

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

**Report to the Licensing Sub Committee**

**Date: 28th April 2021**

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

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Middleton Park	
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 for the grant of a premises licence, made by Titilayowa Ositelu, for Afrochops Ltd, 12 Thorpe Street, Leeds, LS10 4EZ.

The application explains the premises will operate as a dine-in and take-away, specialising in African cuisine occupying the ground floor of the premises. The application also proposes the sole provision Sale by Retail of Alcohol.

Responsible authorities and Ward Members have 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 have been agreed by the applicant and incorporated in to the operating schedule, resulting in the police withdrawing their representation.

The application has also attracted a representations from members of the public which remain a matter outstanding for Member's consideration.

## **1 Purpose of this report**

- 1.1 To advise Members of an application made under Section 17 of the Licensing Act 2003 ("the Act") for a new 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 the premises**

- 2.1 Although this application is made for the grant of a premises licence, it should be noted that the premises previously had the benefit of a premises licence issued under the Licensing Act 2003.
- 2.2 At that time the premises was known as Sharkey's Fish and Chip Shop, and authorised the following licensable activities/hours:

*Sale by Retail of Alcohol*  
*Monday to Saturday*      *08:00 to 23:00*  
*Sunday*                      *10:00 to 23:00*

*Late Night Refreshment*  
*Monday to Sunday*      *23:00 to 23:30*

- 2.3 The premises licence was surrendered on the 11<sup>th</sup> February 2014.

## **3 The application**

- 3.1 The applicant's name is Titilayowa Ositelu.
- 3.2 The proposed designated premises supervisor is Titilayowa Ositelu.
- 3.3 In summary the application is for:

*Sale of Alcohol*  
*Monday to Sunday*      *16:00 to 22:00*

- 3.4 A redacted version of the application has been attached at **Appendix A**.
- 3.5 The applicant proposes to promote the licensing objectives by taking the steps identified in Section 18 of the application form.

## **4 Location**

- 4.1 A map which identifies the location of this premises is attached at **Appendix B**.

## **5 Representations**

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

## Representations from Responsible Authorities

- 5.2 A representation has been received from West Yorkshire Police in their capacity as a responsible authority.
- 5.3 Any representation may be negotiated prior to the hearing and in this instance the operating schedule has been amended to include the measures agreed with West Yorkshire Police. A copy of the representation and agreement can be found at **Appendix C**.

## Other representations

- 5.4 The application has attracted representation from members of the public (described as 'other persons' in the legislation).
- 5.5 The Licensing Authority has received a total of 16 representations from members of the public, which includes one individual e-mail and 15 template objections submitted by an individual acting as the main point of contact.
- 5.6 In order to protect personal data, redacted copies of the representations are attached at **Appendix D**. Original copies will be available at the hearing for Member's consideration.

## **6 Licensing hours**

- 6.1 Members are directed to paragraphs 6.6 to 6.13 of the Statement of Licensing Policy which states the criteria that will be applied to any decision for new applications or variations which include extending hours.
- 6.2 In brief the Policy states at 6.12 that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so.
- 6.3 The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not adversely impact on the licensing objectives.
- 6.4 A list of premises in the local area and their licensed hours and activities is provided at **Appendix E**.

## **7 Equality and diversity implications**

- 7.1 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.

## **8 Options available to Members**

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

- Grant the application as requested.
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Refuse to specify the said person as the designated premises supervisor.
- Reject the whole or part of the application.

8.2 Members of the licensing subcommittee are asked to note that they may not reject the whole or part of the application merely because they consider it desirable to do so. It must be appropriate in order to promote the licensing objectives.

## **9 Background papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Statement of Licensing Policy