

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON FRIDAY 1ST MARCH 2024 at Guildhall, EC2

Sub Committee:

Brendan Barns (Chair)

Ceri Wilkins

Luis Tilleria

Officers:

Jayne Moore – Town Clerk's Department

Raquel Pinto - Town Clerk's Department

Rachel Pye – Licensing Manager, Environment Department

Robert Breese – Licensing Officer, Environment Department

Sadhari Perera - City Solicitor

Applicant:

Jack Spiegler - Applicant's Solicitor

Stuart Burnett - Townhouse Group

Making representations:

Deborah Witt

Trevor Griffiths

Licensing Act 2003 (Hearings) Regulations 2005

A Public Hearing was held at 2:00pm to consider representations submitted in respect of an application made by the Townhouse Group Ltd (11 Gower St, London WC1E 6HB) received by the City of London licensing authority on 09 January 2024 for a Premises licence under the provisions of the Licensing Act 2003 in respect of these premises: Townhouse, 10-11 Great New Street, London EC4A 3BN.

The Sub-Committee had before it the following documents:

- Hearing Procedure
- Report of the Executive Director Environment
- Appendix 1: Copy of Application
- Appendix 2: Representations from Other Persons
 - Resident 1
 - Resident 2

- Appendix 3: Conditions consistent with the operating schedule
- Appendix 4: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales
- Appendix 5: Plan of Premises
- Supplementary Agenda – Additional evidence from the Applicant

The Hearing commenced at 2:00pm. The Chairman introduced himself before asking the Sub Committee, the City of London Corporation officers and other parties present to introduce themselves.

The Chair confirmed the nature of the application which was for the sale of alcohol on the premises (for consumption solely on the premises) only as ancillary to the operation of Townhouse as a premium nail salon and retail store. The Chair also explained the order of proceedings, as set out in the agenda pack circulated to all parties.

During the presentation from the applicant, the following points were noted:

- Townhouse comprises approximately 30 high-end nail salons operating in the London area, of which three operate in the City of London (of those three, two are already licensed to serve alcohol on the premises);
- The nail salons provide an alternative venue for networking and socialising to alcohol-led venues;
- There is no intention to transform any of the Townhouse premises into a bar or events venue: the primary purpose is to offer treatment alongside a limited selection of alcoholic drinks, and to host occasional pre-booked functions and events during which alcohol will be offered;
- Across a 6-month period, four evening events have been held across the 30+ salons that involved serving alcohol. These were corporate events, and none of them involved hen parties;
- The applicant hopes to host occasional low-key corporate events at the premises if the application is granted alongside nail treatments;
- At the Great New Street premises, there are 10 treatment stations meaning that no more than 10 customers can receive treatments at any given time (a total of 20 people on the premises);
- There is not expected to be any regulated entertainment or alcohol drinking outside the premises;
- Model conditions have been agreed (as per the supplementary pack);
- The applicant will continue to engage with residents and maintain an open door policy with residents;
- The proposed hours are not high risk.

During questions, the following points were noted:

- Referencing the four corporate events, the Chair asked the applicant to confirm that those four corporate events were across the entire estate of 30+ nail salons. The applicant confirmed that four corporate events had been held

across the entire estate, mainly in the Fitzrovia branch.

- A Member sought clarification on the maximum number of people on the premises at any one time (noting the figure of 20 mentioned). The applicant's counsel confirmed that there would be no more than 20 people present, plus a few management staff.
- A Member sought clarification on whether any complaints had been received at other units. The meeting heard that no complaints have been received.
- The Chair asked whether music is usually played during evening corporate events. The meeting heard that the events are led by the treatments, and that some ambience background music is played, though the event is not music-driven.
- The Chair asked what dispersal policies were in place, given the residential character of the area. The meeting noted that people tended to leave quietly given that the events are not music or alcohol-led, and that the conduct of attendees at such events could be incorporated into booking Terms and Conditions.
- A Member sought clarity on the opening hours of the proposed nail salon. The meeting heard that the opening hours were standard with slight variations given the location, with consideration being given to earlier openings during the weekday. The current proposed opening time involves a first treatment at 9am with a 9pm closure, the last available booking being at 8.20pm.

During the presentation from the other representatives, the following points were noted:

Trevor Griffiths:

- Local resident at Pemberton House, having resided there since 1998.
- The living room overlooks the main square and it is too noisy to open windows in the summer during the evening due to the operation of The Refinery.
- The primary concern is the precedent value and the condition creep effect of the application.
- The area is quiet at weekends.
- The New Street Square development should be considered in its wider context, including a rooftop garden (at 3 New Street Square) with outdoor entertainment facilities being openly marketed.
- The Brewdog premises are not part of the New Street Square development, the café at number 2 has been closed since the pandemic, and Natural Kitchen is closed at weekends, leaving The Refinery as the only comparative condition.
- The applicant is already operating, which casts doubt on the need for a premises licence.
- The primary objection is the weekend hours.

Deborah Witt:

- Also a resident at Pemberton House (since 1999).
- Keen for applicant to run a successful business.
- Expressed concerns around controlling customer behaviour particularly in

view of issues with The Refinery, in respect of which the representative has made representations.

- Following the pandemic, customer behaviour and noise has worsened, particularly given the extension from 9pm to 11pm. The situation has not improved despite representations being made.
- Expressed concern around the precedent value.
- Pointed out that the area is very quiet at weekends, and that there is no guarantee that weekend events will be quiet.

During questions, the following points were noted:

- The Chair reiterated to the Committee that the application is to be considered on its own merits and scope, and that issues with other premises were outside the scope of the Committee's consideration.
- The meeting noted that precedent value does not fall within the scope of the application.
- The applicant reiterated that customers would not be allowed to take alcohol outside at any time, and evidence of such activity would constitute a breach of the licence.
- The applicant has significant experience in complying with licensing requirements (having managed higher-risk premises) and is aware of the serious consequences of breaching those requirements.
- The meeting noted that there was not time for customers to leave the premises during the treatment, given the timing constraints of the treatments themselves.
- Corporate and special events are not the main element of the business, and these are treatment-led.
- A Member suggested that the applicant could clearly stipulate customer conduct expectations in booking Terms and Conditions, as well as ensuring that staff are trained to monitor customer conduct, and provide written assurances to that effect.
- It was pointed out that objections and representations have not, in the past, made much difference to customer conduct, and that the level of evidence required is significant.
- On weekend opening hours, the meeting noted that the applicant was expecting to maintain the opening hours as proposed, and that there was no question of the premises being an events venue.
- The meeting noted (in response to a question) that a licence can be reviewed in the event of complaints following significant disruption. Evidence would be required, including pictures, and officers can be invited to witness, monitor and inspect the premises.
- The meeting heard that the staff-customer ratio was usually one-to-one, and that for events the ratio could be up to four-to-one.
- Residents pointed out that there is merit in examining the entire New Street Square development, noting that the application for the premises licence and that the applicant cannot be held responsible for the whole Square.

The Chair invited parties to sum up. The Applicant's Counsel did not wish to sum up. The objecting parties reiterated the points made above, emphasising concerns around control of customers, weekend opening hours, and the impact on the Square generally.

The Chair explained that the Sub Committee would retire to make a decision and all parties would be advised of the outcome within 5 clear working days. The Chair thanked all those present and closed the Hearing at 2.41pm.

Deliberations:

- The focus of the objections were concerns around weekend opening, and control of customers.
- This did not constitute a reason to refrain from granting the licence.
- The applicant was viewed as credible, responsible and professional.
- The venue is clearly not an alcohol-led destination, there is a high staff-customer ratio, and the venue is small in size.
- The panel agreed to grant the application with all the conditions put forward by the applicant.
- The Panel decided to add one extra condition to ease residents' concerns: Model condition 14 (although the application already says that alcohol is not to be taken outside the premises).
- The panel took into account the concerns around controlling customers and considered that they had done the maximum possible to ensure that the premises complied with the regulations.
- Notwithstanding the concerns expressed by the objectors around precedent and other premises, the application must be considered on its own merits.

Chairman

The meeting ended at 14:41.