



Licensing and Registration

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Private & Confidential

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Contact: Susan Holden

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Your ref:

23rd February 2018

Dear Ms Ingram

**Turtle Bay, Unit A14, The Light, Albion Street, Leeds, LS1 8TL
Application for a variation of a premises licence under the Licensing Act 2003
Licensing Authority Letter of Representation**

Thank you for submitting your application to vary the licence for the above premises.

The area in which the subject premises is located is within a cumulative impact area. It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in this area for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

Specifically your application falls within the red area of the City Centre CIP. As stated at 7.20 of the Statement of Licensing Policy 2014 to 2018 the council will seek to refuse all applications in these red areas on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or extending their operation no matter how impressive the concept or application is.

I refer you to 7.67 to 7.70 of the Policy which describes how, when considering the presumption against grant in a CIP area, the council will need to be satisfied that the grant of this variation will not impact on the cumulative impact of existing licensed premises in the area. It will be for you to advise the council how your application would allow Members to make an exception to the policy.



I note that your application is to vary the existing licence to increase your hours on a Friday and Saturday so that your hours would be:

Sale by retail of alcohol	Sunday to Thursday	10:00 to 00:00
	Friday and Saturday	10:00 to 01:00
Recorded music	Sunday to Thursday	10:00 to 00:00
	Friday and Saturday	10:00 to 01:00
Provision of late night refreshment	Sunday to Thursday	23:00 to 00:30
	Friday and Saturday	23:00 to 01:30
Opening hours	Sunday to Thursday	10:00 to 00:30
	Friday and Saturday	10:00 to 01:30

You have not offered any additional measures to promote the four licensing objectives relying on the existing conditions. You have provided a Cumulative Impact Statement where you have described your style of operation, trading experience and your use of temporary event notices in this premises. You also refer to your premises in other cities which run with the varied operating hours. You refer to your premises not being run as a pure bar, however you have not explained when the food sales usually cease, and when the kitchen closes. Although there is no doubt the premises is food led for the majority of the time, during the peak hours for alcohol related crime and disorder, the premises is not operating as a restaurant but as a late night bar serving cocktails.

I refer you to 7.69 of the Policy which describes examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run as all licensed premises should meet this standard.
- That the premises will be constructed to a high standard.
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint.

You refer to the lack of recorded crimes at your premises, citing a Freedom of Information request you've submitted to the Police. I would like to remind you that should the premises have been subject to a number of reported crimes further action would have been taken by Entertainment Licensing and West Yorkshire Police with action planning and the risk of a licence review. The purpose of a cumulative impact policy is not to address problem premises. In fact, it is quite clear from the Statement of Licensing Policy that Section 7 specifically relates to areas of the city which suffer from an excess of people using the area that often cannot be ascribed to one premises. This is the case in the red area of the city centre cumulative impact area.

Bearing in mind the severity of the problems being experienced in the area with this area suffering from the highest levels of violent crime and disorder incidences in the city centre, with an increase in the last 12 months of 10% in this area and peak hours of 23:00 to 04:00, the Licensing Authority is of the opinion that your application does not contain sufficient information about how your proposed variation would not add to the impact already being experienced in the area.

Therefore the licensing authority submits a formal representation to your application on the grounds of the prevention of crime and disorder and public safety and will recommend to the licensing sub-committee that this application is refused.

Should you have any questions, please contact us.

Yours faithfully



Susan Holden
Principal Licensing Officer
Entertainment Licensing