

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APPENDIX THREE OF THIS REPORT IS NOT FOR PUBLICATION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)

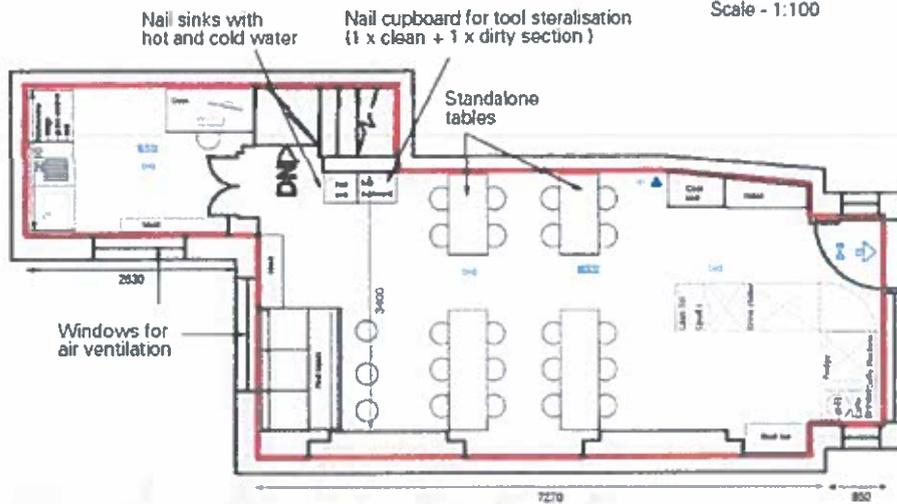
Date of Issue

LONDON GRACE[®]

35 Camden Passage

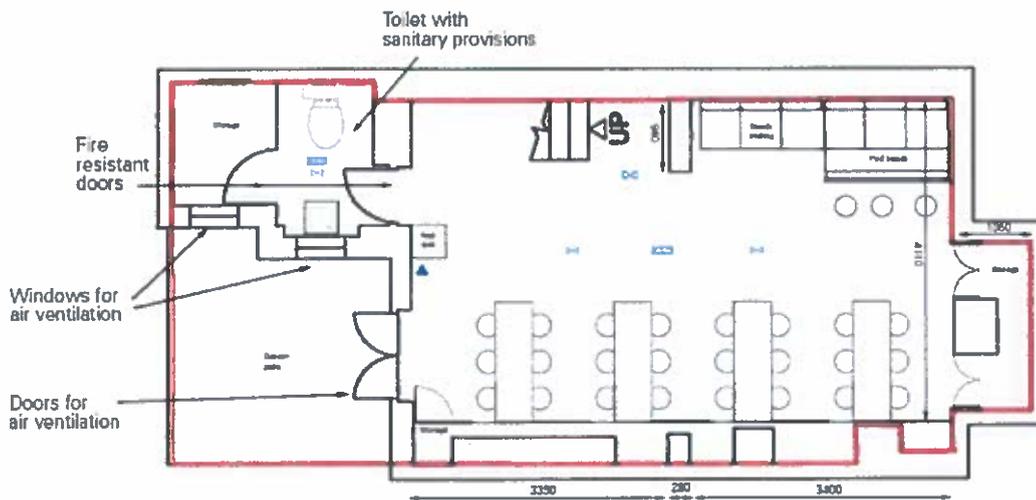
KEY	
All measurements are in mm	
AREA FOR (STORAGE) ACTIVITIES AS PROPOSED	
EMERGENCY LIGHTING	
	FIRE ALARM CALL POINT + SOURCE
	HEAT & SMOKE DETECTOR
	EMERGENCY LIGHTING
	FIRE EXTINGUISHER
	FIRE DOOR

Ground Floor



Scale - 1:100

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

