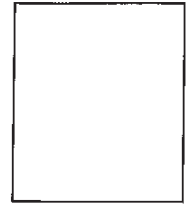




## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 13<sup>th</sup> September 2016

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**Subject:** Licensing Act 2003

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**Author of Report:** Jayne Gough

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**Summary:** To consider an application to grant a premises licence made under the Licensing Act 2003.

Turtle Bay. Unit 2 NUM Building, Holly Street, Sheffield, S1 2GT

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**Recommendations:** That members carefully consider the representations made and take such steps, as the Sub Committee consider necessary for the promotion of the Licensing Objectives.

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**Background Papers:** Attached documents

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**Category of Report:** OPEN

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**REPORT OF THE CHIEF LICENSING OFFICER  
(HEAD OF LICENSING) TO THE LICENSING SUB COMMITTEE  
LICENSING ACT 2003**

Ref No 72/16

Turtle Bay, Unit 2 NUM Building, Holly Street, Sheffield, S1 2GT.

**1.0 PURPOSE OF REPORT**

1.1 To consider an application for the grant of a premises licence made under section 17 of the Licensing Act 2003.

**2.0 THE APPLICATION**

2.1 The applicant is Turtle Bay Restaurants Limited.

2.2 The application, which was received on 21<sup>st</sup> June 2016, is attached to this report labelled Appendix 'A'.

**3.0 REASONS FOR REFERRAL**

3.1 Representations concerning the application have been received from the following and are attached at Appendix B:-

- Health Protection Service

3.2 The applicant and objectors have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'

**4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific financial implications arising from this application. However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

**5.0 THE LEGAL POSITION**

5.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

5.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

## **6.0 HEARINGS REGULATIONS**

- 6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'D'.
- 6.3 Attached at Appendix 'D' is the following: -
- a) a copy of the Notice of Hearing;
  - b) the rights of a party provided in Regulations 15 and 16;
  - c) the consequences if a party does not attend or is not represented at the hearing
  - d) the procedure to be followed at the hearing.

## **7.0 APPEALS**

- 7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

## **8.0 RECOMMENDATIONS**

- 8.1 That Members carefully consider the representations made and take such steps as the Sub Committee consider appropriate for the promotion of the Licensing Objectives.

## **9.0 OPTIONS OPEN TO THE COMMITTEE**

- 9.1 To grant the premises licence in the terms requested.
- 9.2 To grant the premises licence with conditions.
- 9.3 To reject the whole or part of the application.

  
Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

# Appendix A

Application

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Turtle Bay Restaurants Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Turtle Bay, Unit 2, NUM Building, Holly Street			
Post town	Sheffield	Postcode	S1 2GT

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£Unknown - None assigned yet. JB

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Turtle Bay Restaurants Limited
Address Ampney House, Falcon Close, Quedgeley, Gloucester, GL2 4LS
Registered number (where applicable) 07127647
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited company
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
2	0	07 2016

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Caribbean themed restaurant and bar

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment  | Please tick any that apply          |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>            |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |



**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				<b>Please give further details here</b> (please read guidance note 3)	
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)			
			Indoors	<input type="checkbox"/>		
			Outdoors	<input type="checkbox"/>		
			Both	<input type="checkbox"/>		
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue						
Wed					<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)	
Thur						
Fri					<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 3)	
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> -- please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	00:00	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10:00	00:00			
Wed	10:00	00:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  From the start time on New Year's Eve to the terminal hour for New Year's Day.		
Sat	10:00	01:00			
Sun	10:00	00:00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</b>			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					



I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:30	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue	23:00	00:30			
Wed	23:00	00:30	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur	23:00	01:30			
Fri	23:00	01:30	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	23:00	01:30	From the start time on New Year's Eve to the terminal hour for New Year's Day.		
Sun	23:00	00:30			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  From the start time on New Year's Eve to the terminal hour for New Year's Day.		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name Stephen Entwistle	
Address 21 Grosvenor Road, Sketty, Swansea	
Postcode	SA2 0SP
Personal licence number (if known) SJ022461	
Issuing licensing authority (if known) City & County of Swansea	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**

n/a

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	00:30	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)</p> <p>From the start time on New Year's Eve to the terminal hour for New Year's Day.</p>
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	01:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 9)

Please see attached operating schedule and policies.

**b) The prevention of crime and disorder**

Please see attached operating schedule and policies.

**c) Public safety**

Please see attached operating schedule and policies.

**d) The prevention of public nuisance**

Please see attached operating schedule and policies.

**e) The protection of children from harm**

Please see attached operating schedule and policies.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Kuit Steinart Levy LLP</i>
Date	21 June 2016
Capacity	Kuit Steinart Levy LLP (Solicitors and Authorised Agents)

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Kuit Steinart Levy LLP, 3 St Mary's Parsonage			
Post town	Manchester	Postcode	M3 2RD
Telephone number (if any)	0161 838 7888		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) rebeccaingram@kuits.com			

#### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Consent of individual to being specified as Designated Premises Supervisor

I Stephen Entwistle  
[full name of prospective Designated Premises Supervisor]

Of 21 Grosvenor Road  
Sketty  
Swansea  
SA2 0SP

[home address of prospective Designated Premises Supervisor]

My date of birth is: 17/08/1968

I was born in: Dulwich, London  
[place of birth of prospective Designated Premises Supervisor]

Contact telephone number: 07502305299

Hereby confirm that I give my consent to being specified as the Designated Premises Supervisor in relation to the application for

Application for New Premises Licence

for TURTLE BAY, UNIT 2, NUM BUILDING  
HOLLY STREET, SHEFFIELD, S1 2QT

[name and address of premises to which the application relates]

and any Premises Licence to be granted or varied in respect of this application made by

Turtle Bay Restaurants Limited  
[name of applicant]

A20

concerning the supply of alcohol at  
TURTLE BAY, UNIT 2, NUM BUILDING,  
HOLLY STREET, SHEFFIELD, S1 2QT

[name and address of premises to which the application relates]

I also confirm that I am applying for/ intend to apply for / currently hold a Personal Licence,  
details of which I set out below.


Personal Licence number

SJ022461

Personal Licence Issuing Authority

City & County of Swansea

Signed:



Name (please print)

STEPHEN ENTWISTLE

Date:

21/06/2016



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**DISPERSAL POLICY**  
**TURTLE BAY, SHEFFIELD**

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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.

A22

**OPERATING SCHEDULE**

Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.

**A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. Plans indicating the position of CCTV cameras to be submitted to the Police prior to the premises opening.
6. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
8. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
9. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
10. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
11. At any given time, a minimum of 70% of the public trading area will be set aside for tables and chairs.

**B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.

4. The premises shall maintain an Incident Log and public liability insurance.

**C) The Prevention of Public Nuisance**

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).

**D) The Protection of Children From Harm**

1. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.

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**SMOKING & AL FRESCO DINING POLICY****TURTLE BAY, SHEFFIELD**

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1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. Any outside area shall be monitored by staff or door staff regularly at all times it is in use.
3. Any outside area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in any outside area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of any outside area.





# Appendix B

Health Protection Service Objection

**Palmer Helena**

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**From:** Palmer Helena on behalf of licensingservice  
**Sent:** 19 July 2016 10:10  
**To:** Palmer Helena  
**Subject:** FW: Turtle Bay, Unit 2, Num Building, Holly Street, Sheffield (TUR140/46)

---

**From:** Gibbons Sean (DEL)  
**Sent:** 19 July 2016 09:11  
**To:** Anthony Lyons (anthonylyons@kuits.com)  
**Cc:** licensingservice  
**Subject:** FW: Turtle Bay, Unit 2, Num Building, Holly Street, Sheffield (TUR140/46)

Dear Anthony,

Further to my previous e-mail, telephone conversation with your Office, and the deadline for this application (today) I feel that I currently have no alternative than to object to this application on the grounds of public safety.

As you will appreciate, I did attempt to meet up with your clients to discuss the layout and proposals in detail prior to today's deadline.

I shall look forward to meeting your clients with a view to resolving and withdrawing this objection. We shall also then need to consider any relevant conditions to be attached to the premises licence for the promotion of public safety.

Kind Regards  
Sean

*Sean Gibbons BSc (Hons)  
Environmental Health Officer  
Health & Safety Inspector  
Environmental Regulation  
Sheffield City Council  
5<sup>th</sup> Floor North  
Howden House  
1 Union Street  
Sheffield  
S1 2SH*

*Tel: 0114 273 4616  
Fax: 0114 273 6464  
Email: [sean.gibbons@sheffield.gov.uk](mailto:sean.gibbons@sheffield.gov.uk)*

**This emailed representation is made in accordance with the agreement with the Licensing Authority on the 18th October 2006 to accept representations by email.**

---

**From:** Gibbons Sean (DEL)  
**Sent:** 13 July 2016 07:50  
**To:** 'Anthony Lyons'  
**Subject:** RE: Turtle Bay, Unit 2, Num Building, Holly Street, Sheffield (TUR140/46)



Thanks Anthony,  
Regards  
Sean

---

**From:** Samantha Lawson [<mailto:SamanthaLawson@kuits.com>] **On Behalf Of** Anthony Lyons  
**Sent:** 12 July 2016 16:55  
**To:** Gibbons Sean (DEL)  
**Subject:** RE: Turtle Bay, Unit 2, Num Building, Holly Street, Sheffield (TUR140/46)

Hi Sean,

Many thanks for your email.

I am taking my clients instructions on the points you raise and will revert to you as soon as possible.

Kind regards

Anthony

Please note that all meetings are held at our new offices on 7th Floor, Blackfriars House, Parsonage, Manchester, M3 2JA.

**Anthony Lyons**  
partner | licensing

for and on behalf of  
kuit | steinart | levy LLP  
Tel: +44 (0)161 832 3434 | Dept: +44 (0)161 838 7888 | Fax: +44 (0)161 838 8109

---

**From:** Gibbons Sean (DEL) [<mailto:Sean.Gibbons@sheffield.gov.uk>]  
**Sent:** 12 July 2016 10:05  
**To:** Anthony Lyons  
**Subject:** RE: Turtle Bay, Unit 2, Num Building, Holly Street, Sheffield (TUR140/46)

Good Morning Anthony,

Thank you for your e-mail.

Ideally I would have preferred to meet up with your clients to discuss in detail. However, in the meantime I will point out the discussion I shall need to have with your clients/architect, so at least we should be able to clarify a few points.

Building Regs

- Will it be Local authority or private inspector?

Capacity

- Could you please confirm the capacity number?

Flooring

- Could you confirm that floor surfaces in public areas and thoroughfares shall have a suitable non-slip finish.

With respect to any new floor finishes to be installed at the premises, the suitability of the slip-resistance must be incorporated into the design. For public areas within the premises, a pendulum wet test (in accordance with the 'UK Slip Resistance Group' document, Issue 3, 2005) rating of 36 or above, will be required.

Further advice available from [www.hse.gov.uk/slips/architects.htm](http://www.hse.gov.uk/slips/architects.htm)

### Layout

- Could you clarify whether the external seating area is raised/guarded?
- Regarding the toilet facilities with BS 6465, it appears that the gents facilities are short? Could you confirm that the facilities shall comply with BS 6465?
- The City Council encourages the provision of disabled access and facilities to licensed premises within Sheffield and when a new application is being made or when substantial alterations are taking place, reasonable provision must be made under the Equality Act 2010 (Which repealed the Disability Discrimination Act 1995) for people to access and use the building and its facilities. Could you confirm whether there shall be self-service at the bar servery or whether service shall be waiter/waitress only?
- At the 1<sup>st</sup> floor level, will there be a solid wall over the void or is this to be a balustrade. If balustrade, I shall need details of the design.
- Could you confirm the dimensions of the staircase (width/going/riser)
- How is food to be transported from the ground floor to the 1<sup>st</sup> floor?

### Style of operation

- Could you please confirm how the premises will operate. I note from the application that there are proposed door staff, dispersal procedures etc?

### Certificates

- I shall need a copy of the electrical installation & gas certificate/s
- I shall need a copy of the final certificate if building control is private inspector

The deadline on this application is the 19<sup>th</sup> July, so I would appreciate feedback before the end of the week, Monday at the latest!!

I shall look forward to your reply,

Kind Regards  
Sean

*Sean Gibbons BSc (Hons)  
Environmental Health Officer  
Health & Safety Inspector  
Environmental Regulation  
Sheffield City Council  
5<sup>th</sup> Floor North  
Howden House  
1 Union Street*

Sheffield  
SI 2SH

Tel: 0114 273 4616  
Fax: 0114 273 6464  
Email: [sean.gibbons@sheffield.gov.uk](mailto:sean.gibbons@sheffield.gov.uk)

**From:** Samantha Lawson [<mailto:SamanthaLawson@kuits.com>] **On Behalf Of** Anthony Lyons  
**Sent:** 11 July 2016 14:51  
**To:** Gibbons Sean (DEL)  
**Subject:** Turtle Bay, Unit 2, Num Building, Holly Street, Sheffield (TUR140/46)

Hi Sean,

Many thanks for your email to Becki which she has passed to me to discuss with clients.

Unfortunately, there does not appear to be any availability to meet with both architects and clients this week.

I wonder if you could kindly let me have an email setting out your queries and we will be sure to get back to you with our responses.

I look forward to hearing from you.

Yours sincerely,

Anthony Lyons  
For and on behalf of Kuit Steinart Levy LLP

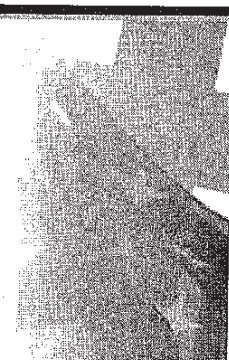
Please note that all meetings are held at our new offices on 7th Floor, Blackfriars House, Parsonage, Manchester, M3 2JL

## Brexit Impact Group

The vote for Brexit on 23rd June is expected to have legal implications for all businesses.

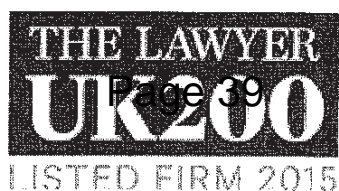
Kuits have created a Brexit Impact Group to advise and guide our clients through this. For further information, speak to your Kuits client contact and they will be able to direct you.

On 11th July we will be holding a Brexit Impact Seminar at our offices at Blackfriars House. [Click here to find out more and sign up.](#)



Anthony Lyons  
partner  
licensing  
for and on behalf of kuit | steinart | levy LLP  
Tel: +44 (0)161 832 3434  
Dept: +44 (0)161 838 7888  
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kuit | steinart  
3 St Mar  
Manch  
wy



B5



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**Gough Jayne (CEX)**

BC

**From:** Gibbons Sean (DEL)  
**Sent:** 26 August 2016 11:25  
**To:** Rebecca Ingram (RebeccaIngram@kuits.com)  
**Cc:** Gough Jayne (CEX); licensingservice  
**Subject:** FW: Turtle Bay Sheffield

Hi Becki,

I would confirm that I would support a deferred hearing under these circumstances,

Kind Regards  
Sean

---

**From:** Gibbons Sean (DEL)  
**Sent:** 26 August 2016 11:07  
**To:** 'Angie Newby-Stubbs'  
**Subject:** RE: Turtle Bay Sheffield

Morning Angie,

I have just come from a meeting with my line manager, Shiva Prasad.

The following items as previously discussed, cause us concern and I shall go into them in a little more detail.

Toilet facilities – The Customer provision has been allocated taking BS6465 as a guide along with the knowledge of the other Turtle Bay restaurants with a similar capacity (there are currently 34 restaurants around the country). Please see attached an alternative layout as discussed with 3 male and 3 female cubicles. We await your thoughts on these options.

As discussed, the current facilities do not satisfy the requirements incorporated into our Code Of Practice for Licensed premises in Sheffield. The standard is based upon BS: 6465, as amended. Therefore the number of facilities proposed should comply with this, and we are not really happy to get rid of all urinals. However, there is an alternative here that is not ideal, but would be acceptable. If you go back to the original design. Keep the facilities as they are and turn the staff W/C into the additional male. The majority of staff I presume will be based on the ground floor and could utilise the accessible facility. We would however strongly recommend that for future projects, BS :6465 standards be incorporated into the design.

Food transportation – All food for the mezzanine diners will be via the staircase. As with the majority of food operators, dumb waiters are not used to transport food as the hoist spoils the food and this would substantially reduce the offer and appeal of Turtle Bay. Existing Turtle Bay sites where food is currently transported up/down staircase include:

~~This proposal will not be accepted by this department due to the risks of conflict between staff transporting food and members of public accessing the toilets and mezzanine level.~~

I am still awaiting external details from Matthew Stevens.

I shall look forward to your further response,

Kind Regards

Sean

B7

---

**From:** Angie Newby-Stubbs [<mailto:angie@fusiondna.co.uk>]  
**Sent:** 24 August 2016 10:41  
**To:** Gibbons Sean (DEL)  
**Cc:** Matthew Stephens; Roger Gascoigne; George Waite; Rebecca Ingram; [anthonylyons@kuits.com](mailto:anthonylyons@kuits.com)  
**Subject:** Turtle Bay Sheffield

Sean

Further to our meeting on Monday discussing the points raised in your email dated 19th July, can I confirm our discussions as follows:

**1. Building Regulations** will be via private inspector,  
Carl Parkinson  
Approved Design Consultancy Limited  
Suite 26 Lighterman House  
26-36 Wharfdale Road  
Kings Cross, London, N1 9RY  
Tel: 020 3077 2151 Mobile: 07866 672393  
[Carl@approveddesign.co.uk](mailto:Carl@approveddesign.co.uk)

**2. Capacity of the unit**

We have a seated capacity of 184 internal covers to Ground floor and mezzanine.

**3. Flooring**

The test results that I issued to you today gave a +44 on the timber floor with the Dr Schultz Anti Slip additive. The junkers anti slip achieves +36 mean rating across all directions. I have attached those tests as this may be preferable to the higher rating.

**4. Layout**

External Seating area - Following discussions about the low wall, Axis Architects are looking to amend the door opening and arrange the steps and access the unit to negate the need for a low wall.

Toilet facilities – The Customer provision has been allocated taking BS6465 as a guide along with the knowledge of the other Turtle Bay restaurants with a similar capacity (there are currently 34 restaurants around the country). Please see attached an alternative layout as discussed with 3 male and 3 female cubicles. We await your thoughts on these options.

Accessibility – All tables within the restaurant receive the same table service for both food and beverage. With this, the veranda and mezzanine areas do not provide a different offer from any other table.

Balustrade to mezzanine – The height of the balustrade was discussed due to the proximity of loose furniture. Fusion requested if a higher section was required could this be more open than the 100mm of the lower balustrade, our concern is the obstruction of the fantastic view across the Guildhall and the City. We await your thoughts on this item.

Fusion confirmed that the base of the balustrade will be solid to prevent things being kicked through any gaps and falling down the void.

Staircase – The staircase is compliant with Document M of Building Regulations, full details were issued today, please find them reattached.

Food transportation – All food for the mezzanine diners will be via the staircase. As with the majority of food operators, dumb waiters are not used to transport food as the hoist spoils the food and this would substantially reduce the offer and appeal of Turtle Bay. Existing Turtle Bay sites where food is currently transported up/down staircase include:

Bath  
Bournemouth

Bristol, Gloucester Road  
Leicester  
Manchester Oxford Street  
Walthamstow

B8

### **5. Style of Operation**

In addition to the licensing information pack we issued today, please find enclosed the dispersal policy, this is to ensure Turtle Bay are a valued addition to the town centre.

### **6. Certificates**

Fusion will issue all certification to you upon receipt of the handover documents.

Kind regards,

Angie

**Angie Newby-Stubbs**

For and on behalf of Fusion DNA LLP

### **Fusion Design and Architecture**

4 Risborough Street  
London  
SE1 0HE  
Mobile: 07931 436165  
Tel: 020 7928 9982  
Fax: 020 7928 9994  
[www.fusiondna.co.uk](http://www.fusiondna.co.uk)

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# Appendix C

Hearing Notices





**Notice of hearing of representations  
in respect of the following application:  
LA03 Premises Licence Application**

Rebecca Ingram  
Kuit Steinart Levy LLP  
3 St Marys Parsonage  
Manchester M3 2RD

Sent via email: [RebeccaIngram@kuits.com](mailto:RebeccaIngram@kuits.com)

The Sheffield City Council being the licensing authority, on the 21<sup>st</sup> June 2016 received an application in respect of the premises known as;

Turtle Bay, Unit 2 NUM Building, Holly Street, Sheffield, S1 2GT.

During the consultation period, the Council received representations from the following authorities / interested parties:

- **Health Protection Service**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **13<sup>th</sup> September at 10am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 5<sup>th</sup> September 2016

Signed:

  
Jayne Gough  
The officer appointed for this purpose  
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

[licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)



**Notice of hearing of representations  
in respect of the following application:  
LA03 Premises Licence Application**

Sean Gibbons.  
Health Protection Service

Sent via email: [sean.gibbons@sheffield.gov.uk](mailto:sean.gibbons@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 21<sup>st</sup> June 2016 received an application in respect of the premises known as;

Turtle bay, Unit 2, NUM Building, Holly Street, Sheffield, S1 2GT.

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The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) the representations you have made, upon which you may be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your representation.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 5<sup>th</sup> September 2016

Signed:   
Jayne Gough  
The officer appointed for this purpose  
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

[licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

# Appendix D

Regulations



**Notice of hearing of representations  
in respect of the following application:  
LA03 Premises Licence Application**

Rebecca Ingram  
Kuit Steinart Levy LLP  
3 St Marys Parsonage  
Manchester M3 2RD

Sent via email: [RebeccaIngram@kuits.com](mailto:RebeccaIngram@kuits.com)

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Turtle Bay, Unit 2 NUM Building, Holly Street, Sheffield, S1 2GT.

During the consultation period, the Council received representations from the following authorities / interested parties:

- **Health Protection Service**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **13<sup>th</sup> September at 10am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 5<sup>th</sup> September 2016

Signed:

Jayne Gough  
The officer appointed for this purpose  
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

[licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

## Regulation 8

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
  - (a) whether he intends to attend or be represented at the hearing;
  - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
  - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
  - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
  - (a) section 167(5)(a) (review of premises licence following closure order),
  - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
  - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

D3

**LICENSING ACT 2003**

Premises : Turtle Bay, Unit 2 NUM Building, Holly Street,  
Sheffield, S1 2GT.

Form LAR 1  
Regulation 8

**Notice of actions following receipt of notice of hearing**

To **Licensing Service,  
Sheffield City Council  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD**

I

hereby confirm that I have received the Notice of Hearing dated 13<sup>th</sup> September 2016 and  
notify you as follows **(please complete)**:

- I intend to attend the hearing at
- I do not intend to attend the hearing
- I intend to be represented at the hearing by: .....
- I consider the hearing to be unnecessary because: .....
- I request that .....should appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

**Dated:** ..... **Signed**.....

**Please see Regulation 8 overleaf**

Please complete this form and return it to:  
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

[licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

## Licensing Act 2003 – Hearing Procedure – Regulation 7 (1)

D4

**This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.**

1. The hearing before the Council is Quasi Judicial.
  2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
  3. The Chair will ask the applicants to formally introduce themselves.
  4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
  5. Hearing Procedure:-
    - (a) The Licensing Officer will introduce the report.
    - (b) Questions concerning the report can be asked both by Members and the applicant.
    - (c) The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
    - (d) Members may ask questions of those parties
    - (e) With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
    - (f) The applicant/licensee (or his/her nominated representative) will then be asked to:-
      - (i) detail the application;
      - (ii) provide clarification on the application and respond to the representations made.
    - (g) The applicant/licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
    - (h) The applicant will then be given the opportunity to sum up the application.
    - (i) The Licensing Officer will then detail the options.
    - (j) There will then be a private session for members to take legal advice and consider the application.
  6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.
- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
  - 2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

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