a wide range of customers, of all ages and walks of life – young and old, male and female, couples, groups and families.

Turtle Bay is unashamedly family friendly, offering children's dishes on their extensive menu.

The customers of Turtle Bay visit for a casual dining experience, this is certainly not a vertical drinking venue. It does not attract large groups of young people attending the premises for the purpose of drinking.

It is as a result of this that Turtle Bay premises across the country trade, to the hours sought in this application, in various cumulative impact zones (such as York, Liverpool, Bristol, Derby, Cardiff, London, Oxford, Nottingham, Newcastle, Norwich and Bournemouth) without negatively impacting upon the licensing objectives.

Furthermore, there are extensive and comprehensive conditions attached to this licence that ensure that this style of operation is maintained, as follows:

- Full CCTV conditions;
- SIA requirements;
- Last entry condition;
- Concept condition meaning the premises must continue to trade in the style of Turtle Bay;
- Restricted timings for outside seating;
- Dispersal and smoking policies;
- Minimum number of identifiable covers;
- Full meals menu; and
- Waiter and waitress service available.

Indeed, it is this unique combination of factors and conditions that ensures the premises does not contribute to the cumulative impact experienced in the Red Zone in Leeds, and indeed we argued at the time of the initial premises licence application that this would be the case.

However, one of the reasons that the Committee referred to in their initial decision to grant the licence to midnight only was the fact that we could not prove that our other establishments had ‘no detrimental impact on the cities in which they are located’. Further, of course they did not have any actual evidence of Turtle Bay’s tried and tested formula trading in Leeds city centre. This is, of course, no longer the case.

### **Trading Experience**

Turtle Bay has now been trading in Leeds almost 2 years. During the previous hearing in relation to the proposed extension to hours referred to above, West Yorkshire Police produced additional evidence in relation to this premises which provided details of its trading history.

Prior to and following submission of the previous application, WYP visited the premises twice, and whilst there were technical issues with a lack of BACIL radio and CCTV not recording for the requisite period of time (both of which were addressed immediately), both visit logs noted that there was no drunkenness in the premises. Nothing negative in terms of customer behaviour was noted in these logs.

They also provided a list of crimes specific to Turtle Bay’s venue recorded between January 2016 and the date of the hearing. Every single one of these offences was a property offence – e.g. theft or making off without payment. There was not a single incident of aggression, violence or disorder noted in relation to Turtle Bay.

We would submit that this very fact; the absence of a single incident of violence or disorder in relation to a licensed premises in the heart of a city centre, in a cumulative impact zone, is in itself demonstrative of the exceptional nature of Turtle Bay’s operation.

To support this conclusion, we submitted a Freedom of Information Act 2000 request for a list of the dates, numbers and types of crimes recorded at other venues in the Red Zone from

January 2016 onwards (i.e. the time period in respect of which WYP provided crime statistics for Turtle Bay). Please see below a list of some of those venues, and the number of incidents of offences cited as either violence against the person, public order offences, possession of weapons, arson/criminal damage, or sexual offences. As well as these, there were also a number of thefts/other property offences at these premises, as per the experience at Turtle Bay.

<b>Venue</b>	<b>Number of Offences</b>
Players Bar, 123 Albion Street	32
Pryzm, 16-18 Woodhouse Lane	54
Red Hot World Buffet, 44-48 The Headrow	4
Tiger Tiger, 117 Albion Street	37
Bierkeller, 1 South Parade	4
Yate's, 43 Woodhouse Lane	38
Miller & Carter, 56-58 The Headrow	1
Shooters, 123 The Headrow	2
Subway, 114 Albion Street	13
McDonalds, Merrion Street	1
The Picturehouse, 82-90 Merrion Street	7
The Hedley Verity, 43 Woodhouse Lane	4

As can be seen, there are some premises, of a very different type to Turtle Bay, with an exceptionally high number of violence/disorder related offences. The nature of Turtle Bay as a restaurant with bar, rather than a bar or a nightclub explains this discrepancy. However, it is also interesting to note that even some premises which are also food led (Red Hot World Buffet, Miller & Carter) experienced at least 1 incident of violence/disorder. The absence of a single such offence at Turtle Bay clearly highlights that its unique style of operation is achieving exceptional results in terms of upholding the licensing objectives.

Furthermore, not only does the premises have evidence that it can trade within the terms of its current licence without negatively impacting upon the licensing objectives, it also has considerable evidence that it can trade to the extended hours sought in this application without negative impact.

Turtle Bay has traded until 01:00 (plus 30 minutes for late night refreshment and dispersal) the following morning under temporary events notices on the following days:

- 2<sup>nd</sup> and 3<sup>rd</sup> December 2016
- 10<sup>th</sup> and 11<sup>th</sup> December 2016
- 17<sup>th</sup> and 18<sup>th</sup> December 2016
- 24<sup>th</sup> and 25<sup>th</sup> March 2017
- 31<sup>st</sup> March and 1<sup>st</sup> April 2017
- 7<sup>th</sup> and 8<sup>th</sup> April 2017
- 14<sup>th</sup> and 15<sup>th</sup> April 2017
- 21<sup>st</sup> and 22<sup>nd</sup> April 2017
- 28<sup>th</sup> and 29<sup>th</sup> April 2017

None of these dates appear on the list of crimes submitted as part of the police evidence referred to above. The premises did not receive a single complaint or even visit from a responsible authority on any of these dates. It is therefore clear that the premises did not cause a problem, or negatively contribute to cumulative impact when it traded later than its usual hours on those dates.

As such, there is no evidence to suggest that if it were permitted to trade until 01:00 (plus 30 minutes) every Friday and Saturday that there would be any negative cumulative impact. Again, this clear evidence of a lack of cumulative impact must surely be considered exceptional.

If the premises, and the application, is considered exceptional, then Leeds City Council would be acting entirely in accordance with the Policy in granting this application, notwithstanding its location in the Red Zone, as this of course rebuts the presumption against grant. Further, we would submit that Turtle Bay as a premises in general, and the grant of this application specifically, is entirely in accordance with and upholds the aims of the Policy.

## **Policy**

### **Section 1**

The starting point of the Policy is set out in paragraph 1.5, which states that the Council ‘adopts the overall approach of encouraging the responsible promotion of licensed activities’. As per the evidence above, Turtle Bay has demonstrated that it is entirely capable of delivering licensable activities responsibly, and as such their operation should be encouraged and supported.

Paragraph 1.13 provides that applicants for premises licences should be aware of the expectations of the licensing authority and responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and should demonstrate their knowledge of the local area. We would refer to the extensive conditions currently attached to the premises licence as outlined above which demonstrate the steps we take to uphold the licensing objectives.

Our knowledge of the local area is of course based upon our experience of trading at the premises, and this includes knowledge of the other premises around us. We have no desire to become a nightclub, or even a pure bar, and attract the sorts of problems that are associated with those sorts of premises (as can be seen from the incidents tabled above). However, we do believe that there is a continuing demand for our premises in the area, for a food led, more casual premises where customers can enjoy a relaxed evening out. It is our experience in this area that some customers want to eat at relatively late hours, particularly at the weekends, and then want to dwell for a drink or two before going home, rather than moving on to the other premises in the area. This is precisely why we seek the extra hour for the licensable activities applied for in this application.

As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.

## Section 2

Section 2 of the Policy deals with the Council's vision for Leeds. It has sought, and we believe has been successful in this aim, to establish Leeds as a major European city, and cultural and social centre. We believe that well run, attractive and vibrant licensed premises like Turtle Bay make an important contribution to this. The Policy refers to Leeds as a city with many cultures, races and faiths, and it is very important to us that we are one of the only premises providing traditional Caribbean food, appealing both to customers from that background and to customers who want to experience that culture. As well as providing the traditional food, we believe that we create an authentic Caribbean atmosphere. This atmosphere ties in with our relaxed ethos, which is behind our desire for our customers to be able to dwell with us a little longer at the weekends.

As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.

## Section 3

Section 3 deals with the integration of the Policy with other guidance, policies and strategies. This section refers to the Vision for Leeds 2011 to 2030 which cites the key aim of making Leeds the best city in the UK. This means that Leeds is to be fair, open and welcoming; prosperous and sustainable; and successful. We believe that this is achieved by supporting successful and responsible businesses which make a valuable contribution to the city centre.

It goes on to state that Leeds must continue to be a forward looking city, and we are of the view that this means that it must adapt to trends in terms of the leisure and hospitality industry. We would say that, in our view, it is increasingly the case that premises do not fall into such distinct categories of restaurant or bar; somewhere where you just go for a drink or somewhere where you just go for a meal. Customers of Turtle Bay will, most often, visit for a meal but sometimes they will visit for a drink, and sometimes they will have drinks before or after a meal. We find that there is a demand for customers to dwell later to do this on a Friday and Saturday, and we would like to be able to cater for that demand in Leeds, subject of course to ensuring that this will not cause a negative impact, which experience from trading under TENs has shown is the case.



This section also refers to Leeds' Child Friendly Policy, and specifically to the wish that children in the city have friendly places to go. As noted above, Turtle Bay is absolutely a child and family friendly premises, and families dine with us on a regular basis.

As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.

#### Section 4

As is confirmed by this section, it is for Turtle Bay as applicants to decide the measures to suggest in our operating schedule to promote the licensing objectives. The measures that were proposed in the initial application for this licence are now conditions attached to the premises licence as detailed above. There is no proposal to change or remove any of these conditions, and they will apply equally during the extended hours sought. We would therefore submit that these measures are sufficient to promote the licensing objectives, both currently and during the extended hours.

This section goes on to state that the Council will look to impose conditions to regulate behaviour on licensed premises with a view to the prevention of crime and disorder in and in the immediate vicinity of the premises. It is clear that this has been successful in relation to Turtle Bay given the crime statistics referenced above, and there is no reason to think that this would change simply by reason of one additional hour two nights a week.

The suggested conditions targeted on deterrence outlined at paragraph 4.11 are all included in the premises current licence (CCTV, door supervision, BACIL radio, pub watch membership), with the exception of a capacity limit which is more properly determined by a fire risk assessment. However, reference to a capacity limit is to where it is necessary to prevent overcrowding likely to lead to disorder and violence. Firstly, the premises is not associated with disorder and violence. Secondly, the predominately seated nature of the premises prevents possible overcrowding.

As well as crime and disorder, this section deals of course with the other three licensing objectives. However, it is notable that there was no Environmental Protection, Health and Safety, Safeguarding Board or any other responsible authority objection to the previous

application. The objections came from West Yorkshire Police and their concerns from a crime and disorder perspective were supported by the Licensing Authority. There have been no noise complaints made in relation to the premises since it began trading.

Nor have there been any concerns with respect to any underage sales or any other harm to children. Indeed, the police visit logs referred to above confirm that ID checks were being carried out, challenge 21 posters were displayed and there were no underage drink issues. In any case, as per the above in reference to the Leeds Child Friendly Policy, the premises is family friendly and welcomes children, subject to sensible restrictions in terms of times.

The existing premises licence does have extensive and comprehensive conditions which deal with all four of the licensing objectives. Again, these conditions will continue to apply and be adhered to if the premises is permitted to trade these additional hours.

As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.

## Section 5

This deals with the general principles of the Policy, and the key message here is delivered in paragraph 5.1. This states that in determining a licensing application ‘the overriding principle will be that each application will be determined on its own merits’. We would submit that the specific merits of this application, specifically in terms of the evidence of Turtle Bay’s exemplary trading record and the fact that its style of operation clearly does not and has not impacted negatively upon the licensing objectives (including when trading to the hours proposed under TENs), mean that the grant of it would be entirely in accordance with the Policy.

At paragraph 5.6, the Policy states that the ‘requirement to promote the licensing objectives will be the paramount consideration’. We have provided substantial evidence that Turtle Bay does promote the licensing objectives, and will continue to do so if permitted to trade these extra hours.

Paragraph 5.7 refers to the factors to be taken into account when looking at the impact of licensed premises. These are as follows:

- The style of operation, number of customers and customer profile.
  - These items have been detailed above, and we have provided evidence that our style of operation means that our premises does not impact negatively.
- The location of the premises and the proximity of noise sensitive properties.
  - The premises is located on the cusp of the Red Zone and the Amber Zone, and we suspect that the previous application would not have been the subject of a contested hearing if it were located entirely in the Amber Zone. Whilst it is in the Red Zone, it is very different to a number of the other premises located near to it and offers an attractive alternative to those high volume vertical drinking premises.
- The proposed hours of operation.
  - We seek an additional hour for licensable activities two days a week, and only an additional half hours opening, as the premises is already permitted to open until 01:00 on the days in question. We have proved our ability to trade to these hours without negative impact upon the licensing objectives.
- The transport arrangements for customers attending or leaving the premises and any possible impact on local residents and businesses.
  - The premises is located in an excellent position for transport and has an arrangement with a local taxi firm which operates a ring back service. The premises has never had any complaints in respect of its operation from local residents or businesses.
- Any proposed methods for the dispersal of customers.
  - The premises has a dispersal policy, a copy of which is attached to this application.
- The scope for mitigating any impact.
  - We would submit that it is shown that the premises has not had any negative impact.
- The extent to which the applicant has offered conditions to mitigate the impact.
  - These conditions are already attached to the premises licence, as outlined above.

- How often the activity occurs.
  - The premises proposes to open for an additional hour twice a week, and has, over an extended period of time in 2016 and 2017, proved its ability to do so.

Paragraph 5.8 states that in any application for variation the Council may also take account of ‘past demonstrable adverse impact’. We would submit that it must therefore follow that the Council may also take account of past demonstrable positive impact, evidence of which has been provided above.

As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.

## Section 6

Whilst the Policy confirms that licensing committees are not bound by decisions made by planning committees and vice versa, it does also state that officers can consider discussion with their planning counterparts. We would highlight that the premises has, and will continue to have A3 planning permission, and would never seek to change this to A4. As such, notwithstanding the proposed extension to hours, the premises would still have to trade predominately as a restaurant.

Furthermore, it is worth noting that there is no hours restriction attached to the planning permission for the premises.

This section also deals with licensing hours and suggests, at paragraph 6.9, that in some circumstances staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is reduced. This extension to hours would by no means bring our premises in line with the late night premises in area which disperse at 03:00 or 04:00 or even later. Furthermore, given our last entry time of midnight, we believe that this extension of hours to 01:00 plus 30 minutes dispersal would naturally create a more gradual dispersal from the premises, as customers will be dispersing over a period of an hour and a half.

It goes on to state that premises can impact adversely on the surrounding area due to disturbance or crime and disorder. However, across the country and in Leeds, these issues simply are not associated with Turtle Bay. Customers are overwhelmingly mature and discerning and not the sort of people who would behave in an anti-social manner. Indeed, if there have been no incidents of crime and disorder at or in the vicinity of the premises itself, it follows that it is highly unlikely that our customers are causing crime and/or disorder elsewhere.

Crucially, the Policy states that the Council supports ‘the development of a wide ranging and culturally diverse night-time economy, where this can be achieved whilst promoting the four licensing objectives’. We would submit that Turtle Bay adds to the cultural diversity of the night-time economy, and absolutely does do this whilst promoting the licensing objectives. Paragraph 6.12 goes on to state that this will be the paramount consideration at all times.

Paragraph 6.13 states that the Council will only grant hours of proposed use where the operating schedule demonstrates that the application has properly considered what is appropriate for the area, the potential effect on the licensing objectives is not significant and the operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact. We have considered and are acutely aware of what is appropriate for the area, we have demonstrated that trading to these hours does not impact upon the licensing objectives. There are extensive steps set out by way of the conditions currently attached to our premises licence.

When considering hours, the Policy goes on to state that restrictions may be made to proposed hours of use when it is appropriate for the promotion of the licensing objectives to do so. This was the route that the Council took when initially granting the licence, but we have now presented the Council with evidence that this restriction to midnight is not necessary on a Friday and Saturday, and that 01:00 can be traded without negative impact. It also states that applications which are significantly out of character for a locality will need to demonstrate that the hours sought will not impact negatively. We would suggest that the hours are not out of character, indeed, if anything, the hours proposed are lesser than those of other premises in the area, and that we have demonstrated that this will not impact negatively.

This section also refers to drinking up time, and suggest that a 30 minute period will assist in gradual dispersal of customers and reduce the impact on the area. We have incorporated a 30 minute dispersal period, and, given the last entry time, as noted above, there will actually be a one hour and 30 minute period in which no new customers will be permitted.

The importance of operating schedules is highlighted in this section, and our operating schedule submitted with the initial application can be seen by way of the conditions attached to the licence. We also agreed additional conditions with the responsible authorities to provide further comfort. Again, we would emphasise that none of these conditions are changing and will continue to be adhered to. When drafting our initial operating schedule, we considered all matters referred to at paragraph 6.24, and it is clear from the lack of incidents at the premises that these conditions were appropriate and have been successful in ensuring that the licensing objectives are upheld.

Again in relation to dispersal, the Policy refers to a concern that a lack of transport provision in the city centre contributes to incidents of disorder. Turtle Bay has not experienced any incidents of disorder, and dispersal from the premises is very carefully managed by staff and door staff. More often than not, customers do get taxis home and staff always encourage customers to wait inside for their taxis until they arrive.

The Policy states that the Council is acutely aware of the link between the supply of alcohol that is subject to promotions, which leads to excessive consumption, and incidents of crime and disorder. In terms of promotions, the only offer run at the premises is for two-for-one cocktails during certain hours. However, the cocktails are premium priced in any case and are low ABV given the non-alcoholic drinks included in them. The average Turtle Bay cocktail contains 2 units of alcohol. There is no question that this promotion is responsible. Furthermore, the premises, being food focussed, is not one that customers visit and become excessively intoxicated. First of all, that is not the sort of experience that Turtle Bay customers are looking for, and secondly Turtle Bay would not permit their customers to become excessively intoxicated on the premises, whatever time it may be.

The Council also recommends that all persons employed on a licensed premises who are engaged in the sale of alcohol be encourage to attend training programmes to raise their awareness. This is absolutely the case at Turtle Bay. Staff are trained comprehensively, with

stringent internal requirements, and this is documented and recorded diligently. Turtle Bay has dedicated openings teams who spend up to 6 weeks on every new opening, taking all new staff through a thorough and bespoke training programme covering all aspects of customer service and licensing, and all managers undergo personal licence training. The company also employs a Learning & Development Manager who has overall responsibility for the delivery of training. This is done with the help of Shield Yourself, who are employed by Turtle Bay to ensure that all regular compliance requirements are met in good time.

The fact that Turtle Bay's estate trades without impact upon the licensing objectives is testament to the standards of management and training that are maintained.

As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.

## Section 7

This section details the cumulative impact policy by which this application is caught. It is clear from the preceding discussion that Turtle Bay as a premises, and in particular the grant of this application, is in accordance with the Policy. We understand that in order to be in accordance with the cumulative impact policy, this application can only be granted if the presumption against this can be rebutted.

This is rebutted if we can satisfy the Council that granting the application will not add to the cumulative impact being experienced. We would suggest that the evidence provided above is sufficient to satisfy the Council that this is the case. Indeed, the Policy states, at paragraph 7.7 that a cumulative impact policy should not be absolute. It states that an application which is unlikely to add to cumulative impact may be granted. We have not just demonstrated that this is unlikely, but rather that it simply will not happen.

Further, the Policy acknowledges that the impact can be expected to be different for premises with different styles and characteristics. We would submit that the specific characteristics of Turtle Bay, as outlined above, mean that the impact of the premises is not and will not be negative.

As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.

### **Conclusion**

Whilst we appreciate that the premises falls within the Red Zone, and that applications will therefore only be granted in exceptional circumstances, we are of the belief that all the matters detailed in this statement do amount to an exceptional circumstance which justifies grant. The premises has an exceptional style of operation which is not just unlikely to add to cumulative impact, but more importantly, is proven not to do so.



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## **TURTLE BAY THE LIGHT LEEDS**

### **DISPERSAL POLICY**

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The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of consumption in any delineated external drinking area).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.



**Turtle Bay**  
*Caribbean social*

**LICENSING  
PRESENTATION**

**14, The Light, The Headrow,  
Leeds LS1 8TL**





# THE IDEA

## *Caribbean*

The Caribbean means a lot of things to a lot of people. It incorporates a mixture of cultures from across the globe but many common themes prevail; a laid-back and colourful culture, a proud music heritage and of course delicious, spicy food.

Turtle Bay pays homage to this; from colourful interiors which fuse Caribbean culture with the individual location's history, to a menu inspired by the beach shacks and street hawkers from across the Caribbean islands.

## *Spicy Food*

Spicy food is one of the fastest growing areas of the food service sector. We are unashamedly spicy. Turtle Bay's spicy food is different in flavour, profile and delivery to others in the market such as Indian, Mexican, Thai and Piri-Piri. It is more than chilli-hot; it is a complex spiciness, which is addictive and memorable.



## *Value*

Turtle Bay offers great value for money with average spend per head being less than £20.



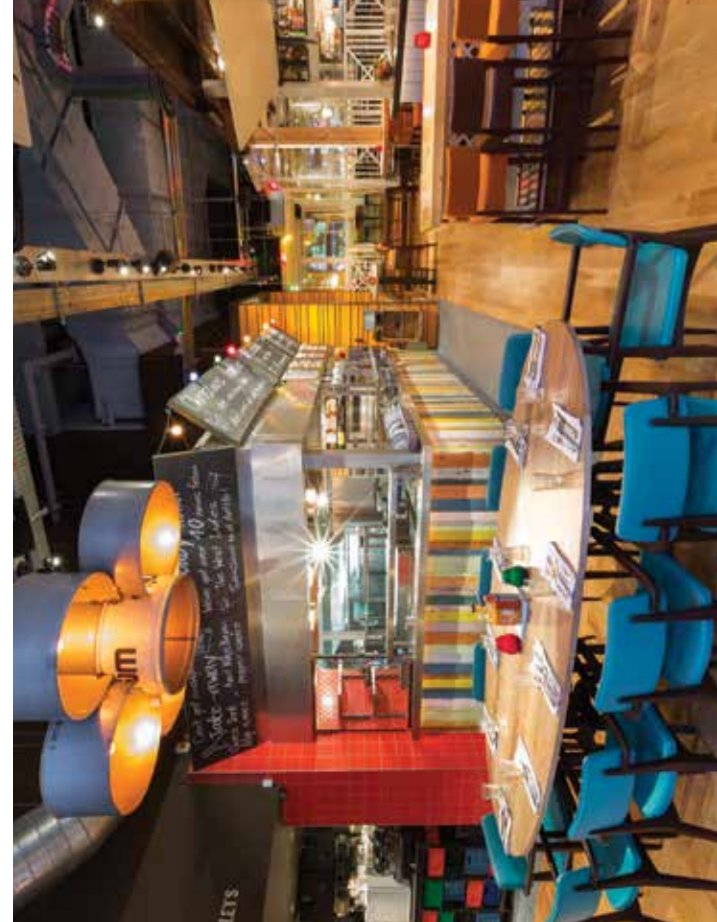


# WHAT IS TURTLE BAY?

- A Caribbean restaurant and bar
- Family friendly with kids' dishes
- Over 60 fresh food dishes on the food menu
- The average Turtle Bay serves over 2,000 meals a week
- Serving food from 11.30am, all day every day (with last orders taken 1 hour before the cessation of licensable activities)
- Full table service in the restaurant and bar area, all day every day
- Takeaway service on whole menu available all day every day (with last orders taken 1 hour before the cessation of licensable activities)
- Open kitchen format
- A team of at least 15 qualified chefs, 15 full time waiting staff as well as bartenders, barbacks, kitchen porters and bussers
- The flexibility for customers to enjoy a cocktail or two; a full meal; or a combination of the two within a group







# WHERE WE ARE

Turtle Bay has vast experience of operating sites throughout the country, including in a number of Cumulative Impact Zones, without causing a negative impact upon the licensing objectives.

- Bath (CIZ)
- Birmingham (CIZ)
- Blackburn
- Bournemouth (CIZ)
- Bristol Broad Quay (CIZ)
- Bristol Cheltenham Rd
- Brixton (CIZ)
- Cardiff (CIZ)
- Chelmsford
- Cheltenham
- Crawley
- Croydon (CIZ)
- Derby (CIZ)
- Ealing (CIZ)
- Exeter (CIZ)
- Guildford
- Huddersfield
- Leamington Spa (CIZ)
- Leeds (CIZ)
- Leicester
- Liverpool Victoria St (CIZ)
- Liverpool Hanover St (CIZ)
- Manchester Oxford Rd
- Manchester Northern Quarter
- Middlesbrough (CIZ)
- Milton Keynes
- Newcastle (CIZ)
- Northampton
- Norwich (CIZ)
- Nottingham (CIZ)
- Oxford
- Peterborough
- Plymouth
- Preston
- Solihull
- Southampton (CIZ)
- Staines
- Swansea (CIZ)
- Walthamstow
- York (CIZ)

## LICENSES GRANTED:

- Sheffield
- Winchester
- Holloway Road
- Colchester

CIZ - Cumulative Impact Zones



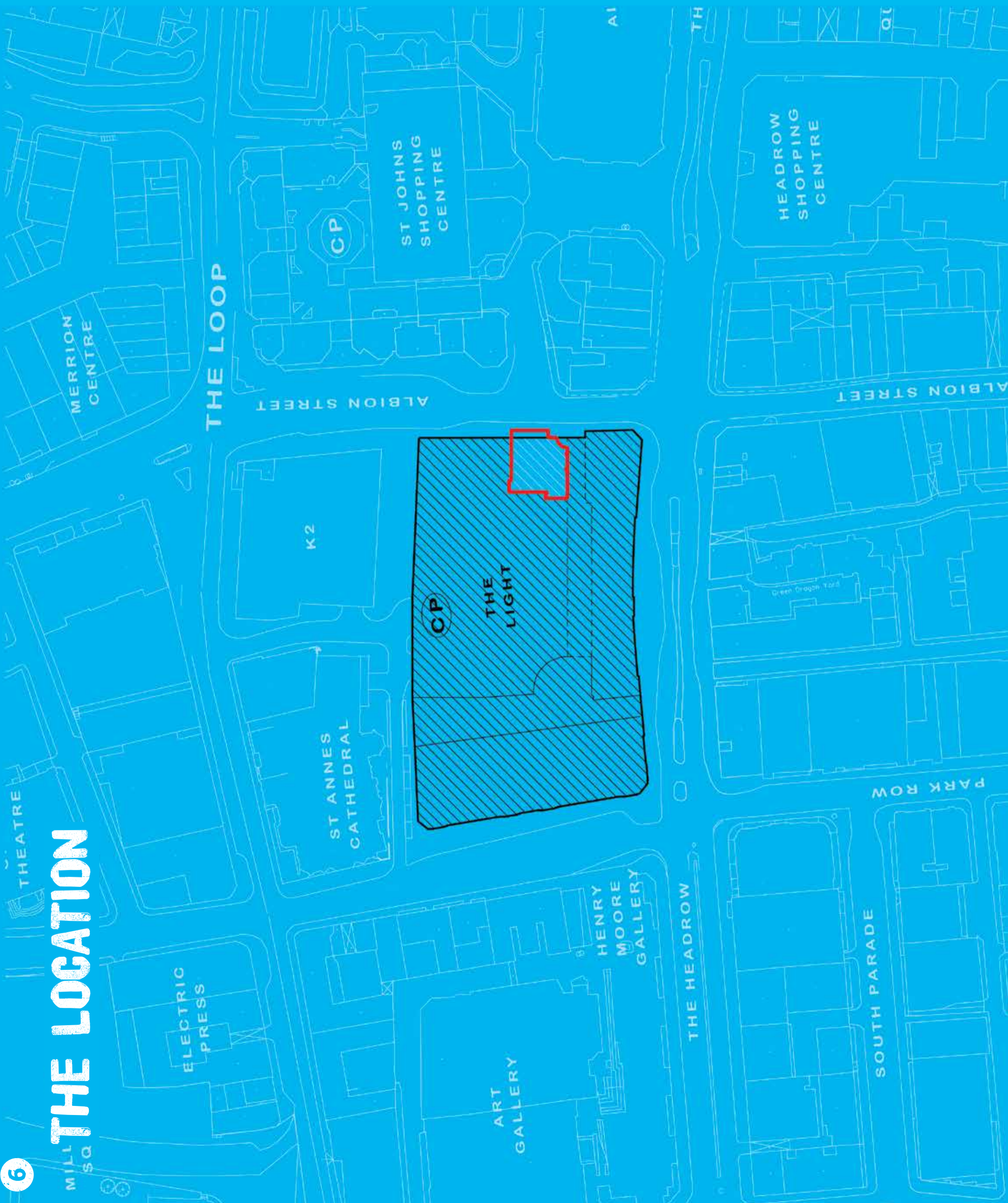
# TURTLE BAY OPERATE IN NEIGHBOURHOODS

- WE ARE A  
RESTAURANT  
FOR  
EVERY DAY,  
FOR EVERY  
PERSON, FOR  
EVERY REASON.





# THE LOCATION



THEATRE

MILL SQ

ELECTRIC PRESS

THE LOOP

K2

ST ANNES CATHEDRAL

ST JOHNS SHOPPING CENTRE

CP

THE LIGHT

ART GALLERY

HENRY MOORE GALLERY

THE HEADROW

SOUTH PARADE

HEADROW SHOPPING CENTRE

PARK ROW

ALBION STREET

Green Dragon Yard



## INVESTMENT

- We spend £250sq/ft
- The average cost of opening a Turtle Bay restaurant is £1,000,000 (including all staff training and pre-opening costs)
- Where possible we use local contractors

## EMPLOYMENT

- We employ around 55-65 people per restaurant. This includes a team of 4 front of house managers and 4 back of house managers
- Most of our team members are employed from the local catchment area
- We use a thorough recruitment process including face to face interviews and psychometric tests to select the best candidates

## TRAINING

- Licensing law induction training is carried out on each employee's first day of work
- Each employee must pass an internal e-learning course before they can sell or serve alcohol
- 6-12 weeks training provided for new openings from a dedicated training team
- Regular training and e-learning monitored through Shield Yourself system and Flow e-learning application
- Regular development days and conferences to develop internal talent





# OUR TEAM

Our Team We have years of experience in the restaurant business. We know what works.

## AJITH JAYAWICKREMA

Chief Executive Officer

Ajith was the founder of Las Iguanas, which has been successfully grown into a national brand. With Turtle Bay he is looking to pioneer the Caribbean category in the casual dining market. He also sits on the board of directors for Aqua and Tampopo.

T: 0778 590 0283

E: [ajith@jayawickrema.co.uk](mailto:ajith@jayawickrema.co.uk)

## CRISPIN TWEDDELL

Non-Executive Chairman

Crispin is the Chairman of Piper Private equity. He was a former investor of Las Iguanas, Pitcher and Piano and many other high street restaurant and bars.

## JON TEMPLE

Chief Operating Officer

T: 01179 376 3100

M: 07795 981281

E: [jon.temple@turtlebay.co.uk](mailto:jon.temple@turtlebay.co.uk)

## KAREN TURTON

UK Operations Director

T: 01179 376 3100

M: 07788 367809

E: [karen.turton@turtlebay.co.uk](mailto:karen.turton@turtlebay.co.uk)

## GEORGE WAITE

Property

Turtle Bay, 8 Broad Quay,  
Bristol, BS1 4DA

T: 01179 376 3100

M: 07850 108 689

E: [george.waite@turtlebay.co.uk](mailto:george.waite@turtlebay.co.uk)





# OUR CUSTOMERS

*At Turtle Bay we pride ourselves on great customer service. We want to make sure that our customers come away having had a fantastic experience. Below are just a few reviews we've had from customers and the press.*

Approval ratings from our customers are extremely high, particularly with females of which 44% would rate Turtle Bay as a 10/10 experience. Overall, average customer approval rating last year was 9.02. Once our customers discover Turtle Bay, they're also highly likely to return. 61% of our guests visited four or more times last year.

Our customers describe Turtle Bay as; unique, cool, welcoming, friendly and relaxed - not forgetting spicy!

“Each time I visit, the food is excellent... Your staff are expedient, well managed and polite, particularly when you have been busy. I fail to recall how many people I have recommended visit you.”

James, Age 30, Turtle Bay Customer

“Thank goodness there is finally somewhere to get great Caribbean Food. I'm from Barbados and this is definitely the best Caribbean restaurant I've come across.”

Joan, Age 55, Turtle Bay Customer







Caribbean cooking is all about West Indian spices, mixed with flavours & influences from all over the world, to create a truly unique menu that's great for sharing with your friends or just to indulge!

## CUTTERS

Pick Any THREE FOR £14 or FOUR FOR £18

- BEEF PATTY**  
Hand made spiced crisp turmeric pastry, filled with ground beef, Caribbean spice & jerk mayo 5.1
- CRISPY CHILLI SQUID**  
Crispy spiced panko coated squid, mango mole & fresh lime and jerk mayo 5.5
- GARLIC & CHILLI PIT PRAWNS (GFO)**  
Whole shell-on grilled king prawns, herb & chilli garlic butter, roti flatbread 6.5
- CRISPY WHITEBAIT**  
Crispy spiced panko coated whitebait, fresh lime & jerk mayo 5.1

- OUR JERK PIT WINGS (GF)**  
24 hour spice marinated, grilled & glazed chicken wings, with sweet mango chilli sauce & classic spicy jerk & sour orange chutney 5.1
- JERK GLAZED PIT RIBS (GF)**  
24 hour spice marinated, grilled & glazed baby back pork ribs, with sweet mango chilli sauce & classic spicy jerk & sour orange chutney 5.5
- DUCK ROLLS**  
Slow roasted shredded duck, sweet onion, soy sauce & chilli, rolled flatbread, sour orange chutney 5.1

## TRINI DOUBLES (VE)

Two 'puffed up' bara roti flatbreads, curried chickpeas, cucumber & mango chutney, coconut shavings 4.9

**SWEET CORN FRITTERS (VE)**  
Sweet corn, spring onion, coriander & scotch bonnet fritters with West Indian hot sauce, pickled onion & herb salad 5.1

**OKRA LADIES' FINGERS (V)**  
Spiced panko coated okra fingers with mango mole, fresh lime & jerk mayo 4.9

**GARLIC 'N' HERB FLATBREAD (V)**  
Hand-formed, stone baked flatbread, topped with fresh rocket, crushed chilli & garlic butter 5.1

## TO SHARE

**JUST JERK PLATTER**  
Marinated jerk wings, glazed pork ribs, Jamaican beef patty, chicken flatbread, sweet corn fritters & super green salad 14

**VITAL VEGGIE PLATTER (V)**  
Sweet corn fritters, crispy okra, jerk pit grilled mushroom & peppers with jerk coconut sauce, halloumi and mango flatbread, sweet plantain & super green salad 13

**SEAFOOD PLATTER**  
Curried fish roti flatbread, chilli squid, crispy panko whitebait, sweet corn fritters, mango mole, herb mayo & super green salad 14

## WRAPS & TOASTIES

- WEST INDIAN WRAPS**  
Toasted wrap with homemade coconut butter, lettuce, onion, carrots, cabbage, herbs & jerk mayo with spiced fries or dressed salad 7
- Pulled Chicken**  
Shrimp & Mango 7
- Halloumi with Peppers & Mushroom (V)**  
Curried Chickpea with Peppers & Mushroom (VE) with mango chutney instead of jerk mayo 7

- KINGSTON TOASTIE**  
Made fresh to order. Crispy sourdough with scotch bonnet & herb butter, filled with cheese, rocket, sweet onion chutney and Caribbean slow with spiced fries or dressed salad 7
- Curried Chicken or Jerk Pulled Pork or Salmon**
- JERK CHICKEN FLATBREAD**  
Stone baked flatbread topped with slow roasted pulled jerk chicken, fresh tomato, rocket, sweet onion chutney & Caribbean hot sauce 7

## SALADS

**SUPERVITAL GREEN SALAD (VE/GF)** Add one or more toppings from the options below:  
Kale, avocado, rocket, chickpeas, sugar snap peas, baby spinach, red onion, pomegranate & toasted coconut, citrus lime dressing 7.5

**FESTIVAL SALAD (VE/GF)** Add one or more toppings from the options below:  
Avocado, mango, carrot & butternut squash ribbons, cucumber, crispy gem lettuce, sugar snap peas, rainbow beets, shaved coconut & rocket, citrus lime dressing 7.5

**FOUR GRAIN SALAD (VE/GF)** Add one or more toppings from the options below:  
Chickpeas, quinoa, green lentils, baby spinach, herbs, seeds, pomegranate, citrus lime dressing 7.5

- Add one or more:  
Garlic & Chilli Pit King Prawns (GF) 3 Crispy Chilli Squid 3  
Grilled Jerk Chicken Breast (GF) 2.5 Grilled Halloumi & Fresh Mango (V) 3

## JERK PIT BBQ

With its unique flavours & fantastic aromas the jerk pit grill is the ultimate Caribbean BBQ. All our meats are marinated for 24 hours in homemade jerk marinade

### PICK YOUR JERK SAUCE

Classic jerk (spicy) or Coconut jerk (creamy)

- JERK CHICKEN (GF)**  
Pit grilled, served with coconut rice 'n' peas, sour orange chutney, coconut shavings & Caribbean slow 10.7
- Half Breast 9.9 Whole 17.5**
- BABYBACK PORK RIBS (GF)**  
Grilled jerk marinated pork ribs, served with sweet potato fries, sour orange chutney & Caribbean slow 10.3
- BRAISED PORK BELLY (GF)**  
Jerk pork belly, slow braised & pit grilled. Served with coconut rice 'n' peas, crispy pork rind, pineapple chow & green seasoning with your choice of jerk sauce 12.5
- JERK LAMB RUMP (GF)**  
Grilled lamb rump served with coconut rice 'n' peas, watermelon chow, & plantain. Served medium 12.5
- WEST INDIAN STEAMED SNAPPER (GF)**  
Red snapper fillet, foil baked on a bed of red onion and carrot, served with West Indian spices, scotch bonnet, steamed rice and pineapple chow 12.5
- JERK PIT SALMON (GFO) Δ**  
Crispy skin fresh salmon steak, sweet onion chutney, green seasoning & four grain salad 12.5
- MO' BAY CHICKEN (GF)**  
Chicken breast in creamy jerk spiced sauce. Served with coconut rice 'n' peas, onions, sweet plantain & super green salad 10.5

## ONE POTS

Rich, slowly simmered & uniquely Caribbean

- OUR CURRY GOAT (GFO)**  
Marinated goat, slowly braised in curry spices, with coconut rice 'n' peas, sweet onion chutney, sweet plantain & dumplings 10
- TRINI CURRY CHICKEN (GFO)**  
Chicken breast slowly simmered with coconut milk, mango & Caribbean spices. With sweet onion chutney, coconut rice 'n' peas & roti flatbread 10
- CARIBBEAN BROWNED CHICKEN (GFO)**  
Braised on the bone chicken, fresh thyme, allspice, scotch bonnet, ginger & pimento. With coconut rice 'n' peas & dumplings 9.9
- GUYANESE CURRY DUCK (GFO)**  
Slow braised duck, leg, potatoes, scotch bonnet, orange citrus flavours. With coconut rice 'n' peas & dumplings 10.8
- Δ available without jerk marinade
- CURRY SHRIMP & MANGO (GFO)**  
Shrimps, mango, sweet potatoes, tomato, garlic, ginger, Caribbean spices, green seasoning & sweet onion chutney. With steamed rice & roti flatbread 10.8
- CURRY RED SNAPPER (GFO)**  
Snapper fillet, light coconut curry sauce, garlic, ginger, scotch bonnet, sweet onion chutney & fresh coconut shavings. With steamed rice & roti flatbread 10.8
- ITAL RUNDOWN (VE/GF)**  
Coconut rundown sauce, butter beans, corn cabbettes, greens, carrots, butternut squash, sweet potatoes & herbs & spices. With coconut rice 'n' peas & roti flatbread 9.9
- SPINACH, AUBERGINE & SWEET POTATO CURRY (VE/GFO)**  
Spinach, aubergine & sweet potato in a fragrant light curry sauce. Green beans & kidney beans cooked with Jamaican spice. Served with steamed rice & roti flatbread 10



## BEACH BURGERS

Our burgers are pit grilled, come with Caribbean slow, baby gem, jerk mayo in a toasted bun. With your choice of either spiced fries or dressed salad

- TWO-WAY CHICKEN BURGER (GFO)**  
Spicy panko crumb chicken fillet, pulled jerk chicken, tomato, fresh pineapple chow 8.5
- PULLED PORK BUN (GFO)**  
Slow roasted pulled jerk pork, sweet onion chutney, crispy pork rind 7
- STREET SHACK BURGER (GFO)**  
Seasoned beef burger, spicy pulled jerk pork, sweet onion chutney, crispy pork rind 8.5
- JAMMIN LAMB BURGER (GFO)**  
Grilled lamb burger, tomato, sweet onion chutney, green seasoning, drizzled jerk coconut sauce 10.9
- HALLOUMI & MUSHROOM BURGER (V/GFO)**  
Jerk Portobello mushroom, grilled halloumi cheese, tomato, sweet onion chutney, drizzled jerk coconut sauce 8.5

## PROVISIONS

These great tasting provisions make the perfect side. Try one or more with your One Pot or Jerk Pit BBQ

- TRINI WATERMELON CHOW (VE/GF)**  
Marinated diced watermelon, coriander, fresh lemon juice 2.8
- TRINI PINEAPPLE CHOW (VE/GF)**  
Marinated diced pineapple, coriander, garlic, fresh lemon juice, scotch bonnet 2.8
- SUPERGREEN SALAD (VE/GF)**  
Avocado, baby spinach, rocket, chickpeas, sugar snap peas, red onion, pomegranate, toasted coconut & citrus lime dressing 2.8
- SWEET PLANTAIN (VE/GF)** 2.8
- CHEESY JERK FRIES (V)** 2.5
- SWEET POTATO FRIES (VE)** 2.5
- CARIBBEAN SPINACH (V/GF)** 2.5
- JERK HALLOUMI (V)** 2.5
- DUMPLINGS (V)** 2.5
- COCONUT RICE 'N' PEAS (VE/GF)** 2.5
- CARIBBEAN SLAW (V/GF)** 2.5
- ROTTI FLATBREAD (V)** 2.5

## PUDDINGS & RUM MENU

Please consider when ordering that whilst the food listed on this menu is gluten free, it is prepared in a kitchen where gluten is present, consequently we can never guarantee that it is 100% gluten free. Due to the presence of nuts in some of our dishes we cannot guarantee absence of nut traces in our dishes. If you require any information about allergens in our food or drink please ask your server.





# FOOD

*“Caribbean cuisine is a patchwork quilt of colours, textures, and flavours; a multi-ethnic tapestry woven from the cuisines of Africa, Asia, Europe and the New World.”*

- Food and drink is the heart & soul of Caribbean culture. We serve food that islanders eat at home, on the beach or in street cafés.
- Rustic, authentic and always exploding with flavour, no fuss!
- We source the very best ingredients, both on our doorstep and from the corners of the islands themselves.





# OUR RESPONSIBLE DRINKING

- We serve only 1 draught lager
- We do not serve jugs of beer or cocktails
- We have a limited range of beer and cider by the bottle, with a focus on Caribbean and craft beer
- We offer a limited range of quality cocktails with premium pricing
- Spirits not available by the bottle
- We do not offer a shooters menu
- We have a range of over 11 soft drinks
- We have a range of 10 wines, all available by the glass

## SAMPLE DRINKS MENU

### MARLEY MOJITO

Appleton Signature Rum, melon liqueur, fresh mint, lime juice, watermelon & our homemade ginger beer

### STRAWBERRY DAIQUIRI

Havana Especial, blended with strawberry & fresh lime.

### BAY BRAMBLE

White Rum, with blackberry, fresh lemon & club soda.

### ESPRESSO MARTINI

Espresso shots, dark rum, Kahlua & vanilla syrup.

### CARIBBEAN PIMMS

Pimms, fresh mint, lime, cucumber slices, ginger beer, fresh passion fruit with passion fruit

### CARIBBEAN SOFTS

- Berry smoothy
- Home-made Ginger Beer
- Home-made Limeade
- Watermelon Crush





# OUR OPERATIONAL MANAGEMENT

- Restaurant reservations everyday with either a host or manager working from the front door
- Four front of house managers in each restaurant
- Up to 3 Managers on duty at any one time to ensure standards of service, operations and due diligence during peak hours
- Minimum of challenge 21 in all our restaurants
- Licensing training for all managers, bartenders, hosts and waiting staff
- Weekly full management team meetings to discuss all operational aspects of the business
- One Operations Manager to every 5-7 Turtle Bay sites (other companies often allocate up to 12/15 sites) to maximise operational excellence
- Two Mystery Diner visits to each restaurant per month to monitor and maintain service standards





# CUMULATIVE IMPACT STATEMENT

## Introduction

As noted in the variation application, Turtle Bay Restaurants Limited acknowledge that this premises (or at least part of it) falls within the Red Zone of Leeds City Council's Cumulative Impact Area. However, they are confident that, for the reasons explained in this statement, this application is a genuine exception to that policy, and further that the grant of this application would uphold the aims of Leeds City Council's Statement of Licensing Policy (the "Policy").

We would submit that there is ample evidence to show that this is the case, and we provide that evidence as part of this application.

## Background

Turtle Bay was granted its licence at this site in 2015, in the Red Zone, as an exception to the Policy. At the time, Turtle Bay applied for hours for licensable activities until 01:00 on a Friday and Saturday, but the licence was granted until 00:00 daily.

After 17 months trading, in May 2017, Turtle Bay applied to extend hours on a Friday and Saturday until 01:00 (plus 30 minutes dispersal) but this application was refused. The reason for this decision was stated to be the location of the premises in the Red Zone, which creates a presumption against the extension of any existing licences. The Policy states that the Council will only grant applications in the red zone in exceptional cases. In this instance, the Committee did not feel that the application was sufficiently exceptional to rebut the presumption.

We would respectfully submit that this application, seeking an additional hour for licensable activities (and an additional 30 minutes opening) on a Friday and Saturday, is exceptional, as a result of the style of operation of the premises; its trading history; and the conditions attached to the premises licence currently. As a result of all of these factors, we would suggest that the granting of this application is in line with the Policy, and we set out a detailed analysis of this below.





## Style of Operation

It is useful at the outset to examine the unique features of Turtle Bay which meant that the Committee felt able to grant the licence as an exception to policy in 2015. It is clear from the grant of the licence in the Red Zone in itself that Turtle Bay is an exceptional operation.

These factors combine to create a unique premises, which doesn't just not add to cumulative impact, but, we would submit, actually has the capacity to improve the situation by raising the bar.

Turtle Bay is a Caribbean themed restaurant and bar, which has been trading across the country for 7 years, having opened in Milton Keynes in 2010. The vision of the operation is to become the definitive casual Caribbean restaurant in the UK. What Jamie's is to Italian, Wagamama is to Japanese and Las Iguanas is to South American; Turtle Bay is to Caribbean.

The focus of the operation is on fresh, quality food. Indeed, no more than 10% of takings per site come from customers using the bar for drinks only. Turtle Bay sites have A3 planning use with ancillary bar.

Whilst it is not reasonably practicable for the sites to operate by only serving alcohol to customers taking a meal, Turtle Bay is genuinely a food led premises and the proportion of those attending the premises for drinks only is very small.

The customers of Turtle Bay visit for a casual dining experience, this is certainly not a vertical drinking venue. It does not attract large groups of young people attending the premises for the purpose of drinking.

It is as a result of this that Turtle Bay premises across the country trade, to the hours sought in this application, in various cumulative impact zones (such as York, Liverpool, Bristol, Derby, Cardiff, London, Oxford, Nottingham, Newcastle, Norwich and Bournemouth) without negatively impacting upon the licensing objectives.

Furthermore, there are extensive and comprehensive conditions attached to this licence that ensure that this style of operation is maintained, as follows:

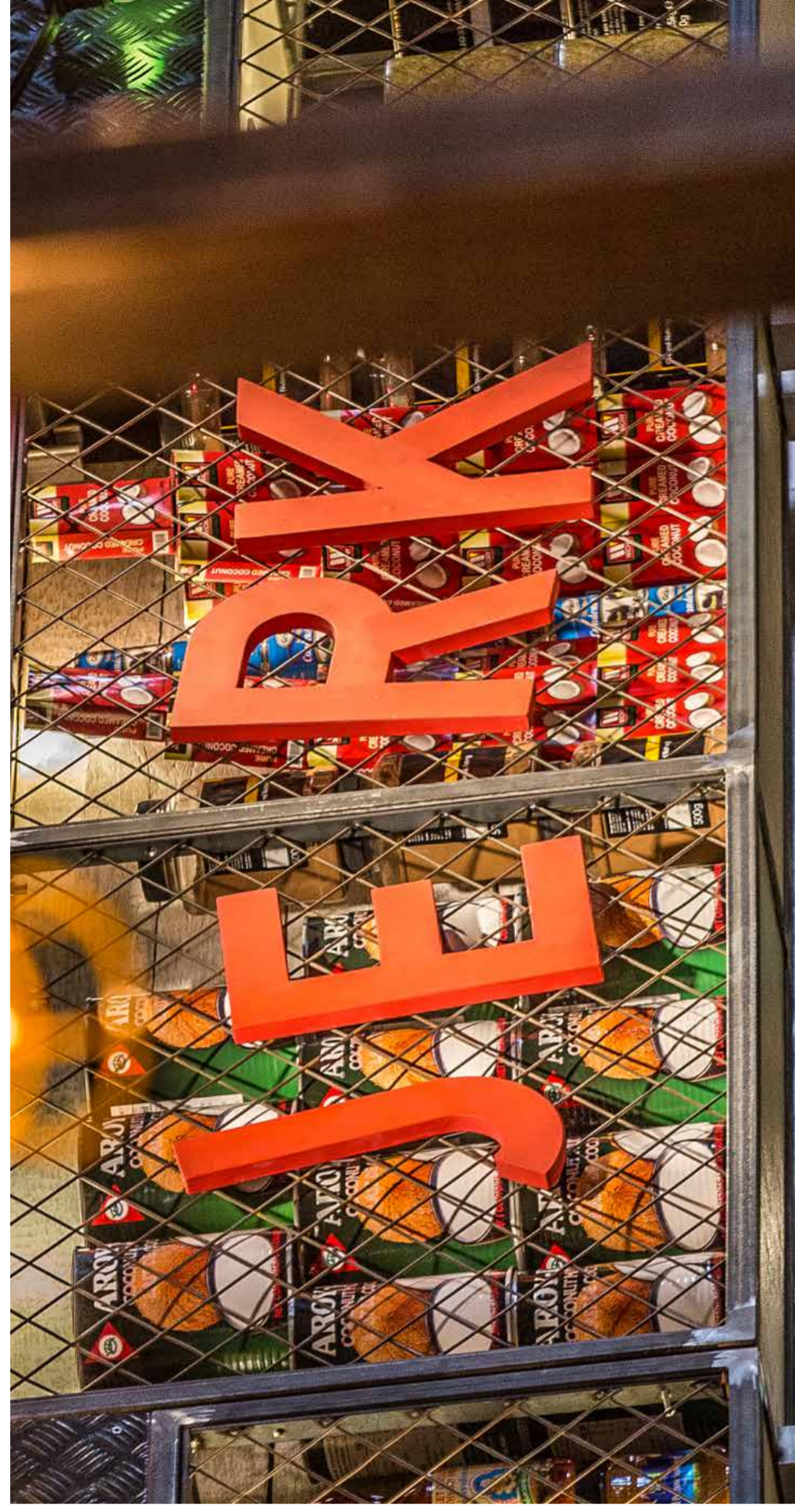
- Full CCTV conditions;
- SIA requirements;
- Last entry condition;
- Concept condition meaning the premises must continue to trade in the style of Turtle Bay;
- Restricted timings for outside seating;
- Dispersal and smoking policies;
- Minimum number of identifiable covers;
- Full meals menu; and
- Waiter and waitress service available.





Indeed, it is this unique combination of factors and conditions that ensures the premises does not contribute to the cumulative impact experienced in the Red Zone in Leeds, and indeed we argued at the time of the initial premises licence application that this would be the case.

However, one of the reasons that the Committee referred to in their initial decision to grant the licence to midnight only was the fact that we could not prove that our other establishments had 'no detrimental impact on the cities in which they are located'. Further, of course they did not have any actual evidence of Turtle Bay's tried and tested formula trading in Leeds city centre. This is, of course, no longer the case.





## Trading in the Area

Turtle Bay has now been trading in Leeds for almost 2 years. During the previous hearing in relation to the proposed extension to hours referred to above, West Yorkshire Police (WYP) produced additional evidence in relation to this premises which provided details of its trading history.

Prior to and following submission of the previous application, WYP visited the premises twice, and whilst there were technical issues with a lack of BACIL radio and CCTV not recording for the requisite period of time (both of which were addressed immediately), both visit logs noted that there was no drunkenness in the premises. Nothing negative in terms of customer behaviour was noted in these logs.

They also provided a list of crimes specific to Turtle Bay's venue recorded between January 2016 and the date of the hearing. Every single one of these offences was a property offence – e.g. theft or making off without payment. There was not a single incident of aggression, violence or disorder noted in relation to Turtle Bay.

We would submit that this very fact; the absence of a single incident of violence or disorder in relation to a licensed premises in the heart of a city centre, in a cumulative impact zone, is in itself demonstrative of the exceptional nature of Turtle Bay's operation.

To support this conclusion, we submitted a Freedom of Information Act 2000 request for a list of the dates, numbers and types of crimes recorded at other venues in the Red Zone from January 2016 onwards (i.e. the time period in respect of which WYP provided crime statistics for Turtle Bay). Please see below a list of some of those venues, and the number of incidents of offences cited as either violence against the person, public order offences, possession of weapons, arson/criminal damage, or sexual offences. As well as these, there were also a number of thefts/other property offences at these premises, as per the experience at Turtle Bay.





Venue	Number of Offences
Players Bar, 123 Albion Street	32
Pryzm, 16-18 Woodhouse Lane	54
Red Hot World Buffet, 44-48 The Headrow	4
Tiger Tiger, 117 Albion Street	37
Bierkeller, 1 South Parade	4
Yate's, 43 Woodhouse Lane	38
Miller & Carter, 56-58 The Headrow	1
Shooters, 123 The Headrow	2
Subway, 114 Albion Street	13
McDonalds, Merrion Street	1
The Picturehouse, 82-90 Merrion Street	7
The Hedley Verity, 43 Woodhouse Lane	4

As can be seen, there are some premises, of a very different type to Turtle Bay, with an exceptionally high number of violence/disorder related offences. The nature of Turtle Bay as a restaurant with bar, rather than a bar or a nightclub explains this discrepancy. However, it is also interesting to note that even some premises which are also food led (Red Hot World Buffet, Miller & Carter) experienced at least 1 incident of violence/disorder. The absence of a single such offence at Turtle Bay clearly highlights that its unique style of operation is achieving exceptional results in terms of upholding the licensing objectives.





## Trading Experience

Furthermore, not only does the premises have evidence that it can trade within the terms of its current licence without negatively impacting upon the licensing objectives, it also has considerable evidence that it can trade to the extended hours sought in this application without negative impact.

Turtle Bay has traded until 01:00 (plus 30 minutes for late night refreshment and dispersal) the following morning under temporary events notices on the following days

- 2nd and 3rd December 2016
- 10th and 11th December 2016
- 17th and 18th December 2016
- 24th and 25th March 2017
- 31st March and 1st April 2017
- 7th and 8th April 2017
- 14th and 15th April 2017
- 21st and 22nd April 2017
- 28th and 29th April 2017
- 24th and 25th March 2017
- 31st March and 1st April 2017
- 7th and 8th April 2017
- 14th and 15th April 2017
- 21st and 22nd April 2017
- 28th and 29th April 2017

None of these dates appear on the list of crimes submitted as part of the police evidence referred to above. The premises did not receive a single complaint or even visit from a responsible authority on any of these dates. It is therefore clear that the premises did not cause a problem, or negatively contribute to cumulative impact when it traded later than its usual hours on those dates.

As such, there is no evidence to suggest that if it were permitted to trade until 01:00 (plus 30 minutes) every Friday and Saturday that there would be any negative cumulative impact. Again, this clear evidence of a lack of cumulative impact must surely be considered exceptional.

If the premises, and the application, is considered exceptional, then Leeds City Council would be acting entirely in accordance with the Policy in granting this application, notwithstanding its location in the Red Zone, as this of course rebuts the presumption against grant. Further, we would submit that Turtle Bay as a premises in general, and the grant of this application specifically, is entirely in accordance with and upholds the aims of the Policy.





## POLICY SECTION 1

The starting point of the Policy is set out in paragraph 1.5, which states that the Council ‘adopts the overall approach of encouraging the responsible promotion of licensed activities’. As per the evidence above, Turtle Bay has demonstrated that it is entirely capable of delivering licensable activities responsibly, and as such their operation should be encouraged and supported.

Paragraph 1.13 provides that applicants for premises licences should be aware of the expectations of the licensing authority and responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and should demonstrate their knowledge of the local area. We would refer to the extensive conditions currently attached to the premises licence as outlined above which demonstrate the steps we take to uphold the licensing objectives.

Our knowledge of the local area is of course based upon our experience of trading at the premises, and this includes knowledge of the other premises around us. We have no desire to become a nightclub, or even a pure bar, and attract the sorts of problems that are associated with those sorts of premises (as can be seen from the incidents tabled above). However, we do believe that there is a continuing demand for

our premises in the area, for a food led, more casual premises where customers can enjoy a relaxed evening out. It is our experience in this area that some customers want to eat at relatively late hours, particularly at the weekends, and then want to dwell for a drink or two before going home, rather than moving on to the other premises in the area. This is precisely why we seek the extra hour for the licensable activities applied for in this application.

**As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.**





## POLICY SECTION 2

Section 2 of the Policy deals with the Council's vision for Leeds. It has sought, and we believe has been successful in this aim, to establish Leeds as a major European city, and cultural and social centre. We believe that well run, attractive and vibrant licensed premises like Turtle Bay make an important contribution to this. The Policy refers to Leeds as a city with many cultures, races and faiths, and it is very important to us that we are one of the only premises providing traditional Caribbean food, appealing both to customers from that background and to customers who want to experience that culture. As well as providing the traditional food, we believe that we create an authentic Caribbean atmosphere. This atmosphere ties in with our relaxed ethos, which is behind our desire for our customers to be able to dwell with us a little longer at the weekends.

**As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.**





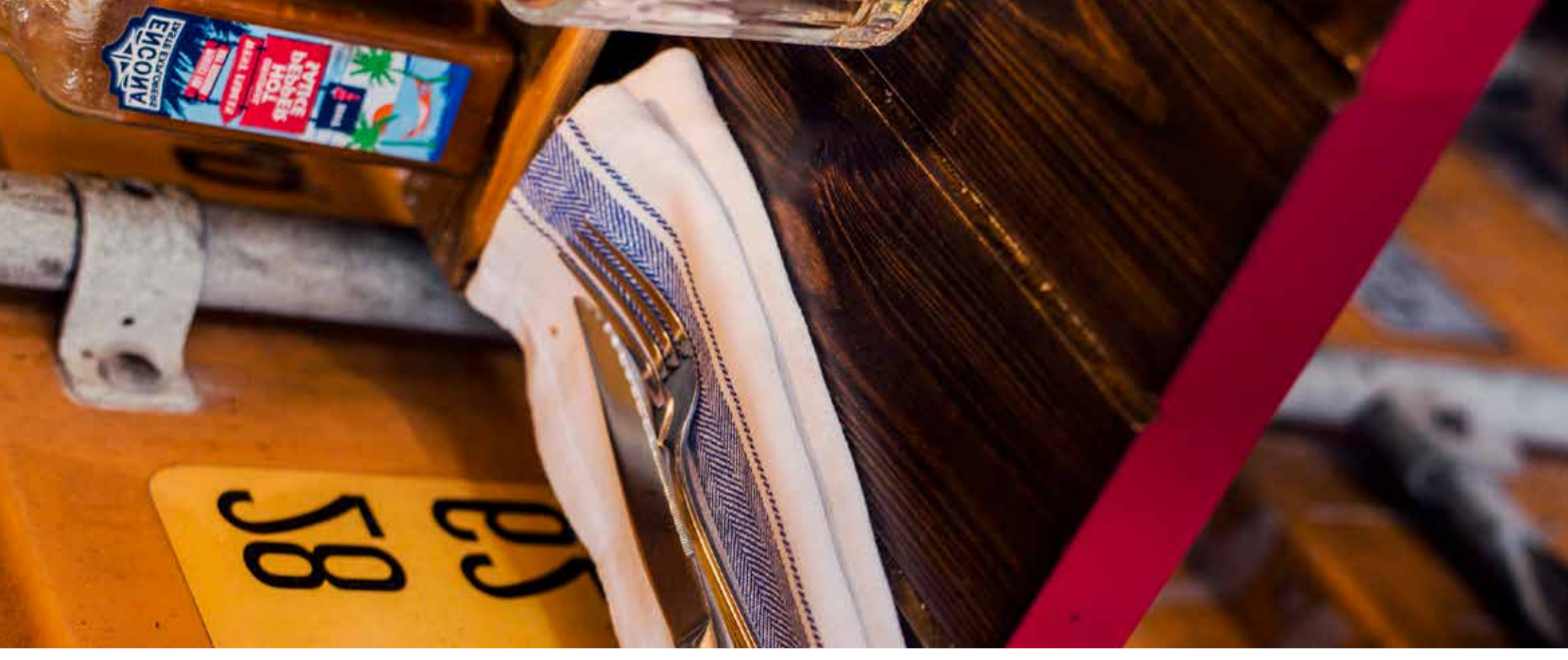
## POLICY SECTION 3

Section 3 deals with the integration of the Policy with other guidance, policies and strategies. This section refers to the Vision for Leeds 2011 to 2030 which cites the key aim of making Leeds the best city in the UK. This means that Leeds is to be fair, open and welcoming; prosperous and sustainable; and successful. We believe that this is achieved by supporting successful and responsible businesses which make a valuable contribution to the city centre.

It goes on to state that Leeds must continue to be a forward looking city, and we are of the view that this means that it must adapt to trends in terms of the leisure and hospitality industry. We would say that, in our view, it is increasingly the case that premises do not fall into such distinct categories of restaurant or bar; somewhere where you just go for a drink or somewhere where you just go for a meal. Customers of Turtle Bay will, most often, visit for a meal but sometimes they will visit for a drink, and sometimes they will have drinks before or after a meal. We find that there is a demand for customers to dwell later to do this on a Friday and Saturday, and we would like to be able to cater for that demand in Leeds, subject of course to ensuring that this will not cause a negative impact, which experience from trading under TENs has shown is the case.

This section also refers to Leeds' Child Friendly Policy, and specifically to the wish that children in the city have friendly places to go. As noted above, Turtle Bay is absolutely a child and family friendly premises, and families dine with us on a regular basis.

**As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.**





## POLICY SECTION 4

As is confirmed by this section, it is for Turtle Bay as applicants to decide the measures to suggest in our operating schedule to promote the licensing objectives. The measures that were proposed in the initial application for this licence are now conditions attached to the premises licence as detailed above. There is no proposal to change or remove any of these conditions, and they will apply equally during the extended hours sought. We would therefore submit that these measures are sufficient to promote the licensing objectives, both currently and during the extended hours.

This section goes on to state that the Council will look to impose conditions to regulate behaviour on licensed premises with a view to the prevention of crime and disorder in and in the immediate vicinity of the premises. It is clear that this has been successful in relation to Turtle Bay given the crime statistics referenced above, and there is no reason to think that this would change simply by reason of one additional hour two nights a week.

The suggested conditions targeted on deterrence outlined at paragraph 4.11 are all included in the premises current licence (CCTV, door supervision, BACIL radio, pub watch membership), with the exception of a capacity limit which is more properly determined by a fire risk assessment. However, reference to a capacity limit is to where it is necessary to prevent overcrowding likely to lead to disorder and violence. Firstly, the premises is not associated with disorder and violence. Secondly,

the predominately seated nature of the premises prevents possible overcrowding.

As well as crime and disorder, this section deals of course with the other three licensing objectives. However, it is notable that there was no Environmental Protection, Health and Safety, Safeguarding Board or any other responsible authority objection to the previous application. The objections came from West Yorkshire Police and their concerns from a crime and disorder perspective were supported by the Licensing Authority. There have been no noise complaints made in relation to the premises since it began trading.

Nor have there been any concerns with respect to any underage sales or any other harm to children. Indeed, the police visit logs referred to above confirm that ID checks were being carried out, challenge 21 posters were displayed and there were no underage drink issues. In any case, as per the above in reference to the Leeds Child Friendly Policy, the premises is family friendly and welcomes children, subject to sensible restrictions in terms of times.

The existing premises licence does have extensive and comprehensive conditions which deal with all four of the licensing objectives. Again, these conditions will continue to apply and be adhered to if the premises is permitted to trade these additional hours.

**As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.**









# POLICY SECTION 5

This deals with the general principles of the Policy, and the key message here is delivered in paragraph 5.1. This states that in determining a licensing application ‘the overriding principle will be that each application will be determined on its own merits’. We would submit that the specific merits of this application, specifically in terms of the evidence of Turtle Bay’s exemplary trading record and the fact that its style of operation clearly does not and has not impacted negatively upon the licensing objectives (including when trading to the hours proposed under TENs), mean that the grant of it would be entirely in accordance with the Policy.

At paragraph 5.6, the Policy states that the ‘requirement to promote the licensing objectives will be the paramount consideration’. We have provided substantial evidence that Turtle Bay does promote the licensing objectives, and will continue to do so if permitted to trade these extra hours.

Paragraph 5.7 refers to the factors to be taken into account when looking at the impact of licensed premises. These are as follows:

- **The style of operation, number of customers and customer profile.**  
These items have been detailed above, and we have provided evidence that our style of operation means that our premises does not impact negatively.

- **The location of the premises and the proximity of noise sensitive properties.**

The premises is located on the cusp of the Red Zone and the Amber Zone, and we suspect that the previous application would not have been the subject of a contested hearing if it were located entirely in the Amber Zone. Whilst it is in the Red Zone, it is very different to a number of the other premises located near to it and offers an attractive alternative to those high volume vertical drinking premises.

- **The proposed hours of operation.**

We seek an additional hour for licensable activities two days a week, and only an additional half hours opening, as the premises is already permitted to open until 01:00 on the days in question. We have proved our ability to trade to these hours without negative impact upon the licensing objectives.

- **The transport arrangements for customers attending or leaving the premises and any possible impact on local residents and businesses.**

The premises is located in an excellent position for transport and has an arrangement with a local taxi firm which operates a ring back service. The premises has never had any complaints in respect of its operation from local residents or businesses.

- **Any proposed methods for the dispersal of customers.**

The premises has a dispersal policy, a copy of which is attached to this application.

- **The scope for mitigating any impact.**

We would submit that it is shown that the premises has not had any negative impact.

- **The extent to which the applicant has offered conditions to mitigate the impact.**

These conditions are already attached to the premises licence, as outlined above.

- **How often the activity occurs.**

The premises proposes to open for an additional hour twice a week, and has, over an extended period of time in 2016 and 2017, proved its ability to do so.

Paragraph 5.8 states that in any application for variation the Council may also take account of ‘past demonstrable adverse impact’. We would submit that it must therefore follow that the Council may also take account of past demonstrable positive impact, evidence of which has been provided above.

**As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.**







## POLICY SECTION 6

Whilst the Policy confirms that licensing committees are not bound by decisions made by planning committees and vice versa, it does also state that officers can consider discussion with their planning counterparts. We would highlight that the premises has, and will continue to have A3 planning permission, and would never seek to change this to A4. As such, notwithstanding the proposed extension to hours, the premises would still have to trade predominately as a restaurant.

Furthermore, it is worth noting that there is no hours restriction attached to the planning permission for the premises.

This section also deals with licensing hours and suggests, at paragraph 6.9, that in some circumstances staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is reduced. This extension to hours would by no means bring our premises in line with the late night premises in area which disperse at 03:00 or 04:00 or even later. Furthermore, given our last entry time of midnight, we believe that this extension of hours to 01:00 plus 30 minutes dispersal would naturally create a more gradual dispersal from the premises, as customers will be dispersing over a period of an hour and a half.

It goes on to state that premises can impact adversely on the surrounding area due to disturbance or crime and disorder. However, across the country and in Leeds, these issues simply are not associated with Turtle Bay.

Customers are overwhelmingly mature and discerning and not the sort of people who would behave in an anti-social manner. Indeed, if there have been no incidents of crime and disorder at or in the vicinity of the premises itself, it follows that it is highly unlikely that our customers are causing crime and/or disorder elsewhere.

Crucially, the Policy states that the Council supports 'the development of a wide ranging and culturally diverse night-time economy, where this can be achieved whilst promoting the four licensing objectives'. We would submit that Turtle Bay adds to the cultural diversity of the night-time economy, and absolutely does do this whilst promoting the licensing objectives. Paragraph 6.12 goes on to state that this will be the paramount consideration at all times.

Paragraph 6.13 states that the Council will only grant hours of proposed use where the operating schedule demonstrates that the application has properly considered what is appropriate for the area, the potential effect on the licensing objectives is not significant and the operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact. We have considered and are acutely aware of what is appropriate for the area, we have demonstrated that trading to these hours does not impact upon the licensing objectives. There are extensive steps set out by way of the conditions currently attached to our premises licence.

When considering hours, the Policy goes on to state that restrictions may be made to proposed hours of use when it is appropriate for the promotion of the licensing objectives to do so. This was the route that the Council took when initially granting the licence, but we have now presented the Council with evidence that this restriction to midnight is not necessary on a Friday and Saturday, and that 01:00 can be traded without negative impact. It also states that applications which are significantly out of character for a locality will need to demonstrate that the hours sought will not impact negatively. We would suggest that the hours are not out of character, indeed, if anything, the hours proposed are lesser than those of other premises in the area, and that we have demonstrated that this will not impact negatively.

This section also refers to drinking up time, and suggest that a 30 minute period will assist in gradual dispersal of customers and reduce the impact on the area. We have incorporated a 30 minute dispersal period, and, given the last entry time, as noted above, there will actually be a one hour and 30 minute period in which no new customers will be permitted.

The importance of operating schedules is highlighted in this section, and our operating schedule submitted with the initial application can be seen by way of the conditions attached to the licence.



## POLICY SECTION 6 CONTINUED

We also agreed additional conditions with the responsible authorities to provide further comfort. Again, we would emphasise that none of these conditions are changing and will continue to be adhered to. When drafting our initial operating schedule, we considered all matters referred to at paragraph 6.24, and it is clear from the lack of incidents at the premises that these conditions were appropriate and have been successful in ensuring that the licensing objectives are upheld.

Again in relation to dispersal, the Policy refers to a concern that a lack of transport provision in the city centre contributes to incidents of disorder. Turtle Bay has not experienced any incidents of disorder, and dispersal from the premises is very carefully managed by staff and door staff. More often than not, customers do get taxis home and staff always encourage customers to wait inside for their taxis until they arrive.

The Policy states that the Council is acutely aware of the link between the supply of alcohol that is subject to promotions, which leads to excessive consumption, and incidents of crime and disorder. In terms of promotions, the only offer run at the premises is for two-for-one cocktails during certain hours. However, the cocktails are premium priced in any case and are low ABV given the non-alcoholic drinks included in them. The average Turtle Bay cocktail contains 2 units of alcohol. There is no question that this promotion is responsible. Furthermore, the premises, being food focussed, is not one that customers visit and become

excessively intoxicated. First of all, that is not the sort of experience that Turtle Bay customers are looking for, and secondly Turtle Bay would not permit their customers to become excessively intoxicated on the premises, whatever time it may be.

The Council also recommends that all persons employed on a licensed premises who are engaged in the sale of alcohol be encouraged to attend training programmes to raise their awareness. This is absolutely the case at Turtle Bay. Staff are trained comprehensively, with stringent internal requirements, and this is documented and recorded diligently. Turtle Bay has dedicated openings teams who spend up to 6 weeks on every new opening, taking all new staff through a thorough and bespoke training programme covering all aspects of customer service and licensing, and all managers undergo personal licence training. The company also employs a Learning & Development Manager who has overall responsibility for the delivery of training. This is done with the help of Shield Yourself, who are employed by Turtle Bay to ensure that all regular compliance requirements are met in good time.

The fact that Turtle Bay's estate trades without impact upon the licensing objectives is testament to the standards of management and training that are maintained.

**As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.**





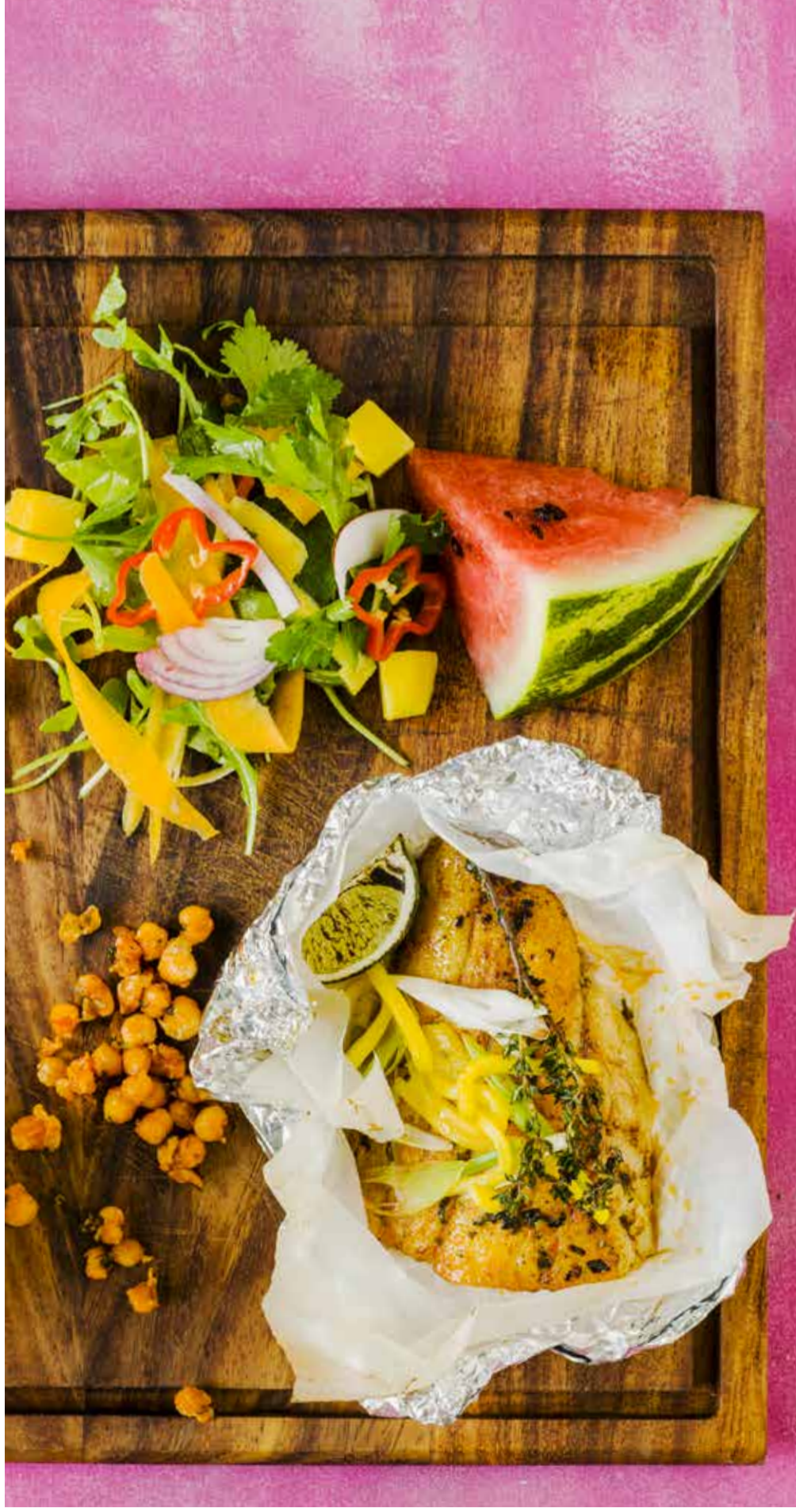
## POLICY SECTION 7

This section details the cumulative impact policy by which this application is caught. It is clear from the preceding discussion that Turtle Bay as a premises, and in particular the grant of this application, is in accordance with the Policy. We understand that in order to be in accordance with the cumulative impact policy, this application can only be granted if the presumption against this can be rebutted.

This is rebutted if we can satisfy the Council that granting the application will not add to the cumulative impact being experienced. We would suggest that the evidence provided above is sufficient to satisfy the Council that this is the case. Indeed, the Policy states, at paragraph 7.7 that a cumulative impact policy should not be absolute. It states that an application which is unlikely to add to cumulative impact may be granted. We have not just demonstrated that this is unlikely, but rather that it simply will not happen.

Further, the Policy acknowledges that the impact can be expected to be different for premises with different styles and characteristics. We would submit that the specific characteristics of Turtle Bay, as outlined above, mean that the impact of the premises is not and will not be negative.

**As such, this application (and in general Turtle Bay as a premises) upholds the aims expressed in this section of the Policy.**





## CONCLUSION

Whilst we appreciate that the premises falls within the Red Zone, and that applications will therefore only be granted in exceptional circumstances, we are of the belief that all the matters detailed in this statement do amount to an exceptional circumstance which justifies grant. The premises has an exceptional style of operation which is not just unlikely to add to cumulative impact, but more importantly, is proven not to do so.

Thank you for reading.







**Turtle Bay**  
*Caribbean social*

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