

Crown copyright and database rights 2023 OS 100019726

I want to apply for a

Premises licence

Are you an agent?

Yes - I am an agent

Agent Details

First name

Ryan

Last name

Peermamode

Name of business

Thomas & Thomas Partners LLP

Name and address

Offices And Premises At 1st-3rd Floor
38 Monmouth Street
WC2H 9EP
London

Email address

[REDACTED]

Telephone number

[REDACTED]

Does the premises have a name?

Yes

What is the name of the premises?

Mia Restaurant

What is the address or location?

135 Finchley Road
NW3 6JH
London

What is the type of premises?

Restaurant

Describe the area it is situated in

Commercial

Describe the layout of the premises

Lower ground, Upper ground & First floors
as shown on plan.

Copy of the premises plans

- Plans.pdf
- Summary-Mia.pdf

Tell us about the premises business hours

Day	Start time	End time
Monday	12:00	04:00
Tuesday	12:00	04:00
Wednesday	12:00	04:00
Thursday	12:00	04:00
Friday	12:00	04:00
Saturday	12:00	04:00
Sunday	12:00	04:00

Are there any seasonal variations for the premises opening times?

No

Is the premises open to the public at times other than those listed?

Yes

What are the other times?

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Is the premises an open space?

No

Is the premises currently under construction?

No

What is the non-domestic rateable value (NDRV) of the premises?

85000

How many people are expected to attend the premises at any one time?

Less than 5000 people

Will the premises be exclusively or primarily used to sell alcohol?

No

How are you applying for a premises licence? As a limited company

Business details

What is the company registration number 09350002

Name of business 135 Finchley Road Ltd

Name and address 461 Finchley Road
NW3 6HN
London

Email address [REDACTED]

Telephone number [REDACTED]

How long do you want your premises licence for? Permanently

When do you want your licence to start? As soon as possible

Activity you wish to licence

- e. Live music
- f. Recorded music
- g. Performances of dance
- h. Similar to e f or g - For example karaoke
- i. Late night refreshments - Hot food or hot drinks only between 11pm and 5am. Refreshments outside of these times do not need to be licenced
- j. Supply of alcohol

Live Music

Day	Start time	End time
Monday	12:00	04:00
Tuesday	12:00	04:00
Wednesday	12:00	04:00
Thursday	12:00	04:00
Friday	12:00	04:00
Saturday	12:00	04:00
Sunday	12:00	04:00

Where will performances take place?

Indoors

Tell us about the specifics of the activity

Live music

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

Yes : From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Recorded Music

Day	Start time	End time
Monday	12:00	04:00
Tuesday	12:00	04:00
Wednesday	12:00	04:00
Thursday	12:00	04:00
Friday	12:00	04:00
Saturday	12:00	04:00
Sunday	12:00	04:00

Where will performances take place?

Indoors

Tell us about the specifics of the activity

Recorded Music

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

Yes : From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Dance

Day	Start time	End time
Monday	12:00	04:00
Tuesday	12:00	04:00
Wednesday	12:00	04:00
Thursday	12:00	04:00
Friday	12:00	04:00
Saturday	12:00	04:00
Sunday	12:00	04:00

Where will performances take place?

Indoors

Tell us about the specifics of the activity

Performance of dance

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

Yes : From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Similar to EFG

Day	Start time	End time
Monday	12:00	04:00
Tuesday	12:00	04:00
Wednesday	12:00	04:00
Thursday	12:00	04:00
Friday	12:00	04:00
Saturday	12:00	04:00
Sunday	12:00	04:00

Describe the type of activity to be held

Similar to live music, recorded music, and dance

Where will performances take place?

Indoors

Tell us about the specifics of the activity

Similar to live music, recorded music, and dance

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

Yes : From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Late refreshments

Day	Start time	End time
Monday	23:00	04:00
Tuesday	23:00	04:00
Wednesday	23:00	04:00
Thursday	23:00	04:00
Friday	23:00	04:00
Saturday	23:00	04:00
Sunday	23:00	04:00

Where will refreshments be provided?

Indoors

Tell us about the specifics of the activity

Hot food and/or drink

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

Yes : From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Alcohol supply

Day	Start time	End time
Monday	12:00	01:00
Tuesday	12:00	01:00
Wednesday	12:00	01:00
Thursday	12:00	01:00
Friday	12:00	03:00
Saturday	12:00	03:00
Sunday	12:00	00:00

Where will the supplied alcohol be consumed?	Both
Are there any seasonal variations for the activity?	Yes : Please see the appended summary for alcohol hours for each floor.
Will the activity take place at times other than those listed?	Yes : From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
DPS details	
Does your designated premises supervisor (DPS) currently hold a personal licence?	Yes
Was their personal licence issued by Camden?	No
Personal licence number	[REDACTED]
Issuing local authority	London Borough of Barnet
First name	Michael
Last name	Quinn
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Signed Copy of the Designated Premises Supervisor (DPS) consent form	<ul style="list-style-type: none">• DPSConsent[MichaelQuinn].pdf
Will there be any activities associated with the premises which may give rise to concern in respect of children?	No

The prevention of crime and disorder	Please see appended summary of proposed conditions to address all four licensing objectives.
Public safety	See a) above
The prevention of public nuisance	See a) above
The prevention of children from harm	See a) above

About this form

Issued by	Camden Town Hall Judd Street London WC1H 9JE
Contact phone	020 7974 4444
Form reference	Ref. no. 12933

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OBJECTION TO THE LICENSING APPLICATION BELOW

Application reference APP\PREMISES-NEW\114614

Licence reference

Premises name Mia

Premises address 135 Finchley Road NW3 6JH

Status Under Consultation (Last Date of Representation: 02/06/2023)

Dear Sirs,

I write as the head of the residents' association of Centre Heights, 137 Finchley Road.

We are the building above 135 Finchley Road and share the same walls. Image 1

We **oppose** the application made for the following (but not limited to) reasons:

1. This is a highly dense residential area, and it will affect the quiet enjoyment of our lives as it has done historically.
2. It will increase crime and disorder.
3. It has an impact on children and their safety in the local area.
4. It will increase antisocial behaviour.
5. Mia Lounge already causes environmental issues including environmental impact with smoke and coal pollution.
6. Mia Lounge already causes environmental issues with health and safety due to rubbish.
7. It is already in breach of its licensing conditions and is already breaking the law.

History

Mia lounge first made its premises application several years ago. The residents and several other bodies opposed the application.

At the hearing, I was ambushed with an 80 something page document which tried to justify opening this venue as a restaurant. I made submissions that it was a shisha bar and this was denied at the time despite the existing venue being the same. It transpired later that they circumvented this by opening a 'Garden' on the top floor. This Garden is enclosed and where there may have been representations that it is within the law, I will demonstrate how it is not.

This venue used to be called the 'D-Den legacy', effectively a night club. This venue closed due to the tragic death of a patron due to alcohol fuelled incident. It was often the cause of serious violence late at night. WE would often have sleepless nights dealing with the noise of individuals, cars, fights, arguments and smashing of bottles.

When the Mia Lounge (and I state lounge **NOT** restaurant) as is stated in the application made. The website states it is a lounge and if you are to visit the venue all patrons seem to be on the top floor smoking Shisha and cigarettes. This venue does serve food, but it is not a

restaurant. It is a Shisha lounge, where there are hot coals fired up and smoking of shisha pipes and cigarettes.

I made oral representations at that hearing where I stated it was to be a shisha lounge as it was at 100 Avenue Road (its previous location) and this was denied. The records of that hearing should be checked for full accuracy but from memory this is correct.

They were given strict licensing conditions which they are in serious breach of and are the sole cause of environmental issues of their own making.

Objections:

1. Swiss Cottage is a residential area. It is not an area that should have late night venues. Mia Lounge serves the buildings directly above (Centre heights), adjacent (cresta House) and opposite (Northway's).

These three buildings alone serve house approximately 1000 residents.

We as residents have the right to have quiet enjoyment of where we live. A lot of people sleep very close to where the patrons leave the venue and still to this day, we are woken up by yelling and the sound of loud music by them when they leave and enter their cars. Centre Heights entrance is the door adjacent to the venue.

They cause a huge backlog of cars on the Finchley Road.

2. The license is effectively for the sale of alcohol and recorded or live music until 4am in the basement. i..e a nightclub with a DJ.

The basement is directly below our building. When music is played it reverberates in our lift shafts and hence throughout our building. This is another guise to turn this into a nightclub. We do not want and should not have a nightclub in a residential area. It brings with it violence fuelled by alcohol which has been shown historically be correct.

If they state this is a restaurant area, I will invite them to share the food sales and explain why their restaurant area in the ground floor is always empty.

3. One policy that is widely recognised is the safeguarding of children. The local area and the buildings house children. They live at these premises with their guardians and sleep there. They **MUST** be afforded the right to be able to sleep and live there undisturbed. Any late-night venue directly breaches any safeguarding policy in place.
4. It is widely reported that alcohol and late-night venues increase anti-social behaviour. This is unquestionable.
5. Mia lounge is a shisha lounge. They use coal that is fired up to a high temperature and kept there. The video on this link shows the pollution it causes to be able to run

it business. Every day we smell this through our corridors and in our building. The local area as well. This is not healthy. These pollutants cause serious health issues not all people and especially to the frail, older generation and the young who must be protected.

6. Mia lounge has a strict condition in its license that it must keep its rubbish and only bring out out for collection 1 hour before collection. It is shocking that Camden council has provided them with a green bin to store in a green bin store they have erected on the Finchley Road. This store is infested with rats and who knows what else. This is a clear breach of their licensing conditions and complete disregard to the law and the local area.

7. The lounge houses a shisha bar which it describes as a shisha garden on its website.

The law states that the smoking area must be non-substantial. Appendix two shows the area which is substantially enclosed.

Mia lounge has two walls which are approximately 1 foot from the walls. This may in theory depending on the surface area and measurements allow it to be a smoking area. However, you will see from the photo that the area has a disguised roof above it, hence making the whole area enclosed.

This is not only illegal but a complete disregard of the law. If Camden has allowed this and is aware of it, then I would encourage you to provide an explanation of how this is legally possible.

Conclusion

I ask the committee to reject the application. Further I ask that sufficient conditions are imposed that enforce the license already in place. If Mia lounge is a restaurant, it does not need to be open until 4 am playing live or recorded music.

Remove the ability of its invalid smoking area. Let them operate as the restaurant that they allegedly are.

Image 1



Top of shisha lounge which is fully enclosed with a roof above the open area



Smoke from coal.

APPREMISES – NEW114614

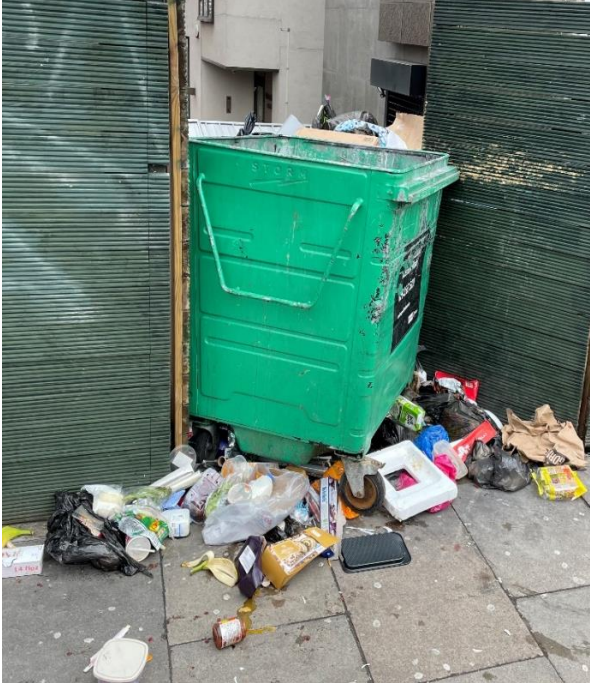
May 31, 2023

Dear [REDACTED]

I am the Chair of the Cresta House Residents Association, and I am writing to object to MIA's latest planning application: **APPREMISES – NEW114614**.



November 2016



March 2023



May 2023



June 2018

As part of this Objection, I will point out that this is not the first time MIA has tried to open a nightclub on these premises:

2016: PLANNING APPLICATION: 2016/3401/P

APP\PREMISES -VARY\000931

APP\PREMISES-NEW\001007

APPEAL July 2017

2018: APP\PREMISES-VARY\088227

APPLICATION 2018/1335/P

APP\PREM-LIC\3736

APPEAL vs. Refusal of 2018/1335/P

2019: PLANNING APP\PREMISES-VARY\094901

ENFORCEMENT NOTICE: EN16/0332

ENFORCEMENT NOTICE: EN16/0541

As I said five years ago in my Objection to APP\PREMISES-VARY\088227:

“One does not need to be a clairvoyant to foresee that in 6 months. 12 months, at some time in the near future – MIA will come up with yet another ‘Variation’ request – no doubt for additional hours – and so it will go on and on – unless the Council can somehow put an end to these endless attempts and put a limit on just how many times MIA can seek to reinvent /transform itself into the bar/night club it has always aspired to be... perhaps MIA are hoping that ‘objector fatigue’ will set in - that if they make applications often enough local residents will tire of lodging objections and let them get on with it.”

Nothing has changed – other than that MIA eventually won permission to light MIA up like a Las Vegas nightclub. Everything we objected to in all the above planning applications/objections are as true and relevant now as they were then.

So, not for the first time, here is the latest re-iteration of our objections: this time to **APP\PREMISES – NEW\114614.**

1. We object to what would essentially be a nightclub in our predominantly residential area. A lot of people live and sleep here. [All the ground floor commercial properties beginning at 115 Finchley Road and continuing far up Finchley Road have residential flats above, and as often as not, behind them]. Extending the hours to 4 a.m. would consolidate MIA’s status as a nightclub. Very few people dine at 3 a.m.

2. We object to the noise that would be generated by Mia’s live or recorded music. The noise would spill out onto the neighbouring streets and more crucially, into the bedrooms of the residents whose rooms share walls with the venue.

3. We object to the inevitable noise and public nuisance that will arise from Mia patrons leaving the venue intermittently throughout the night and early morning and disturbing the residents in nearby Cresta House, Centre Heights, Station House, Dobson Close, and along Belsize Road.

5. We object to the inevitable urinating and vomiting we have experienced in neighbouring doorways when patrons leave MIA.

7. We object to the avoidable increase in drug trafficking this would bring to the area.

8. We object to the inevitable increase in rubbish the extended hours will bring when it is eminently clear that MIA cannot and does not control the rubbish their operation already generates.

9. We object to the inevitable necessity of having to make complaints to the council and call-outs to the police – a waste of everyone’s time and resources that can be avoided.

Before MIA moved into 135 Finchley Road, residents had already spent *decades* getting rid of the late-night venues that preceded it: the Elbow Room, The Cube and D’Den Legacy – venues that were noise, drugs, vomit, and urine late-night nightmares visited successively on local residents.

The police described Camden as *“an intense area of crime and anti-social behaviour, particularly in relation to the Night Time Economy”* and they warned that *“... an extension of hours is likely to contribute to alcohol-related crime and disorder.”*

The Licensing Authority expressed concern about the late hours and noise:

“there are numerous residential properties nearby and the late hours for the sale of alcohol and recorded music may have a negative impact on public nuisance...”

And in its report, the Camden Regulatory Services said that it *“could foresee ‘issues’ with late arrival and departure of patrons” ...*

Before MIA moved into its present premises from across the Finchley Road at 100 Avenue Road it already had a long history of complaints from neighbours and police objecting to the nuisance they caused in the local community. Among the many well-documented complaints from local residents:

“Dear Cllr Hai,

Subject: Mia restaurant 100 Ave Rd NW3

The noise we are suffering again tonight from the Mia restaurant at 100 Avenue road NW3 is again unacceptable. I will have to start the process of dealing with this liberty, this gross infringement of our right to peace and quiet in our own homes and especially the right to sleep at night, asap. Another week of this nonsense and it will become a mental health issue for the residents.

*... **This has to stop NOW if not sooner.** It is totally unacceptable... No one with a responsible attitude to residents would have allowed this to be granted.”* [Elaine Chambers:31.05.2012]

And here we are again with what is essentially the same application and history repeating itself. Nothing has changed. There are still no other nightclubs in the area and residents surrounding MIA on 3 sides still need to sleep at night.

We ask the Council to take into account the harm this application will wreak on the quality of life of the many local residents whose homes surround the site.

We ask the Council to take into account the numerous times MIA has already failed in its attempts to gain permission to be a nightclub.

We ask the Council to take into account the wisdom of all the previous Camden committees who listened to MIA's case and refused their Applications.

We ask the Council to take into consideration the great waste of time and money Camden has already expended on these [vexatious?] applications and appeals on behalf of this *one* venue.

We ask the Council to put an end to this war of attrition of local residents.

For all the above reasons we ask that Camden refuse this Application outright.

Kind Regards
Edie Raff Chair CHRA

Re: Strong Objection to Mia Licensing Application: APP\PREMISES-NEW\114614

Dear Sir/Madam,

I am writing to you with grave concerns and strong objection to the licensing application submitted by Mia. Based on my extensive experience and previous objections to licensing applications within the Swiss Cottage neighbourhood. (i.e. Piano Bar – 115 Finchley Road, London NW3)

I strongly believe that granting a license to Mia will inevitably lead to an increase in anti-social behaviour, including violence, drug dealing, vomiting, urinating and loitering outside private residential properties.

To support my objection, I would like to draw your attention to the long history of incidents in the vicinity that demonstrate negative impact of nightlife establishments on the local community, particularly during a time when this same site that Mia currently occupies was used as a night venue.

Violence: The Swiss Cottage/Finchley Road area, has suffered from years of violence and anti-social behaviour. Please find below a number of reported incidents on the press.

- Four people were taken to hospital with stab wounds and serious injuries when a fight broke out in NWC nightclub, 135 Finchley Road, Swiss Cottage, during a promotional event for a brand of vodka on 22 December 2015. (NB: the venue is exactly where Mia is located)

<https://www.hamhigh.co.uk/news/21378137.swiss-cottage-nightclub-charged-women-not-hot-enter-opening-hours-cut/>

- Other serious incidents reported please see below links, within 1 mile radius of the Applicant's premises Piano Bar in the last 2 years

“Man, 72, fighting for life in hospital following brawl outside north London pub (The North Star, 104 Finchley Road) at closing time”, reported by Evening Standard on 20 May 2015.

<http://www.standard.co.uk/news/crime/man-72-fighting-for-life-in-hospital-following-brawl-outside-north-london-pub-at-closing-time-10286162.html>

“Swiss Cottage stabbing: Three young men admitted to hospital after north London 'knife fight'”, reported by Evening on 16 June 2015 <http://www.standard.co.uk/news/crime/swiss-cottage-stabbing-three-young-men-admitted-to-hospital-after-incident-in-north-london-10324508.html>

Additionally, I would like to refer back to my objections made during the licensing application for Piano Bar (125 Finchley Road, NW3 – which is within 100m proximity to Mia) in March 2017. This application was subsequently rejected by Camden Council. In fact, when Piano Bar took this to an appeal to the Highbury Corner Magistrates Court in March 2017, the ruling was in support of the Council to reject Piano Bar's application. I also attach the below article link to provide you with more background information for your reference:

- Inappropriate night venue for the upmarket neighbourhood in Swiss Cottage This was covered in an article on Evening Standard that Piano Bar was to turn into a “sleazy belly-dancing club”. <http://www.standard.co.uk/news/london/swiss-cottage-residents-object-to-plans-for-sleazy-belly-dancing-club-a3150581.html>

At that time, I raised concerns about the disturbance caused by excessive noise, the lack of proper security measures, and the potential for violence and anti-social behaviour. Regrettably, these concerns proved to be valid, as subsequent incidents occurred in close proximity to Piano Bar.

Therefore, it is crucial to consider the pattern of behaviour observed in the area and prevent history from repeating itself by denying the licensing application for Mia.

To this end, I would re-highlight an article on Ham & High in January 2017 for your reference.

<https://www.hamhigh.co.uk/news/21367807.residents-warn-swiss-cottage-nightclub-bid-see-return-drug-dealing/>

Granting a license to Mia would severely compromise the safety and well-being of the local community. It will also disturb the peace and tranquillity of the area. The increased footfall and late-night activities associated with nightlife establishments have far-reaching consequences that affect not only the immediate vicinity but also nearby residential areas. Potential for violence, drug dealing, and loitering outside private properties cannot be taken lightly, as it poses a direct threat to the residents' safety and peace of mind.

In light of the evidence I have provided, I ask Camden Council to consider the negative ramifications that would arise from granting a license to Mia. It is crucial that the council prioritises the well-being and safety of the local community, ensuring that their peace and security are not compromised. I strongly urge you to reject the licensing application for Mia and demonstrate a commitment to upholding the best interests of local residents.

Thank you for your attention to this matter, and I trust that you will take the appropriate action to address the concerns raised.

Regards,

Felix Ko



April 2023

Application for New Premises licence

Mia Restaurant - 135 Finchley Road, London, NW3 6JH

Regulated Entertainment and Late Night Refreshment:

All the premises

Live Music, Recorded Music, Performance of dance, and Anything similar.

Monday to Sunday 12.00 – 04.00

Sale of alcohol (on and off):

Lower Ground Floor

Sunday to Thursday 12:00 - 00:00

Friday and Saturday 12:00 - 01.30

Upper Ground Floor

Sunday to Thursday 12:00 – 00:00

Friday and Saturday 12:00 -00.30

First floor

Monday to Thursday 12.00 – 01.00

Friday and Saturday 12.00 – 03.00

Sunday 12.00 – 00.00

Non-standard timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Proposed conditions:

1. The premises shall operate as a restaurant.
2. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
3. On the first floor the supply of alcohol shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
4. The number of customers permitted in the premises at any one time shall not exceed 180.
5. Persons carrying visibly open or sealed alcohol vessels shall not be admitted to the premises at any time that the premises are open for any licensable activity.
6. A challenge 21 proof of age scheme shall be operated at these premises.
7. The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police
 - a) The medium on which CCTV images are recorded shall be of evidential quality; stored securely; shall be retained for a period of 31 days; and be available for inspection by the police or local authority upon request.

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- b) At all times when the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the police or an authorised officer in obtaining the CCTV footage.
 - c) Copies shall be made available within 48 hours to the police or local authority, upon request
 - d) The facility to transfer the images to a compatible, removal format, shall be held on the premises.
 - e) Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
 - f) Signs shall be displayed in the customer areas to advise that CCTV is in operation.
8. All flat surfaces in toilet cubicles, including any curved toilet roll holder ellipses, shall be “designed out” in order to prevent drugs misuse.
9. When the venue is open for licensable activities, the toilets shall be checked by staff at least every two hours and these checks shall be documented on each visit.
10. A minimum of 1 SIA-registered door supervisor shall be employed at the premises whenever licensable activities are taking place.
11. After 22.00 hours on Fridays or Saturdays from 22:00 hours a minimum of 2 SIA-registered door supervisor shall be employed at the premises until 30 minutes after it closes.
12. All door supervisors shall wear high-visibility jackets or vests or high-visibility arm bands whilst working at entry/exit points and around the exterior of the building.
13. Door supervisors and appropriate staff shall be provided with “two-way” radios or similar systems capable of ensuring continuous communication between each other at all times that the premises are open for a licensable activity.
14. A door supervisor’s register shall be updated on occasions when supervisors are employed. The register is to be made available for inspection by the Police and/or an authorised officer of the Licensing Authority. Details to show: (a) full name (b) date of birth (c) SIA Registration Number (d) date and hours worked and contact telephone number and email address.
15. A coloured photocopy of each door supervisor’s SIA badge shall be taken by the DPS and retained at the premises.
16. The licensee shall ensure that staff are trained, as appropriate, in respect of relevant licensing law; crime scene best practice and upon the sale of alcohol to drunks and to persons underage.
17. Police shall be called to incidents of violence and/or disorder where appropriate.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer or the police, which shall record the following:
- a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints received
 - d) Any incidents of disorder and violence
 - e) Any seizures of drugs or offensive weapons
 - f) Any faults in the CCTV system or searching equipment or scanning equipment
 - g) Any refusal of the sale of alcohol to include date, time, and staff member
 - h) Any visits by a relevant authority or emergency service
 - i) CAD reference no: numbers where police are called.
19. For any event involving a promoter, their associates, DJ or artist (e), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for profit; the licensee shall complete a full risk assessment via open source material, reference checks from previous venues performed and if there are concerns following all these checks, to inform www.safersounds.org.uk and Camden Police Licensing team at least 14 days before the event occurs.
20. Notices shall be prominently displayed at all exits requesting customers to leave the area quietly.

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21. A telephone number for the premises shall be available at all times the premises are open.
22. No refuse shall be collected between 23.00 hours and 08.00 hours.
23. All refuse shall be stored inside the premises until 1 hour before the refuse is due to be collected.
24. No more than 5 customers shall be permitted to smoke outside the premises at any one time.
25. Customers smoking on the public footway shall not be permitted to cause an obstruction of the highway to passers-by.
26. Customers going outside to smoke shall not be able to take their drinks with them.
27. A sound limiting device shall be installed, set and sealed at a level approved by the Council.
28. The sound limiting device or approved level shall not be altered without prior agreement of the Council.
29. All audio and musical equipment used in the premises, shall be played through the installed sound limiting device.
30. Only the premises licence holder and the designated premises supervisor shall have access to the sound limiting device.
31. The sound limiting device shall be used whenever relevant regulated entertainment is taking place.
32. A cut-out device shall be connected to all entrance and exit doors to the premises including emergency exits, and will be operational at all times the licence is in use. When the premises doors are open, the levels of music shall cut out completely or fall to ambient levels that are not intrusive to local residents.
33. No noise 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 nuisance.
34. The licence holder or duty manager shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by noise breakout.
35. Amplified music, song or speech shall not be broadcast in external areas at any time.

In respect of sales of alcohol for consumption off the premises

36. Off Sales shall be restricted to online orders.
37. Strong beer and cider above 5.5% ABV shall not be sold. This restriction shall not apply in respect of specialist branded premium priced products for example craft ales, local or microbrewery specialist products, boxed gifts or national Celebratory/ commemorative beer, lager or cider with alcohol content of 5.5% ABV or greater.
38. No single cans or bottles of beer, cider, alcopops or mixed alcoholic drinks shall be sold.
39. All alcohol shall be stored and displayed behind a bar/service counter and not in areas accessible to the public.
40. The Licence Holder shall ensure that alcohol is not sold in an open container, opened on the premises or consumed on the premises.
41. Where the supply of alcohol includes delivery to the customer, the licence holder must ensure that specific procedures are in place and that the activity does not cause nuisance at or near the premises.

In respect of deliveries for consumption off the premises

42. All collections of takeaway food and drink by courier home delivery services shall be from the main entrance to the premises, 135 Finchley Road NW3.
43. A policy outlining what is expected of courier drivers shall be agreed with the Metropolitan Police Service and a copy sent to them and the Licensing Team.
44. Sales of alcohol for consumption off the premises shall only be supplied with food.
45. Couriers will be requested to wait at the reception area inside the premises whilst waiting for

April 2023

deliveries.

46. Couriers will be requested to switch off their engines whilst waiting for deliveries.

47. Couriers must park in the red marked parking bay area immediately in front of the Finchley Road.

48. Signage shall be displayed in a prominent position in the premises requesting that delivery drivers leave quietly.

49. An incident/ refusal book to be maintained and ready for immediate Police and Council inspection, upon request.

50. Off sales will be delivered to a valid address only. This will not include parks or open spaces

51. Challenge 21 will be implemented on all deliveries.

**METROPOLITAN
POLICE****TOTAL POLICING**

Camden Licensing Authority

Town Hall Extension
Argyle St
London

WC1H 8EQ

EK - Camden BoroughLicensing Unit
Room 1.22
Kentish Town Police Station
12a Holmes Rd
London
NW5 3AE

Telephone: [REDACTED]

Email: [REDACTED]

Your ref: **NEW\114614**

Dear Sir/Madam

RE: Application NEW\114614**Mia, 135 Finchley Road, NW3 6JH****With reference to the above Application, the Metropolitan Police Service (MPS) wishes to withdraw a Representation.****The Role of Police in Licence Applications:**

Within the Licensing Act 2003, and contained in the notes for guidance for the Licensing Act 2003, it is the responsibility of the Police and Local Authority to promote the Prevention of Crime and Disorder, Promote Public Safety, Prevent Public Nuisance and Protect Children from Harm.

I certify that I have considered the application above on its own merit, and my representation was based on the likely effect of the grant of the application being detrimental to Camden Council's Licensing Objectives.

Introduction

The Applicant has applied for a new Premises Licence to replace their current Licence, PREM-LIC\3736.

The Applicant is seeking to remove the condition for the lower ground floor to be used for pre booked events only and are planning to merge the lower ground and upper ground floors into one larger restaurant area. The Applicant has offered to reduce the hours of licensable activities on the lower and upper ground floors.

The venue is in a residential area with blocks of flats located on either side of the venue.

Conditions Proposed By Police:

The MPS strongly recommend the Panel consider imposing the following Conditions:

- 1) The premises shall operate as a restaurant.
- 2) Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 3) On the first floor the supply of alcohol shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
- 4) With the exception of the area hatched on the plan there shall be no vertical drinking on the upper ground floor.

- 5) Persons carrying visibly open or sealed alcohol vessels shall not be admitted to the premises at any time that the premises are open for any licensable activity.
- 6) A challenge 21 proof of age scheme shall be operated at these premises.
- 7) The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police, covering all public areas where licensable activities take place.
- 8) The medium on which CCTV images are recorded shall be of evidential quality; stored securely; shall be retained for a period of 31 days; and be available to the police or local authority within 48 hours of request.
 - A) At all times when the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the police or an authorised officer in obtaining the CCTV footage.
 - B) The facility to transfer the images to a compatible, removal format, shall be held on the premises.
 - C) Staff working at the premises shall be trained in the use of CCTV and a log will be kept to verify this.
 - D) Signs shall be displayed in the customer areas to advise that CCTV is in operation.
- 9) All flat surfaces in toilet cubicles, including any curved toilet roll holder ellipses, shall be “designed out” in order to prevent drugs misuse.
- 10) When the venue is open for licensable activities, the toilets shall be checked by staff at least every two hours and these checks shall be documented on each visit.
- 11) The number of customers permitted in the premises at any one time shall not exceed 180.
- 12) On Fridays or Saturdays from 22:00 hours a minimum of 2 SIA-registered door supervisor shall be employed at the premises until 30 minutes after it closes.
- 13) All door supervisors shall wear high-visibility jackets or vests or high-visibility arm bands whilst working at entry/exit points and around the exterior of the building.
- 14) Door supervisors and appropriate staff shall be provided with “two-way” radios or similar systems capable of ensuring continuous communication between each other at all times that the premises are open for a licensable activity.
- 15) A door supervisor’s register shall be updated on occasions when supervisors are employed and the register is to be made available for inspection by the Police and/or an authorised officer of the Licensing Authority. Details to show: (a) full name (b) date of birth (c) SIA Registration Number (d) date and hours worked and contact telephone number and email address.

A coloured photocopy of each door supervisor’s SIA badge shall be taken by the DPS and retained at the premises.
- 16) The licensee shall ensure that staff are trained, as appropriate, in respect of relevant licensing law; crime scene best practice and upon the sale of alcohol to drunks and to persons underage.
- 17) Police shall be called to incidents of violence and/or disorder.
- 18) An incident log shall be kept at the premises, and made available on request to an authorised officer or the police, which shall record the following:
 - A. All crimes reported to the venue
 - B. All ejections of patrons
 - C. Any complaints received
 - D. Any incidents of disorder and violence
 - E. Any seizures of drugs or offensive weapons
 - F. Any faults in the CCTV system or searching equipment or scanning equipment
 - G. Any refusal of the sale of alcohol to include date, time, and staff member
 - H. Any visits by a relevant authority or emergency service
 - I. CAD reference no: numbers where police are called.
- 19) Notices shall be prominently displayed at all exits requesting customers to leave the area quietly.
- 20) A telephone number for the premises shall be available at all times the premises are open.
- 21) No refuse shall be collected between 23.00 hours and 08.00 hours.
- 22) All refuse shall be stored inside the premises until 1 hour before the refuse is due to be collected.

- 23) No more than 5 customers shall be permitted to be in the smoking area outside the premises at any one time.
- 24) Customers smoking on the public footway shall not be permitted to cause an obstruction of the highway to passers-by.
- 25) Customers going outside to smoke shall not be able to take their drinks with them outside.
- 26) A sound limiting device shall be installed, set and sealed at a level approved by the Council and the sound limiting device or approved level shall not be altered without prior agreement of the Council.
- 27) All audio and musical equipment used in the premises, shall be played through the installed sound limiting device.
- 28) A cut-out device shall be connected to all entrance and exit doors to the premises including emergency exits, and will be operational at all times the licence is in use. When the premises doors are open, the levels of music shall cut out completely or fall to ambient levels that are not intrusive to local residents.
- 29) No noise 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 nuisance.
- 30) The licence holder or duty manager shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by noise breakout.
- 31) Amplified music, song or speech shall not be broadcast in external areas at any time.

In respect of alcohol for consumption off the premises:

- 32) Off Sales shall be restricted to online orders and will be delivered to a valid address only. This will not include parks or open spaces.
- 33) Beer and cider above 5.5% ABV shall not be sold. This restriction shall not apply in respect of specialist branded premium priced products for example craft ales, local of microbrewery specialist products, boxed gifts or national Celebratory/ commemorative beer, lager or cider with alcohol content of 5.5% ABV or greater.
- 34) No single cans or bottles of beer, cider, alcopops or mixed alcoholic drinks shall be sold.
- 35) All alcohol shall be stored and displayed behind a bar/service counter and not in areas accessible to the public.
- 36) The Licence Holder shall ensure that alcohol is not sold in an open container, opened on the premises or consumed on the premises.
- 37) Where the supply of alcohol includes delivery to the customer, the licence holder must ensure that specific procedures are in place and that the activity does not cause nuisance at or near the premises.

In respect of deliveries for consumption off the premises:

- 38) All collections of takeaway food and drink by courier home delivery services shall be from the main entrance to the premises, 135 Finchley Road NW3.
- 39) Sales of alcohol for consumption off the premises shall only be supplied with food.
- 40) Couriers will be requested to wait at the reception area inside the premises whilst waiting for deliveries.
- 41) Couriers will be requested to switch off their engines whilst waiting for deliveries.
- 42) Couriers must park in the red marked parking bay area immediately in front of the Finchley Road.
- 43) Signage shall be displayed in a prominent position in the premises requesting that delivery drivers leave quietly.
- 44) An incident/ refusal book to be maintained and ready for immediate Police and Council inspection, upon request.
- 45) Challenge 21 will be implemented on all deliveries.
- 46) The current premises licences will be surrendered should the new application be granted.

47) For any event involving a promoter, their associates, DJ or artist (e), or one where the venue has been booked by an outside agent with a view to selling tickets to the public for profit; the license shall complete a full risk assessment via open source material, reference checks from previous venues performed and if there are concerns following all these checks, to inform www.safersounds.org.uk and Camden Police Licensing team at least 14 days before the event occurs.

Times Agreed

Opening hours:

- First floor: Monday to Sunday 12.00 – 04.00
- Upper and lower ground floors: Sunday to Thursday 12:00 - 00:30; Friday and Saturday 12:00 - 02.00

Regulated Entertainment and Late Night Refreshment:

- First floor: Monday to Sunday 12.00 – 04.00
- Upper and lower ground floors: Sunday to Thursday 12:00 - 00:30; Friday and Saturday 12:00 - 02.00

Sale of alcohol (on and off):

First floor

Monday to Thursday 12.00 – 01.00

Friday and Saturday 12.00 – 03.00

Sunday 12.00 – 00.00

Upper Ground Floor

Sunday to Thursday 12:00 – 00:00

Friday and Saturday 12:00 -00.30

Lower Ground Floor

Sunday to Thursday 12:00 - 00:00

Friday and Saturday 12:00 - 01.30

Non-standard timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Conclusion

The MPS and applicant have agreed to a number of Conditions and respectfully ask that the agreed conditions are appended to any licence granted.

If you have any additional questions please contact me

Yours sincerely,

PC Rachel Aldis [REDACTED]

Kentish Town Police Station, 12a Holmes Road, NW5 3AE

[REDACTED]

[REDACTED]



CENTRAL NORTH
Policing Camden & Islington

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Section 1: Background comments of the Borough Solicitor

- 1.1 The purpose of Camden's Statement of Licensing Policy is to make it clear to applicants that wider considerations will be taken into account when determining applications. It is intended to guide the Licensing Panel when considering licence applications. However, the Licensing Panel must always consider each application on its own merits and allow exceptions to the normal policy where the circumstances of the application justify allowing an exception. The burden is on the applicant to show that they comply with the policy.
- 1.2 Members should only address those matters that have formed the subject matter of relevant representations. Matters that arise that are not the subject of relevant representations fall outside the function that the Panel is exercising when it holds a hearing
- 1.3 Members must determine, having regard for the evidence, whether granting the application for a premises licence will impact adversely on the policy criteria listed in paragraph 3 of this report.
- 1.4 In accordance with the provisions of Part 1 of Schedule 5 of the Act, where a Licensing Authority rejects in whole or in part, an application for a new premises licence, the applicant may appeal against the decision, to a magistrate's court within 21 days of being notified of the decision.
- 1.5 Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted, or that different or additional conditions should have been imposed on the licence, he may appeal against the decision to a magistrate's court within 21 days of being notified of the decision.
- 1.6 **The Human Rights Act 1998** incorporates the key articles of the European Convention on Human Rights into domestic law. Decisions on licensing matters are actions of a public authority and must be compatible with Convention rights. Consequently, Members of the Panel must be aware of the rights contained in the Convention (particularly those set out below) when making licensing decisions.
 - (a) **Article 6: Right to a fair trial**
In the determination of his civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
 - (b) **Article 8: Right to respect for private and family life**
Everyone has a right to respect for his or her private life, his home and correspondence.

(c) Article 1 of the First Protocol: Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions, including a licence. No one shall be deprived of his possession except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

(d) Article 10: Freedom of Expression

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

(e) Article 14: Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 1.7 When formulating policy local authorities must have regard to the **Equality Act 2010**. The Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including licensing powers. Members of the panel must be mindful of this duty when determining all licensing applications.

The section 149 Public Sector Equality Duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

1.8 In determining any application, the Council must comply with the public sector equality duty in s.149 of the 2010 Act. This is a duty to have regard to the need to achieve the statutory goals of s.149, rather than to achieve a particular result. The s149 duty sits alongside and does not override statutory requirements in relation to determining licensing applications, including the duty to consider all evidence on its merits and the legislative criteria listed at paragraphs 3 & 4.

1.9 When members have before them representations or other material on issues relevant to s149, even outside the scope of "standard" licensing considerations such material must still be specifically assessed in the context of s149. However, because s149 creates a requirement to "have regard" the fact a matter raised is relevant to s149 will not automatically translate into a reason for refusing an application that would be sustainable in any subsequent appeal, given the legal requirement to determine applications in compliance with licensing legislation.

Section 2: Financial Comments

- 2.1 Following consideration there are no financial implications concerning this application. The Executive Director Corporate Services has been consulted in the preparation of this report and has no further comments to add.