



# AGENDA

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## LICENSING COMMITTEE

**Date: MONDAY, 9 APRIL 2018 at 7.15 pm**

**Committee Room 3  
Civic Suite  
Catford Road  
London SE6 4RU**

**Enquiries to: Clare Weaser  
Telephone: 0208 314 7369 (direct line)  
Email: [clare.weaser@lewisham.gov.uk](mailto:clare.weaser@lewisham.gov.uk)**

### **MEMBERS**

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

### **Councillors:**

Councillor Eva Stamirowski (Chair)  
Councillor David Michael (Vice-Chair)  
Councillor Chris Barnham  
Councillor Paul Bell  
Councillor David Britton  
Councillor Colin Elliott  
Councillor Liz Johnston-Franklin  
Councillor Jamie Milne  
Councillor Jonathan Slater  
Councillor Paul Upex

**Members are summoned to attend this meeting**

**Janet Senior  
Acting Chief Executive  
Laurence House  
Catford  
London SE6 4RU  
Date: 27 March 2018**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

## ORDER OF BUSINESS – PART 1 AGENDA

Item No		Page No.s
1.	Minutes	1
2.	Declaration of interests	2 - 5
3.	Oregano Leaf 98 New Cross Road SE14 5BA	6 - 42
4.	Top Hut Pizza and Chicken 403 Hither Green Lane SE13 6TR	43 - 83



INVESTOR IN PEOPLE

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# Agenda Item 1

LICENSING COMMITTEE			
<b>Report Title</b>	Minutes		
<b>Key Decision</b>			Item No. 1
<b>Ward</b>			
<b>Contributors</b>	Chief Executive		
<b>Class</b>	Part 1	Date: 9 April 2018	

## Recommendation

That the Minutes of the meetings of the Licensing Committee, held on 6 and 13 February 2018 be confirmed and signed.

# Agenda Item 2

LICENSING COMMITTEE		
Report Title	Declarations of Interest	
Key Decision		Item No. 2
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 9 April 2018

Members are asked to declare any personal interest they have in any item on the agenda.

## 1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

## 2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a

partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

- (g) Beneficial interest in securities of a body where:-
- (a) that body to the member's knowledge has a place of business or land in the borough; and
  - (b) either
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### **(3) Other registerable interests**

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

### **(4) Non registerable interests**

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

### **(5) Declaration and Impact of interest on members' participation**

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any

event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**

- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

## **(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

## **(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

# Agenda Item 3

LICENSING COMMITTEE		
<b>Report Title</b>	Oregano Leaf Application for Premises Licence Variation	Licence No. PL 0992
<b>Key Decision</b>	No	Item No. 3
<b>Ward</b>	Brockley	
<b>Contributors</b>	Community Services – Licensing Authority Head of Law	
<b>Class</b>	Part 1	Date: 9 April 2018

**Proposal:** Premises Licence Variation

**Legislation:** Licensing Act 2003

**Premises:** Oregano Leaf 98 New Cross Road SE14 5BA

**Applicants:** Allahdad Momtaz 353 Brownhill Road SE6 1AL

**This is an application for a full variation to be considered pursuant to section 35 of the Licensing Act 2003**

**1. Background**

An application for a full variation was received on 13 February 2018 in relation to extending the provision of late night refreshments. 2300 until 0300 on Thursday to Sunday and 2300 until 0500 Friday and Saturday.

**2. Outline Grounds for Objection**

- 2.1 An application for the full variation of the premises licence was sent to all the Responsible Authorities. Representations were received from the Metropolitan Police and the Crime Enforcement and Regulation service in relation to the licensing objectives of the prevention of Crime and Disorder and of Public Nuisance. Representations were also received from three members of the public.
- 2.2 The application for the variation has been advertised in accordance with regulation 39, displayed prominently a notice at the premises, and at the Council's main offices for a period of 28 consecutive days. The last date for receiving representations was the 14<sup>th</sup> March 2018.

**3. Current Licence Status**

The premises are currently licensed – See attached licence



#### **4. Legal & Human Rights Implications**

- 4.1 An interested party or responsible authority can apply to the licensing authority for a full variation of a Premises Licence. The Licensing authority is required to hold a hearing to consider the application for a full variation and any relevant representations made. The representations are required to be relevant to one or more of the licensing objectives.
- 4.2 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 4.3 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

#### **5. Application for Full variation**

- 5.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. The Licensing Committee may;

- (a) modify the conditions of the licence; OR  
(b) reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.2 An appeal may be made against the decision to the Magistrates Court by the applicant for the variation and any persons who made a valid representation.

#### **Background Papers**

Short Title of

Date

Document

Application for review

13/3/18

Licence

Evidence / documents

As served

Should you require any further information on this report please contact Lisa Spall, Licensing Authority Officer on 02083148390

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RECEIVED  
13 FEB 2018



Licensing Team  
4<sup>th</sup> Floor Laurence House  
1 Catford Road  
London  
SE6 4RU  
020 8314 6400

Application to vary a premises licence 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 Allahdad Momtaz

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PL0992
-------------------------	--------

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
OREGANO LEAF Ground Floor 98 - New Cross Road Lewisham London			
Post town		Postcode	SE14 5BA

Telephone number at premises (if any)	020 7277 7778
Non-domestic rateable value of premises	£6,900.00

**Part 2 – Applicant details**

Daytime contact telephone number		074 0156 6470	
E-mail address (optional)		sirajsolicitors@gmail.com	
Current postal address if different from premises address		OREGANO LEAF 353-Brownhill Road Lewisham London	
Post town		Postcode	SE6 1AL

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
┆┆	┆┆	┆┆┆┆

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The existing planning permission for the unit allows for the use of the ground floor of 98-New Cross Road, Lewisham London for Pizza Takeaway. Now we just want to change our late night opening hours Thursday – Sunday from 2300 to 0300 and Friday-Saturday from 2300 to 0500.

We are just offering Pizza Takeaway services to our customers and do not sell any type of alcohol at our premises. We are not serving food at the premises.

Therefore, this change will not affect to anybody in the area.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

**Sale by retail 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)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Tue					
			<u>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 (please read guidance note 5)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> <b>Standard days and timings</b> <b>(please read guidance note 6)</b>			<b>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
Tue					
			<u>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 (please read guidance note 5)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			<p><u>State any seasonal variations for indoor sporting events (please read guidance note 4)</u></p> <p><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 (please read guidance note 5)</u></p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> <b>Standard days and timings</b> <b>(please read guidance note 6)</b>			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Wed					
Thur			<u>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 (please read guidance note 5)</u>		
Fri					
Sat					
Sun					



E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Wed					
Thur			<u>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 (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Tue					
			<u>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</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></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><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)			
Thur						
Fri			<b><u>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</u></b> (please read guidance note 5)			
Sat						
Sun						

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b>                  Standard days and timings                  (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)  We are just offering Pizza Takeaway services to our customers and do not sell any type of alcohol at our premises. We are not serving food at the premises.		
	23:00	03:00			
Tue			N/A		
	23:00	03:00			
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
	23:00	03:00			
Thur			N/A		
	23:00	03:00			
Fri			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 (please read guidance note 5)		
	23:00	05:00			
Sat			N/A		
	23:00	05:00			
Sun			N/A		
	23:00	03:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input 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					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<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)		

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

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L

Hours premises are open to the public Standard days and timings (please read guidance note 6)	<u>State any seasonal variations</u> (please read guidance note 4)																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%; padding: 5px;">Day</th> <th style="width: 15%; padding: 5px;">Start</th> <th style="width: 15%; padding: 5px;">Finish</th> </tr> </thead> <tr> <td style="padding: 5px;">Mon</td> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Tue</td> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Wed</td> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Thur</td> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Fri</td> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Sat</td> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Sun</td> <td style="padding: 5px;"></td> <td style="padding: 5px;"></td> </tr> </table>	Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			<p style="margin-top: 0;"><u>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</u> (please read guidance note 5)</p>
Day	Start	Finish																							
Mon																									
Tue																									
Wed																									
Thur																									
Fri																									
Sat																									
Sun																									

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.



## **M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

**We just offer pizza takeaway services and accept online orders through “Hungary House” and “Just Eat”.**

**We are fully complying with all existing requirements in relation to Health and Safety & Fire safety, etc.**

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

**We undertake to comply with all existing requirements in relation to prevention of crime and disorder.**

### **c) Public safety**

**We undertake to comply with all existing requirements in relation to Health and Safety/ Fire safety, etc.**

### **d) The prevention of public nuisance**

**We undertake to comply with all existing requirements in relation to Health and Safety/ Fire safety, etc.**

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

**We undertake to comply with all exiting requirements in relation to Health and Safety/ Fire safety, etc.**

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- 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 5 – Signatures (please read guidance note 10)

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

Signature	
Date	08-02-2018
Capacity	Muhammad Akram Rana (Solicitor)

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd 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 address for correspondence associated with this application (please read guidance note 13)

**Muhammad Akram Rana  
Siraj Solicitors  
22-Chapel Road  
Ilford  
Essex**

Post town		Post code	IG1 2AG
Telephone number (if any)	020 7041 7767		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) sirajsolicitors@gmail.com			



**Premises licence number**

PL 0992

**Premises name**

OREGANO LEAF

**Part 1- Premises details****Postal address of premises, or if none, ordnance survey map reference or description**

98 New Cross Road

**Post town** London**Post code** SE14 5BA**Telephone number** 020 7277 7778**Premises licence holder name**

Allahdad Momtaz



Directorate for Community Services  
Crime, Enforcement & Regulation Service  
Licensing Authority  
Holbeach Office  
9 Holbeach Road  
London  
SE6 4TW

Proper Officer for Licensing  
London Borough of Lewisham

**Where licence is time limited the dates**

**Licensable activities authorised by the licence**

Provision of late night refreshment

**The times the licence authorises the carrying out of licensable activities**

Provision of late night refreshment

23.00 - 00.00 Monday  
23.00 - 00.00 Tuesday  
23.00 - 00.00 Wednesday  
23.00 - 00.00 Thursday  
23.00 - 00.00 Friday  
23.00 - 00.00 Saturday  
23.00 - 00.00 Sunday

**The opening hours of the premises**

Until 00.00 Monday - Sunday

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Allahdad Momtaz  
353 Brownhill Road  
Lewisham  
London  
SE6 1AL

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

N/A

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

N/A

## **Annex 1- Mandatory conditions**

## **Annex 2-Conditions consistent with the operating Schedule**

An approved CCTV system to be maintained inside of the premises with a 31 day retention of recordings. The system must comply with BSEN 50132 (part7) 2009 and be capable of facial image recognition of all persons both entering and leaving the premises. The cameras will cover the whole of the premises and true copies be retained for 31 days, such copies must be in a format that can be viewed on readily available equipment without the need for specialist software and made available upon request to MPS and LA officers. One member of staff on duty at the premises must be capable of operating at all times.



**Annex 3- Condition attached after a hearing by the licensing authority**

## **Annex 4- Plans**

Full plans available at Licensing Services, London Borough of Lewisham

Ground floor

Licensing Department  
Lewisham Council  
Holbeach Office  
9 Holbeach Road  
Catford  
SE6 4TW

**PL - Lewisham Borough**  
**PL - Lewisham Police Station**

LGB 150  
Lewisham Police Station  
43 Lewisham High Street  
London  
SE13 5JZ

Telephone: 020 8284 5041

Facsimile:

Email:

nicholas.gerry@met.pnn.police .uk

Your ref:

Our ref:

13/03/2018

Dear Licensing Department

On behalf of the MPS I hereby give notice of my objection to the application for a Full Variation for the Oregano Leaf at 98 New Cross Road SE14.

I make representations for this Full variation under the prevention of crime and disorder objective.

As part of the application process I attended Oregano Leaf on the 6<sup>th</sup> March 2018 with officers from the council. Oregano leaf only has one condition and that relates to the premises having CCTV and it must record for 31 days. Also in the condition it states that one member of staff on duty at the premises must be capable of operating it at all times. When we conducted the visit there were two members of staff present a Mr Khalid ANWAR and Mr Momtaz KNOAJMIR, neither member of staff could advise me how long the CCTV recorded for and they could not operate it. The premises License was displayed but was not displayed properly, for example to be displayed properly all three parts of the license need to be displayed separately but on this visit they were not.

I appreciate these two breaches may appear to be minor but they only have one condition on their license and they have still breached this. When I visited previously on the 12<sup>th</sup> July 2017 I found the same 2 breaches.

Applying for a late license in a CIZ comes with a large responsibility. I appreciate that they would now appear to be operating within their current licensable hours which is a good step forward but I am disappointed they still have not addressed the license breaches. I also feel that if they can't address the CCTV issue and the displaying the license I have concerns they will not protect the License objectives. I also feel that CCTV is a vital part of not only protecting themselves and their customers but also the crime and disorder objective.

I have noted the Representation provided by Lisa Spall and I completely agree that at this stage I would want to see a reduction of hours for this application and the addition of further conditions to the license to help protect the licensing objectives.

This would enable the premises to prove to us that they can operate in such a way that would give me confidence that if they were to apply again to extend their hours I would be happy to not object.

The new hours for this application I request are:

Sunday to Thursday open until 01:00hrs  
Friday and Saturday open until 02:00hrs

The additional Conditions I would request are:

An incident log shall be kept at the premises, and made available on request to an authorized officer of the Council or the Police, which will record the following:

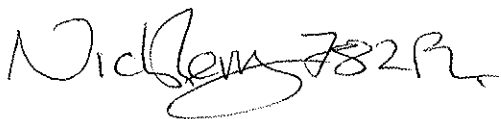
- (a) All crimes reported to the venue
- (b) All ejections of patrons
- (c) Any complaints received
- (d) Any incidents of disorder
- (e) Any faults in the CCTV system
- (f) Any visit by a relevant authority or emergency service.

The premises license holder shall ensure all persons who work on the premises have provided satisfactory proof of identification and the right to work and have carried out checks on the home office website to verify identification, visa and the right to work documents.

All documents of members of staff will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request.

I am aware that the CER service at Lewisham council have already approached the representative's solicitors with this amendment and it has been rejected. If the applicant wishes to re consider and accept these amendments I would be happy to withdraw my representation.

Regards

A handwritten signature in black ink, appearing to read 'Nick Gerry' followed by a stylized flourish.

Nick Gerry

Licensing officer – Lewisham Police.

objection

2.



Lisa Spall  
Crime, Enforcement & Regulation  
Service (Licensing)  
9 Holbeach Road  
Catford  
London  
SE6 4TW

Daniel Power  
Crime, Enforcement & Regulation  
Officer  
9 Holbeach Road  
Catford  
London  
SE6 4TW

Direct Line 02083146326  
[Daniel.power@lewisham.gov.uk](mailto:Daniel.power@lewisham.gov.uk)

Date: 12<sup>th</sup> March 2018

Dear Lisa,

**Full Variation – Extension of licensable hours (Late Night Refreshment) - Oregano Leaf, 98 New Cross Road, SE14 5BA**

Please be aware that on behalf of The Crime, Enforcement and Regulation Service I provide notice of my objection to the proposed full variation of the above stated premises.

Additionally, it has been necessary to object to the full variation enabling the extension of licensable activity in the form of late night refreshment as a consequence of Oregano Leaf, 98 New Cross Road, SE14 5BA in the opinion of the licensing authority failing to safeguard key licensing objectives most notably the prevention of crime and disorder and the prevention of public nuisance.

In response to a complaint received by the aforementioned service on Sunday 21<sup>st</sup> May 2017 in relation to noise nuisance as a consequence of motorcycle deliveries taking place until as late as 05:00am, the following measures were undertaken to ensure compliance with the existing premises licence;

- Monday 22<sup>nd</sup> May 2017 – CER Officers visited the licensed premises and discussed concerns in relation to alleged trading outside of authorised licensable hours in addition to noise nuisance as a consequence of motor vehicle deliveries until 04:00am Monday – Thursday and 06:00am Friday – Sunday.
- Tuesday 23<sup>rd</sup> May 2017 – CER Officers provided pre application advice to the above licensed premises as a means of informing the premise of the possibility of extending licensable hours via the use of Temporary Event Notices and/or a premises licence, officers reiterated that further incidents of trading past permitted hours would result in action via s136 of the Licensing Act 2003.
- Tuesday 6<sup>th</sup> June 2017 – CER Officers visited the premises at approximately 00:20am, twenty minutes after permitted hours and observed the continued provision of late night refreshment.
- Tuesday 27<sup>th</sup> June 2017 – The Licensing Authority received notification of a full variation application on behalf of Oregano Leaf, 98 New Cross Road, SE14 5BA
- Sunday 2<sup>nd</sup> July 2017 – CER Officers visited the premises at approximately 01:50am and observed the continued provision of licensable activity past 00:00am.

- Monday 3<sup>rd</sup> July 2017 – The Premises Licence Holder met with CER Officers as a means of discussing offences observed in relation to s136 of the Licensing Act 2003.

Furthermore, subsequent data protection requests via two separate delivery platforms, JustEat and Hungry House, confirmed persistent licensable activity after permitted hours, since The Crime, Enforcement and Regulation Service have attempted to ensure compliance. The details of offences were considered at the previous hearing to discuss a full variation.

Additionally, the Crime, Enforcement and Regulation Service also undertook a visit to the premises on Wednesday 12<sup>th</sup> July 2017 in partnership with Immigration Enforcement and the Metropolitan Police Service, during the visit a gentleman identified as the Chef was arrested for immigration offences.

With the above in mind The Crime, Enforcement and Regulation Service have taken note of Part 11.27 of the Home Office Revised Guidance under S182 of The Licensing Act 2003 in supporting any subsequent review of the premises licence as a consequence the above mentioned criminal activity.

This was considered at a previous hearing to in relation to a full variation application held on Tuesday 15<sup>th</sup> August 2017. As a consequence, the application to extend the hours of licensable activity was objected to.

#### **Actions since Previous Full Variation Application**

As a consequence of the refused variation I met with the licensee Mr Zardad Momtaz on Tuesday 5<sup>th</sup> September 2017 where I mentioned ongoing concerns in relation to compliance with the existing premises licence.

Furthermore, Mr Momtaz was informed that the continued failure since the variation hearing to satisfy Annex 2, Condition 1 in relation to the use of CCTV as well as the failure to satisfy s57 of The Licensing Act 2003 in relation to the displaying of a summary licence required immediate action to avoid the likelihood of further enforcement action. The gentleman adhered to the requests which were observed by Nadya Gencheva and I on a visit to the premise on Friday 8<sup>th</sup> September 2017.

I have since acknowledged the transfer of the premises licence from Mr Zardad Momtaz to his brother Mr Allahdad Momtaz. In addition Mr Allahdad Momtaz was invited to meet with PC Nick Gerry, Lisa Spall and I on Tuesday 7<sup>th</sup> November 2017 before submitting the relevant transfer application as a means of confirming expectations to abate the likelihood of further breaches in relation to the existing premises licence.

Mr Allahdad Momtaz enquired on more than one occasion with regard to an extension of hours in relation to licensable activity, nevertheless, officers stated that at this stage an application was premature and suggested that the proposed licensee demonstrate a commitment to adhere to the current obligations of the premises licence before applying for a variation seeking the increase of hours. Moreover, officers suggested revisiting the matter in six months from the date of the transfer of licensee being approved.

Since this a data protection request was made to JustEat assessing sales after permitted hours, nonetheless, I was informed by JustEat that a block on sales has been imposed after midnight by the delivery platform in response to previous concerns raised by the local authority.

Additionally, a follow up visit was undertaken on Tuesday 6<sup>th</sup> March 2018 where officers noted compliance in relation to hours of permitted licensable activity. Nonetheless, a follow

up visit was proposed for Monday 12<sup>th</sup> March 2018 where officers observed compliance of Annex 2 conditions in relation to the operation and subsequent handling of CCTV footage.

The addition of the following conditions as well as the following amendment of proposed licensable activity would in the opinion of the Crime, Enforcement and Regulation Service adequately safeguard key licensing objectives of paramount importance taking into account that the premises is located within an existing Cumulative Impact Zone.

- **Sunday to Thursday 00:00 until 01:00am**
- **Friday & Saturday 00:00 until 02:00am**

The proposed conditions are as follows;

An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) All crimes reported to the venue
- (b) All ejections of customers
- (c) Any complaints received
- (d) Any incidents of disorder
- (e) Any faults in the CCTV system or searching equipment or scanning equipment
- (f) Any visit by a relevant authority or emergency service.

The premises licence holder shall ensure all persons who work on the premises have provided satisfactory proof of identification and the right to work and have carried out checks on the home office website to verify identification, visa and the right to work documents.

All documents of members of staff will be retained for a period of 12 months post termination of employment and will be made available to the police, immigration and/or Licensing officers upon reasonable request.

As soon as possible, and in any event within 1 month from the grant of this license, the premises shall join The Safer London Business Partnership approved by the police, and local radio scheme if available.

Should the applicant consider the above appropriate, The Crime, Enforcement and Regulation Service would withdraw the representation. Nonetheless, to date I understand that the applicant has suggested that he does not wish to discuss the proposed amendment.

Yours Sincerely



Daniel Power

Crime, Enforcement and Regulation Officer





## Mullin-Murrell, Angela

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**From:**  
**Sent:** 13 March 2018 12:28  
**To:** Mullin-Murrell, Angela  
**Subject:** Oregano Leaf SE14 SBA application opposition

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Angela,

I am writing as a concerned neighbour of Oregano Leaf, 98 New Cross Rd, SE145BA.

I have seen they are applying to stay open until 2am and 5am throughout the 7 day week.

I strongly oppose this as staying open that late will cause excessive noise from people wanting a late night pizza, many of whom may be coming home from a night out and intoxicated.

It also poses a danger to safety as open all night takeaways attract crowds and altercations occur, as happened recently between a gang of youths and the pizza staff in which the police were called.

We already have customers sitting on our fences while they wait for a pizza or even eating their pizza on our fences with blatant disregard for us and the surrounding residents. This will increase hugely if the hours were extended and be detrimental to our health as the stress and lack of sleep this probably would cause would be significant. This is our home and place of safety and rest.

The noise will not be welcome from the delivery scooters also, as we are all in close proximity to each other.

I think residents need to be thought of with consideration from Oregano Leaf and opening all night will bring nothing but noise, people sitting on our fences chatting loudly outside our windows, waking us and our children and littering- as already happens, though with a greater occurrence.

\* I would like my name and address withheld for privacy reasons as we do not want any negative reactions from Oregano Leaf.

Maintaining good neighbourly relationships is important to us though we do oppose this application.

Dominos pizza a few doors down is open until 11pm only and we think this is an acceptable closing time.

If Oregano Leaf want such a late night license they should consider moving premises to a more lively area, not one surrounded with sleeping residents and their children.

Thank you

1 20

1 - 32

Sent from my iPhone

Sent: 14 March 2018 12:26  
To: Licensing  
Subject: Oregano leaf pizza

Hello,

We are writing as concerned neighbours of Oregano Leaf, 98 New Cross Rd. SE145BA.

I have seen they are applying to stay open until 2am and 5am throughout the 7 day week.

I strongly oppose this as staying open that late will cause excessive noise from people wanting a late night pizza, many of whom may be coming home from a night out and intoxicated.

It also poses a danger to safety as open all night takeaways attract crowds and altercations occur, as happened recently between a gang of youths and the pizza staff in which the police had to be called.

It was very distressing to see from our window 15 hooded youths with clubs fighting the Oregano Leaf staff that were using long poles and gardening tools in what looked like to defend themselves. It wasn't until someone from the pizza shop ran out with a very big knife that the youths all ran off.

With all the knife crime going on in London I would hope you can understand why we are concerned and don't want to increase the chance of this happening on our door step.

We already have customers sitting on our fences while they wait for a pizza or even eating their pizza on our fences with blatant disregard for us and the surrounding residents. This will increase hugely if the hours were extended and be detrimental to our health as the stress and lack of sleep this probably would cause would be significant. This is our home and place of safety and rest.

The noise will not be welcome from the delivery scooters also, as we are all in close proximity to each other.

I think residents need to be thought of with consideration from Oregano Leaf and opening all night will bring nothing but noise, people sitting on our fences chatting loudly outside our windows, waking us and our children and littering- as already happens, though with a greater occurrence.

I would like my name and address withheld for privacy reasons please as we do not want any negative reactions from Oregano Leaf.

Maintaining good neighbourly relationships is important to us though we do oppose this application.

Dominos pizza a few doors down is open until 11pm only and we think this is an acceptable closing time.

We are aware that some other food premises on the road have a licence that goes into the early hours but they have their premises separated from the residents. The kebab shops for instance have their own area at the front near the pavement and the houses are set back

behind them. Oregano Leaf is wedged between two residential properties where people need to be going to sleep at normal times.

If Oregano Leaf want such a late night license they should move premises to a more lively area, not one surrounded with sleeping residents and their children.

Thank you

## Licensing

---

**From:** Millbank, Cllr Joan  
**Sent:** 23 February 2018 16:16  
**To:** Licensing  
**Cc:**  
**Subject:** RE: 98 New Cross Road, London, SE14 5BA " Variation of a premises Licence Application"

Dear Licensing

I wish to object to the variation in the licence.

While I note that there has been a change following the first request, the new request remains unacceptable.

In considering the revised request I have consulted with the Kender Tenants and Residents Association. The Association engages and represents residents living on the Lewisham Homes estate which is situated a little further west along New Cross Road. nearby. The matter was discussed at their tenants' meeting last night.

Kender TRA and myself remain concerned about the impact of the requested opening house on residents living nearby, and in particular those in Gerrard House and on Briant Street which is less than 1 minute walk from the take away. Our concerns relate to late night opening leading to:

- An increase in noise within the premises, on its forecourt and in the street during the sleeping hours, caused by the cars and motorbikes of delivery drivers and visitors to the take away, who inevitably park in Briant Street (New Cross Road is on a Red Route).
- An increase in late night footfall leading to an increase in anti-social behaviour on the street and in nearby estate and residential streets.

As such we believe the license should be refused in order to:

- Prevent a public nuisance.
- Prevention a rise in the fear of and actual crime and disorder

Yours

Cllr Joan Millbank  
Cabinet Lead for the Third Sector, Community and Equalities  
One of three Labour Councillors in Telegraph Hill Ward  
[Cllrjoan.millbank@lewisham.gov.uk](mailto:Cllrjoan.millbank@lewisham.gov.uk)  
020 8314 6929  
Twitter @cllrmillbank

---

**From:** Licensing  
**Sent:** 14 February 2018 16:34  
**To:** \_All Councillors  
**Subject:** 98 New Cross Road, London, SE14 5BA " Variation of a premises Licence Application"

Dear Councillors,

<b>LICENSING COMMITTEE</b>		
<b>Report Title</b>	Top Hut Pizza & Chicken Application for Premises Licence Variation	Licence No. PL 1097
<b>Key Decision</b>	No	Item No. 4
<b>Ward</b>	Lewisham Central	
<b>Contributors</b>	Community Services – Licensing Authority Head of Law	
<b>Class</b>	Part 1	Date: 9 April 2018

**Proposal:**                **Premises Licence Variation**

**Legislation:**            **Licensing Act 2003**

**Premises:**                **Top Hut Pizza & Chicken 403 Hither Green Lane SE13 6TR**

**Applicants:**            **Mr Abdul Ajan Haidari**

**This is an application for a full variation to be considered pursuant to  
section 35 of the Licensing Act 2003**

**1.     Background**

An application for a full variation was received on 13 February 2018 in relation to extending the provision of late night refreshments. 2300 until 0200 on Thursday to Sunday and 2300 until 0300 Friday and Saturday.

**2.     Outline Grounds for Objection**

2.1    An application for the full variation of the premises licence was sent to all the Responsible Authorities. Representations were received from the Metropolitan Police, Planning Service and the Crime Enforcement and Regulation service in relation to the licensing objectives of the prevention of Crime and Disorder and of Public Nuisance. Representations were also received from three members of the public living in the immediate vicinity.

2.2    The application for the variation has been advertised in accordance with regulation 39, displayed prominently a notice at the premises, and at the Council’s main offices for a period of 28 consecutive days. The last date for receiving representations was the 14<sup>th</sup> March 2018.

**3.     Current Licence Status**

The premises are currently licensed – See attached licence

#### **4. Legal & Human Rights Implications**

- 4.1 An interested party or responsible authority can apply to the licensing authority for a full variation of a Premises Licence. The Licensing authority is required to hold a hearing to consider the application for a full variation and any relevant representations made. The representations are required to be relevant to one or more of the licensing objectives.
- 4.2 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 4.3 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

#### **5. Application for Full variation**

- 5.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. The Licensing Committee may;

- (a) modify the conditions of the licence; OR  
(b) reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.2 An appeal may be made against the decision to the Magistrates Court by the applicant for the variation and any persons who made a valid representation.

#### **Background Papers**

Short Title of

Date

Document

Objection/ representations

13/3/18

Licence

Evidence / documents

As served

Should you require any further information on this report please contact Lisa Spall, Licensing Authority Officer on 02083148390



Licensing Team  
4<sup>th</sup> Floor Laurence House  
1 Catford Road  
London  
SE6 4RU  
020 8314 6400



**Application to vary a premises licence 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 **Mr Abdul Ajan Haidari**

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

**PL1097**

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description

**TOP HUT PIZZA AND CHICKEN  
Ground Floor 403-Hither Green Lane  
Lewisham  
London**

Post town

Postcode

**SE13 6TR**

Telephone number at premises (if any)

**020 8461 2777**

Non-domestic rateable value of premises

**£7,500.00**

**Part 2 – Applicant details**

Daytime contact telephone number		074 5500 8702	
E-mail address (optional)		sirajsolicitors@gmail.com	
Current postal address if different from premises address		Flat-5, Horsmonden House Coombe Road Maidstone	
Post town		Postcode	ME16 6ZF

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
□	□	□ □ □ □

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The existing planning permission for the unit allows for the use of the Ground Floor 403-Hither Green Lane London for Pizza takeaway. Now we just want to change our late night refreshment hours Thursday - Sunday from 23:00 to 02:00 and Friday & Saturday from 23: 00 to 03:00.

We are just offering Pizza takeaway services to our customers and do not sell any type of alcohol at our premises. We are not serving food at the premises.

Therefore, the change will not affect to anybody in the area.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A



#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

Sale by retail 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)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur								
Fri						<u>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</u> (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

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></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><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)			
Thur						
Fri						
			<b><u>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</u></b> (please read guidance note 5)			
Sat						
Sun						



H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			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)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	02:00		<b>Please give further details here</b> (please read guidance note 3)  <b>We are just offering Pizza Takeaway services to our customers and do not sell any type of alcohol at our premises. We are not serving food at the premises.</b>	
Tue	23:00	02:00			
Wed	23:00	02:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)  N/A		
Thur	23:00	02:00			
Fri	23:00	03:00	<b>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</b> (please read guidance note 5)  N/A		
Sat	23:00	0300			
Sun	23:00	02:00			

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 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								
Tue								
Wed								
Thur						<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)		
Fri								
Sat								
Sun								

K

<p><b>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</b> (please read guidance note 8).</p>
---

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			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			<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)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

## **M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

**We just offer pizza takeaway services and accept online orders through “Hungary House” and “Just Eat”.**

**We are fully complying with all existing requirements in relation to Health and Safety & Fire safety, etc.**

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

**We undertake to comply with all existing requirements in relation to prevention of crime and disorder.**

### **c) Public safety**

**We undertake to comply with all existing requirements in relation to Health and Safety/ Fire safety, etc.**

### **d) The prevention of public nuisance**

**We undertake to comply with all existing requirements in relation to Health and Safety/ Fire safety, etc.**

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

**We undertake to comply with all existing requirements in relation to Health and Safety/ Fire safety, etc.**

Checklist:

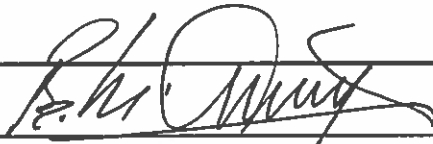
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- 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 5 – Signatures** (please read guidance note 10)

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

Signature	
Date	08-02-2018
Capacity	Muhammad Akram Rana ( Solicitor)

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd 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 address for correspondence associated with this application** (please read guidance note 13)

**Muhammad Akram Rana  
Siraj Solicitors  
22-Chapel Road  
Ilford  
Essex**

Post town		Post code	IG1 2AG
Telephone number (if any)	020 7041 7767		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
**sirajsolicitors@gmail.com**

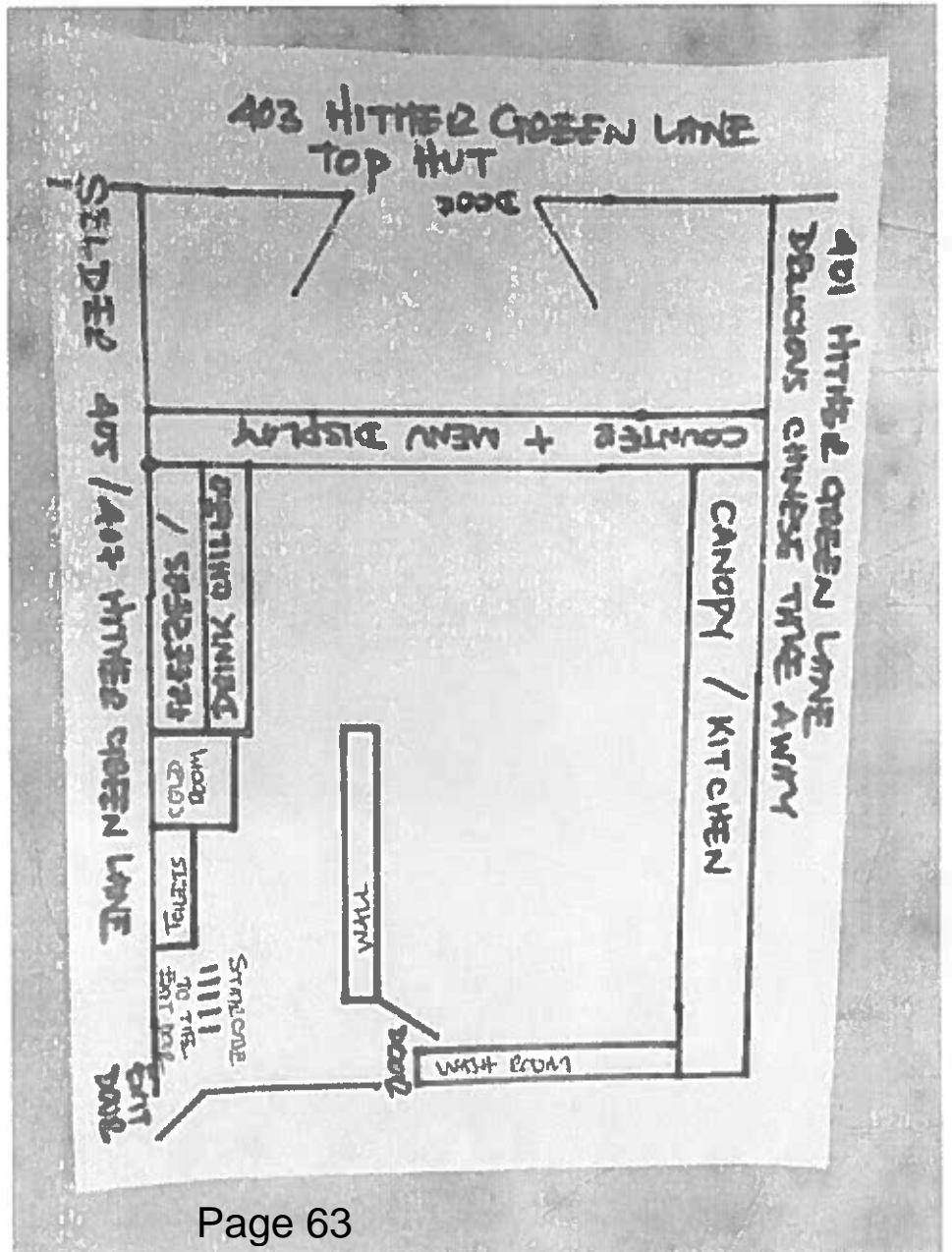
## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

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 state 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 applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



# PREMISES PLAN



**Premises licence number**

PL 1097

**Premises name**

TOP HUT PIZZA AND CHICKEN

**Part 1- Premises details****Postal address of premises, or if none, ordnance survey map reference or description**

403 Hither Green Lane

**Post town** London**Post code** SE13 6TR**Telephone number****Premises licence holder name**

Mr Abdul Ajan Haidari



Directorate for Community Services  
Crime, Enforcement & Regulation Service  
Licensing Authority  
Holbeach Office  
9 Holbeach Road  
London  
SE6 4TW

Proper Officer for Licensing  
London Borough of Lewisham

**Where licence is time limited the dates**

**Licensable activities authorised by the licence**

Late night refreshment

**The times the licence authorises the carrying out of licensable activities**

23:00 – 00:00 Sunday – Thursday  
23:00 – 01:30 Friday & Saturday

**The opening hours of the premises**

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Abdul Ajan Haidari  
Flat 5 Horsmonden House  
Coombe road  
Maidstone  
ME16 6ZF

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

**Annex 1- Mandatory conditions**

Mandatory conditions are in accordance as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014 or as may be amended from time to time.

## **Annex 2-Conditions consistent with the operating Schedule**

No bins to be emptied after 22:00.

Notices to be displayed requesting customers leave the premises quietly.

**Annex 3- Condition attached after a hearing by the licensing authority**

## **Annex 4- Plans**

Full plans available at Licensing Services London Borough of Lewisham

Ground floor – Reference – Ref 0318





Licensing Department  
Lewisham Council  
Holbeach Office  
9 Holbeach Road  
Catford  
SE6 4TW

PL - Lewisham Borough  
PL - Lewisham Police Station

LGB 150  
Lewisham Police Station  
43 Lewisham High Street  
London  
SE13 5JZ

Telephone: 020 8284 5041

Facsimile:

Email:

nicholas.gerry@met.pnn.police .uk

Your ref:

Our ref: Top Hut Pizza and Chicken

13/03/2018

Dear Licensing Department

On behalf of the MPS I hereby give notice of my representations against the granting of the Full variation for Top Hut Pizza and Chicken at 403 Hither Green Lane, SE13 6TR. I make my representation under the crime and disorder objective.

I have been made aware by Lewisham council licensing that they have received information from Just Eat that Top Hut Pizza and Chicken have been trading past their current hours. At this stage I have only been provided with 4 days of orders and on three of the day's Top Hut Pizza have traded past there hours. The dates and times are as follows.

3<sup>rd</sup> March 2018, 7 orders after their closing time of 01:30hrs and the last order was at 02:11hrs.

4<sup>th</sup> March 2018, 19 orders after their closing time of 00:00hrs and the last order was at 02:26hrs.

5<sup>th</sup> March 2018, No orders after hours.

6<sup>th</sup> March 2018, 2 orders after their closing time of 00:00hrs and the last order was at 00:56hrs.

I find this unacceptable. The premises licence holder Mr Abdul Ajan Haidari would have been aware of his opening hours as he has applied for this variation to extend his hours.

I also attended Top Hut Pizza and chicken with Kelly Hickmott from the CER team at Lewisham council on the 5<sup>th</sup> March 2018 and met Mr Haidari where we discussed his new application and his trading hours .I have noted that the 5<sup>th</sup> March we have had no orders past his trading hours but we had 2 orders past his license hours on the very next day. It have also visited the web site of Top Hut Pizza today and they are advertising that they are open until 01:30hrs. They should only be open until Midnight.

This is a complete disregard for the Licensing objectives and fear that if this application is granted this will put the licensing objectives at further risk.

I respectfully request that this representation against the full Variation for Top Hut Pizza and Chicken be accepted.

Regards

Nick Gerry

Licensing officer, Lewisham Police.

Accepted Julian W 1413/18 9.12.



Mr Julian Wyard  
Crime, Enforcement & Regulation  
Service (Licensing)  
9 Holbeach Road  
Catford  
London  
SE6 4TW

Kelly Hickmott  
Crime, Enforcement & Regulation  
Officer  
9 Holbeach Road  
Catford  
London  
SE6 4TW

Direct Line 02083146683  
[kelly.hickmott@lewisham.gov.uk](mailto:kelly.hickmott@lewisham.gov.uk)

Date: 13<sup>th</sup> March 2018

Dear Julian,

**Full Variation – Extension of licensable hours (Late Night Refreshment) – Top Hut  
Pizza & Chicken, 403 Hither Green Lane SE13 6TR**

Please be aware that on behalf of The Crime, Enforcement and Regulation Service I provide notice of my objection to the proposed full variation of the above stated premises.

Additionally, it has been necessary to object to the full variation enabling the extension of licensable activity in the form of late night refreshment as a consequence of **Top Hut Pizza & Chicken, 403 Hither Green Lane SE13 6TR** in the opinion of the licensing authority failing to safeguard key licensing objectives most notably the prevention of crime and disorder and the prevention of public nuisance.


- On the 11<sup>th</sup> January 2018 CER officers visited the address as a result of a complaint received about the premises not having a food registration and also advertising times on their website that was outside of their licensable hours. Advice was given in terms of their times being advertised and their licence on display.
- On the 14<sup>th</sup> February the licensing authority received an application for a full variation to extend the times of their licence.
- On the 5<sup>th</sup> March 2018 a data protection request form was submitted by Manager Lisa Spall to one of the several delivery platforms JUST EAT as exhibited KH1. They confirmed that persistent licensable activity after permitted hours between 03/03/2018 to 06/03/2018 this is highlighted in KH2

Therefore, details as provided above confirm that the licensed premise has persistently failed to uphold key licensable activity, the above provided information confirms 28 offences within a 4 day period all of which amount to an offence via section 136 of the licensing act in relation to an unauthorised licensable activity.

With the above in mind I oppose the full variation in its entirety

Yours Sincerely

  
Kelly Hickmott  
Crime, Enforcement and Regulation Officer

  
Julian Wyard  
CERM South





## DATA PROTECTION ACT 1998 – ACCESS REQUEST FORM

Details of Applicant	
<b>Surname:</b> Spall	<b>Holder of Requested Data:</b> Lisa Spall
<b>First Names:</b> Lisa	<b>Occupation:</b> Crime, Enforcement & Regulation Officer (Licensing Authority)
<b>Address:</b> Crime, Enforcement & Regulation Service, 9 Holbeach Road, Catford, London	
<b>Postcode:</b> SE6 4TW	<b>Telephone (daytime):</b> 02083148390
<b>Email:</b> Lisa.spall@lewisham.gov.uk	

Request Details (please provide a full description of the relevant data requested):
<p><b>Necessity of request : s29 (1) (a) of The Data Protection Act 1998 – The Prevention or detection of crime</b></p> <p><b>Possible Offence: s136 1(a) (b) of The Licensing Act 2003;</b></p> <p>(1)A person commits an offence if—</p> <p>(a)he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or</p> <p>(b)he knowingly allows a licensable activity to be so carried on.</p> <p>(4)A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.</p>
<p>The Crime, Enforcement and Regulation Service, the appropriate licensing authority designated via The Licensing Act 2003 to investigate offences including but not limited to unauthorised licensable activity as provided via s136 of The Licensing Act 2003,</p>


Please can we have the details of the last orders for  
TOP HUT Pizza - 403 Hither Green Lane, Lewisham, SE13 6TR

**Signed Declaration**

I make this request in line with s29 of The Data Protection Act 1998 in relation to the prevention or detection of crime, I am satisfied that such a request on behalf of the applicant Lewisham Council is proportionate as a means of investigating offences via s136 of The Licensing Act 2003.

Full name: Lisa Spall

Signed:



Date:

5/3/18

Witnessed by:



Business Name: Top Hut Pizza &amp; Chicken

Order Date	Order Hour	Order ID	Order Received Time	Order total
03/03/2018	0	516398489	03/03/2018 00:09	£14.48
03/03/2018	0	516399509	03/03/2018 00:13	£15.48
03/03/2018	0	516399713	03/03/2018 00:14	£19.96
03/03/2018	0	516400956	03/03/2018 00:21	£16.87
03/03/2018	0	516402318	03/03/2018 00:27	£13.59
03/03/2018	0	516403275	03/03/2018 00:33	£13.47
03/03/2018	0	516404164	03/03/2018 00:38	£12.67
03/03/2018	0	516404787	03/03/2018 00:41	£13.97
03/03/2018	0	516407355	03/03/2018 00:58	£17.76
03/03/2018	1	516410682	03/03/2018 01:23	£23.08
03/03/2018	1	516410709	03/03/2018 01:24	£12.49
03/03/2018	1	516410726	03/03/2018 01:23	£28.67
03/03/2018	1	516410765	03/03/2018 01:24	£12.58
03/03/2018	1	516410838	03/03/2018 01:25	£12.87
03/03/2018	1	516412056	03/03/2018 01:36	£21.48
03/03/2018	1	516412235	03/03/2018 01:37	£14.46
03/03/2018	1	516412665	03/03/2018 01:43	£16.23
03/03/2018	1	516413703	03/03/2018 01:53	£24.47
03/03/2018	2	516414494	03/03/2018 02:04	£34.93
03/03/2018	2	516414890	03/03/2018 02:08	£12.49
03/03/2018	2	516415084	03/03/2018 02:11	£17.04
03/03/2018	22	516946327	03/03/2018 22:09	£19.66
03/03/2018	22	516947908	03/03/2018 22:13	£20.48
03/03/2018	22	516955066	03/03/2018 22:25	£27.36
03/03/2018	22	516956655	03/03/2018 22:30	£14.39
03/03/2018	22	516963303	03/03/2018 22:45	£13.97
03/03/2018	22	516966779	03/03/2018 22:53	£12.77
03/03/2018	22	516966853	03/03/2018 22:52	£13.97
03/03/2018	23	516974609	03/03/2018 23:14	£14.09
03/03/2018	23	516978171	03/03/2018 23:26	£12.73
03/03/2018	23	516980311	03/03/2018 23:31	£33.44
03/03/2018	23	516980608	03/03/2018 23:32	£15.27
04/03/2018	0	516988486	04/03/2018 00:00	£37.46
04/03/2018	0	516990867	04/03/2018 00:10	£12.79
04/03/2018	0	516991289	04/03/2018 00:13	£13.46
04/03/2018	0	516991953	04/03/2018 00:17	£14.67
04/03/2018	0	516995356	04/03/2018 00:30	£17.47
04/03/2018	0	516995986	04/03/2018 00:33	£14.49
04/03/2018	0	516997150	04/03/2018 00:39	£18.49
04/03/2018	0	516997366	04/03/2018 00:40	£17.48
04/03/2018	0	516998931	04/03/2018 00:49	£13.17
04/03/2018	0	517000318	04/03/2018 00:56	£16.48
04/03/2018	1	517001310	04/03/2018 01:02	£20.48
04/03/2018	1	517004448	04/03/2018 01:22	£24.28
04/03/2018	1	517006039	04/03/2018 01:37	£15.48
04/03/2018	1	517007560	04/03/2018 01:46	£18.98

04/03/2018	1	517008603	04/03/2018 01:56	£21.73
04/03/2018	1	517008666	04/03/2018 01:56	£55.66
04/03/2018	2	517009572	04/03/2018 02:07	£13.17
04/03/2018	2	517009937	04/03/2018 02:08	£22.49
04/03/2018	2	517010901	04/03/2018 02:22	£36.79
04/03/2018	2	517011604	04/03/2018 02:26	£23.36
04/03/2018	22	517406538	04/03/2018 22:06	£15.48
04/03/2018	23	517422438	04/03/2018 23:02	£13.86
04/03/2018	23	517426685	04/03/2018 23:22	£13.44
04/03/2018	23	517430286	04/03/2018 23:45	£13.48
04/03/2018	23	517430497	04/03/2018 23:47	£19.38
04/03/2018	23	517432317	05/03/2018 00:00	£12.68
05/03/2018	0	517432705	05/03/2018 00:03	£19.37
05/03/2018	0	517433206	05/03/2018 00:07	£14.37
05/03/2018	0	517433782	05/03/2018 00:11	£12.58
05/03/2018	0	517435564	05/03/2018 00:30	£19.95
05/03/2018	0	517435646	05/03/2018 00:26	£13.58
05/03/2018	0	517435982	05/03/2018 00:30	£28.99
05/03/2018	0	517438612	05/03/2018 00:59	£13.45
05/03/2018	1	517439707	05/03/2018 01:16	£14.49
05/03/2018	22	517782150	05/03/2018 22:11	£12.88
05/03/2018	22	517782168	05/03/2018 22:11	£12.57
05/03/2018	22	517785568	05/03/2018 22:23	£14.49
05/03/2018	22	517793100	05/03/2018 22:56	£13.48
05/03/2018	23	517794237	05/03/2018 23:02	£12.58
06/03/2018	0	517803958	06/03/2018 00:12	£13.16
06/03/2018	0	517807616	06/03/2018 00:56	£13.49



Hello Angela,

Re: Top Hut Pizza & Chicken

The planning permission DC/05/059695 dated 08/08/2005 was granted subject to conditions, including condition 3:

*3. The premises shall not be open for customer business between the hours of 11 pm and 8 am on any day of the week.*

*Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity and STC 9 Restaurants, A3 Uses and Take Away Hot Food Shops in the adopted Unitary Development Plan (July 2004).*

Therefore, Planning objects the variation of premises licence application seeking the change of late night refreshment hours under the licensing objective 'Prevention of public nuisance' (Licensing Act 2003).

Please let me know if you require any further precision/information.

Best wishes,

Lili

**Lili Lainé**

Planning officer – North team

Planning Services - Resources & Regeneration

Laurence House, 1 Catford Road, SE6 4RU London

Robert

I object to the application for a variation of premises license at 403 Hither Green Lane.

My property is located Brownhill Road. This is a terrace property within a dense family residential area it has a rear garden that backs on to the gardens of the opposite terrace and I have a view of the applicant's property

I object for the reasons below.

- The business activities already require multiple mopeds starting up and driving around as well as customers driving to and from the location, this will increase the length of time these activities operate into unsociable hours.
- The premises already attracts considerable walk in customers some of whom are within the current opening hours unruly and loud, this will only increase the number of noise nuisance incidents.
- The location of the proposal is directly opposite the terrace gardens and this prolonged noise activity would seriously impact me at night when the noise will be amplified through this quiet garden space.
- Whilst I live on a busy main road traffic volumes significantly reduce around midnight. During the summer having rear bedroom windows open is desirable and this benefit may be compromised by the starting of engines and intoxicated patrons behaving loudly on the pavement outside.
- No other shops units on this parade, or indeed within the immediate vicinity operate at such late hours.

I also think there is a large difference between passing traffic and people or vehicles hanging around for indefinite periods and that this type of activity is likely to increase with extended hours.

Further more I have already complained to the council (Ref EN/17/00606) about the applicant's previous failure to obtain planning consent for recent shop front alterations part of which was an internally illuminated shop sign.

This sign is overly large and extremely bright. It is causing a light nuisance into the rear rooms of my property and garden. The extended hours will lead to this sign being illuminated for longer.

There are also issues with the delivery mopeds being park on the pavement outside the premises in contravention of highway rules.  
<http://lovelewisham.com/Home/Details/c060f996-4841-49f7-8300-3e30e3a434fd>

I note that both of these issues are un-resolved at the present time.

Kind Regards.

**Subject:** FW: TOP HUT PIZZA AND CHICKEN 403 HITHER GREEN LANE LEWISHAM LONDON SE13 6TR

**From:**  
**Sent:** 12 March 2018 19:20  
**To:** Licensing  
**Subject:** TOP HUT PIZZA AND CHICKEN 403 HITHER GREEN LANE LEWISHAM LONDON SE13 6TR

Re application for Change of late night refreshment hours at the above premises

We do have some concerns regarding the extended opening hours that have been proposed.

We are already affected by the light from the premises. The shop frontage is all glass, with strip lighting and has a big lit fascia so it stands out. The brightness lights up our house like a beacon to such an extent that we have had to purchase black out curtains for the bedrooms at the front of the house to try and keep the light out as much as possible so we can sleep, even with these in place the light gets through at the sides. The idea of now having such intense light pollution for a much longer period is definitely not welcome and will definitely have an impact on our sleep and rest. Once the shop closes for business it still has its lights on to clean and prepare for next days business and so we will be affected longer than the proposed time of closing of 3am.

We live on a busy road and near railway lines and have always accepted noise as part of where we choose to live. Since Top Hut opened for seven days a week we have had added noise and disturbance from their motorcycles and drivers who are constantly out and about doing deliveries. However we have always been guaranteed a reprieve from about 1am onwards when the trains cease to run and the roads are practically empty and the local shops are closed, which is why we did not raise any issues initially regarding opening times. But to extend the opening hours would impact on this and quite frankly we feel it is anti social as well as causing us stress.

The summer is fast approaching and we were already preparing ourselves for the disruption from Top Hut with our windows open but to realise they now want to stay open longer fills us with real dread.

We are not people who usually complain, indeed we are pleased to support local business and respect that Top Hut is obviously being successful but we think that allowing the shop to extend its opening hours as suggested will be detrimental to our lives in many ways and we are not convinced it is a proposal that will benefit anyone in our local community.

In addition I cannot understand why they should be allowed to extend their opening hours longer than what was permitted in their original premises at 252 Hither Green Lane.

**Weaser, Clare**

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**From:** Rita  
**Sent:** 13 March 2018 12:23  
**To:** Licensing  
**Subject:** Top Hut Pizza and Chicken 403 Hither Green Lane SE13 6TR

To whom it may concern

Dear Sir/Madam,

I would like to express a concern regarding the proposed extended opening hours of the business. The sign on the front of the shop bears a very bright light that lights up our 1st floor bedroom at a level that we no longer know what is like to be in darkness in that room, the shop closes already quite late and to be honest we are not looking forward to extra hours of bright light at night, especially as we'll soon have a newborn sleeping in that room.

The other issue is the noise caused by the large number of delivery mopeds that travel back and forth from the shop, 7 days a week. We are concerned this noise will inevitably be prolonged into the early hours.

We moved to Hither Green 1 and half year ago and we specifically chose this part of Lewisham, despite Hither Green Lane being very noisy during the day, it's been always quite and peaceful at night and we are concerned the prolonged opening hours for this business will be of no benefit to the community and the people living in the immediate area near/opposite the shop.

Best regards,