



LICENSING SUB COMMITTEE
SALON 45, 8 WOODGATE, ROTHLEY, LE7 7LJ

Members Record of Decision

Hearing: 18th August 2020

Constitution of the Panel:

CHAIRMAN: CLLR FORREST

Other Panel Members: Cllr TILLOTSON, Cllr RANSON

Clerk: Lisa Gilligan

Licensing Manager Present: Grace Dowson

Democratic Service Manager:

Karen Widdowson

Nicky Conway (Democratic Service Officer)

Principal Solicitor: Nicola Ford

Information & Development Manager:


Matt Gudger

Parties Present:

For Applicant: Michael Nickson– Inn Confidence
Bethany Sole, Marc Grant & Stuart Sole

For Interested Parties: Deborah Williams, Stephen Mitchell, Jan Smitten - Downes

CHARNWOOD BOROUGH COUNCIL

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|-------------------|---|
| Signature: |  |
| Chairman: | Cllr Forrest |
| | 5 th SEPT 2020 |

Decision on the Application

In reaching its decision, the Sub-Committee has taken into consideration all relevant written and oral representations and submissions made. The Sub-Committee has had particular regard to the Licensing Objectives, in particular public nuisance.

FINDINGS OF FACT

The premises licence application was submitted on 24th June 2020 to allow the sale of alcohol at the premises Monday to Saturday 10:00 to 20:00 and Sunday 10:00 to 16:00. Both Mr Nickson and Miss Sole confirmed that the application was to add an extra service giving a “spa” feel to the salon as opposed to any intention to run the premises as a bar. Mr Nickson highlighted the conditions offered as part of the application and his view that the application was consistent with both the Council’s Licensing Policy and Section 182 Guidance. The ability to sell to companions of customers was to address the odd occasion when for example a mother and daughter may visit the salon together. Although the application sought was in excess of opening hours, this was to give flexibility but as a general rule save for Christmas Eve and New Year’s Eve, the premises will be closed on Sunday & Monday.

The Sub-Committee has also considered the representations made by the Interested Parties objecting to the application. Concerns that granting the licence would cause public nuisance with noise and disturbance to residents living close to the salon. In particular the impact caused by the use of the external courtyard area, specifically for Miss Williams given the proximity to her property. Miss Williams used the camera facility on her electronic device to show the Sub – Committee the exact location of the external area in relation to her property. The Interested Parties were primarily concerned about:

- Social Distancing Guidelines issued by the National Federation of Hairdressers
- Potential for noise nuisance in the external area

No representations have been received from any of the Responsible Authorities.

In seeking to address the concerns raised Miss Sole confirmed that the design and use of the garden was a specific social distancing measure, allowing customers to use the garden as a waiting area. She confirmed that there was a shed in the garden but not a bar. Mr Sole confirmed that the licence was for the future and they would continue to follow the National Federation Guidelines using the courtyard for social distancing.

DECISION AND REASONS

The Sub- Committee were sympathetic to the concerns raised by the Interested Parties objecting to the application. However the Sub – Committee were encouraged by the evidence on behalf of the Applicant in relation to the limited nature of the use of the premises given the operation of the business as a hair salon. The Sub- Committee’s primary concern was the promotion of licensing objectives.

The Sub – Committee are satisfied that the Application should be **GRANTED** subject to the following conditions:

- The sale of alcohol shall not include beers, cider or spirits

This condition is to reflect the limited nature of the proposed offering as outlined on behalf of the Applicant.

- Noise levels in the external courtyard shall be regularly monitored by the Premises Licence Holder

The Sub – Committee also decided that the external area should be removed from the licensed premises, this was to guard against the creation of an outdoor bar. As a result of the omission of the external area from the approved plan, amendments to two conditions offered as part of the operating schedule are required.

Section A (general all 4 licensing objectives) the final condition amended to read:

- Save for consumption in the external courtyard, off- sales of alcohol shall be limited to the supply of gift items or pre-paid treatments as an accompaniment to hair and beauty products and services.


Section B (the prevention of crime and disorder) third condition amended to read:

- Save for consumption in the external courtyard alcohol will not be allowed to be removed from the premises in open vessels or containers.

The Sub – Committee would also remind all parties that should there be evidence of public nuisance in the future then it was open to the local residents and any of the Responsible Authorities to seek a review of the licence. The Sub- Committee hoped that parties would be able to reconcile their differences moving forward but any future noise concerns/complaints should be addressed to the Council’s Environmental Protection Team.

There is a right to appeal to the Magistrates Court within 21 days from the date on which parties are notified of the determination of the decision of the Sub-Committee Panel.

CHARNWOOD BOROUGH COUNCIL

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|-------------------------|---|
| Signature: |  |
| Chairman: | Cllr Forrest |
| Date of Decision | 5 th SEPTEMBER 2020 |

Rider:

Failure to comply with any of the conditions of the premises licence is a criminal offence, which can result in a sentence of up to 6 months imprisonment and/or an unlimited fine.