

Crawley Borough Council

Report to Licensing Sub-Committee

30 August 2022

**Application to Vary the Premises Licence
Licensing Act 2003
for
Turtle Bay, Unit 1, 100 High Street, Crawley, RH10 1BQ
(Northgate & West Green Ward)**

Report of the Head of Community Services - **HCS/044**

1. Application

Applicant and premises			
Application type:	Variation of a Premises Licence, Licensing Act 2003		
Application received & consultation commenced date:	6 th July 2022		
Consultation period & deadline for representations:	28 day consultation period Deadline for representations: 3 rd August 2022		
Applicant:	Turtle Bay Hospitality Limited		
Premises:	Turtle Bay		
Premises address:	Unit 1 100 High Street Crawley RH10 1BQ	Ward:	Northgate & West Green
		Location:	Town Centre
Premises description:	Existing licensed premises offering the following licensable activities: <ul style="list-style-type: none">- Alcohol for consumption on and off the premises- Late Night Refreshment		
Variation description:	Application seeks to: <ol style="list-style-type: none">1. Add live and recorded music to the licence. The hours requested for live and recorded music mirror those permitted for the sale of alcohol.2. Remove condition 18 currently on the premises licence, which states "No speakers for amplification of music shall be placed on the outside of the premises or on the outside of the building forming part of the premises".3. Include the provision of British Summer Time (BST) for all licensable activities.		

Premises licence history & current licence:	The premises has traded as a restaurant, bar, and take away since 2014 with background music. A location plan is included at Appendix A , with a layout plan of the premises and the current licence included at Appendix B .
Application & applicant submissions:	<p>The application form in respect of this case is included at Appendix C.</p> <p>In relation to the current variation application before the Licensing Sub Committee, the Applicant has not provided any further information other than they wish to provide live and recorded music as well as varying the licence as follows:</p> <ol style="list-style-type: none"> 1. To add live and recorded music to the licence. The hours requested for live and recorded music mirror those permitted for the sale of alcohol. 2. To remove Condition 18, which states "No speakers for amplification of music shall be placed on the outside of the premises or on the outside of the building forming part of the premises". 3. To include the provision of British Summer Time (BST) for all licensable activities.

Current and proposed licensable activities and hours				
Late night refreshment (food)				
Indoors, outdoors or both:				
Current: Both			Proposed (NO CHANGE)	
	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	2300	0100	NO CHANGE	
Tuesday	2300	0100		
Wednesday	2300	0100		
Thursday	2300	0100		
Friday	2300	0200		
Saturday	2300	0200		
Sunday	2300	0100		
Seasonal variations/ non-standard timings:	Current		Proposed Variation	
	<u>Non Standard Timings</u> <i>From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day</i>		<u>Non Standard Timings</u> <i>On the day that British Summer Time commences, one additional hour to disapply its effect.</i>	

Additional Activities				
Live Music				
Recorded Music				
Indoors and Outdoors				
	Proposed Hours		(Mirrors the sale & supply of alcohol)	
	Start:	End:		
Monday	1000	0100		
Tuesday	1000	0100		
Wednesday	1000	0100		
Thursday	1000	0100		
Friday	1000	0200		
Saturday	1000	0200		
Sunday	1000	0100		
Seasonal variations/ Non-standard timings:		Proposed		
		<i>On the day that British Summer Time commences, one additional hour to disapply its effect</i> <i>From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day</i>		

Sale by Retail of Alcohol				
Current On & Off The Premises			Proposed (NO CHANGE) On & Off the Premises	
	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	1000	0100	1000	0100
Tuesday	1000	0100	1000	0100
Wednesday	1000	0100	1000	0100
Thursday	1000	0100	1000	0100
Friday	1000	0200	1000	0200
Saturday	1000	0200	1000	0200
Sunday	1000	0100	1000	0100
Seasonal variations/ Non-standard timings:		Current:	Proposed Variation	
		<i>From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.</i>	<i>On the day that British Summer Time commences, one additional hour to disapply its effect.</i>	

Open to the Public	Current Hours		Proposed Hours (NO CHANGE)	
	Start:	End:	Start:	End:
Monday	1000	0130	NO CHANGE	
Tuesday	1000	0130		
Wednesday	1000	0130		
Thursday	1000	0130		
Friday	1000	0230		
Saturday	1000	0230		
Sunday	1000	0130		
Seasonal variations/ Non-standard timings:	Current		Proposed Variation	
	<i>From the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.</i>		<i>On the day that British Summer Time commences, one additional hour to disapply its effect</i>	

Conditions being varied, added or removed by the application	
Condition	Proposed variation
18 "No speakers for amplification of music shall be placed on the outside of the premises or on the outside of the building forming part of the premises"	Remove condition

2. Representations

Responsible Authorities	
Responsible Authority:	Environmental Health, Pollution and Public Health (Noise)
Representative:	Mr Alan Rimington
Received:	15/07/22
<p>A full copy of this representation is listed at Appendix D.</p> <p><i>“Formal representation is hereby given by the Environmental Health Authority (a responsible authority under the above Act) to the variation of premises licence on the grounds of:</i></p> <p><i>Prevention of public nuisance.</i></p> <p><i>The purpose of this variation has been given as follows:</i></p>	

- “1. To add live and recorded music to the licence. The hours requested for live and recorded music mirror those permitted for the sale of alcohol.
2. To remove condition 18, which states "No speakers for amplification of music shall be placed on the outside of the premises or on the outside of the building forming part of the premises".
3. To include the provision of BST for all licensable activities...”

Environmental Health objects to the removal of condition 18, restricting the placement of speakers and production of amplified music outside of the premises or on the outside of the building forming part of the premises.

Reasons:

External speakers playing amplified music are likely to give rise to statutory nuisance to nearby noise sensitive residents with respect to noise.”

There have been ongoing discussions with Mr Rimington as the Responsible Authority representative which has resulted in general discussions taking place but nothing more substantive. These are included at **Appendix E**. Matters remain unresolved hence the matter being placed before a Licensing Sub-Committee.

Other Representations Received:

None

3. Licensing Act 2003, Council’s Statement of Licensing Policy & Other Considerations

Crawley Borough Council is the Licensing Authority for the borough of Crawley and determines all matters under the Licensing Act 2003 – any current licence holder, and/or where there is a new application or variation to an existing premises licence.

Crawley Borough Council’s Statement of Licensing Policy must seek to promote the Licensing Objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- Protection of children from harm.

The Council has a current [Statement of Licensing Policy \(2019 – 2024\)](#). This provides a framework for decisions under the Licensing Act 2003, along with the revised Guidance issued under [Section 182](#) of the same Act (April 2018).

4. Options Open to the Licensing Sub-Committee

The Licensing Sub-Committee must consider each application on its merits, in accordance with the provisions within the Licensing Act 2003, and must be satisfied that the Licensing Objectives will be met and promoted if an application is granted.

The Licensing Sub-Committee must have regard to any relevant representations received, and take such steps, if any, it considers necessary for the promotion of the Licensing Objectives.

This can be one or more of the following steps:

- (i) Grant the licence in the terms sought
- (ii) Grant the application and modify conditions to the licence
- (iii) Reject all or part of the application.

5. Implications

There are no extra staffing or financial implications to the Council, save for those in respect of possible appeal(s) against any decision taken. The Licensing Service is self-financing via fees and charges set by statute.

The Council is required to consider the impact any decision may have on an individual's human rights.

The Council is required to consider the impact any decision may have on crime and disorder in the area (Section 17, Crime and Disorder Act, 1998) which states as follows:

Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:

- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) the misuse of drugs, alcohol and other substances in its area; and re-offending in its area.

6. Appendices

Appendix A	Premises Location Plan
Appendix B	Premises Layout Plan
Appendix C	Application Form
Appendix D	Environmental Health (Pollution & Public Health – Noise) Representation
Appendix E	Correspondence between Applicant and Mr Rimington, Environmental Health (Pollution & Public Health – Noise)
Appendix F	Licensing Sub-Committee (Hearings) Procedure Rules

7. Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	Crawley Borough Council Statement of Licensing Policy	2019 - 2024
3	Revised Guidance issued under Section 182 of the Licensing Act 2003	April 2018
4	Local Government Association: Licensing Act 2003 Councillors' Handbook	July 2021
5	Licensing Act 2003 (Hearings) Regulations 2005	2005

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