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## WITNESS STATEMENT

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**Name:** Stephen Entwistle

**Occupation:** Managing Director

**Dated:** 17 April 2018

1. My name is Stephen Entwistle and I am the Operations Director of Turtle Bay Restaurants Limited. I make this statement in support of the application for a variation to the premises licence for Turtle Bay, The Light, Leeds, and in response to the representations received against this.
2. The Committee will note that I have set out a great deal of information in respect of Turtle Bay's style of operation and proposals in relation to this extension in the Cumulative Impact Statement submitted with the application. As such, I do not propose to repeat myself here, but simply wish to emphasise some points and also respond to some of the issues raised in the representations.
3. As the Committee will be aware, the premises currently has the benefit of a licence which permits the sale of alcohol and playing of recorded music until midnight daily, and late night refreshment until 00:30 daily, with 30 minutes dispersal Sunday to Thursday and 1 hours dispersal (i.e. until 01:00) on a Friday and Saturday. This application seeks to extend the hours for the sale of alcohol and playing of recorded music by an hour until 01:00, late night refreshment by an hour until 01:30 and opening by 30 minutes until 01:30 on a Friday and Saturday. This is an additional 2 hours per week for licensable activities.
4. I am pleased to note that no representations have been received from the Environmental Health teams, from any local residents or businesses, or any responsible authorities save for the police and the licensing authority. I should like to take this opportunity to deal with what they state in their representations.

West Yorkshire Police

5. PC Arkle speaks in general in her representation about the issues with crime and disorder in the Albion Street/Woodhouse Lane area. I do not dispute that there are issues here, but I do dispute the assertion that Turtle Bay contributes to them.
6. Whilst I appreciate what she is saying with regards to the difficulty in determining responsibility for incidents on the street, I would respectfully suggest that the evidence that we have provided demonstrates that it is highly unlikely that our customers are involved in such incidents.
7. As noted above, extensive information has been provided in our cumulative impact statement in terms of how the grant of this application will not cause negative impact, and how we can definitively demonstrate that this is the case. Amongst this, was the results of our Freedom of Information request, which demonstrated that no incidents of violence/disorder had been associated with our premises during the times specified. I note that, in the course of the police representation, no evidence is produced to dispute these statistics. I would reiterate the comments made in our cumulative impact statement that surely this must demonstrate an exceptional standard of operation.
8. I would also suggest that if a venue does not have any issues associated with it specifically (when others in the area clearly do), it surely follows that it is highly unlikely that they are adding to issues at street level. The reason we do not experience issues at our venue is as a result of the particularities of our style of operation described in the cumulative impact statement. This dictates the sort of customers we typically attract to the venue, and these are not the sorts of customers who would engage in anti-social behaviour on the street.
9. Indeed, police evidence of visits made to the premises back this up, with visit logs showing ‘no obvious drunkenness’; ‘no underage drink issues and no sobriety issues’; and ‘no unsuitable drinks promotions’.
10. The police have provided additional evidence in relation to an incident which took place on 10<sup>th</sup> February 2018. I am not totally clear here that this incident took place in our venue, for a number of reasons. Firstly, the venue is described as a ‘nightclub’, and secondly it appears that the incident took place between 01:00 and 03:00, when

we would have been closed. However, our venue is referred to, and therefore I have investigated the incident with the management team at the site who have no knowledge of anything of this nature occurring.

11. The police representation goes on to describe other premises in the area, and detail further that it is a 'crime hotspot', with offences of assault, robbery, sexual offences etc, with a main peak from 01:00 to 03:00. The premises does not seek to sell alcohol between these peak hours. It seeks to do so until 01:00, with all customers to be dispersed from the venue by 01:30. Furthermore, the last entry time of midnight dictates that customers will have been gradually dispersing prior to that time, and will not exit en masse into the wider night-time economy at 01:00. Our premises also typically do not form part of a 'circuit', with our customers enjoying the relaxed alternative that Turtle Bay offers to vertical drinking venues, before making their way home. The purpose of this application is to allow us to retain those customers for that purpose for a little bit longer. The last entry time means that no new customers will be attracted to the premises any later than they would be currently.
12. PC Arkle goes on to state that the violent crime rates in this area have increased since 2015, and that the only material change in this time has been the granting of our licence. She therefore suggests that whilst we are 'not solely responsible', that we must have contributed to this increase. Again, I would point to the fact that not a single incident of violence or disorder was recorded against our premises in the freedom of information request, and no evidence has been produced to suggest that this is incorrect.
13. In the alternative, I would suggest that this may be because the effect of the CIP has been to allow the area to stagnate, and has locked in the existing operators who are associated, evidently, with these issues and incidents.
14. Finally, PC Arkle goes on to discuss the fact that this is the third application made in relation to this site. We did initially apply for the hours sought here, and the Committee did determine to grant the licence to midnight, referring to the lack of evidence as to how we might trade in Leeds (in response to our evidence that we trade until 01:00 on Fridays and Saturdays in the vast majority of our sites elsewhere, including in cumulative impact zones).

15. We argued in our previous variation application that we did have that evidence, following almost two years of trading. The premises had traded for that time without negative impact upon the licensing objectives. We also had, and still have, specific evidence that the premises can trade to the hours sought in this application without causing negative impact. We have had a series of TENs, as detailed in our cumulative impact statement, during which we have traded until 01:00, plus 30 minutes dispersal. The police did not object to any of those TENs, nor did that raise concerns about the way the premises traded on those dates.
16. We now also have additional evidence, obtained through our freedom of information request, that no incidents of violence or disorder have occurred at Turtle Bay since we began trading. I would reiterate that no evidence has been introduced to dispute this, and I would again suggest that this is demonstrative of an exceptional premises and an exceptional application.

#### Licensing Authority

17. The Licensing Authority object, in similar lines to the police, simply on the basis of the location of Turtle Bay within the red zone and the policy implications of that.
18. They state that, as per the policy, there is a presumption in favour of the refusal of this variation, unless the applicant can demonstrate that their application would not impact on the cumulative effect of licensed premises in the area. I would suggest that we have demonstrated just that. Our premises have traded for nearly three years without any incidents of violence or disorder attributed to them. There is no evidence that they contribute to any issues experienced at street level, as indeed most of our customers tend to leave the area after they have finished their evening at our premises.
19. There is also demonstrable and uncontested evidence that our premises have traded to the hours that we seek here without negative cumulative impact. For example, there is no evidence at all that crime levels, either at the premises or at street level/in the vicinity increased on the days when our TENs were in operation.
20. Ms Holden goes on to state that we have not offered any additional measures to promote the licensing objectives, instead relying on the existing conditions. Simply, that is because it is clear to me that the existing measures are working. Our licence is

currently subject to numerous and extensive conditions, which are detailed in the cumulative impact statement.

21. No additional measures were put in place during the operation of the TENs either. Furthermore, the last entry time of midnight is in effect an additional measure that will kick in if this application is granted, because currently licensable activities (save for late night refreshment) cease in any case, and therefore the premises is not open to new customers beyond that time. If we are permitted to trade beyond midnight, as this application seeks, this condition will operate to ensure that no new customers are attracted to the premises, and that our existing customers will be dispersing over a period of an hour and a half.
22. Ms Holden also goes on to state that during later hours, the premises operates as a bar rather than a restaurant. Firstly, we do offer a full meals menu, with orders taken up until 23:00, with waiters/waitresses serving those meals to customers far beyond that time. Of course we experience less people eating at 23:00 than we might do at 20:00 or 21:00, but we do have plenty of customers who like to eat with us at that time – particularly with a lot of our customers coming to us after cinema showings or events at the arena.
23. During the later hours, some customers are simply enjoying drinks, and some may have stayed with us after a meal to enjoy some after dinner drinks. However, the key point here is that our customers do this in a responsible and sensible manner. They have proved this in the time that we have traded up until midnight without issues, and in the times that we have had TENs allowing us to trade until 01:00.

### Conclusion

24. As such, and by reference to our cumulative impact statement, I would respectfully suggest to the committee that granting this application would be to uphold the aims stated in Leeds City Council's Statement of Licensing Policy. As per the statement, the operation of Turtle Bay is something which accords with a number of the aims stated in that Policy.
25. The only possible conflict is with the Cumulative Impact Policy, which requires this application to be exceptional and requires us to demonstrate that a negative

cumulative impact will not be experienced. I believe that we have provided clear and concrete evidence that this is the case, and this evidence has not been contested.

26. I would be happy to assist the Committee further as necessary on the day of the hearing.