



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE**

**THURSDAY 10 JUNE 2021
ONLINE DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor J Findlay
Councillor J Henderson
Councillor C McGinn (Convener)
Councillor J McMillan
Councillor J Williamson

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms C Shiel, Licensing Officer
Mr R Fruzynski, Licensing Standards Officer

Others Present:

PC Graeme Bairden, Police Scotland
Inspector Stuart Fletcher, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor T Trotter

Declarations of Interest:

None

1a. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 13 MAY 2021

The minutes were approved as an accurate record of the meeting.

2. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE

Chloe Nails & Spa, 88A North High Street, Musselburgh

An application had been received from Ms Oanh Nguyen for the grant of a public entertainment licence (PEL) to operate Chloe Nails & Spa at 88A North High Street, Musselburgh. The application had attracted three public objections on the basis on competition.

Ms Nguyen was present to speak to her application, along with Ms Oanh Le, agent. Objectors, Mr Ken Wong and Ms Shumila Shebber, both associated with local beauty businesses, were present to speak to their submitted objection.

The Legal Adviser explained the procedure and advised that the application was before the Sub-Committee on account of three public objections, which had been received in the appropriate time and manner.

PC Bairden confirmed that there were no objections from Police Scotland to the grant of the application.

Ms Oanh Le, agent, spoke on behalf of the applicant. She addressed the objections, which were on the basis of competition, and drew attention to other businesses which had nearby competitors in the area, such as bars and takeaways. She also noted the differing services offered by Chloe Nails & Spa and the businesses run by the objectors. She advised that her main role was to ensure the business complied with health and safety standards.

Responding to questions from Councillors Henderson and McGinn, Ms Nguyen advised that she had run a nail salon in Kirkintilloch for five years, and there had been no problems in this time. She was now looking to expand her business to Musselburgh and provide jobs to local people; the salon would open with two employees and Ms Nguyen hoped to eventually take on two further employees.

Responding to further questions from Members, Ms Le advised that Ms Nguyen had not made applications to open nail salons elsewhere. She advised that all planning and environmental obligations had been addressed prior to making a PEL application. Ms Le also gave an account of some of the Covid-19 safety measures, procedures, and staff training that would be in place when the salon began trading.

Mr Ken Wong spoke to his objection. He explained that Chloe Nails & Spa would be the sixth beauty salon to open within a 0.3 mile radius; he felt that this level of competition was too great for the area, particularly considering the impact Covid-19 restrictions had had on small businesses. He explained that his partner's business, Diamond Nails & Me, was making a loss after two lockdowns and enforced closures, and further competition would not help this situation. He said that the issue of competition would not have been raised in this forum had it not been for the knock-on effect of Covid-19 restrictions on businesses.

Responding to questions from Members, Mr Wong explained why he thought some of the other business owners may not have submitted an objection, and reported that one

business owner mentioned that they had objected to a similar application and this had not had an effect on the outcome. Mr Wong confirmed that he was taking into account all beauty salons in his objection, but advised that several other salons had nail services as part of their business offer.

Responding to a question from Councillor Henderson, PC Bairden confirmed that previous police objections to nail salons had been in relation to the applicants themselves, and reiterated that Police Scotland had no objection to the grant of this PEL application.

Councillor McMillan commented that some of the key goals of the Economic Development Strategy were to help small businesses set up and grow, and felt that as more people were working from home, there was a greater appetite to support local businesses and see high streets succeed. He was minded to grant the application.

The Convener moved to a roll call vote, and Members agreed to grant the application unanimously.

The Convener said that the Sub-Committee were keen to see new businesses flourish, and hoped that all involved would manage to maintain their business model throughout the pandemic. He thanked the applicant and objectors and wished them luck with their businesses.

Decision

The Sub-Committee unanimously agreed to grant the public entertainment licence for a period of three years.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Sub-Committee agreed to exclude the public from item 3 which contained exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

3. APPLICATION FOR THE GRANT OF A WINDOW CLEANER LICENCE

The Sub-Committee agreed to grant the application for a period of six months.