

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 19 December 2019 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Barrie Hargrove
Councillor Sirajul Islam

OFFICER SUPPORT: David Franklin, licensing officer
Richard Kalu, licensing officer making representations
Justin Williams, licensing officer as a witness
Matthew Pardoe, legal advisor to the sub-committee
Andrew Weir, constitutional team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LONDON LOCAL AUTHORITIES ACT 1991: SHEER NAILS, 209 OLD KENT ROAD, LONDON SE1 5NA

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant and her husband addressed the sub-committee. Members had questions for the applicant and her husband.

The meeting adjourned at 10.55am until 11.19am as the applicant required a comfort break.

The licensing officer making representations against the application and the licensing officer that they called as a witness addressed the sub-committee. Members had questions for the licensing officers.

Both parties were given five minutes for summing up.

The meeting adjourned at 12.30pm for the sub-committee to consider its decision.

The meeting reconvened at 1.55pm and the chair advised all parties of the decision.

RESOLVED:

That the application submitted by Elizabeth Akinbo for the grant of a special treatment licence in respect of the premises known as Sheer Nails, 209 Old Kent Road London SE1 5NE be refused.

Reasons

The licensing sub-committee heard evidence from licensing authority about their concerns in relation to the conduct and management of the premises used in special treatments. The licensing officers, Mr Kalu and Mr Williams gave evidence about various visits to two premises run by the applicant. The conclusion is that she is not a fit and proper person to hold such a license.

The applicant has on three occasions and at two different premises been operating, either an unlicensed nail bar, or operating in breach of conditions.

The local authority had concerns about the operation of an unlicensed premises at 416 Albany Road SE5. The applicant was interviewed in accordance with PACE on 17 February 2019. During the course of the interview, the importance of obtaining a licence was stressed.

On the 11 April 2019 officers attended the premises at Albany Road, Mr Williams gave clear evidence there were four operatives working there, rather than the two stipulated on the licence. This was disputed by the applicant; we accept the officer's evidence. Mr Williams gave evidence that the applicant implied that she was prepared to offer him money to ignore the breach, again we accept that evidence.

On 7 June 2019, the officers attended Sheer Nails at 209 Old Kent Road. The applicant was not present but attended shortly thereafter. She claimed that she thought that the licence was transferable. The sub-committee conclude that this was unlikely given the previous interactions with the officers. Furthermore, it was the applicant's responsibility to inform herself as to the requirements of running such a business. The applicant was told that she must stop trading immediately.

On 18 June 2019, officers re-attended Sheer Nails 209 Old Kent Road. The premises appeared to be empty, however, it was noted that there were teenagers entering under the

shutters. The officers entered and discovered that the 4 or 5 treatment tables had been moved into the basement. The officer gave evidence that there was no ventilation, there was a very strong smell, it was dirty and there were a number of young people waiting. It was potentially a very dangerous environment. This represented an attempt to deceive the council officers by carrying on the licensable activity in a clandestine manner, having been specifically warned to cease, little more than a week before. It follows that these activities were carried on, despite the specific guidance and warnings issued by the officers, of the need for a licence, in what amounted to potentially dangerous conditions. The applicant in her evidence accepted that she had deliberately moved the activity downstairs, in order to conceal it.

The applicant seems to have made no real attempt to acquire the requisite knowledge in order to carry out this type of activity. The sub-committee has no confidence, that the applicant would adhere to any conditions placed on the licence.

Having heard all the evidence before it, the licensing sub-committee is satisfied that the applicant could not be regarded as a fit and proper person to hold such a licence.

The licensing sub-committee considered that it was appropriate and proportionate to refuse the licence

Appeal rights

Any appeal must be made to the Magistrates' court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting ended at 2.05pm.

CHAIR:

DATED: