



# AGENDA

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## LICENSING COMMITTEE

**Date: TUESDAY, 15 AUGUST 2017 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**

### **MEMBERS**

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

### **Councillors:**

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

**Members are summoned to attend this meeting**

**Barry Quirk  
Chief Executive  
Laurence House  
Catford  
London SE6 4RU  
Date: Monday, 7 August 2017**



INVESTOR IN PEOPLE

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

## ORDER OF BUSINESS – PART 1 AGENDA

Item No		Page No.s
1.	Minutes	1
2.	Declaration of interests	2 - 5
3.	Oregano Leaf Application	6 - 37



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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: 15 August 2017	

## Recommendation

That the Minutes of the meetings of the Licensing Committee, held on 4,12 and 19 July and 3 August 2017 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: 15 August 2017

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

## 1 Personal interests

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **(6) Sensitive information**

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

## **(7) Exempt categories**

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

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

# Agenda Item 3

LICENSING COMMITTEE		
<b>Report Title</b>	Oregano Leaf Application for Premises Licence Variation	Licence No. PL 0992
<b>Key Decision</b>	No	Item No. 3
<b>Ward</b>	Brockley	
<b>Contributors</b>	Community Services – Licensing Authority Head of Law	
<b>Class</b>	Part 1	Date: 15 August 2017

**Proposal:** Premises Licence Variation

**Legislation:** Licensing Act 2003

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

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

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

## 1. **Background**

An application for a full variation was received on 27<sup>th</sup> June 2017 in relation to extending opening hours and the provision of late night by 6 hours Monday to Sunday.

Late night refreshment including pizza delivery and takeaway

Midnight until 0600 Monday to Sunday

Premises open

Midnight until 0600 Monday to Sunday

## 2. **Outline Grounds for Objection**

2.1 An application for the full variation of the premises licence was sent to all the Responsible Authorities. Representations were received from the Metropolitan Police and the Crime Enforcement and Regulation service in relation to the licensing objectives of the prevention of Crime and Disorder and of Public Nuisance.



2.2 The application for the variation has been advertised in accordance with regulation 39, displayed prominently a notice at the premises, and at the Council's main offices for a period of 28 consecutive days. The last date for receiving representations was the 25<sup>th</sup> July 2017

**3. Current Licence Status**

The premises are currently licensed – See attached licence

**4. Legal & Human Rights Implications**

4.1 An interested party or responsible authority can apply to the licensing authority for a full variation of a Premises Licence. The Licensing authority is required to hold a hearing to consider the application for a full variation and any relevant representations made. The representations are required to be relevant to one or more of the licensing objectives.

4.2 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.

4.3 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

**5. Application for Full variation**

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

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

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

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

Background Papers

Short Title of

Date

Document

Application for review

27/6/17

Licence

Evidence / documents

As served

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

WU/201771419

039325



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

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ZARDAD MONTAZ

*(Insert name(s) of applicant)*

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

Premises licence number	PL099Z
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description	98 NEWCROSS ROAD, SE14 5BA oregano <del>terrace</del> LEAF		
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Post town	LEWISHAM	Postcode	SE14 5BA
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Telephone number at premises (if any)	07455795037		
Non-domestic rateable value of premises	£ 6,900	R.	2190.

**Part 2 – Applicant details**

Daytime contact telephone number	07455795037		
E-mail address (optional)	Zardad 777 @ gmail.com		
Current postal address if different from premises address	353 BROWN HILL ROAD,		
Post town	LONDON	Postcode	SE6 1AL

**Part 3 - Variation**

Please tick as appropriate

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

Yes

No

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

DD	MM	YYYY

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

Change of hours

Monday	00:00	to	6 AM
Tuesday	00:00	to	6 AM
Wednesday	00:00	to	6 AM
Thursday	00:00	to	6 AM
Friday	00:00	to	6 AM
Saturday	00:00	to	6 AM
Sunday	00:00	to	6 AM

Change of name.

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:

--

**Part 4 Operating Schedule**

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

**Provision of regulated entertainment**

**Please tick all that apply**

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

No

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

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>  <u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>  <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			



D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings / Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input checked="" type="checkbox"/>	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	00:00	6 AM	Pizza takeaway and delivery		
Tue	00:00	6 AM			
Wed	00:00	6 AM	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	00:00	6 AM			
Fri	00:00	6 AM	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	00:00	6 AM			
Sun	00:00	6 AM			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 8).</p>
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<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	11 AM	6 AM	
Tue	11 AM	6 AM	
Wed	11 AM	6 AM	
Thur	11 AM	6 AM	
Fri	11 AM	6 AM	
Sat	11 AM	6 AM	
Sun	11 AM	6 AM	
<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)			

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



Please tick as appropriate

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

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

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

Previous owner did not give to me.

**M**

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

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

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

**c) Public safety**

**d) The prevention of public nuisance**

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

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 10)

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

Signature	
Date	06/06/2017
Capacity	Owner

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance





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

**PL - Lewisham Borough**  
**PL - Lewisham Police Station**  
LGB 150  
Lewisham Police Station  
43 Lewisham High Street  
London  
SE13 5JZ  
Telephone: 020 8284 5041  
Facsimile:  
Email:  
nicholas.gerry@met.pnn.police .uk  
Your ref:  
Our ref:  
21<sup>st</sup> July 2017

Dear Licensing Department

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

I make representations for this Full variation under the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

I am aware that the reason we have this full variation is that officers from Lewisham council had found Oregano Leaf trading outside of their permitted hours on at least two occasions. A decision was made at the time to work with the management and allow them to apply for this variation to address this issue. On the 12<sup>th</sup> July I attended the premises with officers from Lewisham council and immigration to carry out a visit. Whilst conducting the visit it a male who claimed to be the chef was arrested for immigration offences. I found that the current license was not displayed and the CCTV which is a condition on the current license did not appear to be working.

I believe this shows complete disregard for the License objectives and I have serious concerns allowing this variation to be granted.

I will also be submitting an application to review the current License.

Yours sincerely

Nick Gerry

Licensing Officer – Lewisham Police

[Faint, illegible text, possibly bleed-through from the reverse side of the page]



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

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

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

Date: 24<sup>th</sup> July 2017

Dear Lisa,

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

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

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

In response to a complaint received by the aforementioned service on Sunday 21<sup>st</sup> May 2017, the following measures have been undertaken to ensure compliance with the existing premises licence;

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

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

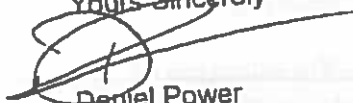
Furthermore, subsequent data protection requests via two separate delivery platforms, JustEat and Hungry House, have confirmed persistent licensable activity after permitted hours since The Crime, Enforcement and Regulation Service have attempted to ensure compliance.

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

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

Therefore, details as provided above confirm that the licensed premise has persistently failed to uphold key licensable activity, this is compounded taking into account that the premises is located within an existing Cumulative Impact Zone.

Yours Sincerely



Daniel Power  
Crime, Enforcement and Regulation Officer



**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**

Zardad 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**

Zardad Momtaz  
353 Brownhill Road  
Lewisham  
London  
SE6 1AL

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

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

N/A

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

N/A

## **Annex 1- Mandatory conditions**

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

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

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

## **Annex 4- Plans**

Full plans available at Licensing Services, London Borough of Lewisham

Ground floor