

**Report of the Chief Officer Elections and Regulatory**

**Report to Licensing Sub Committee**

**Date: 9th December 2020**

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

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Guiseley & Rawdon		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**Summary of main issues**

This is an application to vary a premises licence made by Mr Kenan Karaaslan, for Turkuaz Restaurant, 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ.

The application is made to amend the operating schedule to extend the time customers are permitted to use the external area up to 22:00 hours, and to add seasonal variations for Christmas Eve and New Year's Eve.

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

The application has attracted representations from Rawdon Parish Council and other persons.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under Section 34 of the Licensing Act 2003 ("the Act") to vary a premises licence in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of representations.

## **2 History of premises**

- 2.1 July 2010: The Licensing Authority received the first premises licence application. The application proposed sale by retail of alcohol, from 08:00 hours to 16:00 hours, Monday to Sunday. The application received representations and a decision was made at hearing to grant the licence as applied for by the Licensing Sub-Committee.
- 2.2 March 2011: A variation application was lodged with the Licensing Authority proposing to extend the terminal hour for sale by retail of alcohol until 22:00 hours, Monday to Sunday. No representations were received to this application and the licence was duly granted as applied for.
- 2.3 May 2011: The Licensing Authority received a minor variation application to allow the consumption of alcohol both on/off the premises. No representations were received to this application and it was granted as applied for.
- 2.4 May 2014: An application to vary the premises licence was received proposing to extend the terminal hour for the sale by retail of alcohol and late night refreshment until 00:00 hours, Monday to Sunday. Representations to this application were received from the Environmental Protection Team and the Planning Department. Members of the Licensing Sub Committee resolved to grant the application, subject to reduction for alcohol sales ceasing at 23:00 hours each day and refusing the addition of Late Night Refreshment. Use of the outside area was also conditioned to 20:00 hours at the hearing.
- 2.5 July 2020: The licensing authority received a minor variation application to amend the condition on the licence preventing use of the external area beyond 20:00 hours. The proposed amendment was to allow use of the area up to 22:00 hours each day and attracted comments from several local residents, primarily on the grounds of public nuisance. The comments of local residents sufficiently demonstrated to the Licensing Authority how granting the application could impact adversely on the licensing objectives. The application was refused.
- 2.6 A copy of the current licence is attached at **Appendix A**.

## **3 The application**

- 3.1 The applicant is Mr Kenan Karaaslan.

3.2 Briefly the application is to:

- Amend condition 27 of the current license to extend the time customers are permitted to use the front garden/external area up to 22:00 hours, Monday to Sunday. The current permission allows use of this area up to 20:00 hours, Monday to Sunday; and
- To allow the sale of alcohol and recorded music until 00:30 hours on Christmas Eve and New Year's Eve.

3.3 A redacted copy of the application form is attached at **Appendix B**.

3.1 The applicant considers that the existing measures are sufficient to promote the licensing objectives and no further measures are necessary.

#### **4 Location**

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

#### **5 Representations**

5.1 Under the Act representations can be received from anyone but they must be relevant and, in the case of members of the public, must not be frivolous or vexatious.

##### Representations from Responsible Authorities

5.2 There have been no representations from responsible authorities.

##### Other representations

5.3 The application has attracted representations from members of the public (described as 'other persons' in the legislation).

5.4 Entertainment Licensing is in receipt of nine individual letters of objection, one of which is submitted on behalf of Rawdon Parish Council. The representations oppose this application mainly on the grounds of public nuisance.

5.5 One representation has been received from a member of the public who has expressed concern that they may be at risk of retribution should their details be made public. As such their personal details have been redacted and they have remained anonymous through the application process. For this reason, despite their strength of feeling they will not be attending the hearing and would like their representations to be considered fully in their absence.

5.6 In order to protect personal data, redacted copies of the representations are attached at **Appendix D**. Original copies will be provided to Members of the Licensing Sub Committee in advance of the hearing.

## **6 Equality and diversity implications**

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

## **7 Options available to Members**

7.1 The licensing subcommittee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Grant the variation as requested.
- Grant the variation whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Reject the whole or part of the application.

7.2 Members of the licensing subcommittee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives and relevant to the application.

## **8 Background papers**

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