

Decisions taken by the Licensing Committee on Monday, 9 April 2018

Agenda Item No	Topic	Decision
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Part A – Items considered in public

<p>A2</p>	<p>Oregano Leaf 98 New Cross Road SE14 5BA</p>	<p>IN THE MATTER OF THE APPLICATION FOR A FULL VARIATION OF A PREMISES LICENCE, THE COMMITTEE HAS CONSIDERED THE RELEVANT REPRESENTATIONS MADE.</p> <p>The Committee has made the following determination:</p> <p>With a view to ensuring the promotion of the licensing objectives, in accordance with the provisions of the statutory guidance and the principles of our licensing policy, the application for a full variation of a premises licence was REFUSED.</p> <p>In coming to a determination, the following factors were taken into account;</p> <ol style="list-style-type: none"> 1. Members of the Committee considered the written representations made by the applicant. It states that the proposed timings made by the Police and Crime, Enforcement and Regulation Officer and all conditions proposed in their objection letters were agreed by the applicant. The neighbour next to Oregano Leaf had made some complaints that were not true and they totally disagreed with the objections made by Kender Road Community Association. 2. Members of the Committee considered the written representations made by local residents. They objected to the noise created by customers eating food outside the premises and to the crowds attracted to the area which has caused fighting between customers and staff. Councillor Millbank, ward councillor, attended the meeting and made a presentation in support of the residents' complaints. 3. Members of the Committee considered the representation made by P.C Nick Gerry. He said that although the applicant agreed to his proposed hours of operation, the conditions had not been agreed by his solicitor. There is only one condition on the licence; to maintain an approved CCTV system inside of the premises. This condition had been breached. The premises is in a Cumulative Impact Zone and an application
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		<p>for an extension of hours comes with great responsibility. He did not consider that the licensing objectives would be upheld if the application was granted.</p> <p>4. Members of the Committee considered the representation made by the Crime, Enforcement and Regulation Officer. Despite several meetings with the current and previous licence holder, the premises have been operating later than their licensable hours, breached the condition on their licence and employed a member of staff who was arrested for immigration offences.</p> <p>5. Members noted that the applicant was not represented at the meeting.</p> <p>6. Members of the Committee did not believe that they had heard any substantial new evidence since a previous application to vary their licence which was made in August 2017.</p> <p>7. It was agreed that this decision would ensure that the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, were upheld.</p>
A3	Top Hut Pizza and Chicken 403 Hither Green Lane SE13 6TR	<p>IN THE MATTER OF THE APPLICATION FOR A FULL VARIATION OF A PREMISES LICENCE, THE COMMITTEE HAS CONSIDERED THE RELEVANT REPRESENTATIONS MADE.</p> <p>The Committee has made the following determination:</p> <p>With a view to ensuring the promotion of the licensing objectives, in accordance with the provisions of the statutory guidance and the principles of our licensing policy, the application for a full variation of a premises licence was REFUSED.</p>

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		<p>In coming to a determination, the following factors were taken into account;</p> <ol style="list-style-type: none"> 1. Members of the Committee considered the written representations made by the applicant. It states that when Police visited the premises on 5 March 2018, they did not have any objection to this application. The objection made by the Crime, Enforcement and Regulation Officer with regard to operating beyond licensing hours, referred to information received from Just Eat which related to a previous premises at 252 Hither Green Lane. The applicant has registered with Lewisham Council and the website shows the correct hours of trading hours for the premises. 2. The written representation also states that Brownhill Road, is very busy and a long way from the premises. Not many orders are taken after midnight, most are on line orders and delivery motorbikes do not make noise or hoot their horns. The premises is not responsible for noise in the area, there are other takeaway shops in the area which are open until 4am. In addition, the applicant would be willing to turn off the illuminated sign over the shop after midnight. 3. Members of the Committee considered the written representations made by local residents. They objected to the noise created by customers eating food outside the premises. Although Brownhill Road is busy, it reduces after midnight and an extension of the licensing hours would have a significant impact on their lives. No other shops in the parade or the vicinity are open after midnight. 4. Members considered representations made by local residents at the meeting. They had not objected to the previous application to extend the hours because they want to support local businesses but to trade into the early hours is not acceptable for local residents. The pavement outside is not wide enough to cope with large numbers of

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		<p>people who gather outside the premises and patrons park vehicles opposite the shop outside residents' homes until early in the morning. The opening times of the shop are not in the window and recent flyers advertised closing times beyond licenced hours.</p> <p>5. Members considered the representation of the applicant at the meeting. He said that prices continue to rise and he needs to extend his licensing hours in an effort to make money. When 23 orders for food were accepted after licensing hours, he said that it had been a misunderstanding on his part.</p> <p>6. Members of the Committee considered the representation made by P.C Nick Gerry, and the Crime, Enforcement and Regulation Officer. These officers attended the premises following complaints of trading beyond licensing hours. It was disappointing to note that the premises continued to trade after their trading hours the day after this visit.</p> <p>7. It was agreed that there had been overwhelming evidence of wanton disregard of the licensing objectives and this decision would ensure that the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, were upheld.</p>