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I want to apply for a	Premises licence
Are you an agent?	No - I'm applying for myself
Does the premises have a name?	Yes
What is the name of the premises?	New Milano Pizza & Gourmet Burgers
What is the address or location?	128 Kentish Town Road NW1 9QB London
What is the type of premises?	Pizza Takeaway and delivery
Describe the area it is situated in	It's a commercial property with A3 license. It has one pizza oven and one pizza make table along with cold room and freezers. This shop is on commercial area with commercial shop's on both sides and Abbey Tavern Pub on the corner. There are commercial shops on opposite side of the road as well.
Describe the layout of the premises	Shop kitchen is base on one floor with counter at the front to serve customers for takeaway purpose only along with One mezzanine level at rear end for staff toilet.
Copy of the premises plans	<ul style="list-style-type: none">• 128KentishTownRoadLayout.png

Tell us about the premises business hours

Day	Start time	End time
Monday	11:00	02:00
Tuesday	11:00	02:00
Wednesday	11:00	02:00
Thursday	11:00	02:00
Friday	11:00	02:00
Saturday	11:00	02:00
Sunday	11:00	02:00

Are there any seasonal variations for the premises opening times?

No

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

No

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?

15250

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**

15140181

Name of business

New Milano Pizza and Gourmet Burgers

Name and address128 Kentish Town Road
NW1 9QB
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

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

Late refreshments

Day	Start time	End time
Monday	23:00	02:00
Tuesday	23:00	02:00
Wednesday	23:00	02:00
Thursday	23:00	02:00
Friday	23:00	02:00
Saturday	23:00	02:00
Sunday	23:00	02:00

Where will refreshments be provided?	Indoors
Tell us about the specifics of the activity	We use pizza oven only to make pizza without any noise and pack it in paper boxes to serve it. We do only takeaway /delivery service.
Are there any seasonal variations for the activity?	No
Will the activity take place at times other than those listed?	No
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	The premises does not serve food on site and does not expect customer who choose to collect their orders or delivery drivers will need to wait long on or near the premises. The business model is on the basis that the majority of orders are online or phone orders and accept card payments only even when a small minority of customers come into the shop. CCTV recording Notice are put on display near the point of sale and window/door.
Public safety	We have fitted CCTV as a deterrent to crime and as stated above we will not be providing a seating area or expecting members of the public to stay at the premises for extended periods. The shop front will be well lit though.
The prevention of public nuisance	We do not provide or encourage customers to eat in or near the premises and therefore any noise will be kept to a minimum. There

will not be any music played and the cooking and food preparation machines are not noisy and will be mostly used during the day with just the oven running in the evening. Delivery drivers will be expected to park and switch off engines and wait to be summoned to collect orders so they do not create a hazard or disturbance to our neighbours.

The prevention of children from harm

We do not and will not encourage or entice children on to the premises and any children accompanying adults will be expected to be supervised by adults and not allowed in the food prep area. We will not employ anyone under the age of 18.

About this form**Issued by**

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

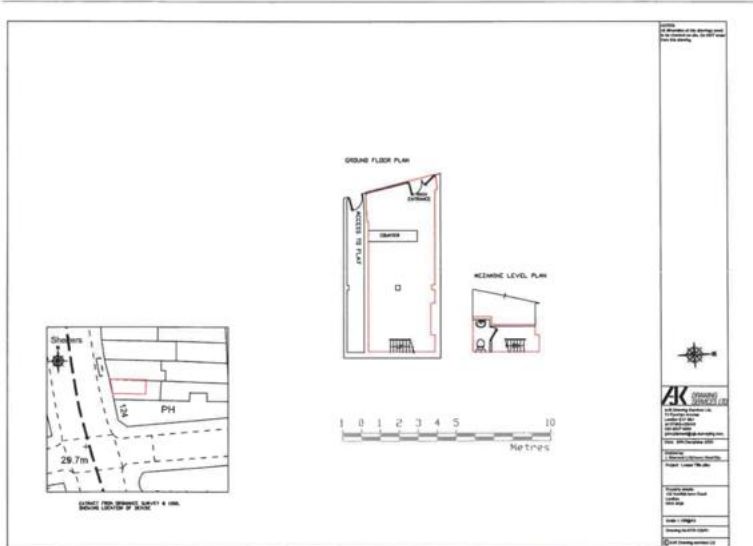
020 7974 4444

Form reference

Ref. no. 118436

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Handwritten signature or initials

New Premises Licence



Meric Apak (Councillor)
To: Aisha George
Cc: licensing inbox; Afshar Ahmad

Reply Reply All Forward ...
Thu 07/12/2023 06:00



Dear Aisha

I have tried to submit an objection online but there is no link to do this. So please accept my email as such - for the application referenced as APP\PREMISES-NEW\118436.

I am a resident living in the area since 1986, and elected ward councillor since 2010. I reside around 150 metres from the premises.

The policy grounds I am objecting on is the prevention of public nuisance.

Relevant policy points are on page 30 of the council's statement of licensing policy.

customer noise: *this takes many forms but the following are of particular concern:*

- *customers queuing to enter or leave the premises*
- *customers loitering outside the premises waiting for transport*
- *alcohol-related drunken behaviour and shouting*
- *customers eating, drinking or smoking in external areas such as beer gardens, forecourts and other open areas adjacent to the premises*
- *car horns/car radios/slamming of car doors late at night in the vicinity of licensed premises*

The particular relevance here is that a late-night refreshment license will attract customers and keep them in the vicinity. While this licensed activity does not allow the sale of alcohol, the council's own research shows that premises licensed to serve late night refreshments will attract people frequenting alcohol establishments elsewhere in search of premises serving late night refreshments and keep them near the premises.

The policy on page 29 states that:

4.40. It is important to remember that the public nuisance could include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons near licensed premises.

4.41 In recent years, the impact of increasing night-time activity has seriously concerned some residential and business communities in the borough.

This is a densely populated residential area and is not a nighttime destination. Ambient noise levels after midnight are such that they will not drown out the types of noise generated by customers visiting the premises. Even ordinary chatter and conversation, described as "low-level" in the councils policy in paragraph 4.40, will cause residents public nuisance, and keep them and their families awake. Hence the policy is designed to prevent exactly this type of noise.

Having thought about conditions you could impose on the license, I can think of no practical condition which would help promote the licensing objective, preventing noise nuisance. This is because any condition requiring the applicant to police customers leaving the premises to keep quiet is just not enforceable in practice.

I appreciate that the council also needs to consider the viability of a vibrant nighttime economy. However the primary duty of the council in considering whether to grant or not, is the promotion of the licensing objectives, and it is beyond reasonable doubt that the policy just cannot be promoted no matter how hard one tries to.

It is because of this that I ask the panel considering this application to refuse granting it outright.

Kind regards
Meric

Representation	
Premises name	New Milano Pizza
Application reference number	APP\PREMISES-NEW\118436
Last date for representation	30/12/2023

Making a representation as

As an organisation

Your details**Organisation name**

TRACT

First name

Kathryn Anne

Last name

Gemmell

Telephone number (optional)**Email address**

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

The hours of operation will cause noise disturbance from delivery operatives talking on phones and switching motorised vehicles on. Noise will also be caused by inebriated customers who tend to use raised voices. The whole area has residential units above the shops and there are quiet residential streets just round the corner. The late opening hours are unacceptable.

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Representation	
Premises name	New Milano Pizza
Application reference number	APP\PREMISES-NEW\118436
Last date for representation	30/12/2023

Making a representation as

As an organisation

Your details**Organisation name**

Kentish Town Road Action

First name

Caroline

Last name

Hill

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of crime and disorder
- prevention of public nuisance

Details of representation

Kentish Town Road Action is objecting to this licensing application, and is asking the panel to reject the application, for two main reasons: 1. The Late Night Refreshment hours applied for are so far outside the Core Framework Hours that the application as it stands should be dismissed outright. 23.00 to 02.00 for 7 days a week is completely out of kilter with the Core Framework Hours (no alcohol) which are until: Mon-Thu 23.30 Fri-Sat midnight

Sunday 22.30 Kentish Town Road runs through a highly built-up residential neighbourhood. There are residential flats above all the shops in the road. Leading off the high street are several streets of dense residential housing. Public Nuisance will be caused by disturbance at night from fleets of delivery drivers picking up pizza orders. There is existing disturbance from Mac Donald's delivery bikes and these pizza delivery bikes will only add to the disturbed sleep of residents and children who have to go to work and school the next day. 2. The application details are very confused. In "The Activities You Wish to Licence" the applicant states "Hot Food and Drink between 11 pm and 5am. This is completely at odds with the Late Refreshments applied for of 23.00- 02.00 seven days a week. It's alarming that 2am has been advertised on New Milano's website for over a week, even though they don't have a licence for that time. New Milano promotes 'Collection' on their website, even though they say "The premises does not expect customer who choose to collect their orders or delivery drivers will need to wait long or near the premises". But because they promote Collection on the website they are encouraging customers to pick up from the shop. This is the sort of activity that results in Crime and Disorder - people milling around in the street in the early hours. We are asking the panel to dismiss this application in its entirety for the reasons given.

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Conditions consistent with operating schedule

1. CCTV recording Notice are put on display near the point of sale and window/door.
2. Delivery drivers will park and switch off engines and wait to be summoned to collect orders, so they do not create a hazard or disturbance to our neighbours.
3. We will not employ anyone under the age of 18.

Conditions agreed with police:

4. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria:
 - (a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.
 - (b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorized officer on request.
 - (c) The Police will be informed if the system will not be operating for longer than one day of business for any reason.
 - (d) The system will record in real time and recordings will be date and time stamped.
 - (e) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorized officers on request (subject to the Data Protection Act requirements) within 24 hours of any request.
 - (f) CCTV to cover all entry and exit points of the building and the area the delivery drivers park their vehicles.
 - (g) CCTV will be of good quality, a standard approved by the police/council licensing officers.
5. The premises Licence holder shall endeavor to eliminate or reduce any nuisance arising out of its licensable activities. In doing so the premises Licence holder will work with enforcement authorities where any issues are identified. A complaints procedure will be maintained in order that local residents have a means of contact if necessary. A direct telephone number for the manager at the premises shall be publicly available at the times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.

6. The only delivery vehicles permitted after 01:00 Monday to Sunday shall be electrically powered bikes so as to minimize disturbance to local residents.

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.