



AGENDA FOR THE LICENSING REGULATORY COMMITTEE

Members of the Licensing Regulatory Committee are summoned to a meeting which will be held in Committee Room 2, Islington Town Hall, Upper Street, London N1 2UD, on **11 June 2019** at **4.00 pm**.

Enquiries to : Mary Green
Tel : 020 7527 3005
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Despatched : 3 June 2019

Membership 2019-2020

Councillor Nurullah Turan (Chair)
Councillor Marian Spall (Vice-Chair)
Councillor Kat Fletcher
Councillor Michelline Safi Ngongo

Substitute Members

Councillor Alice Clarke-Perry
Councillor Theresa Debono

Quorum: is 3 Councillors

Procedures to be followed at the meeting are attached.

A. FORMAL MATTERS

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1. Apologies for absence
2. Declaration of substitute members
3. Declarations of interest

If you have a Disclosable Pecuniary Interest* in an item of business:

- if it is not yet on the council's register, you must declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may choose to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you must leave the room without participating in discussion of the item.

If you have a personal interest in an item of business and you intend to speak on the item you must declare both the existence and details of it at the start of the meeting or when it becomes apparent but you may participate in the discussion and vote on the item.

- *(a) Employment, etc - Any employment, office, trade, profession or vocation carried on for profit or gain.
- (b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.
- (c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.
- (d) Land - Any beneficial interest in land which is within the council's area.
- (e) Licences- Any licence to occupy land in the council's area for a month or longer.
- (f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.
- (g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to all members present at the meeting.

4. Minutes of the previous meeting 1 - 8
5. Membership, terms of reference and dates of meetings of the Licensing Regulatory Committee in 2019/20 9 - 12
6. Procedure for the meeting - this is attached 13 – 14

B.	LICENSING MATTERS	Page
1.	Renewal of Special Treatment Licence application - London Grace, 35 Camden Passage, N1 8EA	15 - 28

C. Urgent non-exempt/non-confidential matters

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

D. Exclusion of public and press

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of Schedule 12A of the Local Government Act 1972 and, if so, whether to exclude the press and public during discussion thereof.

E. Exempt/confidential matters (if any)

1.	Renewal of Special Treatment Licence application - London Grace, 35 Camden Passage, N1 8EA - exempt appendix	29 - 46
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F. Urgent exempt/confidential matters

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

The next meeting of the Licensing Regulatory Committee is scheduled for 9 September 2019

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London Borough of Islington

Licensing Regulatory Committee - 4 February 2019

Non-confidential minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, N1 2UD, on 4 February 2019 at 4.00 pm.

Present: **Councillors:** Nurullah Turan (Chair), Michelline Safi-Ngongo
(Vice-Chair) and Kat Fletcher

Councillor Nurullah Turan in the Chair

7 **APOLOGIES FOR ABSENCE (Item 1)**

Received from Councillor Alice Clarke-Perry.

8 **DECLARATION OF SUBSTITUTE MEMBERS (Item 2)**

None.

9 **DECLARATIONS OF INTEREST (Item 3)**

None.

10 **MINUTES OF THE PREVIOUS MEETING (Item 5)**

RESOLVED:

That the minutes of the meeting held on 4 July 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

11 **RENEWAL OF SPECIAL TREATMENT LICENCE APPLICATION - LONDON GRACE, 35 CAMDEN PASSAGE, N1 8EA (Item 1)**

In his introduction and welcome to the meeting, the Chair informed all present that Committee members had received a number of written submissions, both from the applicant and objectors, since the agenda had been published, all of which had been read by Committee members.

The Licensing Officer reported that the application for the renewal of a Special Treatment Licence for this premises had received objections from local residents. The key issue appeared to be whether the premises was suitable for operation as a nail treatment premises. An extra recommendation had been proposed in the officer's report that the Environmental Health Officer had to be satisfied with the use of the premises before the special treatments could continue. Further tests had been carried out by Environmental Health since the agenda had been produced and a Fire Officer's report had been produced, both of which had been circulated. An officer from the Council's Planning Team had been invited to attend this meeting to clarify planning issues associated with the premises.

The Planning Enforcement Officer reported that the lawful use of the ground floor of the premises was A1 retail use and that a nail bar constituted a change of use. Following a warning letter from the Council, the nail bar on the ground floor had ceased and the basement was now being used to provide nail treatments. The ground floor was used for retail purposes. A planning application would need to be submitted for the change of use to mixed use.

Members noted the report of the Planning Enforcement Officer but confirmed that the Committee had no Planning powers, nor any power over the alcohol licence, nor powers over noise nuisance, which were all matters for other committees of the Council.

The Environmental Health Manager gave a timeline of her interaction with London Grace since complaints about odour and noise nuisance were first received in October 2017 from residents living above the London Grace premises. This included a number of visits to the premises by the Licensing Team and Out of Hours Response and Patrol Team. Odour nuisance had been witnessed on many of these occasions. Environmental Health Officers had also carried out a smoke test at the premises, which confirmed that some smoke had travelled directly from the basement of London Grace into the hallway of the residential premises upstairs, via the ceiling space and gas meter cupboard. Following the service of an abatement notice on London Grace in June 2018, she noted that London Grace had carried out some remedial works, including extra ventilation, with extractor fans running 24 hours a day. However, further remedial works in relation to fire separation works had been identified which were the responsibility of the freeholder, residential leaseholder and the commercial leaseholder. As a result of the service of an Environmental Health notice, she noted that London Grace had installed a second extractor system in the basement of the premises, reinstated the ceiling in the basement area and temporarily sealed the gas meter cupboard in the basement.

Having reviewed the nuisance diary sheets, the Environmental Health Officer noted that there had been no complaints recorded since 25 January 2019. She also noted that the extractor in the basement of the premises did not work as efficiently as that on the ground floor. A second smoke test carried out at the end of January 2019 resulted in no smoke travelling between the two premises. With regard to outstanding works, the Environmental Health Officer suggested that a local exhaust ventilation system might work better than a single point extractor at high level. There was an outstanding issue for the freeholder and the leaseholder on the matter of the sealing of the gas meter cupboard.

The applicant's representative noted that, since works had been undertaken by London Grace prior to Christmas 2018, including the installation of 24 hour extractor fans, there had been no complaints for three weeks. The Environmental Health Officer said that there had been no call-outs since 11 January 2018. The applicant's representative noted that Environmental Health's Out of Hours Team had been called out on 27 occasions. On 9 of those occasions, the Environmental Health Officers attending the premises had declared a nuisance, though not on the other

occasions. He questioned the training and expertise of the officers called out to attend the calls of nuisance to the Environmental Health Team. In response, the Environmental Health Officer said that the officers attending had smelt acetone and nail varnish at the entrance and hallway to the premises. To constitute a nuisance, officers would have been seeking odours in the living room, kitchen or bedroom of the residential premises upstairs, which could be the cause of headaches to the residents. The Environmental Health Officer stated that she did not manage the Out of Hours Team, but knew that the officers would have been trained in witnessing causes of nuisance, such as odours, at the source.

Referring to paragraph 18 of the witness statement (31 January 2019) of one of the objectors, the applicant's representative noted that the objector had stated that she had not been made aware of noise and odour testing carried out at London Grace by Environmental Health in November 2018, until after the event, as she had been away from her flat. An email from Environmental Health Team on 30 November 2018 informed the objector that the tests had taken place on the London Grace premises and that it could also be extended to the objector's residential premises above. The applicant's representative noted that the notification from Environmental Health had been received a fortnight after the actual test. The Environmental Health Officer stated that she had visited the business premises to obtain a method statement. The applicant's representative also referred to a statement from the complainant, submitted as part of a Freedom of Information request, which comprised entries from the Environmental Health log. He noted that names had been crossed out, but not the dates and times of incidents recorded by the complainant. He further noted that emails to London Grace had been disclosed, though not the entire chain of email exchanges.

He further noted that London Grace had commissioned a report from a noise consultant, had carried out remedial works including the installation of extractor fans and had done everything asked of them. The Environmental Health Officer confirmed that most of the work suggested to London Grace had been carried out. The applicant's representative referred to the Habia Code of Practice for Nail Services, which recommended the reduction of dust through air filtration of extraction at each nail desk. The Environmental Health Officer noted that the nail treatment work stations were at the back of the room and therefore not near to the main extractor fan, which was at the front of the room.

The complainants' representative expressed a hope that the new ventilation system, operating 24 hours a day, would be effective in clearing odours from his clients' premises. He asked the Environmental Health Officer whether she had been present at a meeting in the previous week where the nature of the second smoke test had been discussed and it had been noted that the basement extraction system had not cleared the smoke from the area as effectively as the test on the ground floor in June. On this second occasion, additional ventilation had only been achieved by opening all windows and doors to clear smoke. The complainants' representative suggested that the slowness of the smoke clearing could be the reason why it had not passed through to the residential premises on that occasion, or it could be because additional ventilation was needed. He noted that the

residential premises above were unoccupied at that time and the fact that no odour nuisance reports had been submitted was not indicative of no issues. The Environmental Health Officer stated that London Grace would need to take up the issues raised by the smoke tests with the installation company. She added that Environmental Health had written to the residents of the upstairs premises to advise them of the smoke trial and were not aware that the premises was unoccupied at that time. The complainants' representative pointed out that the residents had not received notification of the smoke test until three days after the trial commenced. He asked the Environmental Health Officer whether the gas meter needed to be moved and the cupboard sealed to prevent any further odour leaks. The Environmental Health Officer replied that there was no guarantee that the nuisance would cease and that the gas meter cupboard was clearly letting smoke through. She thought that the cupboard would have to come out. The complainants' representative speculated that, even if the gas meter was moved, there could still be a risk of odour nuisance in the future.

The applicant's representative made the case for the application, stating that noise was not an issue at the premises and noting that planning and other licensing issues were not for this Committee. The issue seemed to be whether this building was suitable as a nail bar. Although there had been issues in the past, the owners did not offer nail treatments that were particularly odorous. He referred to one of the staff who had worked for a year at the premises who could not recall any occasions when customers or staff had complained of odours, or suffered irritations. The residents living above had not visited or telephoned to complain. There had been no quantitative testing of the odours. The operators of London Grace were responsible operators, who managed eight other premises, all of which were situated under residential properties and not all of which were new build. He maintained that the operators had done all they could to deal with the issues. Their gas meter had been in the same cupboard as that of the residential premises and they had moved it and spend thousands of pounds on that and a report from noise experts. He noted that they had installed a false ceiling in the premises to close off light through to the floors of the premises above. The premises' lease gave a right to the landlord to access the gas meter and they could not move it unless the landlord and tenant agreed. The gas isolation switch for the premises and the residential property upstairs was located in the basement cupboard. He suggested that there were no obvious pathways for odour to travel from the basement of London Grace, where treatments were carried out, up to the residential premises above. He referred to a noise report and an odour report, commissioned by London Grace, and produced by Mr Michael Bull, who was in attendance as one of his witnesses, of Ove Arup and Partners Ltd. Mr Bull had agreed with London Grace that he would give his opinion on matters relating to odours, though his expertise was as a noise expert. Mr Bull had described the situation at the building as a unique situation.

The complainants' representative asked Mr Bull how many occasions he had visited the premises. Mr Bull said that he had visited the London Grace premises on four occasions but had not visited the upstairs premises. Mr Bull added that he could look at the interior and the structure of the business premises being run by London

Grace to get a good idea of the pathway of the odour. He maintained that there had to be a reason why air was being pushed out of the basement and into the residential property above. He queried whether the extractor fan in the residents' kitchen could be acting as a pressure-sucking fan, taking air from the business premises below? Mr Bull stated that there would not be much of a pressure difference unless the kitchen extractor fan was huge, as the extractor fan in the basement was of a substantial size.

A member of the Committee asked Mr Bull whether he had been involved when the operator for London Grace had contacted the Council's Environmental Health Team in relation to a reported leak from the dry cleaners to the rear of London Grace. This had been looked at as a potential source earlier by Environmental Health but was not considered to be the source of any odour leaks.

The complainants' representative asked Mr Bull about the likely amount of odour when nail varnish remover was used. Mr Bull said that although both nail polish and shellac contained solvents, the use of nail varnish remover resulted in the highest rates of solvent release and consequently had the highest potential for odour to be produced. Mr Bull was also asked whether the number of people receiving treatments in London Grace had been assessed, given that there could be parties of up to 20 people. Mr Bull confirmed that he had taken this into account. One of the operators of the premises stated that if a party group attended, only four had nail treatments.

A member of the Committee said that it appeared that the operators of the premises had carried out as much remedial work as they could, apart from the suggested local exhaust ventilation units at each work desk, as per Habia guidance. She asked whether the nail technicians started work at the table closest to the ventilation unit and whether they would consider moving the tables closer to the ventilation unit? She suggested that the premises operators might consider the installation of the local exhaust ventilation units as a gesture of goodwill. One of the premises operators said that, if there were four clients, it was difficult to move people in front of the extractor fan. The premises operator said that they had already spent thousands of pounds to carry out the remedial works to date and that the Habia guidance was only advisory. She pointed out that, even if local exhaust ventilation units were installed, it would not be possible to determine where those exhaust fumes would travel.

The Environmental Health Officer suggested that, rather than starting at table 1,2 and 3 etc, the operators might consider siting the tables involving acetone treatments near to the ventilation fan.

The complainants' representative invited one of the residents of the flat above London Grace to describe the impacts of the odour and noise nuisance on her. The resident said that the nuisance persisted every day, for most of the day. Her life was complete misery and she said that she could not face another year of this nuisance. In response to questions from members, she confirmed that she had lived at the flat above London Grace for ten years. Previous to London Grace, the

retail property downstairs had been a shoe and retail outlet. She had first realised that there would be problems with the new business, London Grace, throughout refurbishment of the premises, when she thought she could smell paint. However, she could not understand why there was a strong odour in the hallway. Visitors to her home would always comment on the odour. When she had called the Out of Hours Team to witness noise nuisance, the staff at London Grace had laughed at her. She added that, in addition to the extractor fan above the cooker in her kitchen, there was a window. In response to a question from the applicant's representative, she confirmed that she had had no cause for complaint against the premises since 11 January 2019.

The complainants' representative read a closing statement (copies of which were circulated) urging the Committee to refuse the renewal application. His statement covered aspects such as the likelihood of future nuisance, mitigation measures to stop pathways for odour to travel into the flat above and their likely ineffectiveness and the trustworthiness of the applicants. He maintained that there were no viable and effective measures available that would satisfactorily solve the odour problem created by London Grace's business.

In summary, the applicant's representative said that, although it was not an issue for this Committee, there had been no noise complaints about the premises for the past year. He drew attention to the report on noise and odour produced by Mr Bull, an expert in these matters, which concluded that there were no obvious pathways for odorous materials to pass from the shop into the flat above, apart from minor gaps in the building fabric. The report indicated other solvents were used in the nail treatment premises, in addition to acetone, which caused odour. All of the solvents used were heavier than air. The kitchen extractor fan in the complainants' premises above could not possibly suck air from the shop into the flat. The active ventilation fans in the shop premises meant that negative pressure was dominant in the premises so air should be drawn from the flat into the shop premises rather than vice versa. He referred to paragraph 39 of the closing statement of the complainants' representative and pointed out that the gas meter referred to did not belong to London Grace. The isolating valve for the gas for the residential premises was located in the basement of the London Grace premises. He queried the need for any further smoke tests.

In addition, the applicant's representative confirmed that the licence holder for London Grace would agree to an additional condition suggested in paragraph 39.d of the closing statement of the complainant's representative, that the extractor fan ventilation system must be operated 24/7 and maintained as such.

He suggested that it might sometimes be better not to let a complainant know in advance that any sort of test was planned. He noted that there had been no complaints during the trial period. Referring to photographs which he had submitted to the Committee, he said that this depicted staff sitting outside the back of the premises, enjoying a glass of wine. The bin bags outside the premises in another photo had been seen outside on one occasion only. There had been no complaints from officers about any breaches of conditions associated with this. He maintained

that the situation was now contained, with no odour nuisance and 24/7 operation of a ventilation system at London Grace.

RESOLVED:

That, subject to the Standard Conditions for Special Treatment Premises and Standard Conditions for Premises Providing Nail Treatments, together with the additional condition on the existing licence dated 21 March 2018, the application from Ms Lauren Williams for the renewal of a Special Treatment Licence in Islington, for the purposes of manicures and pedicures only, in the premises known as London Grace, at 35 Camden Passage, N1 8EA, be approved for a period to 30 March 2019, with the following further condition:

i) That the extractor fan ventilation system be operated 24/7 and maintained as such

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee noted that there had been no complaints, in particular since the installation of the x2 24/7 ventilation system, since 11 January 2019.

The Committee was satisfied that London Grace had taken reasonable steps to carry out remedial works to allay the odour issues and complaints and had taken on board recommendations and suggestions made by the Council's Environmental Health Team.

Note of the Committee

The Committee noted that the applicants were willing to introduce a system for acetone-based treatments to be used nearest to the main extractor fan.

12 **RENEWAL OF SPECIAL TREATMENT LICENCE APPLICATION - LONDON GRACE, 35 CAMDEN PASSAGE, N1 8EA - EXEMPT APPENDIX (Item 2)**

RESOLVED:

That the contents of the exempt appendix be noted.

The meeting ended at 6.30 pm

CHAIR

Report of: Corporate Director of Resources

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	11 June 2019		n/a

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Subject: MEMBERSHIP, TERMS OF REFERENCE AND DATES OF MEETINGS OF LICENSING REGULATORY COMMITTEE in 2019/20

1. Synopsis

To inform members of the remit and administrative arrangements for the Licensing Regulatory Committee.

2. Recommendation

- 2.1 To note the membership of the Licensing Regulatory Committee, appointed by the Council on 16 May 2019, its terms of reference and dates of meetings for the municipal year 2019/20, as set out at Appendix A.

3. Background

- 3.1 The terms of reference of the Licensing Regulatory Committee (as contained in Part 5 of the Council's Constitution) are set out at Appendix A. The quorum of the Committee is three Councillors.
- 3.2 The membership and dates of meetings in 2019/20 are also set out at Appendix A for information.

4. Implications

4.1 Financial Implications

None.

4.2 Legal Implications

None.

4.3 Resident impact assessment

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A resident impact assessment has not been carried out since this report relates solely to the administrative arrangements for the Committee and will not impact upon residents.

4.4 Environmental Implications

Papers are circulated electronically where possible and consideration is given to how many copies of the agenda might be required on a meeting by meeting basis with a view to minimising numbers. Any agenda not used at the meeting are recycled.

5. Conclusion and reasons for recommendation

The report is submitted to inform members of the remit of the Committee.

Background papers:

None.

Final Report Clearance

Signed by

Corporate Director of Resources

Date

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1. COMMITTEE MEMBERSHIP 2019/20

Councillors	Substitute Members
Councillor Nurullah Turan (Chair)	Councillor Alice Clarke-Perry
Councillor Marian Spall (Vice-Chair)	Councillor Theresa Debono
Councillor Kat Fletcher	Councillor Satnam Gill
Councillor Michelline Safi Ngongo	Councillor Mouna Hamitouche MBE

2. MEETING DATES (all at 4.00pm)

11 June 2019
9 September 2019
9 December 2019
16 March 2020

3. TERMS OF REFERENCE OF THE LICENSING REGULATORY COMMITTEE**Terms of Reference**

1. To determine applications for street trading, track betting and special treatment licences where there are unresolved objections to those applications.
2. To designate streets as licensed streets.
3. To revoke licences (except on the ground of non payment of fees).
4. To set and review policy in relation to the matters coming within the remit of the Committee.
5. To take decisions on any other licensing matter referred to it by the Corporate Director of Environment and Regeneration, except those which may lawfully be taken by the Licensing Committee established for the purpose of the Licensing Act 2003 and the Gambling Act 2005.
6. The hearing of representations and the determination of applications for a licence of a Scrap Metal Dealer, under the Scrap Metal Dealers Act 2013, where the Service Director of Public Protection proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority, within the prescribed time, that they require the opportunity to make representations about the proposal.
7. To determine the amount of any fees and charges to be made for any approval, consent, licence, permit or registration within the terms of the reference of the Committee.

Delegation to Officers

All functions under the Scrap Metal Act 2013 not within the terms of reference of the Licensing Regulatory Committee are delegated to officers as detailed in Part 3 and Appendix 2 of the Constitution.

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LICENSING REGULATORY COMMITTEE

PROCEDURE FOR THE HEARING OF OBJECTIONS TO STREET TRADING, TRACK BETTING, AND SPECIAL TREATMENT LICENCES

1. The Chair of the Licensing Regulatory Committee shall:
 - (a) invite all members of the Committee, the applicant, the objector, their representatives and any witnesses and officers to introduce themselves
 - (b) ascertain whether the applicant and objector(s) are present and, if unaccompanied, whether they were aware that they could be represented
 - (c) outline the procedure to be followed at the meeting
2. The Service Director (Public Protection) or his/her representative, will introduce the application.
3. (a) Council officer reports on noise and other matters
(b) Questions to officers from objectors and applicants
4. The applicant or his/her representative will present in detail the grounds of the application.
5. Objectors and members of the Committee may ask questions only of the applicant at this stage. Statements will not be allowed.
6. The objector(s) or his/her representative(s) will present in detail the grounds of the objection and may call witnesses in support of the objection.
7. The objector(s) and any witnesses may be called be questioned by members of the Committee, the applicant or his/her representative(s) and appropriate officers of the Council. Statements will not be allowed. Witnesses called by the objector(s) may be re-examined by the objector(s) or his/her representative on matters arising from those questions.
8. A Ward councillor may be present at the meeting and may make a statement to the Committee regarding the application, if the required notice has been given.
9. The objector(s) or his/her representative may then make a closing speech.
10. The applicant or his/her representative may then make a closing speech.
11. Members of the Committee may withdraw from the room to consider their decision. The Council's legal adviser and the clerk will accompany Members, in case legal or procedural advice is required.
12. The Licensing Officers, objectors(s), applicant, any representative(s) and witnesses will remain available for recall.
13. If it is necessary to recall any party to provide further information or clarification, all parties at the meeting will be invited to return.
14. At the conclusion of the public hearing, the Committee will consider the evidence presented and the Chair will announce the decision, together with any conditions deemed fit to apply to the application. Reasons will be given for the decision and any conditions imposed on the licence.

This will be confirmed in writing to the applicant and objector(s), or to their legal representative, accompanied by a description of any conditions which are to be attached to the granting of the licence, or the reasons for the refusal of the application. The applicant will be told of any statutory rights of appeal which are available to him/her.

NB - These procedures may be waived, altered or modified by the Chair of the Licensing Regulatory Committee

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Report of: Jan Hart, Service Director – Public Protection

Licensing Regulatory Committee	Date:4 February 2019	Ward : St Peter's
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APPENDIX THREE OF THIS REPORT IS NOT FOR PUBLICATION

SUBJECT: LONDON LOCAL AUTHORITIES ACT, 1991 PART II - RENEWAL OF THE SPECIAL TREATMENT LICENCE HELD IN RESPECT OF LONDON GRACE, 35 CAMDEN PASSAGE, LONDON, N1 8EA

1. Synopsis

- 1.1 This is an application for a renewal of the special treatment licence under the London Local Authorities Act 1991, Part II. A copy of the application form can be found at **Appendix 1**.
- 1.2 The application is to renew the provision of manicure and pedicure treatments at the premises.
- 1.3 The application is subject a representation from local residents in response to the application.

2. Recommendations

- 2.1 The Committee needs to consider all the evidence before determining this application;
- 2.2 If the Committee decides to refuse the application the London Local Authorities Act 1991 section 8 permits it to do so under one or more of the following grounds:
 - (a) the premises are not structurally suitable for the purpose;
 - (b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;

- (c) the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence;
- (d) the persons giving the special treatment are not suitably qualified;
- (e) the premises have been or are being improperly conducted;
- (f) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
- (g) the means of heating the premises are not safe;
- (h) proper precautions against fire on the premises are not being taken;
- (i) they are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given;
- (j) they are not satisfied as to the safety of the special treatment to be given;
- (k) satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises;
- (l) the applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act; or
- (m) the applicant has failed to comply with the requirements of subsection (4) or (6) of section 7.

2.3 If the Committee decides to renew the application it should be subject to:

- i) the standard conditions for special treatment premises (see appendix 5);
- ii) the conditions of the current premises licence; and
- iii) any conditions deemed appropriate by the Committee including that the provision of special treatments at the premises is suspended until the statutory nuisance to residents is resolved and the licensing team are notified of this in writing by the Council's Environmental Health Team.

3. Background

3.1 On 29 June 2017 the licensing team received an application for both a special treatment and premises licence for London Grace, 35 Camden Passage, London, N1 8EA.

3.2 The licensing team received no objections to the special treatment licence application so it was deemed granted on the 27 July 2017.

3.3 The applicant operated similar businesses in other locations in and around London. Licensing officers visited the London Grace site located in Westminster and were advised that the premises in Camden Passage would be fitted out and operated in a similar manner. As a result licensing had no concerns in regards to the new premises.

3.4 The premises licence application seeking the sale of alcohol under the Licensing Act 2003 received twelve letters of representation from the local residents. It was subsequently granted with conditions by the Council's Licensing Sub Committee on the 31st August 2017. The premises licence was issued subject to the following licence condition:

- the licence shall not have any effect unless the premises has been granted a Massage and Special Treatments licence issued by the London Borough of Islington. The Special Treatment licence shall be maintained.

3.5 On 23/10/17 initial complaints of odour and noise nuisance were received from neighbouring residents via Licensing and the Out of Hours Response and Patrol Team. The history of these complaints are contained in the Environmental Health representation to this renewal application.

3.6 Although approved, the Special Treatment licence had not been issued upon receipt of the initial complaint. On issuing, it was subject to an additional condition stating that:

- Odour from the business shall not cause a nuisance to the occupants of any properties in the vicinity.

3.7 The special treatment licence was issued until the 30th September 2018. The licensee sought a renewal within the required time scale.

During the consultation period an objection was received from local residents. The main grounds for objecting to the renewal of the licence are:

- that the building is not structurally suitable for the purpose of providing nail treatments;
- proper precautions against fire on the premises are not being taken; and
- concerns about the applicants ability to comply with the special licence and its conditions.

3.8 The matter was originally listed to be heard at Regulatory Committee in November 2018. In order to give all parties an opportunity to resolve the matter without the need for a hearing it was adjourned.

3.9 The applicant has undertaken works at the premises and has also ceased the provision of licensable activities on the ground floor as a result of enforcement action from both the Environmental Health and the Council's Planning Team.

3.10 The matter was heard by Licensing Regulatory Committee on 4 February 2019. The decision of the Committee was to renew the licence for 6 months only, and to add the following additional condition to the licence;

- That the extractor fan ventilation system be operated 24/7 and maintained as such.

3.11 The special treatment was issued on 21st February 2019. A renewal application was submitted on 15th February. On the 14th March a representation was received to this application from a local resident.

3.12 At the time of writing this report we have received one complaint since the licence was issued, made on the 25th May 2019. A report of this complaint and subsequent visit by officer is attached as Appendix 5

4. Implications

4.1 Financial Implications:

The Head of Finance reports that the applicant has paid the application fee of £341.00. Should the application be refused, the fee shall be refunded less the Council's costs in dealing with the application.

4.2 **Legal Implications:**

The legal implications are set out in paragraph 2.1, 2.2. 2.3. In addition should the provision of special treatment licence be revoked, it would also result in the licence holders being unable to continue to sell alcohol until another Special Treatment licence is issued for the premises.

4.3 **Environmental Implications**

Committee reports need to consider the impacts that that proposals will have on the environment. An impact is defined as any change to the environment, whether positive or negative, wholly or partially resulting from Council activities. Almost all human activity has some impact on the environment, and it is very unlikely that any activity will not have any implications.

4.4 **Resident Impact Assessment:**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 21 January 2019 and there is no impact as a result of this application.

4.5 **Planning implications**

The advice from the planning team is that the planning application remains invalid, as the applicant is focusing on their legal dispute with Environmental Health (preliminary court date is set for 12/08/2019). At the moment the use of the nail bar to the basement is unauthorised, however, planning enforcement action is being held in abeyance until the planning application has been determined.

5. **Conclusion and reasons for recommendations**

5.1 That the committee determines this application.

Appendices

Appendix 1: Application form,

Appendix 2 Current premises licence and associated layout plan;

Appendix 3 Copy of current Licensing Act 2003 premises licence / Reg decision 4th February 19
Appendix 4: **Representations; exempt ;**
Appendix 5 Report of visit 25 May 2019
Appendix 6: Local area map.

Signed by:



Jan Hart, Service Director – Public Protection Date 30/05/19

Report Author: Licensing Service
Tel: 0207 527 3031
Email: licensing@islington.gov.uk

LONDON LOCAL AUTHORITIES ACT 1991, PART II
SPECIAL TREATMENT PREMISES

APPLICATION FOR RENEWAL OF A SPECIAL TREATMENT PREMISES LICENCE

This form should be fully completed, signed and forwarded to:

Licensing Team, 3rd Floor, 222 Upper Street, Islington, London, N1 1XR.

Or

licensing@islington.gov.uk

Enclosing a cheque or postal order for the appropriate fee made payable to London Borough of Islington and crossed (cash should not be submitted), Payments can be made over the phone via card through the licensing team.

FOR OFFICE USE ONLY	
Worksheet Number:	
Fee Paid:	
Cheque/Postal Order No:	
Receipt Number:	
Date Received:	
Initials:	

PLEASE READ THE ACCOMPANYING NOTES CAREFULLY BEFORE COMPLETING THIS FORM

I/We apply for a renewal of the annual special treatment licence for the premises named below:

1.	Licence Number	LN/000018324	
	Licence Holder	LONDON GRACE LTD	
	Premises Name	LONDON GRACE LTD	
	Address of the premises:	LONDON GRACE LTD 35 CAMDEN PASSAGE ISLINGTON LONDON	
	Postcode:	N1 8EA	
	Telephone Number	0203 489 8420	
	Email Address	OPERATIONS@LONDONGRACE.CO.UK	
2	How many persons registered by the Council to give special treatments do you intend to employ at the premises at any one time:		7
3	List the names of all Therapists employed at the premises at the time of application:		
1	SERENA BAKER	2	FABIANA SOARES
3	GEMMA MCBRIEN	4	KIRSTEN WHITE
5	KAMEIA BROWN	6	LUCIANN NICHOLSON*
7	FEDERICA LENTO*	8	
9		10	

* NEW APPLICATIONS ENCLOSED.
OTHERS INCLUDED IN LAST APPLICATION

I declare that I undertake to carry out the following requirements:

a. I have sent a copy of this application form to the below responsible authorities:

Islington Licensing Police C/O London Borough of Islington 3 rd Floor 222 Upper Street London N1 1XR	Fire Safety Regulations: North East Area 2 London Fire Brigade 169 Union Street City Road London SE1 0LL
<u>licensingpolice@islington.gov.uk</u>	<u>islingtongroup@london-fire.gov.uk</u>

- b. Only those treatments named on the licence will be provided at the premises;**
- c. There have been no alterations to the sanitary, ventilation, lighting, heating, means of escape or fire fighting arrangements since the grant of the current licence (if alterations have taken place, please submit written details).**
- d. There have been no alterations to the premises layout and therefore no change to the premises plans.**
- e. The only persons I will employ to provide special treatment will be those registered by the Council and I will permit them only to give those treatments specified on their identification card and registration document;**
- f. The following documents will be kept on the premises and available for inspection by authorised officers;**
- **A current Periodic Inspection Report on the electrical installation;**
 - **A certificate confirming examination of all fixed and portable electrical equipment in the last 12 months;**
 - **Fire risk assessment**
 - **Special Treatment Licence issued by the council**
- g. I am aware that the licence is subject to the standard conditions for Special Treatment premises along with any other specified additional conditions.**
- h. I am aware of the regulations of the authority concerning special treatments. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.**

Larger retail space now upstairs

DECLARATION:

The application must be signed by the applicant proposing to carry on the establishment. In the case of a company, the Managing Director or Company Secretary must sign.

I hereby declare that the particulars contained in this document are true to the best of my knowledge and belief.

Name in Block Capitals: KIRSTEN WHITE

Signature: *K White*

Position: DIRECTOR Dated: 8.2.19

Data Protection Act 1998

Please note that the information on this form will be stored on computer; it will not be shared with other organisations, unless authorised under the Data Protection Act 1998.

Islington Council will process information provided by you for the purpose of processing your Application.

The information you provide will/may be disclosed to: other departments within Islington Council; the Police; other Local Authorities and other Government Agencies only when and where necessary for the purpose(s) of Prevention and/or detection of crime and to check for any anomalies and/or inconsistencies.

Retention Procedure

Our department will retain your personal data for a maximum of **six years** once our business with you has concluded. Your personal data will then be securely destroyed.

IMPORTANT NOTE:

THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

LICENCE NUMBER: LN/000018324

SPECIAL TREATMENT PREMISES LICENCE
SPECIAL TREATMENT - STANDARD

The Council of the Borough of Islington, under the provisions of Part II of the London Local Authorities Act 1991, hereby licenses:

Licence Holder: **London Grace Ltd**

Trading as: **London Grace Ltd**

to use the premises at: **London Grace Ltd, 35 Camden Passage, Islington, London, N1 8EA**

This licence authorises the following treatments:

Manicures

- MANICURES
- PEDICURE

This premises licence is subject to the General Standard Conditions, the relevant Treatment Specific Standard Conditions and any Additional Conditions, detailed below, specific to this licence. The licence is in force until:

31st March 2019

Additional conditions:

1. Odour from the business shall not cause nuisance to the occupants of any properties in the vicinity.
2. That the extractor fan ventilation system be operated 24/7 and maintained as such

Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

Service Manager (Public Protection)

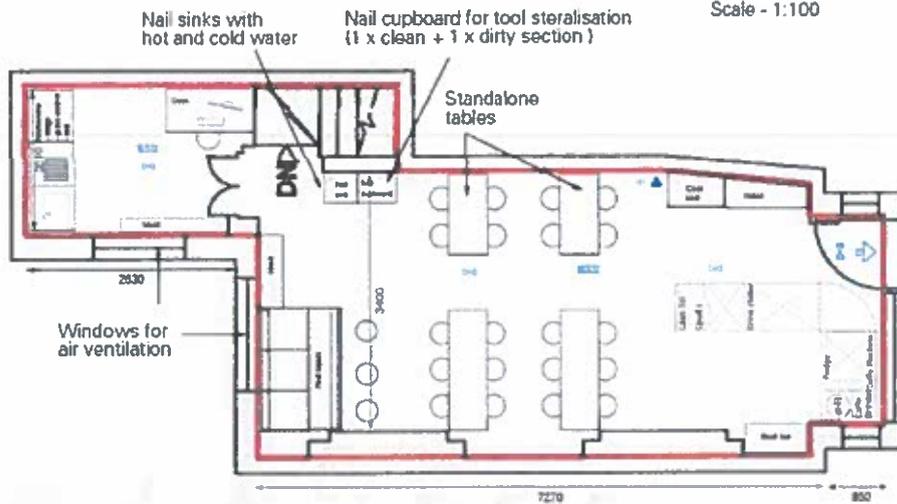
Date of Issue

LONDON GRACE[®]

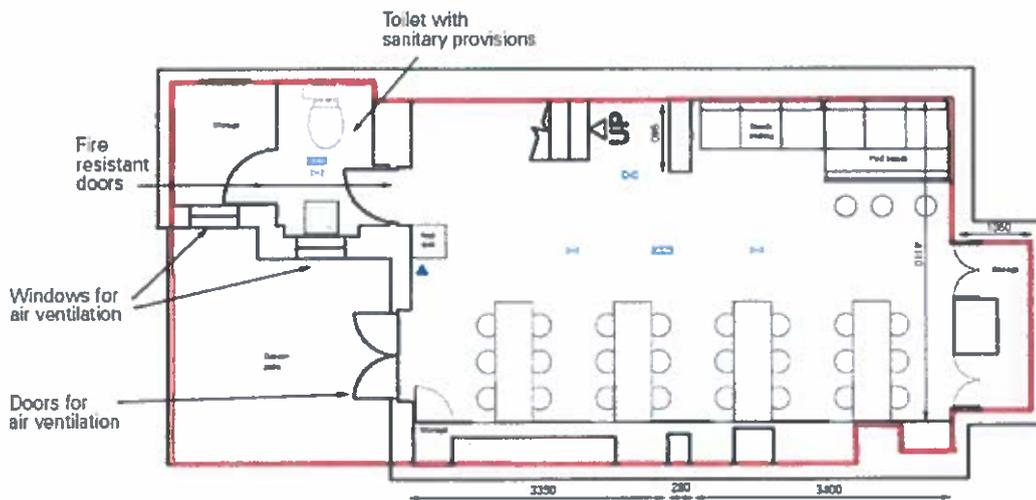
35 Camden Passage

KEY	
All measurements are in mm	
AREAS FOR (STORAGE) ACTIVITIES AS PROHIBITED	
EMERGENCY LIGHTING	
	FIRE ALARM CALL POINT - SOURCES
	HEAT & SMOKE DETECTOR
	EMERGENCY LIGHTING
	FIRE EXTINGUISHER
	FIRE DOOR

Ground Floor



Lower Ground Floor



Heating: there are a number of radiators on each floor to keep the store warm. The outgoing has confirmed that the store is a pleasant temperature when they are in use.

This is the decision of the Licensing Regulatory Committee of 4 February 2019 with regard to the application for the renewal of a Special Treatment Licence under the London Local Authorities Act 1991 for the premises known as LONDON GRACE at 35 CAMDEN PASSAGE, N1 8EA

RESOLVED:

That, subject to the Standard Conditions for Special Treatment Premises and Standard Conditions for Premises Providing Nail Treatments, together with the additional condition on the existing licence dated 21 March 2018, the application from Ms Lauren Williams for the renewal of a Special Treatment Licence in Islington, for the purposes of manicures and pedicures only, in the premises known as London Grace, at 35 Camden Passage, N1 8EA, be approved for a period to 30 March 2019, with the following further condition:

i) That the extractor fan ventilation system be operated 24/7 and maintained as such

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee noted that there had been no complaints, in particular since the installation of the x2 24/7 ventilation system, since 11 January 2019.

The Committee was satisfied that London Grace had taken reasonable steps to carry out remedial works to allay the odour issues and complaints and had taken on board recommendations and suggestions made by the Council's Environmental Health Team.

Note of the Committee

The Committee noted that the applicants were willing to introduce a system for acetone-based treatments to be used nearest to the main extractor fan.

Appendix 5

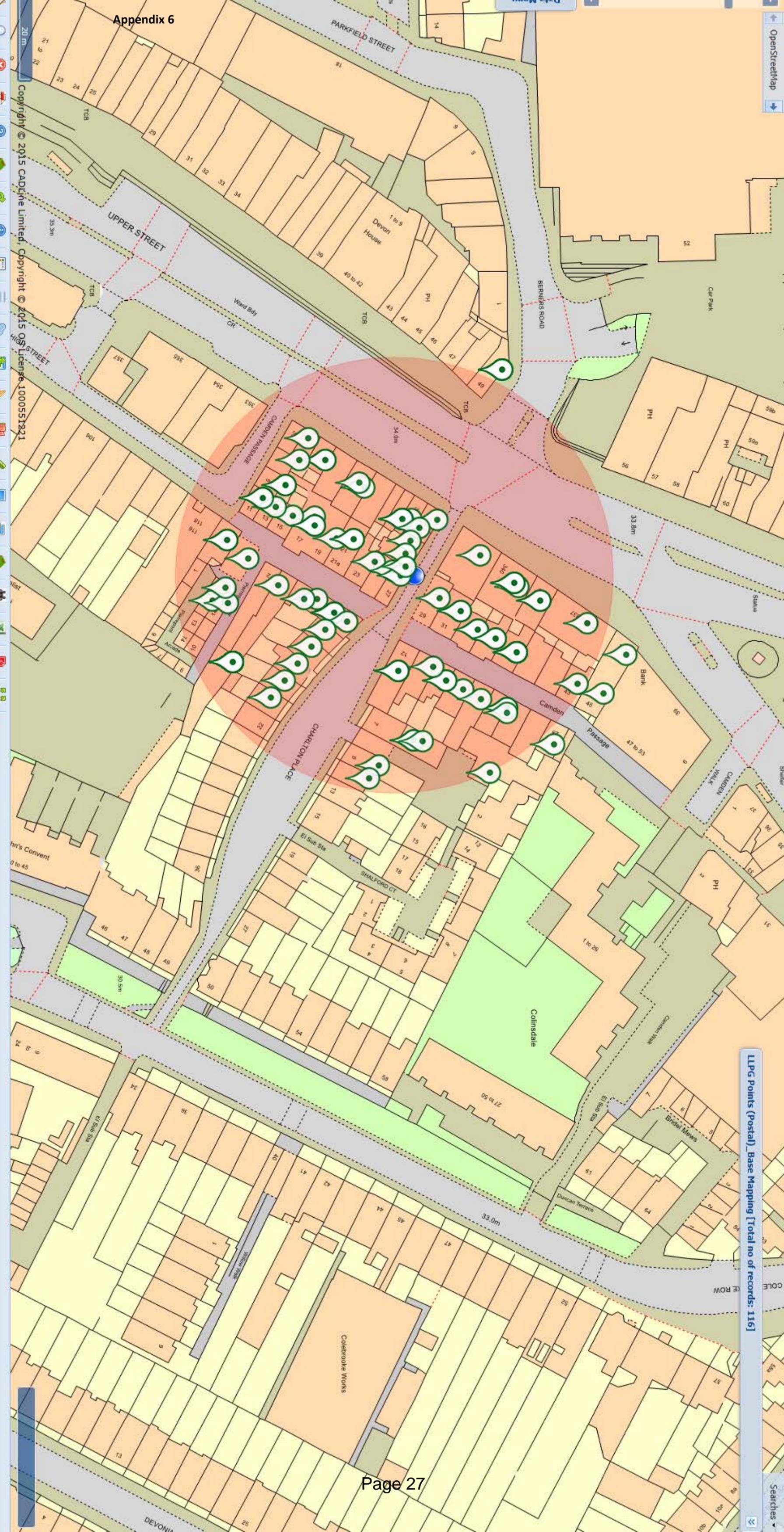
24 May 2019

Call logged

Fumes from the nail bar below - smells very strongly and it's uncomfortable. Ongoing problem and would appreciate it if someone could witness it, thank you

Report of visit

Called at 18:09 arranged a visit. Arrived at 18:40 We saw staff from the nail bar outside smoking we knocked on the reporter's door and the reporter said that the smell has gone down. We entered no smell was witnessed in the reporters hallway or in the living room we advised the reporter to call if the smell comes back and this complaint will be logged. CM14 MS-NSD left at 18:58



20 m
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OpenStreetMap

LLPG Points (Postal)_Base Mapping [Total no of records: 116]

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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