



Licensing Team
2nd Floor Laurence House
1 Catford Road
London
SE6 4RU
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 Frank Olaniran

(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

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

PIZZA 2 NIGHT
26A Catford Hill

Post town
Catford

Post code (if known)
SE6 4PX

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

Pizza 2 Night (Catford) Ltd

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

PL 0903

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)

(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 Frank Olaniran Crime, Enforcement and Regulation Service 9 Holbeach Road Catford SE6 4TW
Telephone number (if any) 020 8314 6538
E-mail address (optional) Frank.Olaniran@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 state the ground(s) for review (please read guidance note 2)

The Prevention of Crime and Disorder

S136 of The Licensing Act 2003 – Unauthorised licensable activities

The Prevention of Public Disorder

S136 of The Licensing Act 2003 – Unauthorised licensable activities

Breach of Annex 2 conditions

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

The Crime, Enforcement and Regulation Service seeks an application for review of the premises referred to as Pizza 2 Night, 26A Catford Hill, Catford, London SE6 4PX.

On the 19 February 2019 at approx. 04:18, my colleague Denis Savin and I were providing an out of hours noise service, while driving down Catford Hill a male was observed leaving the premises while holding a hot food bag and making his way to a vehicle. I was of the view that the male was in the process of making a delivery. Unaware of the licence conditions for the premises, Officers decided to confirm the hours for licensable activity before approaching the business.

Upon reviewing the licence for the premises, it was confirmed that the business is permitted to carry out licensable activity until 04:00, Monday to Sunday. I refer to the licence for Pizza 2 Night as **FO/1**.

On the 25 February 2019, I visited the premises along with CER Officer Richard Lockett as a means of establishing whether the business is conducting licensable activity outside of their permitted hours. Officers met a member of staff by the name Ozil Safi who advised that there was no manager on site. Officers requested to view CCTV from the premises and was advised by the member of staff that he had only been working at the premises 30days and did not know how to operate the CCTV. The member of staff proceeded to call a manager who he advised is Alan Rasheed. After coming off the phone, the member of staff advised that the manager had requested that Officers returned at a later date to access CCTV.

It was noted that the business was in breach of their Annex 2 conditions which states under point 2 "*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 are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.*"

Officers informed the member of staff that under S179 of the Licensing Act 2003 that we would be crossing the counter in order to investigate further.

Upon checking on the Just Eat tablet for the business, Officers noted that the tablet was not able to generate order reports for previous days. While investigating Officers located a wad of receipts hidden discreetly behind menus.

I refer to **FO/2** which is a receipt generated on the 25 February 2019 at 04:26, detailing the provision of hot food outside of the permitted hours. Satisfied that the business is operating outside of the permitted hours, I requested the details for the manager to discuss my concerns. I was given the name Alan Rasheed and a contact number.

Upon returning to the office a voice message was left for Mr Alan Rasheed to make contact with the service to discuss my visit. Shortly after the voice message, at 16:39 an email was sent to members of the business management requesting CCTV footage for certain dates and times to assist in my investigation and to be provided within 48 hours as stipulated in within Annex of the business' licence;

"The premises shall install and maintain a comprehensive CCTV system. All entry

and exit points will be covered enabling frontal 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 upon the request of Police or authorized officer throughout the preceding 31 day period, such copies shall in any event be provided within forty-eight (48) hours." I refer to **FO/3** which confirms this action.

As a result of no contact from the business, on 26 February 2019 at approx. 15:33 I returned to the premises with CER Officer Theo Bahannack to speak with a manager and deliver a letter containing the same information as my email. On this visit I again met Ozil Safi who was the only member of staff on the premise. Ozil advised that he had explained about my visit to his manager the day before and that he would be back by 6pm if I was willing to return. The letter which I refer to as **FO/4** was then left with the member of staff.

At 23:56 on 26 February 2019, an email was sent from the manager for the business advising that there was playback error with their CCTV preventing them from making footage available to me. There was no indication of whether they would meet my deadline or if they would be able to obtain the requested footage and deliver it to the office. I refer to the email from the manager as **FO/5**.

As of the date of this application, the management have failed to provide the requested CCTV footage, this amounts to the following offence under the Licencing Act 2003;

- S179(4) offence - Rights of entry to investigate licensable activities; "A person commits an offence if he intentionally obstructs an authorised person [or an immigration officer] exercising a power conferred by this section."

History

Pizza 2 Night previously came to the attention of the Crime, Enforcement and Regulation Service following an unannounced compliance visit by Officers Clare Chown and Daniel Power on 11 November 2018. At the time of the visit, the premise was licensed for the provision of hot food up until 02:00, however at 03:20 Officers observed the premise continue to accept and process orders with no indication of stopping which amounted to a S136 offence. I refer to the copies of receipts obtained detailing the unlicensed activity as **FO/6**.

I refer to the compliance report by Daniel Power as **FO/7**. During this inspection the following breaches were also observed;

- S57(4) - failure to secure a premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- S57(7) - failure to produce a premises licence or a certified copy.

As a means of education, following this visit Officers invited the management to discuss the matter and apply for a variation to assist the business in operating in accordance with the Act. As part of this process the management requested a licence permitting them to sell hot food until 04:00, this was granted under good faith

that the business would operate responsibly. I refer to **FO/8** which is an email from CER Officer Clare Chown detailing the breaches and how the business can apply for a variation.

It is deeply concerning that within 3 months of applying for a variation, there is evidence that the business is still unable to keep with the conditions of their licence and there is a clear disregard towards the licencing objectives.

Despite visits from the Crime, Enforcement and Regulation Service and requests for the CCTV to made, it appears that the management for the business do not acknowledge the severity of the situation or their responsibility to safeguard the licencing objectives

I am therefore of the view that enough education and guidance has been provided to the premises, leaving no alternative than for enforcement action to be taken.

Recommendations:

The Crime, Enforcement and Regulation Service considers the following measures appropriate as a means of ensuring the safeguarding of the key licensing objectives.

- Restricting the provision of hot food on Monday to Thursday till 01:00
- Restricting the provision of hot food on Friday to Sunday till 02:00

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

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

Please tick ✓ yes

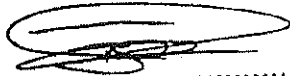
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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



Date

04/03/2019

Capacity

Frank Olaniran (Crime, Enforcement and Regulation Officer)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.