



# AGENDA

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## LICENSING COMMITTEE

**Date: THURSDAY, 20 JUNE 2019 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 Colin Elliott (Vice-Chair)  
Councillor Tauseef Anwar  
Councillor Juliet Campbell  
Councillor Alan Hall  
Councillor Carl Handley  
Councillor Sue Hordijkenko  
Councillor Coral Howard  
Councillor Susan Wise

**Members are summoned to attend this meeting**

**Janet Senior  
Acting Chief Executive  
Laurence House  
Catford  
London SE6 4RU  
Date: 12 June 2019**



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

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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: 20 June 2019	

## Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 29 May 2019 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: 20 June 2019

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>	Zero Degrees		
<b>Key Decision</b>	No		Item No. 3
<b>Ward</b>	Blackheath		
<b>Contributors</b>	Community Services – Licensing Authority Head of Law		
<b>Class</b>	Part 1	Date: 20 June 2019	

**Proposal:** Premises Licence Variation Application

**Legislation:** Licensing Act 2003

**Premises:** Zero Degrees, 29-31 Montpelier Vale, SE3 0TJ

**Applicants:** Forthglen Investments Limited

### **This is an application for a Variation of the Premises Licence**

#### **1. Current Licence Status**

The premises are currently licensed for the sale of alcohol and regulated entertainment and outlined below:

**Provision of regulated entertainment**

**Provision of late night refreshment**

**Sale by retail of alcohol for consumption on and off the premises**

10.00 - 00.00 Monday to Saturday

12.00 - 23.30 Sunday

#### **2. Particulars of Application Applied for**

To Change the hours for current licensable activities until 1.00am on Friday and Saturday.

#### **3. Outline of representations received**

3.1 The application for the variation of the premises licence was received on 1 May 2019 and sent to all the Responsible Authorities.

3.2 There were no representations from any responsible authorities but representations were received from 1 local resident within relatively close proximity to the premises on the grounds of public nuisance and prevention of crime and disorder.

- 3.3 The representations received from interested parties have been examined by Officers and are considered not to be vexatious or frivolous. The representation was received within the specified time.
- 3.4 The application for the new premises licence has been advertised in accordance with Regulation 25; an advert in a local newspaper and notices prominently displayed at the premises for a period of 28 consecutive days. The last date for receiving representations was the 29 May 2019.
- 3.5 The objections to the application are on public nuisance and crime and disorder grounds due to concerns that an increase in licensable hours at the premises could impact on anti-social behaviour and negatively impact on local residents.
- 3.6 Conditions have been agreed between the applicant and the Licensing Authority and Police.

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

- 4.1 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.
- 4.2 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. Equalities Implications**

- 5.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 5.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who

do not. It is a duty to have due regard to the need to achieve the goals listed above above.

5.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

5.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

5.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

5.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## **6. Application for the Variation of a Premises Licence**

6.1 The steps available to the Licensing Authority:  
(a) to modify the conditions of the licence;  
(b) to reject the whole or part of the application.

6.2 An appeal may be made against the decision to the Magistrates Court within 21 days.

Background Papers

<u>Short Title of</u>	<u>Date</u>	<u>Appendix</u>
<u>Document</u>		
Application for Variation	1 May 2019	
Representations	As dated in attached documents	
Agreed conditions	29 May 2019	

Should you require any further information on this report please contact Lisa Hooper, Licensing Authority Officer on 02083146324



**London Borough of Lewisham**

**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.

**We** Forthglen Investments Limited

**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**

<b>Premises licence number</b> PL0485
--

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Zerodegrees 29 - 31 Montpellier Vale			
<b>Post town</b>	Blackheath	<b>Post code</b>	SE3 0TJ

<b>Telephone number at premises (if any)</b>	
<b>Non-domestic rateable value of premises</b>	£174,000

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			
<b>Current residential address if different from premises address</b>	Orchard Cottage 47 Dartford Road		
<b>Post Town</b>	Bexley	<b>Postcode</b>	DA5 2AR

**Part 3 - Variation**

Please tick yes

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

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

Day		Month		Year	

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation (Please read guidance note 2)**

To amend the terminal time for licensable activities on Fridays and Saturdays to 01:00 hours and closing 30 min thereafter.

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
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**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 read guidance note 3)**

**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**

<b>Plays</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 5)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 6)		
Wed					
Thur			<b>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</b> (please read guidance note 7)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 8)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 5)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 6)		
Wed					
Thur			<b>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</b> (please read guidance note 7)		
Fri					
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 8)			<p><b>Please give further details</b> (please read guidance note 5)</p> <hr/> <p><b>State any seasonal variations for indoor sporting events</b> (please read guidance note 6)</p> <hr/> <p><b>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</b> (please read guidance note 7)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 8)			<p><b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)</p>	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<p><b>Please give further details here</b> (please read guidance note 5)</p>	
Thur			<p><b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 6)</p>	
Fri			<p><b>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</b> (please read guidance note 7)</p>	
Sat				
Sun				

**E**

<b>Live music</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 5) As existing		
Mon	As existing	As existing			
Tue	As existing	As existing	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 6)		
Wed	As existing	As existing			
Thur	As existing	As existing			
Fri	10:00	01:00	<b>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</b> (please read guidance note 7) As existing		
Sat	10:00	01:00			
Sun	12:00	23:30			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 8)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 5) As existing		
Mon	As existing	As existing			
Tue	As existing	As existing	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 6)		
Wed	As existing	As existing			
Thur	As existing	As existing			
Fri	10:00	01:00	<b>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</b> (please read guidance note 7) As existing		
Sat	10:00	01:00			
Sun	12:00	23:30			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 5)			
Mon						
Tue						
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 6)			
Thur						
Fri						
Sat			<b>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</b> (please read guidance note 7)			
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 8)			<b>Please give a description of the type of entertainment you will be providing</b>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
Tue					Both	<input type="checkbox"/>
Wed			<b>Please give further details here</b> (please read guidance note 5)			
Thur						
Fri						
Sat			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)			
Sun			<b>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</b> (please read guidance note 7)			

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 5) As existing		
Mon	23:00	00:00			
Tue	23:00	00:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Wed	23:00	00:00			
Thur	23:00	00:00	<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 7) As existing		
Fri	23:00	01:00			
Sat	23:00	01:00			
Sun	23:00	23:30			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption</b> (Please tick box) (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" 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 6)		
Mon	10:00	00:00			
Tue	10:00	00:00	<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 7) As existing		
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	12:00	23:30			

**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) Not applicable</p>
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**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	10:00	00:30	<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 7) As existing.
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	12:00	00:00	

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  
None

- Please tick yes
- 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 failed to enclose 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,e)** (please read guidance note 11)

This operation has existed since 1999 with the operators brewing their own beer and providing fresh healthy food in the same place. They now still brew all of their beers on site but to this day, it remains the only brewery in Blackheath with award winning ranges of Pilsner, Pale Ale and Black Lager.

They have an outside terrace area with internal space offering various settings including a mezzanine level which overlooks the brewery. The site is located only 10 minutes from the O2 center and has good and accessible transport for members of the public.

It is a well respected operation having sites in Bristol, Reading and Cardiff, all of which does not cause any issues in relation to adversely effecting the licensing objectives.

In light of this, the addition of an extra hour to the terminal times on Fridays and Saturdays will not effect crime and disorder or public nuisance in the area. This site has historically traded without issue.

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

The premises will not change the nature of its operation and it will continue to trade in the way that it has done. No additional conditions are therefore required to promote this licensing objective.

**c) Public safety**

The premises will not change the nature of its operation and it will continue to trade in the way that it has done. No additional conditions are therefore required to promote this licensing objective.

**d) The prevention of public nuisance**

The premises will not change the nature of its operation and it will continue to trade in the way that it has done. No additional conditions are therefore required to promote this licensing objective.

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

The premises will not change the nature of its operation and it will continue to trade in the way that it has done. No additional conditions are therefore required to promote this licensing objective.

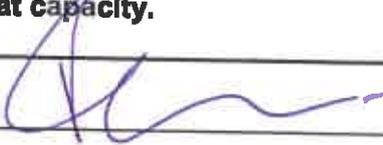
**Please tick yes**

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.**

Signature			
Date	30 April 2019		
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant		

**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 14). If signing on behalf of the applicant please state in what capacity.**

Signature			
Date			
Capacity			

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)</b>			
Steve Burnett Poppleston Allen Solicitors The Stanley Building 7 Pancras Square			
Post town	London	Post code	N1C 4AG
Telephone number (if any)	0203 859 7759		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) s.burnett@popall.co.uk			

### 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. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

4. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
5. 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.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. 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.
9. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
10. 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.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

To Lewisham Licensing

Montpelier Vale  
Blackheath Village  
SE3 0TJ  
15/5/19

**Representation re 29-31 Montpelier Vale – application for full variation to licence**

I live at Montpelier Vale and wish to express my concern about the application to extend the opening hours of Bar Zero.

**Prevention of crime and disorder/public nuisance**

Licensed establishments bring a number of acknowledged quality of life problems with them including increased anti-social behaviour, rubbish and noise. In Blackheath these have all got worse in the over twenty years I have lived at 49 Montpelier Vale.

At weekend nights there are substantial numbers of people who have drunk too much and associated public urination and vomiting, graffiti and loud noise. The noise of drunken arguments and celebration late at night is becoming increasingly frequent. This anti-social activity is not serious enough to report to the police but it is a fact of life for us as local residents and largely directly related to alcohol consumption. Coming home late at night involves carefully skirting groups of drunken people and as a woman I have felt both unsafe and threatened.

My concern is that if Bar Zero operates as a late night drinking venue, anti-social behaviour will increase and intensify. It is a large space and could attract large numbers of late night customers. The other late night venue, Mordens, is just round the corner and having two similar establishments so close is bound to attract lots more late night drinkers to the village. Customers will be standing outside Bar Zero. People will move between the two causing more noise. Drinkers will be leaving even later, adding to our sleep disturbance.

It seems that the usual hours when people can drink in the village are quickly expanding and Blackheath will become an attraction to those who want to drink into the earlier hours, diminishing the quality of life for those who have homes here. I thought that the Cumulative Impact Zone was supposed to ensure that there wasn't an endless expansion of drinking hours in the village but it doesn't seem to be considered anymore.

Thank you.

Nicola

**Premises licence number**

PL 0485

**Premises name**

ZERO DEGREES

**Part 1- Premises details****Postal address of premises, or if none, ordnance survey map reference or description**29-31 Montpelier Vale  
Blackheath**Post town** London**Post code** SE3 0TJ**Telephone number****Premises licence holder name**

Forthglen Investments Limited

Directorate for Customer Service  
Licensing Team  
4<sup>th</sup> Floor, Laurence House  
1 Catford Road  
London  
SE6 4RU

Proper Officer for Licensing  
London Borough of Lewisham

**Where licence is time limited the dates**

**Licensable activities authorised by the licence**

Provision of regulated entertainment

Live music

Recorded music

Provision of late night refreshment

Sale by retail of alcohol

for consumption on and off the premises

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

10.00 - 00.00 Monday to Saturday

12.00 - 23.30 Sunday

Grandfather rights NYE

**The opening hours of the premises**

10:00 - 00.30 Monday to Saturday

12.00 – 00.00 Sunday

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

On and Off

## Part 2

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

Forthglen Investments Limited  
Orchard Cottage  
47 Dartford Road  
Bexley  
Kent  
DA5 2AR

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

03324596  
Company

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

Abdelatif Oudjit  
23 Mayeswood Road  
London  
SE12 9RR

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

LEW 3088  
  
London Borough of Lewisham

## **Annex 1- Mandatory conditions**

No supply of alcohol may be made at a time when no designated supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

All embedded conditions inherent with the Licensing Act 1964.

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

Live bands with amplified equipment shall not be permitted at the premises under the licence.

The licensee shall retain control over the alternative exit route via the adjacent shop premises during the whole of the time the premises are in use under the license.

Adequate artificial lighting shall be maintained along the alternative exit route via the adjacent shop premises to the final exit, during the whole time the premises are in use under the licence.

The Licensee shall retain control over the alternative exit route via adjacent shop premises to the final exit, during the whole time the premises are in use under the licence.

The maximum number of persons accommodated at any one time in the bar area of the premises shall not exceed 50.

**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

First floor

Second floor

# Agenda Item 4

## LICENSING COMMITTEE

<b>Report Title</b>	Bell Green Food and Wine	
<b>Key Decision</b>	No	Item No. 4
<b>Ward</b>	Sydenham	
<b>Contributors</b>	Community Services – Licensing Authority Head of Law	
<b>Class</b>	Part 1	Date: 20 June 2019

**Proposal:** Premises Licence Variation Application

**Legislation:** Licensing Act 2003

**Premises:** Bell Green Food and Wine, 66 Bell Green, Sydenham, SE26 4PZ

**Applicants:** Selvakaran Sivalingan

### **This is an application for a Variation of the Premises Licence**

#### **1. Current Licence Status**

The premises are currently licensed for:

Supply of alcohol - For consumption off the premises

08:00 – 23:00 Monday  
08:00 – 23:00 Tuesday  
08:00 – 23:00 Wednesday  
08:00 – 23:00 Thursday  
08:00 – 23:00 Friday  
08:00 – 23:00 Saturday  
10:00 – 22:30 Sunday

#### **2. Particulars of Application Applied for**

**To replace the current licensing condition:**

*“No super strength beer, lagers or ciders of 5.5% ABV or above shall be sold”*; with the following

*“All beer, lager and ciders with an ABV above 6.5% shall only be sold in packs of four”*

**To add the following condition:**

*“Self service of spirit mixers shall be permitted”*

### **3. Outline of representations received**

- 3.1 The application for the variation of the premises licence was received on 1 May 2019 and sent to all the Responsible Authorities.
- 3.2 One representation was received from a responsible authorities namely Public Health on the grounds of all four licensing objectives.
- 3.3 The representation received from interested parties have been examined by Officers and are considered not to be vexatious or frivolous. The representation was received within the specified time.
- 3.4 The application for the new premises licence has been advertised in accordance with Regulation 25; an advert in a local newspaper and notices prominently displayed at the premises for a period of 28 consecutive days. The last date for receiving representations was the 29 May 2019.
- 3.5 The objections to the application raise concerns of the possible negative impact of the supply of alcohol above 6.5% ABV on the licensing objectives.
- 3.6 Conditions have been agreed between the applicant and the Licensing Authority and Police.

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

- 4.1 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.
- 4.2 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. Equalities Implications**

- 5.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.

- foster good relations between people who share a protected characteristic and those who do not.
- 5.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above above.
- 5.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 5.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 5.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
  - [Meeting the equality duty in policy and decision-making](#)
  - [Engagement and the equality duty: A guide for public authorities](#)
  - [Objectives and the equality duty. A guide for public authorities](#)
  - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 5.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

**6. Application for the Variation of a Premises Licence**

6.1 The steps available to the Licensing Authority:  
(a) to modify the conditions of the licence;  
(b) to reject the whole or part of the application.

6.2 An appeal may be made against the decision to the Magistrates Court within 21 days.

Background Papers

<u>Short Title of</u>	<u>Date</u>	<u>Appendix</u>
<u>Document</u>		
Application for Variation	1 May 2019	
Representations	As dated in attached documents	
Agreed conditions	29 May 2019	

Should you require any further information on this report please contact Lisa Hooper, Licensing Authority Officer on 02083146324



\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

SELVAKARAN

\* Family name

SIVALINGAM

\* E-mail

costcutter123@yahoo.com

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

### Address

* Building number or name	<input type="text" value="37"/>
* Street	<input type="text" value="DOLPHIN ROAD"/>
District	<input type="text"/>
* City or town	<input type="text" value="NORTHOLT"/>
County or administrative area	<input type="text" value="MIDDLESEX"/>
* Postcode	<input type="text" value="UB5 6UQ"/>
* Country	<input type="text" value="United Kingdom"/>

### Agent Details

* First name	<input type="text" value="ROBERT"/>
* Family name	<input type="text" value="JORDAN"/>
* E-mail	<input type="text" value="robertjordan01@btinternet.com"/>
Main telephone number	<input type="text" value="01279 850753"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader  
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

### Agent Business

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number	<input type="text" value="5449933"/>
Business name	<input type="text" value="PR RETAIL CONSULTANTS"/>
VAT number	<input type="text" value="-"/> <input type="text" value="NONE"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="DIRECTOR"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

Building number or name	PUMP HOUSE
Street	OLD MEAD ROAD
District	HENHAM
City or town	BISHOP'S STORTFORD
County or administrative area	HERTS
Postcode	CM22 6JG
Country	United Kingdom

**Section 2 of 18**

**APPLICATION DETAILS**

**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.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	BELL GREEN FOOD AND WINE, 66
Street	BELL GREEN
District	
City or town	SYDENHAM
County or administrative area	
Postcode	SE26 4PZ
Country	United Kingdom

**Premises Contact Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 18**

**VARIATION**

Continued from previous page...

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

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

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.

THAT CONDITION "NO SUPER-STRENGTH BEER, LAGERS OR CIDERS OF 5.5% BV (ALCOHOL BY VOLUME) OR ABOVE SHALL BE SOLD" BE REMOVED AND REPLACED WITH FOLLOWING CONDITION:  
ALL BEER, LAGERS AND CIDERS WITH AN ABV ABOVE 6.5% SHALL ONLY BE SOLD IN PACKS OF FOUR".  
THE FOLLOWING CONDITION ADDED:  
"SELF SERVICE OF SPIRIT MIXERS SHALL BE PERMITTED".

This condition has been accepted in Lewisham so will not have an adverse effect on the licensing objectives  
Also the four pack restriction on beers lagers and ciders will deter problem drinkers

#### Section 4 of 18

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

#### Section 5 of 18

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

#### Section 6 of 18

*Continued from previous page...*

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 18**

Continued from previous page...

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes
- No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes
- No

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

NONE

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

*Continued from previous page...*

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

AS PER EXISTING CONDITIONS  
APART FROM THAT OUTLINED IN THIS VARIATION

b) The prevention of crime and disorder

AS PER EXISTING CONDITIONS  
APART FROM THAT OUTLINED IN THIS VARIATION

c) Public safety

AS PER EXISTING CONDITIONS  
APART FROM THAT OUTLINED IN THIS VARIATION

d) The prevention of public nuisance

AS PER EXISTING CONDITIONS  
APART FROM THAT OUTLINED IN THIS VARIATION

e) The protection of children from harm

AS PER EXISTING CONDITIONS  
APART FROM THAT OUTLINED IN THIS VARIATION

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Please go to this link for fees <http://www.lewisham.gov.uk/Business/LicencesAndStreetTrading/AlcoholAndEntertainmentLicences/FeesList.htm>

\* Fee amount (£)

101.00

### DECLARATION

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

ROBERT JORDAN FOR PR RETAIL  
CONSULTANTS LTD

\* Capacity

AGENTS

\* Date

01 / 05 / 2019  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/lewisham/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



Crime, Enforcement & Regulation Service  
Holbeach Office  
9 Holbeach Road  
London  
SE6 4TW

Catherine Mbema  
Public Health  
3<sup>rd</sup> Floor, Laurence House  
1 Catford Road  
London SE6 4RU

direct line 020 8314 3927  
[catherine.mbema@lewisham.gov.uk](mailto:catherine.mbema@lewisham.gov.uk)

29/05/2019

Dear Licensing,

**Variation for Premises Licence for Bell Green Food and Wine, 66 Bell Green Sydenham SE26 4PZ**

As a responsible authority, the Interim Director of Public Health is writing to make representation against the sale of premium and craft beers, stout and cider above 6.5% ABV (alcohol by volume) for a premises licence in respect to Bell Green Food and Wine under the following licensing objectives:

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

Alcohol misuse is a strong contributory factor to alcohol related harm including in a wide range of offences, including crime and violent crime:

- public order offences (often antisocial in nature, these can involve disorderly groups of people; rowdy, threatening and abusive behaviour; and urinating in public)
- criminal damage
- minor and serious assaults
- violent offences
- traffic offences

There are clear links between alcohol consumption and crime, particularly for alcohol related violence. According to the British Crime Survey 2014/15, victims believed the offender to be under the influence in over half of all violent incidents (47%) of violent offences.

The government's alcohol strategy 2012 addresses alcohol related disorder and violence that affects communities and aims to support them to tackle local problems. The strategy also recognises that Local Authorities are best placed to tackle alcohol related issues through restricting opening and closing times.<sup>1</sup>

The National Institute for Health and Care Excellence (NICE) demonstrates that making it less easy to buy alcohol, by reducing the days and hours when it can be sold, is an effective way of reducing alcohol-related harm.<sup>2</sup>

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<sup>1</sup> The Government's Alcohol Strategy – March 2012

<sup>2</sup> Alcohol Use Disorders: Preventing Harmful Drinking - NICE Guidelines (PH24) 2010

Public Health England's <sup>3</sup> evidence review includes details of initiatives undertaken to restrict the sale of high strength alcohol. Evidence suggests that this has led to a decrease in alcohol-related crime in the intervention area.

Lewisham Borough has signed up to the School Superzones pilot project, established in the context of the London Health and Social Care Devolution Memorandum of Understanding (London Devolution). The aim of the project is to create a healthier and safer environment for children to live, learn and play, by creating 'superzones,' a 400m radius around schools within which actions are taken to protect children's health and encourage healthy behaviours through interventions that target: unhealthy food and drink sales, advertisements, alcohol, smoking, gambling, air quality, physical inactivity and crime. In Lewisham, our pilot School Superzone is around Haseltine Primary School in Bellingham ward. Bell Green Food and Wine is within the 400m radius of Haseltine School.

According to the most up to date data available:

- Bell Green Food and Wine, 66 Bell Green Sydenham is located in Bellingham Ward in Neighbourhood 4 in Lewisham.
- Bellingham Ward ranks 5<sup>th</sup> highest out of 18 wards in Lewisham for Criminal Damage (Other); 6<sup>th</sup> highest for All Violence recorded out of 18 wards.
- Bellingham Ward ranks 5<sup>th</sup> highest out of 18 wards in Lewisham for Alcohol Illness treated by an Ambulance for 18 years and above.

According to the Greater London Authority (GLA) Cumulative Impact Analysis Tool – February 2019,

- There were a large number of Ambulance Recorded Assaults (74), Alcohol Related Incidents (128), Alcohol Related Incidents aged under 26 years (18) and Bus Driver Reported Anti-Social Behaviour (40) within a 500m radius of Bell Green Food and Wine. The majority of these incidents are concentrated between 200m-500m away from the location.

Therefore, I urge giving careful consideration to increasing the sale of alcohol above 6.5% ABV (alcohol by volume) within this area.

Yours sincerely

**Catherine Mbema**  
Interim Director of Public Health

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<sup>3</sup> The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An evidence review

**Premises licence number**

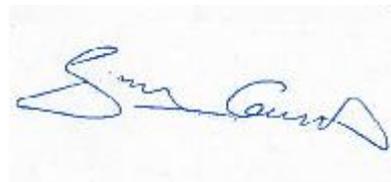
PL 1029

**Premises name**

BELL GREEN FOOD and WINE

**Part 1- Premises details****Postal address of premises, or if none, ordnance survey map reference or description**66 Bell Green  
Sydenham**Post town** London**Post code** SE26 4PZ**Telephone number****Premises licence holder name**

Selvakaran Sivalingam



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**

Supply of alcohol

For consumption off the premises

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

Supply of alcohol for consumption off the premises

08:00 – 23:00 Monday

08:00 – 23:00 Tuesday

08:00 – 23:00 Wednesday

08:00 – 23:00 Thursday

08:00 – 23:00 Friday

08:00 – 23:00 Saturday

10:00 – 22:30 Sunday

**The opening hours of the premises**

06:00 – 23:00 Monday to Sunday

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

Off the premises

## Part 2

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

Selvakaran Sivalingam  
37 Dolphin Road  
Northolt  
Middlesex  
UB5 6UQ

**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**

Selvakaran Sivalingam  
37 Dolphin Road  
Northolt  
Middlesex  
UB5 6UQ

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

P02081

Redbridge Council

## **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.

See attached

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

The premises must maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Local Authority or Police Officer. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public.

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

No super-strength beer, lagers or ciders of 5.5% BV (alcohol by volume) or above shall be sold at the premises.

There shall be no self service of spirits on the premises.

Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

Challenge 21 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport, holographically marked PASS scheme identification cards.

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

- a all crimes reported to the venue
- b any refusal of the sale of alcohol
- c any complaints received
- d any incidents of disorder
- e any visit by a relevant authority or emergency service
- f any faults in the CCTV system

Maintain regular training of all staff with regards to the licensing act, health & Safety legislation and keep all records pertaining to the training for production on request by local authority or police officers.

Litter bin provided outside the premises for customers to dispose of their rubbish.

**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 – REF 0138

# Agenda Item 5

LICENSING COMMITTEE		
<b>Report Title</b>	Oregano Leaf	
<b>Key Decision</b>	No	Item No. 5
<b>Ward</b>	New Cross	
<b>Contributors</b>	Community Services – Licensing Authority Head of Law	
<b>Class</b>	Part 1	Date: 20 June 2019

**Proposal:** Premises Licence Review

**Legislation:** Licensing Act 2003

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

**Applicants:** Lisa Spall, Crime, Enforcement & Regulation Service

## 1. Current Licence Status

- 1.1 The premises are currently licensed for Late Night Refreshment between the hours of 23.00-00.00.
- 1.2 A review has been sought by Lisa Spall, Crime, Enforcement & Regulation Service under section 51 of The Licensing Act 2003.

## 2. Outline Grounds for Review

- 2.1 The premises are alleged to be undermining all four licensing objectives.

## 3. Legal and Human Rights Implications

- 3.1 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. 3.2 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.
- 3.2 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.

#### **4. Equalities Implications**

- 4.1 The Equality Act 2010 includes a new public sector equality duty (the equality duty or duties). The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race or religion or belief, sex and sexual orientation.
- 4.2 In summary the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - advance equality of opportunity between people who share a protected characteristic and those who do not;
  - foster good relations between those who share a protected characteristic and those who do not.
- 4.3 As with the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter for the committee bearing in mind the relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

#### **5. Application for review**

- 5.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. In accordance with Section 52 of the Licensing Act 2003, Licensing Committee may;
- 1.) Modify the conditions of the licence (this includes the power to omit or alter existing conditions and add new conditions)
  - 2.) Exclude a licensable activity from the scope of the licence
  - 3.) Remove the designated premises supervisor
  - 4.) Suspend the licence for a period not exceeding three months
  - 5.) Revoke the licence
  - 6.) Take no action if it is considered that no steps are necessary for the promotion of the licensing objectives
- 5.2 An appeal may be made against the decision to the Magistrates Court by the applicant for review and the Premises Licence holder.

## **Background Papers**

Review Application and Representation from Lisa Spall, Crime, Enforcement & Regulation Service – 25 April 2019

Oregano Leaf Licence – PL0992

Evidence / documents as served

Should you require any further information on this please contact Lisa Hooper, Crime, Enforcement & Regulation Manager on 02083146324



Licensing Team  
9 Holbeach Road  
London SE6 4TW  
020 8314 6400

**Application for the review of a premises licence or club premises certificate  
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 Lisa Spall

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

Oregano Leaf  
98 New Cross Road

**Post town**  
London

**Post code (if known)**  
SE14 5BA

**Name of premises licence holder or club holding club premises certificate (if known)**

Mr Allahdad Momtaz

**Number of premises licence or club premises certificate (if known)**

PL 0992

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick ✓ yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**Please state the ground(s) for review (please read guidance note 2)**

I am applying for a review of the premises license for Oregano Leaf 98 New Cross Road London SE14 5BA

I believe that they have put at serious risk all of the Licensing objectives. The objectives that I am applying for this review under is Prevention of Crime and disorder, public safety and the prevention of public nuisance the protection of children from harm.

As some background to the premises there is a long history with this particular premises of noncompliance and Licensing offences. Since 2017 the CER service has been visiting the premises periodically to check on compliance following the discovery in 2017 that the premises were opening 3 to 4 hours after their licence allowed them.

This particular premises has been to the licensing committee 4 times in the last two years most recently on 30<sup>th</sup> January 2019 where they were asking for their licence to varied to allow them to open until 2am Monday to Thursday and until 3am on a Friday, Saturday and Sunday this application was objected to by the Police and the CER service and the Planning service and was rejected at the committee meeting.

On Saturday 20<sup>th</sup> April 2019 CER officers Richard Lockett & Charlotte Smith were working out of hours carrying out licensing compliance checks and noise visits to existing cases.

They visited Oregano Leaf at 01:04am where there was clearly a delivery driver and a customer present. (See attached witness statement of Richard Lockett exhibited as LS/1).

Which shows that the premises was operating outside of its licensable hours. In addition you can see exhibits which show after hour's orders being taken on Uber covering the following dates.

20<sup>th</sup> April 2019 at 00:53

17<sup>th</sup> April 2019 at 00:37

16<sup>th</sup> April 2019 at 00:06

15<sup>th</sup> April 2019 at 01:15

14<sup>th</sup> April 2019 at 02:28

12<sup>th</sup> April 2019 at 00:46

This shows a clear pattern of afterhours licensing offence. In addition when the CER Officers asked the premises to see a copy of their licence it was not on display and it could not be produced.

This premises was visited on 24<sup>th</sup> November 2018 and on the 10<sup>th</sup> January 2019 and the same breach of licence was found (see attached breach letters as exhibits LS/2, LS/3 & LS/4).

I feel this licence holders clearly shows no regard for the licensing act 2003 and I believe this puts all the licensing objectives at risk. I feel this can only be dealt with by way of revocation of their licence.



**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Lisa Spall Crime Enforcement & Regulation Service 9 Holbeach Road London SE6 4TW
Telephone number (if any) 02083148390
E-mail address (optional) Lisa.Spall@lewisham.gov.uk

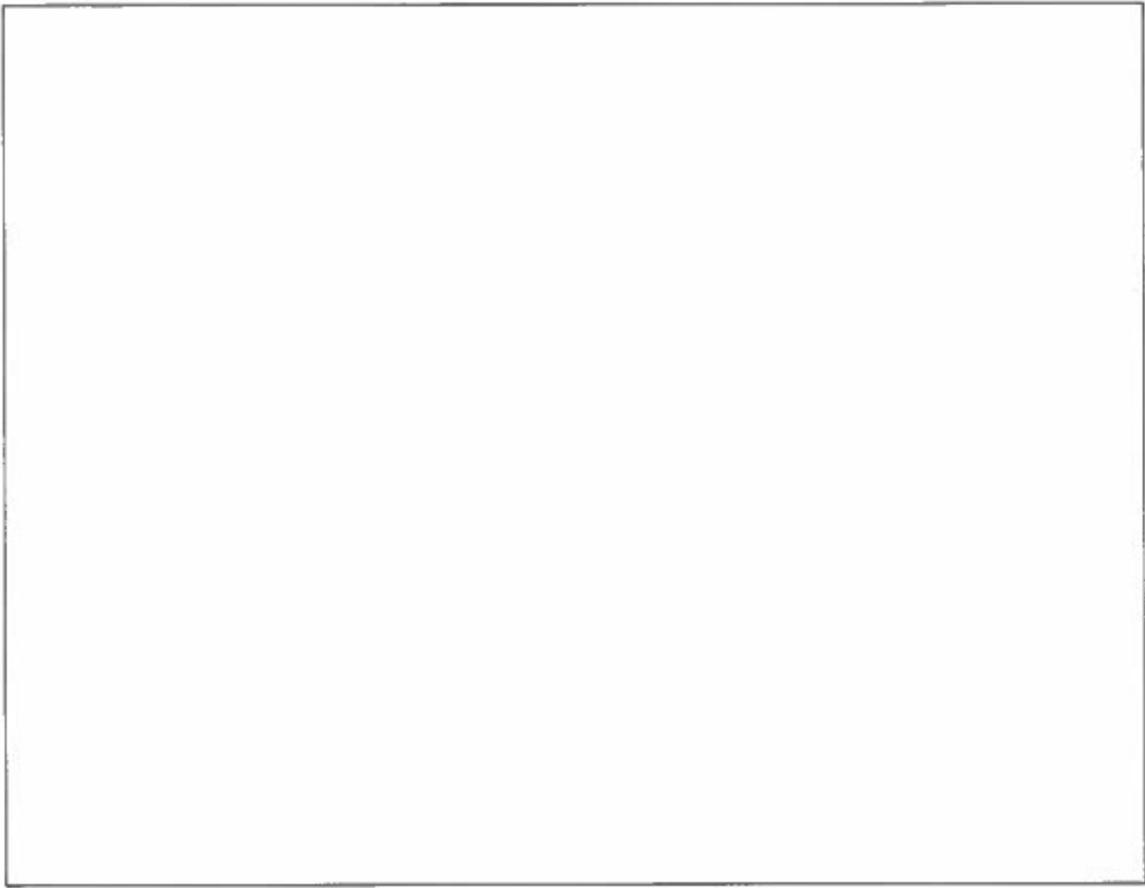
**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes

- 
- 
- 
-





**Please provide as much information as possible to support the application**  
(please read guidance note 3)

Section 57 (4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the licence

Section 57 (7) Failure to produce a premises licence or a certified copy

Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.

Details are all covered in the witness statement of Richard Lockett.

**Please tick ✓ yes**

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

**If you have made representations before relating to the premises please state what they were and when you made them**

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature LSAell

Date 25/4/19

Capacity Club Manager

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

LS1

## Witness Statement

(Criminal Procedure Rules, r 27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**Statement of:** Richard Lockett

**Age of witness:** Over 18.  
(if over 18 enter "over 18")

---

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 25<sup>th</sup> day of April 2019.

Signature 

---

I am a Crime, Enforcement and Regulation Officer employed by the Crime, Enforcement and Regulation Service of the Community Services Directorate of the London Borough of Lewisham. I am responsible for investigating alleged breaches of; and enforcing the various statutory provisions delegated to me.

On 20<sup>th</sup> April 2019 my colleague Charlotte Smith and I were carrying out a late night duty officer service between 9pm and 3am (finishing on the 21<sup>st</sup> April).

At 00.58am we drove down New Cross Road and noticed that the takeaway premises at no. 98, known as Oregon Leaf was open, with a customer and delivery driver inside. There was a moped parked outside the shop.

Oregon Leaf is only licensed to sell late night refreshments until midnight every night of the week. I produce a copy of this premises licence as exhibit RL1.

Ms Smith and I entered the premises at 01.04am and there were two customers waiting for food.

We identified ourselves and spoke with a gentleman called Nasim Khaalazia, who was in the process of cooking a pizza behind the counter. When asked what time he was closing, he explained that he would do so once he had finished serving the gentleman who was waiting.

Mr Khaalazia suggested that the customer had ordered the pizza before midnight, however, the order was only for one small pizza. Given that it was very unlikely it had taken over an hour to cook one pizza, I disputed his claim. Mr Khaalazia then suggested that the customer had begged him for a pizza and that he was on holiday in London and this was why he served him after midnight.

There was no premises licence on display inside the store and Mr Khaalazia could not produce one when asked. I took a photo of the wall, where other certificates were on display and produce this as exhibit RL2.

Mr Khaalazia suggested that it was his fault and that his boss Mr Mumtaz had told him to close

Signature of witness: .....Page 67.....

## Statement continuation

**Witness:**

---

at midnight. When asked where Mr Mumtaz was, we were told that he was in East London.

Mr Khaalazia was questioned on what online services they used and he explained that they used Just Eat, Uber Eats and Deliveroo.

Ms Smith and I looked at the orders on the various tablets and I took three photographs showing various orders that had been taken over Uber Eats after midnight on various dates in April. I produce these photographs as exhibits RL3, RL4 and RL5.

Ms Smith and I advised Mr Khaalazia that we would be writing to the Licensee regarding our visit and asked him to close the shop immediately. Mr Khaalazia began closing up as we left at around 01.25am.

Signature of witness:  Page 68



**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  
98A New Cross Road  
London  
SE14 5BA

**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.

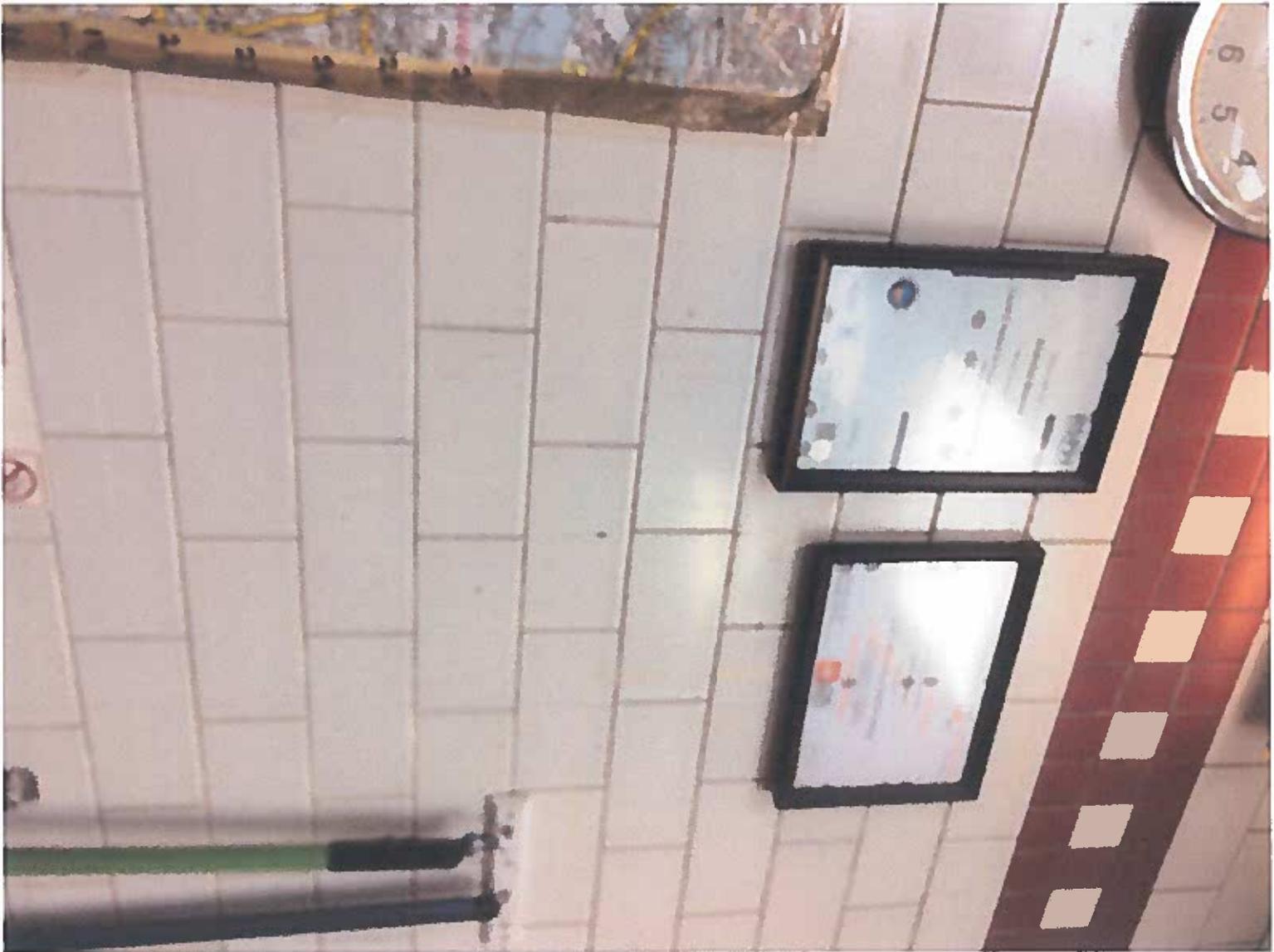
**Annex 3- Condition attached after a hearing by the licensing authority**

## **Annex 4- Plans**

Full plans available at Licensing Services, London Borough of Lewisham

Ground floor







# Order History



Show all



Select a date:

21 Apr 2019

## Completed

Status	Order	Customer	Paid	Courier
>  Completed 20 Apr 00:53	48D16	Aoife	£21.90	 Nadhir
>  Completed 17 Apr 00:37	01B0D	Elisângela	£22.98	 Sultan
>  Completed 16 Apr 00:06	61F73	Edward	£14.49	 Major
>  Completed 15 Apr 22:58	5B738	Jakub	£21.41	 haseeb
>  Completed	B5DC2	Seth	£14.98	 Nazmul



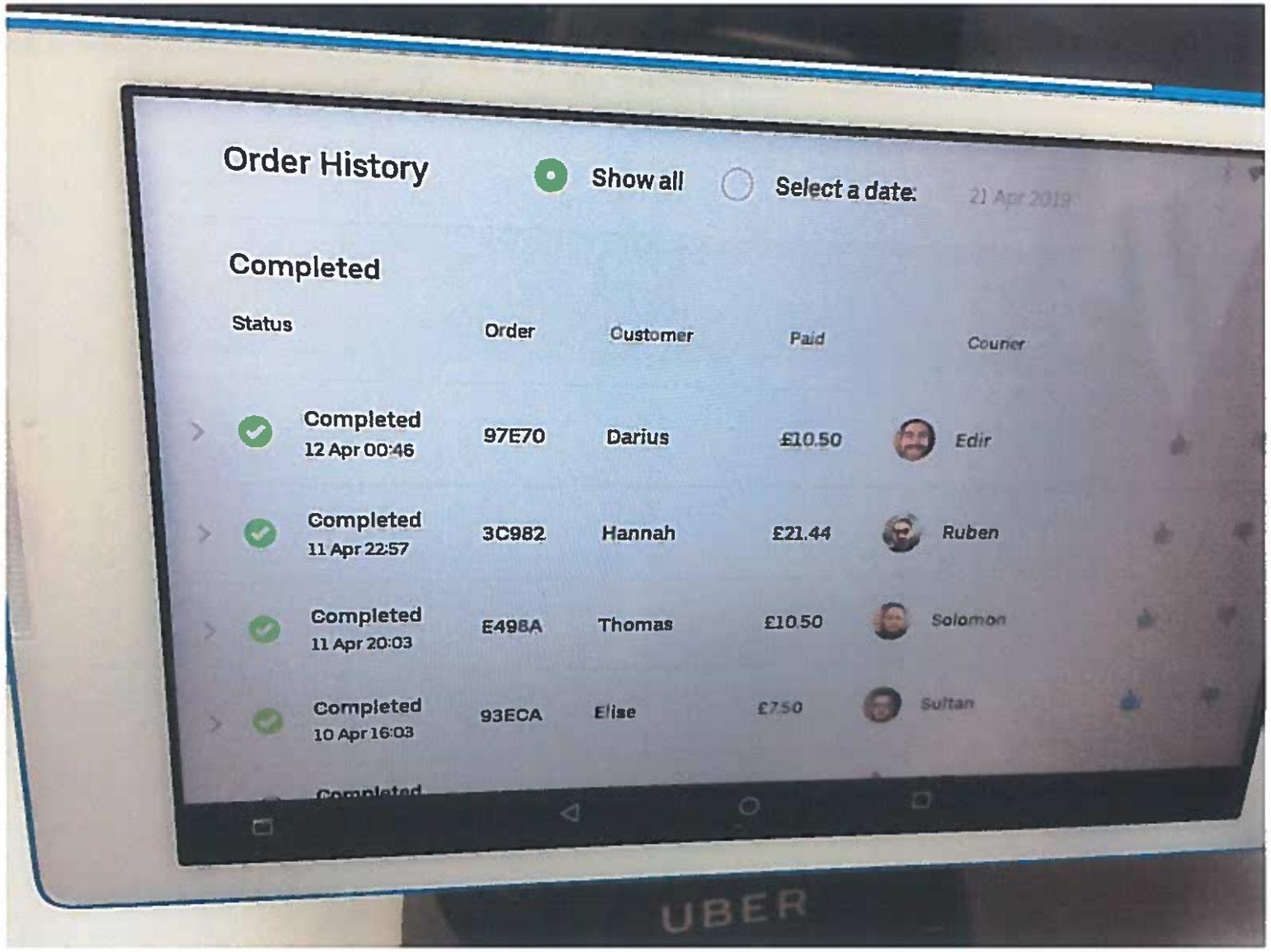
RL4

Order History  Show all  Select a date: 21 Apr 2019

Completed

Status	Order	Customer	Paid	Couner
>  Completed 15 Apr 01:15	B5DC2	Seth	£14.98	Nazmul
>  Completed 14 Apr 20:21	40D10	Garys	£31.24	khadijat
>  Completed 14 Apr 02:28	2E56A	Arad	£12.00	Rukhsar
>  Completed 13 Apr 15:59	EF261	Ruby	£11.99	Konstantinos
>  Completed 12 Apr 20:42	B261B	Sammy	£11.90	Felipe







LSP



Crime, Enforcement & Regulation  
Service  
9 Holbeach Road  
Catford  
London  
SE6 4TW

Allahdad Momtaz  
Oregano leaf Pizza  
98 New Cross Road  
London SE14 5DJ

Direct Line: 020 8314 8390  
[lisa.spall@lewisham.gov.uk](mailto:lisa.spall@lewisham.gov.uk)

Date: 26 November 2018

Dear Mr Momtaz,

**Oregano Leaf Pizza 98 New Cross Road SE14 5DJ**

I write to you in your capacity as the Premise Licence Holder for the above business. The Crime, Enforcement and Regulation Service and the Metropolitan Police visited your business on 24<sup>th</sup> November 2018 at approximately 20:32. During this visit Officers observed that the premises did not have a copy of its licence on display. It was further noted by officers that the CCTV was not working.

I must remind you that CCTV is the only annex 2 condition on your licence – See below a copy of your licence condition:

“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.”

When you were asked about the CCTV you stated that it works on and off and when asked why your licence was not on display you stated that your solicitor had told you to send it to licensing with your application for a Full Variation.

I must remind you that operating your business without CCTV is breach of an annex 2 condition on your licence which is putting the licensing objectives at risk and is an offence under section 57/ (4) of the licensing Act 2003 in addition not being able to produce a premises licence is also a Section 57(7) offence under the licensing act 2003.

You have been issued with an action plan by PC Gerry. Should your CCTV not be working on our next visit we will have no other option than to take your licence through a review process.

You can contact me on 0208 314 8390 or via email to [lisa.spall@lewisham.gov.uk](mailto:lisa.spall@lewisham.gov.uk). If you wish to discuss the matter.

Yours sincerely,

**Lisa Spall**  
Crime Enforcement & Regulation Manager



LS3



Crime, Enforcement & Regulation  
Service  
9 Holbeach Road  
Catford  
London  
SE6 4TW

Allahdad Momtaz  
Oregano leaf Pizza  
98 New Cross Road  
London SE14 5DJ

Direct Line: 020 8314 8390  
[lisa.spall@lewisham.gov.uk](mailto:lisa.spall@lewisham.gov.uk)

Date: 15 January 2019

Dear Mr Momtaz,

**Oregano Leaf Pizza 98 New Cross Road SE14 5DJ**

I write to you in your capacity as the Premise Licence Holder for the above business. The Crime, Enforcement and Regulation Service and the Metropolitan Police visited your business on 10 January 2019 at approximately 12:30. During this visit Officers observed that the premises did have copy of its licence on display but it was a photocopy and not the original document. It was further noted by officers that the CCTV was working but we were unable to ascertain the exact number of days the CCTV had been working or how long footage was kept.

In addition I asked you to supply me with footage from your CCTV from the date which it was working again to 11/1/19.

I must remind you that CCTV is the only annex 2 condition on your licence – See below a copy of your licence condition:

“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.”

When your staff were asked about the CCTV and when it was fixed they told us that it was fixed straight after our initial visit in November 2018. But when they were asked about how long the CCTV keeps footage initially they told us that the system kept recordings for 200 days but when asked to produce 200 days' worth of CCTV the staff member then said that the system was only fixed 5 days prior to this visit. In addition to this when asked no member of staff was able to operate the CCTV.

In addition no one at the premises at the time of the visit was able to operate the CCTV this is a breach of your annex 2 condition which states that “one member of staff on duty at the premises must be capable of operating the CCTV at all times” This was not the case when we visited your premises.

I must remind you that operating your business in breach of an annex 2 condition on your licence are putting the licensing objectives at risk and is an offence under section 57/ (4) of the licensing Act 2003.

You have been issued were issued with an action plan by PC Gerry when we visited in November 2018. You are still technically in breach of your annex 2 condition as no member of staff other than you can operate the system. We also have no proof as to when the system was fixed and how many days it keeps recording.

You can contact me on 0208 314 8390 or via email to [lisa.spall@lewisham.gov.uk](mailto:lisa.spall@lewisham.gov.uk). If you wish to discuss the matter.

Yours sincerely,

**Lisa Spall**  
**Crime Enforcement & Regulation Manager**

LSA



Crime, Enforcement & Regulation  
Service  
9 Holbeach Road  
Catford  
London  
SE6 4TW

Allahdad Momtaz  
Oregano leaf Pizza  
98 New Cross Road  
London SE14 5DJ

Direct Line: 020 8314 8390  
[lisa.spall@lewisham.gov.uk](mailto:lisa.spall@lewisham.gov.uk)

Date: 25 April 2019

Dear Mr Momtaz,

**Oregano Leaf Pizza 98 New Cross Road SE14 5DJ**

I write to you in your capacity as the Premise Licence Holder for the above business. The Crime, Enforcement and Regulation Service visited your business on 21<sup>st</sup> April 2019 at approximately 01:04am. During this visit Officers observed that the premises did have copy of your premises licence on display.

In addition your premises was witnessed to still be trading 1 hour and 4 minutes after your licence ceases which is an offence under section 136 (1) of the licensing Act 2003. On speaking to your staff member and looking at your UBER terminal it was discovered that your premises has been operating outside of your licensable hours on a further 6 occasions which is 6 further offences under section 136 (1) of the licensing Act 2003.

I must remind you that operating your business in breach of an annex 2 condition on your licence are putting the licensing objectives at risk and is an offence under section 57/ (4) of the licensing Act 2003.

These breaches are particularly serious and line with our Enforcement Policy you have been previously educated as to your Premises Licence times and conditions this was confirmed with you on 30<sup>th</sup> January 2019 when you attended the licensing committee.

I have no option now but to apply to the licensing authority for a review of your premises licence.

You can contact me on 0208 314 8390 or via email to [lisa.spall@lewisham.gov.uk](mailto:lisa.spall@lewisham.gov.uk). If you wish to discuss the matter.

Yours sincerely,

**Lisa Spall**  
**Crime Enforcement & Regulation Manager**



**Premises licence number**

PL 0992

**Premises name**

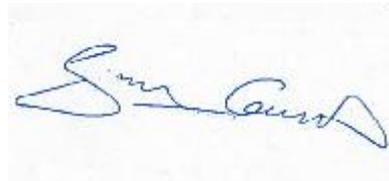
OREGANO LEAF

**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  
98A New Cross Road  
London  
SE14 5BA

**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