



Report of: Jan Hart, Service Director – Public Protection

Licensing Regulatory Committee	Date:4 February 2019	Ward : St Peter's
--------------------------------	----------------------	-------------------

Delete as appropriate		Non-exempt
-----------------------	--	------------

## APPENDIX 4 OF THIS REPORT IS EXEMPT AND NOT FOR PUBLICATION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 license;
- (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 a special treatment and premises licence application 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 31<sup>st</sup> 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:

- i. that the building is not structurally suitable for the purpose of providing nail treatments;
- ii. proper precautions against fire on the premises are not being taken; and
- iii. 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 issues set out in the representations have not been fully resolved at the time of writing this report.

## **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 ground floor, due to the Council's policy position of protecting A1 retail use, must be returned to a retail use, and that a planning application would need to be submitted for the change of use to a mixed use (A1 retail to ground floor and Sui Generis to the basement) in order to regularise the unauthorised change of use.

### 5. **Conclusion and reasons for recommendations**

- 5.1 The licensing team have concerns, based on the all the evidence submitted, that the premises is not structurally suitable for the provision of the licensable treatments being sought.
- 5.2 The licensing team are therefore recommending that, if the licence is granted, a specific condition is added to the licence to ensure that the premises cannot operate until the nuisance is resolved.

### **Appendices**

- Appendix 1: Application form
- Appendix 2: Current premises licence and associated layout plan
- Appendix 3: Copy of current Licensing Act 2003 premises licence
- Appendix 4: **Representations; exempt**
- Appendix 5: Local area map.

#### **Signed by:**



Jan Hart, Service Director – Public Protection      Date 22/01/19

Report Author: Licensing Service  
Tel: 0207 527 3031  
Email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)