

Licensing Sub-Committee

Wednesday, 28th April, 2021

PRESENT: Councillor A Hutchison in the Chair

Councillors B Flynn and A Marshall-Katung

1 Election of the Chair

RESOLVED – To elect Cllr Hutchison to the Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no late items.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application for the grant of a premises licence for Afrochops Ltd, 12 Thorpe Street, Leeds, LS10 4EZ

The report of the Chief Officer Elections and Regulatory set out an application for the grant of a premises licence, for Afrochops Ltd, 12 Thorpe Street, Leeds, LS10 4EZ.

The Licensing Officer presented the application providing the Sub-Committee with the following information:

- The premises would operate as a restaurant and takeaway, specialising in Afro-Caribbean cuisine occupying the ground floor of the premises;
- The premises previously had the benefit of a premises licence issued under the Licensing Act 2003. At that time the premises had been known as Sharkey's Fish and Chip Shop. However, the premises licence was surrendered in February 2014.
- The applicant's name is Titilayowa Ositelu and he would be the proposed designated premises supervisor;
- The application was for the Sale of Alcohol - Monday to Sunday 16:00 to 22:00. The application was attached to the report at Appendix A;
- Appendix B provided a map with the location of the premises. It was noted that there was only one other licensed premises in that location;
- Responsible authorities and Ward Members had been notified of this application. A representation by West Yorkshire Police suggested additional measures to promote the prevention of crime and disorder licensing objective. These measures had been agreed by the applicant and incorporated into the operating schedule, resulting in the police withdrawing their representation, this was appended to the report at Appendix C
- The application had also attracted representations from members of the public which were provided in the agenda pack at Appendix D. It was noted that 16 representations had been received objecting to the application. 1 representation had been sent by email and 15 other representations had been received using the same template but signed by different people. Members were advised that since the publication of the agenda one objector using the template had withdrawn their objection.

In attendance at the meeting were:

- Mr Titilayowa Ositelu – Applicant
- Mr Mike Nickson – (Inn Confidence) Applicants Representative

No objectors attended.

Mr Nickson informed the Members of the following points:

- One of the objectors lives in the flat above the premises, her daughter works at the convenience store/off licence next door. She had not previously complained about Afrochops;
- Mr Nickson raised his concerns about who had written the objection template and who had witnessed the signatures on them;
- Sale of alcohol would be both on and off sales but alcohol would only be sold when accompanied by food;
- Mr Nickson highlighted the agreed measures suggested by West Yorkshire Police;
- There were 40 measurable conditions;
- He was of the view that no evidence had been provided in relation to the issues raised by the objectors and he was of the opinion that Mr Ositelu's premises should not be judged until he had started trading.

Mr Ositelu informed the Licensing Sub Committee of the following points:

- He had been surprised by the number of objections. His was a small business providing Afro-Caribbean food, and acknowledged Middleton is an unusual area to set up a business like this; it had been tough in the beginning. He was now of the view that the business he had set up three years ago was now stable. Some of the local community do come into the premises and he felt as though this was a natural step to take especially with the pandemic;
- He said that his main objective was to provide good food, but he had received requests from customers to provide drinks on the menu. He usually suggested to customers that if they wished to drink alcohol, they could purchase it from the off-licence next door;
- When the notice had gone up about his application his landlord had called him in to the shop next door which he also owns and said that he had a problem with the application for a premises licence. Therefore, he provided a list to his landlord of the types of alcohol that he would be selling. He said that he would not be selling crates of alcohol, he would be selling cocktails, Guinness and traditional Afro-Caribbean type drinks;
- He said that he was working with WYP, he had CCTV and Challenge 25 in place;
- The Licensing Sub Committee were advised that the renewal of the lease on the premises was due in September.

In response to questions from Members the Licensing Sub Committee were provided with the following information:

- No consultation had taken place with the residents surrounding the premises;
- Drinks would include Guinness, and cocktails and would only be provided to accompany food;

- Not many people from the surrounding area use the premises, the main customer base is from Tingley and that surrounding area;
- The premises can seat 16 people;
- Mr Ositelu said that he had no previous experience of selling alcohol but had obtained his Personal Licence;
- He had not seen any issues of anti-social behaviour. The off-licence was well run providing a good community vibe. He wanted his business to be a part of the community;
- His premises would close at 10:30pm;
- His landlord and the convenience store owner was the same person;
- The premises currently do 65% takeaway and 35% restaurant. People prefer to sit in on a weekend. Alcohol would only be sold to accompany food orders for both restaurant and take away service.

Mr Nickson in summing up said that the application had been supported by the Responsible Authorities including the Police, recognising the stringent set of conditions for the licence which fully meet all the licensing objectives. His client did not need to prove a need for the licence as it was not in a cumulative impact area. Mr Nickson was of the view that no evidence had been provided which suggested that the licence should not be granted and that the Licensing Sub Committee should put trust in his client.

Members discussions included:

- The off-licence next door;
- The representations received;
- Proposed opening hours.

RESOLVED – To grant the premises licence as requested.

The meeting concluded at 14:45