

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 16 January 2020 at 10.00 am at Room G06 - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Lorraine Lauder MBE
Councillor Charlie Smith

OFFICER SUPPORT: Debra Allday, legal officer
Charlie Jerrom, licensing officer
Justin Williams, licensing officer
Ray Moore, trading standards officer
P.C. Graham White, Metropolitan Police Service
Andrew Weir, constitutional officer

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: AYOYEMI NAILS, 226 CAMBERWELL ROAD, LONDON SE5 0ED

The licensing officer presented their report. Members had had questions for the licensing officer.

The applicant and their representative addressed the sub-committee. Members had questions for the applicant and their representative.

The licensing sub-committee heard from the licensing authority officer. Members had questions for the licensing authority officer.

The licensing sub-committee heard from the trading standards officer. Members had questions for the trading standards officer.

The licensing sub-committee heard from the Metropolitan Police Service representative. Members had questions for the police.

All parties were given five minutes for summing up.

The meeting adjourned at 12.40pm for the sub-committee to consider its decision.

The meeting reconvened at 1.10pm and the chair advised all parties of the decision.

RESOLVED:

That the application made by Yemi Coker for a special treatment licence to be granted under Section 10(1) of the London Local Authorities Act 1991 in respect of the premises known as Ayoyemi Nails, 226 Camberwell Road, London SE5 0ED be refused.

Reasons

The licensing sub-committee heard from the applicant and her representative who advised that she made an application to provide manicure, pedicure and nail extension treatments at the premises. The application listed two operatives both providing the licensable treatments of manicure pedicure and nail extensions. Concerning the allegation that she had employed illegal workers, she advised that she was unaware of the individuals' employments status. Following the loss of her husband, the applicant had closed the special treatments part of her business. She advised the sub-committee that her associate had taken the workers on without her knowledge. The applicant's representative advised that in their opinion, on-going concerns that the committee had could be addressed by adding conditions to the licence.

The licensing sub-committee heard from the licensing officer representative who expressed concerns that the applicant was not a fit and proper person to hold such a special treatments based on the London Local Authorities Act 1991, Section 8, paragraphs:

- i. Section 8 (c) the persons concerned/intended to be concerned in the conduct/management of premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence.

- ii. Section 8 (e) the premises have been/are being improperly conducted.
- iii. Section 8 (i): not satisfied as to safety of equipment used in the special treatment/manner in which the treatment is to be given.
- iv. Section 8 (j) not satisfied as to safety of the special treatment to be given.

On 22 October 2012 the applicant had contacted the council requesting information on what she would need as she will be opening up a beautician nail shop at 226 Camberwell Road, London SE5 0ED. The applicant was directed to the council's website and the special treatments licence section.

The applicant had also allowed the premises to operate an unlicensed nail bar contrary to Section 6(1) of the London Local Authorities Act 1991. On 4 April 2019 immigration officers attended the premises and found four Vietnamese nationals working as nail operatives within the premises. Two of these individuals had outstanding asylum claims and neither had a right to work. The other two individuals were illegal entrants.

On 1 November 2019 a licensing officer visited the premises and witnessed three nail operatives working within the premises, none of which were detailed on the special treatments application form as operatives.

On 4 November 2019 a licensing officer visited the premises and witnessed that there were two nail operatives working within the premises, neither of whom were detailed in the special treatments application form as operatives.

The licensing sub-committee then heard from the council's trading standards department who also objected to the special treatment's licence application under Section 8 of the London Local Authorities Act 1991 on the following grounds:

- i. Section 8(b): likely to be nuisance being caused by reason of the conduct, management or situation of the premises.
- ii. Section 8 (c) the persons concerned/intended to be concerned in the conduct/management of premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence.
- iii. Section 8 (d): persons giving the special treatment are not suitably qualified.
- iv. Section 8 (e) the premises have been/are being improperly conducted.
- v. Section 8 (i): not satisfied as to safety of equipment used in the special treatment/manner in which the treatment is to be given.
- vi. Section 8 (j) not satisfied as to safety of the special treatment to be given.

The officer from trading standards also advised on 15 April 2019, officers from the UK Border Agency (UKBA) attended the premises and found the applicant had been employing illegal individuals and potentially minors to work in at the premises. On that

date, the applicant was not present and four Vietnamese nationals were working at the premises, all of whom were illegal entrants.

They further advised that on 21 November 2019 UKBA again visited the premises with the police and from the trading standards team. The applicant was not at the premises. Although there were no customers in the shop at the time, three people were present and ready to work. None of the individuals named in the special treatment licence application were present. The officer also advised that a large quantity of nail gels and dusting powders did not have the details of an importer into the European Union, a legal requirement under the Cosmetic Products Enforcement Regulations.

The licensing sub-committee then heard from the police who provided details of the 15 April 2019 and 21 November 2019 incidents. The officer from the police added that the illegal entrants the applicant had employed would have been exploited. The management had failed to comply with a various legislation relating to working practice, employment law and immigration law. In the circumstances, the police requested that the application be refused.

The licensing sub-committee having read and heard all of the evidence had no confidence that the applicant would adhere to any conditions placed on the licence. Many of the applicant's responses to the committee's questions were contradictory (examples being: the length of time the premises had been closed; the role of her associate; the employment status of the worker's the applicant had employed) and demonstrated the applicant's unreliability. The licensing sub-committee were satisfied that the applicant could not be regarded as a fit and proper person to hold such a licence and as such, the licensing sub-committee found 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.

6. THE LONDON LOCAL AUTHORITIES ACT 1991: LUCKY NAILS, 217 CAMBERWELL ROAD, LONDON SE5 0HG

The licensing officer informed the sub-committee that the spokesperson for the applicant had advised that the applicant was unable to speak English.

The spokesperson for the applicant requested an adjournment to allow the applicant time to seek a translator and legal advice.

The sub-committee adjourned at 1.24pm to consider the request.

The sub-committee reconvened at 1.27pm and the chair advised all parties of the sub-committee's decision.

RESOLVED:

That the application shall be adjourned to 10am on 12 February 2020.

Note: This item was subsequently withdrawn by the applicant on 20 January 2020.

7. LONDON LOCAL AUTHORITIES ACT 1991: SABRINA BEAUTY SALON, 151 RYE LANE, LONDON SE15 4TL

It was noted that this item had been postponed to 12 February 2020 at the request of the applicant.

The meeting ended at 1.30pm.

CHAIR:

DATED: