

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL A** held on **THURSDAY, 24TH APRIL, 2025** at 7.00 pm, which was held remotely via Microsoft Teams.

MEMBERS OF THE PANEL PRESENT

Councillors Shah Miah (Chair), Lorna Greenwood (substitute member) and Sharon Hardwick

MEMBERS OF THE PANEL ABSENT

Councillors Pat Callaghan

ALSO PRESENT

Councillors Meric Apak

The minutes should be read in conjunction with the agenda for the hearing. They are subject to approval and signature at the next hearing of Licensing Panel A and any corrections approved at that hearing will be recorded in those minutes.

MINUTES

1. GUIDANCE ON REMOTE MEETINGS HELD UNDER THE LICENSING ACT 2003 AND ASSOCIATED REGULATIONS

RESOLVED –

THAT the guidance on remote meetings be noted.

2. APOLOGIES

Apologies we received from Councillor Callaghan. Councillor Greenwood was attending as a substitute.

3. DECLARATIONS BY MEMBERS OF STATUTORY DISCLOSABLE PECUNIARY INTERESTS, COMPULSORY REGISTERABLE NON-PECUNIARY INTERESTS AND VOLUNTARY REGISTERABLE NON-PECUNIARY INTERESTS IN MATTERS ON THIS AGENDA

There were no such declarations from Panel Members.

4. ANNOUNCEMENTS

Webcasting

The Chair announced that the meeting was being broadcast live to the internet and would be capable of repeated viewing and copies of the recording could be made available to those that requested them. Those participating in the meeting were deemed to be consenting to being filmed.

Item 8 Resolved

The application listed under Agenda Item 8, Sushi Serenade, was resolved ahead of the meeting and would therefore not be considered by the Panel.

Item 7 Additional Document Circulated

The Chair stated that an additional document was circulated to those listed to attend the New Miliano Pizza & Gourmet Burgers application. This document confirmed the withdrawal of the Environmental Health representation resulting from additional conditions having been agreed with the Applicant. This document was circulated for the purpose of clarity at the hearing. The conditions would be summarised by the Licensing Officer in their introduction.

5. NOTIFICATION OF ANY ITEMS OF BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT

There was no notification of urgent business.

6. MINUTES

RESOLVED –

That the minutes for the meetings that took place on 13 February 2025 and 20 March 2025 be agreed and signed as accurate records.

7. NEW MILANO PIZZA & GOURMET BURGERS: 128 KENTISH TOWN ROAD, LONDON, NW1 9QB

Consideration was given to the report of the Executive Director Supporting Communities, which outlined an application for a new premises licence under section 17 of the Licensing Act 2003.

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The Licensing Officer summarised the application and provided the following updates since the publication of the agenda:

- The Applicant had agreed five conditions with Environmental Health resulting in the withdrawal of their representation:
 1. Electronic bikes (non-combustion engine types) to be used after 23:00hrs.
 2. Collection and deliveries (not customer-related) to take place between 7am–9pm (Monday to Saturday) and 10am–9pm (Sunday).
 3. Couriers to have access to the premises to wait inside for customer orders and use toilet facilities.
 4. Licence holder to use vermin-proof internal waste storage 30 minutes prior to waste collection.
 5. No noise or odour generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.
- A correction to the report noted that the closing times for licensable activities did engage the framework hours policy, not the opening times.
- It was confirmed that a licence had been granted for the same premises by Licensing Panel B on 1 February 2024, allowing late night refreshment until midnight daily. This information should have been included in the report as background information. The current application was for a new licence, not a variation.

There were three interested parties present to speak to their representations.

- Councillor Apak stated that he was speaking in his capacity as a ward councillor and local resident, not as a Licensing Committee Member. Panel Members confirmed there had been no discussions between them and Councillor Apak about this application prior to the hearing.
- Kate Gemmell spoke on behalf of the Tenants and Residents Associations of Camden Town (TRACT) and also on behalf of Rosemary Lewin's representation from the Kelly Street Residents Association.
- Sheila Hayman spoke to her own individual representation and also spoke on behalf of Caroline Hill's representation for Kentish Town Road Action.

The key issues raised by the interested parties were as follows:

- Concerns were raised that the application would undermine the licensing objectives of preventing public nuisance and crime and disorder, especially in a densely populated residential area.
- There was strong opposition from many residents living on nearby streets and local resident associations regarding the negative impact of the venue's proposed extended hours.
- A significant concern was the negative impact of delivery e-bikes, particularly fast or illegally modified bikes using residential streets as cut-throughs. This was viewed as a safety issue, and there were complaints about the use of bike crossings meant for pushbikes only.

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- It was argued that extending late-night operating hours would increase noise and disturbances, especially from delivery riders who were seen as contributing to similar disturbance issues as customer collections.
- The issue of littering was highlighted, with particular mention of existing regular rubbish in areas like Rochester Place and Kelly Street, caused by the venue.
- The Applicant's failure to address these issues in their current operation was noted.
- The enforceability of the proposed conditions agreed with responsible authorities was in doubt, with concerns about the venue's ability and effectiveness in controlling the identified issues.
- The Planning authority had raised objections to existing breaches of planning conditions.
- The Applicant had previously been refused later hours in a prior hearing and concerns were raised that the current application offered no new justification or significant changes.

In response to questions, the interested parties clarified the following points:

- Interested parties confirmed that the hours agreed with the police primarily addressed crime and disorder concerns, whereas residents were more concerned about public nuisance.
- They also noted that the additional conditions did not respond to all of the resident concerns raised and, in the view of residents, were aspirational and would not materially reduce the impact to residents, particularly regarding noise.
- Interested parties confirmed they did not think the litter patrol policy measures went far enough to address resident concerns, particularly in areas such as Kelly Street, Rochester Road, and Rochester Place.

James Divecha and Mohammed Iqbal were present as the Applicant's legal representatives, accompanied by Hafiz Farooq, the Applicant, who was the owner and manager of the premises. The following points were made:

- In their view concerns raised by councillors were addressed in the application, and the proposed conditions were enforceable and clear.
- No objection remained from the Police or Environmental Health, as their concerns had been addressed through additional conditions.
- Policies and conditions addressing any concerns, within the application, included: the installation of CCTV; staff training in first aid, safeguarding, and food handling; a strict litter collection policy with cleaning every 45 minutes to prevent nuisance; measures to prevent loitering, noise, and crowding; and the use of electric bikes for deliveries only.
- There had been no police investigations or major incidents linked to the establishment. The premises was located in a busy, commercially active area with strong demand for late-night food delivery services.
- In their view, the applicant demonstrated a willingness to meet the concerns of the responsible authorities and residents and planned to submit a planning application for compliance if the licence was granted.

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In response to questions, the Applicant and legal representatives clarified the following points:

- The Applicant confirmed the Late-Night Street Litter Collection Policy stated that the premises would conduct litter patrols every 45 minutes during operating hours, focusing on a 50 meter radius surrounding the premises.
- The Applicant confirmed walk-in customers would not be admitted after 11pm.
- Members asked the Applicant to explain and provide more detail on their planning condition breach. The Applicant explained the breach was for allowing people into the premises after 11pm.
- The Applicant stated they were not aware of this planning condition and were only aware to adhere to the licence conditions. Once made aware of the breach, the Applicant immediately engaged with Planning Service officers. Before being given the notice of the breach, the Applicant said they had been operating for four years, and the Planning condition was imposed in 2005 before the Applicant was associated with the premises.
- Members asked why the Applicant was applying for a new licence, and not a variation to extend hours. The Applicant's representative stated that this was submitted as a new application because the Applicant had made significant changes since the previous application, including more comprehensive policies and had engaged with interested parties. The Applicant lodged a pre-application in September 2024, where they subsequently received advice from the Council on their licensing application proposals in December 2024.
- The Applicant stated that the policies and procedures set out in their supporting documentation in their application were already in practice at the premises, which included regular street litter collection.
- In response to Members, interested parties and the Applicant being unclear on the nature of the licensable activity being applied for, the legal officer clarified that the application was for a late night refreshment delivery service from 11pm, with takeaway service only operating until 11pm, as stated in the application form.
- Interested parties asked the Applicant how they would ensure customers observed condition six, requests to leave the premises quietly. The Applicant responded that in the last two months they had asked customers and delivery operatives to leave quietly and there had been no nuisance. They stated this was because 90% of their operation was delivery service, and they believed that customers normally took their takeaway food to eat at home.
- Interested parties asked the Applicant how they would cover the surrounding streets in their litter patrol which was affected by the venue. The policy stated a 50 meter radius patrol, however effected streets raised by local residents were outside of this radius. The Applicant responded, as per their policy, patrols took place every 45 minutes during operating hours. There was also a notice to customers to be polite to neighbours. The Applicant reiterated that he believed customers mostly ate their food at home and did not eat on the foot paths. He also reiterated the venue ran mostly as a delivery service.
- Interested parties asked the Applicant how they would manage nuisance caused by delivery riders using e-bikes. While acknowledging there were conditions to mitigate some noise by the bike itself, they stated riders themselves could still cause nuisance. Also, they asked how could mitigations be imposed on third

party delivery riders. The Applicant responded that they used their own riders who waited inside the venue between delivery rides. They stated that e-bikes had less environmental impact the local community than conventional bikes..

- Interested parties asked the Applicant if the premises had continued trade until midnight, in breach of the Planning conditions. The Applicant responded the Planning condition was initiated in 2005 and they had only been operating the premises since 2022 and was unaware there were planning conditions to adhere to. The Applicant said they understood the conversation with Planning officers concluded in being advised to make an application to the Planning Service after this licensing application was granted.

In their closing remarks, speaking on behalf of the interested parties, Councillor Apak referred to paragraphs 7.15-7.16 of the Camden Statement of Licensing Policy in relation to late night refreshment venues which highlighted the issues resulting from venues attracting large groups of customers who had consumed alcohol which had the potential to cause public nuisance through noise disturbance and litter, which aligned with the concerns raised by local residents opposing this application. In their view the Applicant had not been able to explain how the proposed conditions would protect local residents. In relation to the Planning condition breaches, Councillor Apak said that ignorance was not a defence and that the Applicant was continuing to trade until midnight and breaching the conditions. They said the Applicant assumed Planning would approve their future application. This was not guaranteed.

In their closing remarks, the Applicant's representative stated that the Applicant had been comprehensive in their attempts and efforts to address concerns and with the policies attached to the application they were doing as much as could be reasonably expected. A 50 meter radius of litter patrolling was a significant area. The four licensing objectives for the Panel to consider had been addressed and concerns had been dealt with, with the measures in place and proposed conditions. In respect to the Planning condition breach, as soon as the Applicant became aware of the issue they engaged with planning officers in efforts to address the problem.

Decision and reasons

Panel Members confirmed that they had been able to follow and understand the submissions and discussion in relation to the application.

In their deliberations, Panel Members said that after considering the Applicant's submissions, they were not convinced the Applicant was able to address, or understood enough, the littering and e-bike issues raised by local residents and resident associations into the extended hours of the evening. They said the densely residential area would be negatively impacted if this application was granted. In their view, the issues raised would cause an intolerable amount of nuisance for local residents without reliable mitigations, therefore they did not believe the public nuisance licensing objective could be upheld. They acknowledged there were some mitigations within the application, but these did not go far enough to alleviate concerns.

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Panel Members noted the Applicant demonstrated a muddled knowledge of Planning and Licensing guidelines, and it was not clear they were capable of adhering to licensing conditions if granted, particularly given the Planning condition breach was significant and was identified to be continuing. However, Panel Members acknowledged that since the Planning condition breach was known to the Applicant, they had engaged with Planning officers. Panel Members also commended the Applicant for seeking Licensing pre-application advice.

Panel Members agreed to refuse the application in its entirety, but encouraged the Applicant to submit a future application when the concerns raised could be addressed and they were able to demonstrate the licensing objectives could be upheld if granted.

It was noted by the legal officer that the existing licence was not impacted by this decision and would continue in its current form.

RESOLVED –

THAT the application be rejected in its entirety, for the reasons set out above.

8. SUSHI SERENADE: 78 PARKWAY, LONDON, NW1 7AN

This application was resolved ahead of the hearing and was therefore not considered.

9. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other urgent business.

The hearing ended at 8.45 pm.

CHAIR

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MINUTES END