

objection

2.



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

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

Direct Line 02083146326
Daniel.power@lewisham.gov.uk

Date: 12th March 2018

Dear Lisa,

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

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

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

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

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

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

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

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

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

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

Actions since Previous Full Variation Application

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

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

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

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

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

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

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

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

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

The proposed conditions are as follows;

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

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

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

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

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

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

Yours Sincerely



Daniel Power

Crime, Enforcement and Regulation Officer

