

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held remotely, on Tuesday 22 March 2022, at 10.00am.

**Present:** Councillors Luckhurst, Redford and Wright.

**Also, Present:** Sophie Vale (Committee Services Officer), Caroline Gutteridge (Council's Solicitor), and Emma Dudgeon (Licensing Enforcement Officer).

## 1. Apologies and Substitutes

- a) There were no apologies for absence; and
- b) Councillor Wright substituted for Councillor Mangat

## 2. Appointment of Chairman

**Resolved** that Councillor Wright be appointed as Chairman for the hearing.

## 3. Declarations of Interest

It was declared that Objector, Carolyn Gifford was a District Councillor, but for the purpose of this panel was speaking as a member of the Public.

## 4. Application for a Premises Licence under the Licensing Act 2003 for Polished Nail Bar, 34 Regent Street, Royal Leamington Spa, CV32 5EG

The Panel considered a report from Health and Community Protection which sought a premises licence application for Polished Nail Bar, 34 Regent Street, Royal Leamington Spa, CV32 5EG. Representations were received in relation to this application for the consideration of the panel in the determination of the application.

The Council's Statement of Licensing Policy provided that the authority would take an objective view on all applications and would seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure the promotion of the four licensing objectives. Each application would be judged on its own merits.

Details of the procedure adopted by the Licensing and Regulatory Committee for Panel Hearings were supplied to the applicant and those making representations. The procedure would be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

Polished Leamington Limited applied for a premises licence at 34 Regent Street, Royal Leamington Spa on 3 February 2022. The application was for a bar located in the salon for guests only. This was intended to be for group bookings for example Bridal Parties.

The licensable hours applied for by Polished Leamington Limited and an operating schedule, which was submitted by the applicant and would form part of any licence issued, was attached as appendix 1 to the report.

The Licensing Department received two objections from local residents. These were attached as appendices 2 and 3 to the report.

The Licensing Department also received a representation from Warwickshire County Council Trading Standards, however, following the agreement of conditions they subsequently withdrew their representations. A copy of all conditions agreed were attached as appendix 4 to the report.

No representations were received from:

- Warwickshire Police
- Fire Authority
- The Licensing Authority
- Enforcement Agency for Health and Safety
- Authority Responsible for Planning
- National Health Service/Public Health

A plan showing the location of the premises was attached as appendix 5 to the report along with the plan submitted by the applicant showing the internal layout. Photographs of the premises were attached as appendix 6 to the report.

Members were asked to consider the information contained in this report and decide whether the application for a premises licence at Polished Nail Bar should be granted and, if so, whether the licence should be subject to any additional conditions.

The Chairman asked Members of the Panel to introduce themselves. The other parties then introduced themselves as:

- Ms Bajralija, attending the hearing as the applicant; and
- Carolyn Gifford, speaking as a member of the public and on behalf of Dr Andrew Cave.

The Council's Solicitor announced the procedure for the meeting. At the Chairman's request, the Licensing Enforcement Officer introduced the report.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it in order to determine if the licence application should be granted, if so, whether the licence should be subject to any conditions.

In her opening statement, the applicant Ms Bajralija stated that, as the business had survived lockdown, she intended to capitalise on its popularity and widen the range of services offered. There was a "nice bar" space in the salon that could serve tea, cakes and prosecco for pre-booked customers. This would be an opportunity to offer a "beauty treatment experience" for groups such as bridal parties and those celebrating other holidays like Mother's Day. Ms Bajralija reassured Members that this idea was nothing new and was a service that was commonly offered in salons across the country. As a "respectable salon owner with a buoyant business" she would ensure that this would not become a public drinking space for customers off the street, and that she would implement a 'Challenge 25' rule to ensure no one underage would be served alcohol.

In response to questions from the Panel, Ms Bajralija advised that:

- she initially applied for the premises licence until 9pm Monday-Thursday just in case events ran over, she did not have any plans to extend operating hours officially;
- the double doors leading onto a flat roof upstairs were, in fact, a fire escape, but there was no opportunity for people to slip and fall;
- the Fire Authority had visited the indoor space where drinks would be served and they had not expressed any concerns. She reassured Members that there would likely only be a maximum of 6 people in the room at any one time;
- it will all be spaced out properly – when a group came in, some would be drinking at the bar, while others would be having treatments done. Alcohol would not be served to everyday customers, only parties who had pre-booked; and
- in time, she hoped to hire a receptionist who would also serve as bartender, but as this would not be a full time position at the moment, she intended to serve the drinks herself.

When given the opportunity by the Chairman to make her representation, Mrs Gifford started with reading a statement on behalf of Dr Andrew Cave- a local resident who wished to object. In the interest of the prevention of public nuisance, crime and disorder, he suggested that if the applicant agreed to table service, then his objection would be withdrawn. Dr Cave's fear was that it would operate as a "nail bar by day and a bar by night" without conditions. He was also fearful that, in the future, the nail bar would move, but the premises licence would remain, leaving it open to be turned into a fully functioning bar. Speaking in her capacity as local resident, Mrs Gifford asked if there was any need to issue another premises licence, when there were already 23 licenced places within 100 yards of the salon. She noted that with some of those licenced places, conditions were agreed that stipulated service to table and she was worried that Polished Nail Bar had not yet agreed to any such conditions. Mrs Gifford explained that whilst there was currently no Cumulative Impact Zone, this was coming under review and it seemed reasonable to consider the impact of adding yet adding another licenced premises to the area, particularly a place that does not rely on the sale of alcohol as a core part of their business. Essentially, Polished Nail Bar was an already successful business and did not need the addition of alcohol. Mrs Gifford acknowledged that while every application needs to be considered on its own merit, this application would potentially contribute to the public nuisance that is already a problem on Regent Street at night and at weekends. However, after hearing the applicant speak, Mrs Gifford remarked that she was "reassured" and that if the applicant agreed to open until 8pm that would be considered acceptable by both herself and Dr Cave.

The Council's Solicitor asked Ms Bajralija if she would be happy to restrict the hours applied for to 7-8pm instead of 9pm. Ms Bajralija said she would be fine with this, the initial application for 9pm was "just in case" as she had never applied for a premises licence before. The applicant also suggested that table service could be offered.

In her final summary, Ms Bajralija explained that her salon had been very successful since it opened. She employed local people who possessed all the relevant qualifications. Her salon has an "upmarket feel" that would encourage customers from far and wide. She sees her business as "injecting life into the high street" and that this could be further improved by being able to serve alcohol to parties as well.

The Chairman then reminded those present of the procedure: the remote meeting would be ended by the Committee Services Officer; a separate meeting would be arranged with the Members of the Panel, the Council's Solicitor and the Committee Services Officer; the decision would be communicated in writing via email to the applicant and interested parties later on the same day, followed by a written notice with a full decision within seven days.

**Resolved** that the application be **granted** for a premises licence at 34 Regent Street for the sale of alcohol for consumption on the premises during the hours as set out below

Supply of Alcohol for Consumption On the Premises:

- Sunday to Thursday from 12:00 to 19:00
- Friday and Saturday from 12:00 to 20:00

In addition, the Panel determined that the following conditions should be applied to the premises licence in order to prevent public nuisance, ensure public safety and protect children from harm in addition to the conditions in accordance with the operating schedule at Appendix 1 of the Report, the conditions as set out at Appendix 4 of the Report:

1. the supply of alcohol at the premises shall only be to a person who has pre-booked a beauty service and the supply shall be ancillary to the beauty services provided. Records shall be made of all bookings and shall be kept on the premises and made available for inspection by a responsible authority on reasonable request;
2. no external seating shall be provided at the premises;
3. no open vessels to leave the premises at any time; and
4. a written record will be kept of all staff training carried out. This record shall be kept on the premises and made available for inspection by a responsible authority on reasonable request.

At a public hearing on 22 March 2022 Warwick District Council's Licensing Panel considered an application made under the Licensing Act 2003 by Polished Nail Bar Limited ("the Applicant") in respect of premises at 34 Regent Street, Leamington Spa. The application was for the use of the premises for the licensable activities as set out in paragraph 3.4, 3.5 and Appendix 1 of the Licensing Officer's report ("the Report").

Representations from Warwickshire County Council Trading Standards were withdrawn following the Applicant's agreement to conditions as detailed at Appendix 4 of the Report.

Two objections from local residents, Carolyn and Bill Gifford and Dr Andrew Cave ("the Objectors") were received. Ms Carolyn Gifford attend the hearing on behalf of all Objectors. Ms Julia Bajralija attended the hearing on behalf of the Applicant. Ms Bajralija would be the Designated Premises Supervisor.

Ms Bajralija explained that the premises was an established beauty salon and that the intention was that a bar area would be created that would allow the service of alcohol to take place along with other refreshments to pre-booked customers. There was no intention to serve alcohol to the general public who were not customers of the salon but the grant of a licence would allow the business to serve alcohol to customers whilst they were having treatments. Ms Bajralija explained that although she had applied for a terminal hour of 9pm Sunday to Thursday and 10pm Friday and Saturday she did not intend to open any later than her current trading hours which were currently a closing time of between 5pm-7pm. Ms Bajralija explained that when she made the application, she had included later hours to give some scope should treatments overrun. In response to further questions from the Panel Ms Bajralija confirmed that the flat roof on the first floor served as a fire escape and that it was securely fenced. Ms Bajralija also confirmed that the Fire Authority had visited the premises.

Ms Gifford explained that the Objectors concerns were that the grant of a further premises licence in an area where there was already a significant number of premises with licences to sell alcohol could cause public nuisance and an increase in crime and disorder. Leamington town centre also had a large residential population. The terminal hours applied for meant that it was possible that the premises could effectively become a bar in the evening. Ms Gifford advised that the Objectors were aware that the Cumulative Impact Policy was not currently in force although under review and that the Panel could still consider whether the grant of a new licence could have a negative cumulative impact on one or more of the licensing objectives. Ms Gifford said that an earlier terminal hour of 8pm would be acceptable to her and also made the point that many of the premises licences in the locality were subject to conditions that alcohol could only be served with food or by table service.

In making their decision the Panel considered all of the information provided in advance of, and at, the hearing and the statutory guidance and the Council's Statement of Licensing Policy.

The Panel considered that the potential impact on the licensing objectives and in particular public nuisance. The Panel noted that whilst the premises was clearly a successful business Ms Bajralija was not an experienced licensee. They also noted that Ms Bajralija accepted during the hearing that there was no intention to open the premises late into the evening and that an earlier terminal hour for licensing activities would be acceptable together with a condition restricting sales of alcohol to prebooked customers having treatments.

(The meeting ended at 11.22am)

CHAIRMAN  
17 October 2022