

Decisions taken by the Licensing Committee on Wednesday, 26 July 2023

| Agenda Item No | Topic | Decision |
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Part A – Items considered in public

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| <p>A3</p> | <p>Elaine's Pizza 330 Lee High Road SE13 5PJ.</p> | <p>Elena's Pizza 330 Lee High Road SE13 5PJ Lewisham LBC, Licensing Committee Application for variation of premises licence</p> <p align="center">DECISION NOTICE</p> <ol style="list-style-type: none"> 1. Erol Boyaci (“the Applicant”) has submitted an application for a new premises licence for Elena’s Pizza 330 Lee High Road SE13 5PJ. (“the Premises”). 2. The applicant seeks authorisation for the following licensable activities: <p><u>Late Night Refreshment</u> 23:00 – 01:00 – Monday - Saturday</p> 3. Two representations have been received from local residents on the grounds of the prevention of public nuisance, the prevention of crime and disorder, protection of children from harm as well as public safety. 4. The Licensing Committee held a hearing on 26 July 2023 to consider the representations, which related to three of the licensing objectives. 5. The Applicant set out the basis of the application. She explained that Elena’s Pizza would be a family run business. When open, it would improve the local area. It was not their intention to attract patrons who wanted to loiter. Food would be delivered via Uber drivers and Deliveroo. These drivers tended to wait for orders around McDonalds so did not expect them to be parked up outside the premises. 6. Objectors did not attend the meeting, but their written submissions related to playing regulated music until 3am and loitering in front of the premises. |
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| | | <p>7. In making its decision, the Committee has taken into account all of the papers in the reports pack and the evidence presented by the applicant at the hearing. It has also taken into account the Council's Statement of Licensing Policy and the Home Office's statutory guidance.</p> <p>8. The Committee's decision is to grant the application. Its reasons are as follows:</p> <ul style="list-style-type: none"> i. The Committee considered the Objectors representations, but this was weighed up with the fact that the applicant had cut back the hours of trading until 1am and there would only be background music for staff preparing food. It would not be played to the public. ii. The Committee were of the view that no Responsible Authority had raised an objection and they ought to be guided by them and the evidence. iii. A detailed list of conditions had been agreed by the applicant before the meeting. iv. Insufficient evidence provided by the Objectors that would undermine the Licensing Objectives. <p>9. There is a right of appeal against this decision. Any appeal should be made to the magistrates' court within 21 days beginning with the day on which the appellant was notified of this decision.</p> |

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| A4 | Budgens Ground and First Floor 1 Williamson House, 47 Pomeroy Street London SE14 5GA | <p>Budgens Ground and First Floor 1 Williamson House, 47 Pomeroy Street London SE14 5GA Lewisham LBC, Licensing Committee Application for variation of premises licence</p> <p align="center">DECISION NOTICE</p> <p>2. Break Point Limited (“the Applicant”) has submitted an application for the grant of a new licence in respect of Budgens Ground and First Floor 1 Williamson House, 47 Pomeroy Street London SE14 5GA. (“the Premises”).</p> <p>2. The Applicant seeks authorisation for the following licensable activities and for the following time periods:</p> <p align="center"><u>Supply of Alcohol for consumption OFF the premises</u></p> <p align="center">07:00 – 23:00 Monday 07:00 – 23:00 Tuesday 07:00 – 23:00 Wednesday 07:00 – 23:00 Thursday 07:00 – 23:00 Friday 07:00 – 23:00 Saturday 07:00 – 23:00 Sunday</p> <p><u>Seasonal Variation:</u> Christmas Eve from 07:00 until 00:30 New Year’s Eve from 07:00 until 01:30</p> |

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| | | <p>3. There were no objections from the relevant authorities. One representation was received from a local resident on the grounds of the prevention public nuisance.</p> <p>5. The Licensing Committee held a hearing on 26 July 2023 to consider the representation. The Committee heard from the Applicant, and from one member of the public who had made a written representation objecting to the application. He raised concerns engaging the licensing objective which related to the prevention of public nuisance. He asked for the business to close at 10pm instead of 11pm because it would cause disturbance and nuisance for all residents on Pomeroy Street.</p> <p>5. After careful consideration of all the evidence and submissions, the Committee decided to grant the application as applied for.</p> <p>Reasons: In making its decision, the Committee has taken into account all of the papers in the reports pack and the evidence and submissions presented. In particular, the Committee has had regard to the need to promote the four licensing objectives, the Licensing Authority's Statement of Licensing Policy 2020-26 and to the Home Office's statutory guidance.</p> <ul style="list-style-type: none"> • The business was a family run business trading since 2004 with a portfolio of 5 convenience stores throughout central London. They also own and trade two pharmacies and employed 41 people in total. It was expected that 10 extra positions would be available for the local community if the application was granted. • The applicant is an extremely responsible operator and met his regulatory |

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| | | <p>obligations. The existing businesses traded at similar times to the one proposed in Pomerory Street. There had not been any complaints of noise at any of these premises.</p> <ul style="list-style-type: none"> • Extra conditions, suggested by the licensing authority, had been accepted by the applicant. All staff would be trained to uphold the Licensing Objectives and in complying with the conditions on the licence. There were other businesses within a half mile radius that traded until 11pm. • The objector said that the premises should close at 10pm because it was next to a park and a school. He did not want people to be attracted to this business to buy alcohol and sit in the park. This park had been closed for 5 years but he expected it to re-open. <p>6. The Committee gave weight to the fact that no Responsible Authority had raised an objection and they ought to be guided by them and the evidence before them. They gave considerable weight to that fact that the applicant was an experienced businessman who had managed several businesses without any issues. They did not consider that 11pm was an unreasonable time to close, particularly since there were several other businesses in the area with the same closing time or later.</p> <p>7. It was noted that a detailed list of conditions had been agreed by the applicant before the meeting and there was Insufficient evidence provided by the Objector that would undermine the Licensing Objectives.</p> <p>8. There is a right of appeal against this decision. Any appeal should be made to the magistrates' court within 21 days beginning with the day on which the appellant was notified of this decision.</p> |

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