

THE LONDON BOROUGH OF CAMDEN

At a hearing of **LICENSING PANEL E** held on **THURSDAY, 13TH MARCH, 2025** at 10.00 am, which was held remotely via Microsoft Teams

MEMBERS OF THE PANEL PRESENT

Councillors Sylvia McNamara (Chair) and Meric Apak

MEMBERS OF THE PANEL ABSENT

Councillors Patricia Leman

ALSO PRESENT

Councillor Sagal Abdi-Wali

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 E 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 agreed.

2. APOLOGIES

Apologies were received from Councillor Leman.

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 none.

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.

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

There was no urgent business.

6. MINUTES

Consideration was given to the minutes of the previous meeting.

RESOLVED –

THAT the minutes of the meeting held on 06 February 2025 be approved and signed as a correct record.

7. HEAVEN SUPERMARKET: 2 MILBURN LANE, LONDON, NW1 9FA

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

Sarah Williams, Licensing Officer informed the Panel through that the application was for the supply of alcohol for consumption off the premises Monday to Saturday,

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08.00am until 11pm and Sunday 9am until 11.00pm. The opening hours were 08.00 am to 11.00 pm Monday to Saturday 09:00 am to 11:00 pm Sunday. However, the applicant's legal representative had requested a reduction of Sunday hours for the supply of alcohol for consumption off the premises to Sunday 10.00am to 10.30pm, opening hours 10.00am to 10.30pm. The premises was not located in a Cumulative Impact Policy Area (CIA).

The applicant had agreed 8 additional conditions with the Police Responsible Authority which could be found on pages 100 to 101 of the main agenda. This had resulted in the Police withdrawing their representation.

Six relevant representations had been received in relation to the application from local residents. All 4 licencing objectives were engaged by the application. The hours policy was not engaged. It was pointed out that there was an error on page 61 of the main agenda the application had not included the woman safety principles.

The applicant's legal representative Robert Sutherland confirmed that the only amendment to the application was in relation to Sunday hours to bring them in line with the framework hours 10.00am to 10.30pm, opening hours 10.00am to 10.30pm.

Interested Party Andre Stuhldreher Barroso speaking and behalf of himself and other local residents who objected to the application, summarised the representations as set out on pages 79 - 98 in the main agenda.

Residents had serious concerns that the licensing application would undermine the 4 licensing objectives, preventing crime and disorder, preventing public nuisance, protecting public safety and protecting children from harm. There was a likelihood that it would increase crime and anti-social behaviour in the neighbourhood and put children at risk in an area meant for families. There was already a store in the area which sold groceries and alcohol so there was no need for another off licence.

Mikhail Podserkovskii interested party commented that the proposed Off -Licence would decrease the value of their flat and was of the view that the premises could be used for alternative businesses purposes such as a Beauty Saloon or Pharmacy.

Councillor Sagal Abdi-Wali local ward councillor in attendance as a witness for the interested parties objecting to the application commented that she commended the applicant for agreeing conditions with the Police responsible authority, however, those conditions did not go far enough and were the application to be granted it would undermine the licensing objectives. Particularly, as it was a new neighbourhood and growing development, the residents had genuine concerns about the effect of a further off licence would have in the area. She urged the Panel to refuse the application, however if they were minded to grant the application consideration should be given to adding further conditions as well as a monitoring period to assess the impact of the new off licence on the area.

Responding to questions from the Panel, Andre Stuhldreher Barroso commented that:

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- The interested parties believed that the best option was refusal of the application rather than adding conditions to the licence. The majority of residents felt that the premises could be opened to businesses that offered more benefits to the community.
- Residents felt that the store would add to negative cumulative impacts in the area such as increased crime, nuisance and loitering.
- The area used to be an area with many social difficulties. However the Council had regenerated the area, there was a mix of communities with increased opportunities for families with access to a better life and a better future for their children.
- The other store in the area was on the opposite side of the road 30 metres away.
- Anti-social behaviour had been minimised in the area in recent months because of construction work. However, residents had witnessed anti-social behaviour around the other store in the area. With the addition of another off-licensed premises the greater the anti-social was likely to be.
- If the application were to be granted it was hoped that some form of monitoring period could be used for the premises to determine its impact.
- In the front of many of the houses in the area, there were front gardens. The road had restricted vehicle access and was very much pedestrianised. Families tended to gather outside the front of their houses and the particular concerns were the presence of an off licence with people buying alcohol in front of families would expose children to negative behaviour from a very early age.
- None of the residents' concerns could be mitigated by additional conditions.

Robert Sutherland (applicant's legal representative) provided the following information in support of the premises licence application.

- Ender Cemgil was the agent that made the application on behalf of the Kartel family (applicant).
- It was an application for a local convenience supermarket with an off-licence provision, less than 20% of the shop would be used to display alcohol products.
- The premises was situated on the ground floor of a newly constructed development. The premises was situated on the ground floor of a newly constructed development. It was a family business which had operated a family run business in this community without any issues for 19 years before the redevelopment. Further they had owned and operated licensed premises in the same street prior to the redevelopment works carried out by the council. It was always intended that on completion of these works a licensed retail unit would operate from this location.
- Conditions had been agreed which the Police had considered appropriate and they had withdrawn their representation.
- Conditions had also been included to address street drinking concerns and the concerns of residents.

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- The hours had been amended to bring them in line with the Council's licensing policy and on that basis, there was no representation from any of the responsible authorities.
- The historic evidence was that the premises promoted the licensing objectives and the likelihood was that by granting this new application there would be no negative impact on the promotion of the licensing objectives.
- Concerns raised in relation to the value of the property should be disregarded as it was not a licensing concern.
- Issues raised in relation to the opening of the door to the set of apartment flats would be an issue for whoever was responsible for the management of the building.
- All premises licences were continuously monitored, and if they did not promote the licensing objectives or comply with the terms and conditions set out, the licence was open to be the subject of review by either the residents or responsible authorities.

The applicant's legal representative responded to questions, as follows:

- In respect of the premises and the agreement with the Council, there was nothing in the agreement indicating that the premises should be a particular type of shop.
- The agreement between the Council and the applicant was that they had first refusal on use of the premises which had been exercised.
- It was a convenience store which intended to sell alcohol.
- Further down the road was another purpose-built set of units owned by the applicant family which was formerly a barber shop but which was now a coffee area or sandwich bar.
- In relation to the signage, it should say off licence and supermarket. The intention was that it would be a convenience store, the family had never operated a business as just an off licence.
- In relation to controls over people leaving the premises, a number of conditions had been agreed in relation to the types of alcohol that would be sold which was not the type of alcohol consumed by street drinkers. However, no shop could control or police everything within the area.
- If the premises was not keeping to agreed conditions, it could be brought back to the Panel for review of the licence.
- The operator was prepared to work with residents and the community, it was not in the applicant's interest to cause problems in the area.
- The agreement between the Council and the applicant was recorded in a consent order issued and approved by a judge in court.

The Legal Officer clarified that the applicant's legal representative was talking about historical matters. The applicant were experienced operators who had operated licenced premises in Camden for a number of years. In relation to the premises they owned in 2016 following negotiation with the Council to allow development to take place the premises had been surrendered on the agreement that the applicant would be offered another premises from which they could operate once the development

was completed. The Council had not guaranteed that they could have another premises licence which was the reason a new licence was being applied for today.

- Andre Stuhldreher Barroso, interested party, made closing remarks.
- The applicant's representative made closing remarks.

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 deliberation, the Panel noted that they were pleased that agreement had been reached between the Police and the applicant and at first this appeared to be a typical new premises licence application. However, on hearing from the interested party it was noted that the area had been regenerated resulting in the creation of a new neighbourhood which was different from what it was before.

The Panel referred to the submission of the applicant's representative who had emphasised that a licensed premises had existed before without causing any problems in the area, however they noted, that was then, but that licence had been surrendered.

The Panel made reference to the Council's licensing policy on off-licences which was about premises selling alcohol solely for consumption off the premises, noting that it referred to Supermarkets and Convenience Stores which could contribute to anti-social behaviour and disorder when alcohol was consumed on the street and in open spaces by groups of drinkers through selling alcohol to children, street drinkers and people who were already drunk. The Panel also noted that the policy also referred to the need for conditions to mitigate these concerns however given the uniqueness of this newly regenerated area it was not convinced that the conditions were enough to uphold the licensing objectives.

In addition to this the Panel referred to the interested party's reference to cumulative impact indicating that this was a real issue as there was a supermarket across the road and the addition of another off-licence within the regenerated area would create a cumulative impact which would have an adverse impact in the area.

The Panel was advised by the legal officer to give consideration to some further issues in their deliberation such as cumulative impact, whether conditions could be put on the licence to mitigate concerns or future potential problems, the nature of the agreement with the Council about future use of the premises, that fact that 'need' was not a licensing consideration when people referred to not needing another shop, and none of the responsible authorities when consulted had raised objections and were satisfied that the licence could be granted with conditions and finally there was an option for the licence to be reviewed if conditions were not complied with.

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In further deliberation after considering the legal advice, the Panel stated cumulative impact was a concern as the addition of another off-licence would add to the number of premises selling alcohol and have an impact in the area and they could not see any conditions which would mitigate this impact.

The Panel noted that each application should be considered on its own merits and although a licensed premises had existed before in this location, it had been surrendered and the location following the redevelopment was a completely different area from when the previous licence was in existence. The Panel stated that they had looked at all possible conditions and were not convinced that any conditions would mitigate the powerful and unique concerns residents had raised with regards to this premises and were therefore minded to refuse the application for a new licence as this would add to cumulative impact and fail to promote the licensing objectives.

With all Panel Members in agreement, for the reasons given above it was

RESOLVED –

To refuse the new premises licence application.

8. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

Having adjourned for 5 minutes between 11.30 and 11.35 hearing ended at 12.10 pm.

CHAIR

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MINUTES END