

## Licensing Sub-Committee

Thursday 10 February 2022

10.00 am

Online/Virtual: please contact [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk) for a link to the meeting and the instructions for joining the online meeting

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Sunil Chopra  
Councillor Margy Newens

### Reserves

Councillor Dora Dixon-Fyle MBE

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

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#### Contact

Andrew Weir by email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 1 February 2022



## Licensing Sub-Committee

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### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LONDON LOCAL AUTHORITIES ACT 1991: BEAUTY BY EVA, 157 CAMBERWELL ROAD, LONDON SE5 0HB</b>	1 - 35
6.	<b>LICENSING ACT 2003: AHWAZ, 249 OLD KENT ROAD, LONDON SE1 5LU</b>	36 - 87

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 1 February 2022

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 10 February 2022	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		London Local Authorities Act 1991: Beauty By Eva, 157 Camberwell Road, London SE5 0HB	
<b>Ward(s) or groups affected:</b>		Camberwell Green Ward	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Chris Robson for the grant of a special treatment licence in respect of the premises known as Beauty By Eva, 157 Camberwell Road, London SE5 0HB.
2. Notes:
  - a) This application for a special treatment licence is made in accordance with Part II of the Regulations made by Southwark Council under section 10(1) of the London Local Authorities Act 1991, specifically for premises offering special treatment. A copy of the application is attached as Appendix A
  - b) The premises are planning to provide nail extensions, pedicures and manicure treatments at Beauty By Eva, 157 Camberwell Road, London SE5 0HB.
  - c) The application is subject to an objection from the Metropolitan Police Service, as a responsible authority.

## BACKGROUND INFORMATION

### London Local Authorities Act 1991

3. Part II of the London Local Authorities Act 1991 states that no premises shall be used in the borough as an establishment for special treatment except under and in accordance with a special treatment licence granted under this section by the borough council.
4. The council may grant to an applicant and from time to time renew or transfer a licence on such terms and conditions and subject to such restrictions as may be specified and can relate to:
  - a) The maintenance of public order and safety.
  - b) The number of persons who may be allowed to be on the premises at any time.

- c) The qualifications of the persons giving the special treatment.
  - d) The taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, means for fighting fire and means of lighting, sanitation and ventilation of the premises.
  - e) The maintenance in safe condition of means of heating the premises.
  - f) The hours of opening and closing the establishment for special treatment.
  - g) The safety of any equipment used in connection with the special treatment and the way in which the treatment is given.
  - h) The cleanliness and hygiene of the premises and equipment.
  - i) The manner in which the establishment is operated and the way it is advertised.
5. The licence can remain in force for 18 months or such shorter period specified in the licence as the borough council may think fit. Southwark licenses premises to 31 July annually. The licence can continue if a renewal application is received and has not been determined by that date.
  6. Section 8 of the Act allows the council to refuse a licence under one or more stated categories, these categories are highlighted in the legal section of this report.

### **KEY ISSUES FOR CONSIDERATION**

7. On 22 November 2021, Beauty by Eva Ltd made an application to provide manicure, pedicure and nail extension treatments at the premises. Details of qualifications supplied with the application will be made available at the hearing.
8. The operating hours of the business are:
  - Monday to Saturday: 10:00 to 19:00.

### **Objection:**

9. An objection to the grant of a special treatments licence was received from the Metropolitan Police Service. The reasons given for making the objection is that, under Section 8 of the Local Authorities Act 1991, a licence can be refused for a number of reasons specified in the Act.
10. Part C specifies: "The persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could reasonably regarded as not being fit and proper persons to hold such a licence"

11. Part E Specifies: "The premises have been or are being improperly conducted"
12. The police object under Section 8 subsections C and E as the management have shown a disregard to the welfare of workers and the correct procedures for obtaining authorisation to carry out special treatments. They have also conducted improperly at the location by allowing unqualified people to carry out special treatments on members of the public possibly putting them at risk of harm.
13. A copy of the objection is attached as Appendix B

### **Conditions**

14. The Act allows the council to set standard conditions and conditions relating to the specific treatments. The standard conditions are listed in Appendix C
15. The specific conditions for the activities in the application relate to artificial nails, manicure and pedicure:
16. The condition of the client's nails should be examined prior to any treatment and if there is any presence or suspicion of any infection etc. they should be referred for medical treatment.
17. All operatives shall be qualified to a minimum requirement of S/NVQ VRQ and BTEC, Level 2 and/or 3 standard or an acceptable equivalent which is approved by the council. Copies of qualifications shall be available for inspection at the premises.
18. An assessment shall be carried out of all products used in connection with the treatment e.g. acetone, ethyl methacrylate etc under the Control of Substances Hazardous to Health Regulations 2002. Copies of safety data sheets for all products used shall be available on the premises.

### **Briefing from public health**

19. Public Health has provided information on the health risks from special treatment premises. A copy of this is attached as Appendix D

### **The local area**

20. A map of the area is attached to this report as Appendix E. The premise is identified by a rectangle at the centre of the map. For purposes of scale only the circle on the map has a 100 metre radius. There are no other special treatment premises within the 100 metre radius.

## **Consultation**

21. Consultations arrangements are set down for such applications under the London Local Authorities Act 1991 - Part II.

## **Climate Change Implications**

22. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
23. Climate change is not a legal factor in the consideration of a grant of a Special Treatment Licence the under the current objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.
24. The council's climate change strategy is available at:  
<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

25. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

### **Equalities (including socio-economic) impact statement**

26. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the council to consider all individuals when carrying out its functions.
27. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.

## **Resource Implications**

28. A fee of £296.00 has been paid by the applicant in respect of this application, being the statutory fee payable for restricted special treatment licence. This

fee contributes toward the administration of the process and any related enforcement activities.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

29. The sub-committee is asked to determine the application for a special treatment licence under Part II of the London Local Authorities Act 1991.

### **Principles for making the determination**

30. The general principle is that applications for special treatment licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

### **Grounds for refusal**

31. The council may refuse to grant, renew or transfer a licence on any of the following grounds:
- a) The premises are not structurally suitable for the purpose.
  - b) There is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put.
  - c) The persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence.
  - d) The persons giving the special treatment are not suitably qualified.
  - e) The premises have been or are being improperly conducted.
  - f) The premises are not provided with satisfactory means of lighting, sanitation and ventilation.
  - g) The means of heating the premises are not safe.
  - h) Proper precautions against fire on the premises are not being taken.
  - i) They are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given.
  - j) They are not satisfied as to the safety of the special treatment to be given.

- k) Satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises.
- l) The applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act.
- m) The applicant has failed to comply with the requirements of subsection (4) or (6) of section 7 (Applications under Part II) of this Act.

### **Conditions**

- 32. The council has the power to prescribe standard terms, conditions and restrictions.
- 33. The council may make regulations prescribing standard conditions applicable to all, or any class of, licences, that is to say terms, conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them.
- 34. Where the council have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended.

### **Reasons**

- 35. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a special treatment licence application, it must give reasons for its decision.

### **Appeals**

- 36. The following parties may appeal a decision of the sub-committee:
  - An applicant for the grant, renewal or transfer of a licence whose application is refused.
  - An applicant for the grant, renewal or transfer of a licence who is aggrieved by any term, condition or restriction on or subject to which the licence is granted, renewed or transferred.
  - An applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held whose application is refused.
  - An applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held who is aggrieved by any term, condition or restriction contained in a further variation made consequent on the variation applied for.

- The holder of a licence which is revoked under section 9 (Transmission and cancellation of licence) or section 14 (Enforcement of Part II) of this Act.
37. The parties may, at any time before the expiration of the period of 21 days beginning with the relevant date, appeal to the Magistrates' Court acting for the area in which the premises are situated, by way of complaint for an order.
  38. In this section "the relevant date" means the date on which the person in question is notified in writing of the refusal of his application, the imposition of the terms, conditions or restrictions by which he is aggrieved or the revocation of his licence, as the case may be.
  39. An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.
  40. On an appeal to the magistrates' court or to the Crown Court under this section the court may make such order as it thinks fit and it shall be the duty of the borough council to give effect to such order.
  41. Where any licence is revoked under Section 14 (Enforcement of Part II) of this Act or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force:
  42. Until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
  43. Where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the council.
  44. Where any licence is renewed under section 6 (Licensing under Part II) of this Act and the council specifies any term, condition or restriction which was not previously specified in relation to that licence, the licence shall be deemed to be free of it until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
  45. Where the holder of a licence makes an application under section 12 (Variation of licences) of this Act and the council makes the variation applied for together with a further variation, then the licence shall continue as it was before the application:
  46. Until the time for bringing an appeal under this section against any term, condition or restriction contained in the further variation has expired.
  47. Where any such appeal is brought, until the determination or abandonment of the appeal.

## Hearing procedures

48. Subject to the licensing hearing regulations, the licensing sub-committee may determine its own procedures. Key elements of the regulations are that
- Hearings will normally be held in public. The committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
  - In this context a party and a person representing the party may be treated as a member of the public.
  - The committee will hold its deliberations in private accompanied by the clerk and legal officer.
  - This matter relates to the determination of an application for a special treatment licence under Part II of the London Local Authorities Act 1991 and requires the sub-committee to make its determination at the conclusion of the hearing.

## Council's multiple roles and the role of the licensing sub-committee

49. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts.
50. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
51. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

52. Members will be aware of the council's code of conduct, which requires them to declare personal and prejudicial interests. The code applies to Members when considering licensing applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.

### **Strategic Director of Finance and Governance**

53. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
London Local Authorities Act 1991	Southwark Licensing, C/O Community Safety and Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748
Conditions document	Southwark Licensing, C/O Community Safety and Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

### **APPENDICES**

<b>Name</b>	<b>Title</b>
Appendix A	Application
Appendix B	Objection
Appendix C	Standard conditions
Appendix D	Briefing from public health
Appendix E	Local area map

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Charlie Jerrom, Enforcement Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	28 January 2022	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	28 January 2022	

21/11/2021

Application for a new special treatments establishment licence  
Ref No. 1765914

Select fee

	£296 for 1 or 2 operatives which consists of application fee of £214 and compliance fee of £82
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Section 1 - The Premises

Trading name	Beauty by Eva
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Address of trading premises

Address	157 CAMBERWELL ROAD
Postcode	SE5 0HB

Parts of the premises to be licensed

	Front shop
--	------------

Please state type of premises

	Commercial
--	------------

Contact details

Telephone number of the Trading Premises	██████████
Email address	████████████████████
Mobile number	██████████

Are you applying for an individual, partnership or limited company?

Please choose	limited company
---------------	-----------------

Company

Name of company	[REDACTED]
-----------------	------------

Registered office address

Address line 1	[REDACTED]
Address line 2	[REDACTED]
Town	[REDACTED]
County	
Postcode	[REDACTED]
Registered company number	[REDACTED]

What is the interest of the applicant in the property to be licensed?

Please state	[REDACTED]
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If the applicant does not possess the freehold or leasehold of the property, please provide the name and contact address of the owner.

Name	
Address	
Postcode	

Will the applicant be the person in charge of the the premises on a day to day basis?

Please answer	Yes
If no, please provide the name of the person who will hold this responsibility?	

Has the owner of the premises or the applicant ever been refused a grant, renewal or transfer of a special treatment licence?

Please answer	No
If so, by whom?	
If so, what date?	

Has the applicant(s) and/or the manager previously been concerned with an establishment that has had a special treatments licence issued by a Local Authority or a premises that has been registered by a Local Authority?

Please answer	No
Name of the person	

concerned	
Address of the licence/registration premises	
The expiry date of the last licence/registration	
The name of the issuing Local Authority	

Please list all the new treatments to be offered at the premises - First Entry

New treatments	Apply and Maintain Nail Enhancements
	Provide Manicure Treatments
	Provide Pedicure Treatments
	Enhance Nails using electric Files

Please list all the new treatments to be offered at the premises - Second Entry

New treatments	Design and Apply Nail Art

Please indicate which of the following treatments are to be offered under the licence by placing a tick or cross next to the treatment

ACUNPUNCTURE	
COSMETIC PIERCING	
ELECTRIC	
LIGHT	
MANICURE / PEDICURE	Manicure Nail extensions Pedicure

Please indicate which of the following treatments are to be offered under the licence by placing a tick or cross next to the treatment

MASSAGE	
TATTOOING	
WATER / VAPOUR / BATHS	
Other treatments not included in the list	

Please list all persons who will be carrying out treatments and the licensable treatments they intend to provide.

	Operative - 1
Name of operative	[REDACTED]
Treatment to be provided ( see point 4)	Apply and maintain nail enhancements/ extensions provide manicure treatments provide pedicure treatments Enhance nails using electric files design and apply nail art
Relevant qualification	Diploma in Nail Technology (RQF) Level 3
Qualifications	[REDACTED]
photo ID	<a href="#">passport-picture.pdf</a>
photographs	[REDACTED]
Photograph -2	[REDACTED]
Do you need to add another operative ?	<u>No</u>

What is the current use of the premises?

Please answer	not in operation
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Have you been given planning permission to operate special treatments premises?

Please answer	No
If yes, what date was permission granted?	

Do you want a temporary licence that will run for less than a year?

Please answer	No
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Please state the proposed opening hours the premises

Monday:	10am - 7pm
Tuesday:	10am- 7pm
Wednesday:	10am - 7pm
Thursday:	10am- 7pm
Friday:	10am - 7pm
Saturday:	10am - 7pm
Sunday:	closed

Please confirm that the following steps have been taken

Upload plan of the premises	<u>Document-20211121-0001.pdf</u>
Original copy of operatives qualifications	<u>Yes</u>
2 passport photographs and photo ID included	<u>Yes</u>
Public notice exhibited at the premises?	<u>Yes</u>
Public notice advertised in local press?	<u>Yes</u>
Upload valid electrical certificate	<u>EPM6C-24362685.pdf</u>

I agree to the above statement

	I agree
PaymentDescription	Application for a new special treatments establishment licence
PaymentAmountInMinorUnits	29600
AuthCode	████████
LicenceReference	LIA-94212-486
Name	████████████████
Position held	████████
Date	21/11/2021



The Licensing Unit  
 Floor 3  
 160 Tooley Street  
 London  
 SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
 Southwark Police Station,  
 323 Borough High Street,  
 LONDON,  
 SE1 1JL

Tel: 020 7232 6756  
 Email: SouthwarkLicensing@met.police.uk

**Our reference:** AS/21/267/21  
**Date:** 6<sup>th</sup> December 2021

**Re:- Beauty by Eva, 157 Camberwell Road, London SE5 0HG**

Dear Sir/Madam

Police are in possession of an application from the above for a special treatments licence under the London Local Authorities Act 1991 in the name of Beauty by Eva. The premises was previously known as 888 Nails and has had a previous application refused and appeal against this decision withdrawn at court.

On the 17<sup>th</sup> July 2019 officers from the police Night Time Economy Team and the council licensing team attended as the premises was trading as a nail bar carrying out special treatments. Six people working at the venue were detained for immigration offences two were juveniles and taken into the care of social services. All but one were Vietnamese the other was Chinese and had no authority to work and entered the country illegally.

None of the workers were listed on the licence as required.

We believe that workers have and will be exploited, and the management have failed to comply with a various legislation relating to working practice, employment law and immigration law.

Under Section 8 of the Local Authorities Act 1991, a licence can be refused for a number of reasons specified in the act.

- Part C specifies, "The persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence"
- Part E Specifies "The premises have been or are being improperly conducted"

Police Object under Section 8 subsection C & E as the management have shown a disregard to the welfare of workers and the correct procedures for obtaining authorisation to carry out special treatments. They have also conducted improperly at the location by allowing unqualified people to carry out special treatments on members of the public possibly putting them at risk of harm.

Yours Sincerely

Graham White PC288MD  
Police Licensing Officer

# REGULATIONS MADE BY SOUTHWARK COUNCIL UNDER SECTION 10(1) OF THE LONDON LOCAL AUTHORITIES ACT 1991

## STANDARD LICENSING CONDITIONS IN FORCE FOR PREMISES OFFERING SPECIAL TREATMENT BY LONDON BOROUGH OF SOUTHWARK

### NOTES :

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all statutory requirements.
- (iii) These rules are divided into six parts as follows :
  - Part I - Definitions and General.
  - Part II - Rules which apply to all premises.
  - Part III - Rules which apply to all treatments.
  - Part IV - Rules which apply to safety and maintenance.
  - PART V - Rules applying to larger premises only where the Council so prescribes.
  - PART VI - Appendix A - Certification required to be available at the licensed premises.
- (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

### People with Disabilities

It is the policy of the Council that access for people with disabilities should be provided at business premises licensed for special treatment. Licensees are, therefore strongly encouraged to provide such facilities so as to enable the admission of people with disabilities and are reminded of the duties imposed by the Equalities Act 2010.

## Part I Definitions and General

### Definitions

In these rules, unless the context otherwise requires:-

**Act** means Part II of the London Local Authorities Act 1991 (as amended).

**Approval of the Council or Consent of the Council** means the written approval or consent of the Council as Licensing Authority in writing.

**Approved, Accepted or Permitted** means approved, accepted or permitted by the Council in writing.

**Council** means the London Borough of Southwark.

**Special Treatment** means massage, electric treatments, light treatments, water treatments, skin piercing and other treatments of a like kind.

**Establishment for Special Treatment** has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended).

**Fire Authority** means the Chief Officer and Chief Executive of the London Fire and Emergency Planning Authority (LFEPA).

**Licence Holder/Authorised Person** means a person who is responsible for compliance with the standard conditions at all times that the premises are open for business.

**Licence** means a special treatment licence granted under section 6 of the London Local Authorities Act 1991 (as amended).

**Premises** means any premises within the Council's area licensed for special treatments and includes all installations, fittings etc.

**Operative** – the person carrying out the special treatment and, for tattooing and body piercing premises, is an approved operative as named on the licence.

**Authorised Officer** means an Officer appointed by the Community Safety and Enforcement Department. (This may include officers of the London Fire and Civil Defence Authority.)

**British Standard (BS)** shall be deemed to refer to the current British Standard.

**Public** means any person other than a member of staff admitted to the licensed premises.

**'Premises'** means any premises within the Council's area licensed for special treatment and includes all installations, fittings and things in connection therewith

### Dispensation or Modification of Rules

- (a) These rules may dispensed with or modified by the Council in any special case.
- (b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

## **PART II - RULES WHICH APPLY TO ALL PREMISES**

### **Type of Business**

1. Unless consent is given by the council the establishment shall be carried on only for the treatment or business and in the trade name of style specified in the licence and at the address mentioned. Only the special treatments listed on a special treatment licence in respect of a premises shall be undertaken at that premises.

### **The Licence**

2. The licence, including the list of operatives and treatments, or a clear copy, shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism and defacement.

### **Identification of Staff**

3. All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council. The name shown shall correspond with that shown on any certificate displayed. The name badge shall be provided to staff by the premises.

### **Responsibility of Licence Holder/Authorised Person**

The licence holder may authorise a responsible person to be in charge of the premises during opening hours.

The licence holder/authorised person shall take all reasonable precautions for the safety of all persons using the premises and ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974, and other associated legislation.

The licence holder/authorised person shall be in charge of the premises at all times.

4. The licence holder shall take out employer's liability (where applicable) and public liability insurance cover.
5. The licence holder/authorised person shall ensure that all operatives carrying out 'special treatments' are suitably trained/qualified and evidence of such shall be submitted to the Council for approval.
6. The licence holder/authorised person shall ensure that no nuisance arises from the business, e.g. odours, noise etc.

### **Conduct of the Premises**

7. No poster, photograph, sketch, painting, advertisement or display shall be displayed which the council regards as unsuitable for general exhibition. If the licensee is notified that the council objects to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed.
8. The licence holder/authorised person shall ensure that no part of the premises is used by persons, for soliciting, any act of indecency or other immoral purposes.
9. The licensee shall ensure that all persons in his employ engaged in the establishment to be properly and decently attired.

## Display of Tariff

10. All licensable treatment provided at the premises shall be clearly listed in a priced tariff and prominently displayed. This tariff shall also clearly show the cost of any additional service provided at the premises together with VAT thereon if applicable. A copy of the tariff shall be supplied on request to an authorised officer of the Council.

## Authorised Officers

11. Authorised officers, on presentation of their written authorisations and proof of identity shall be admitted at all reasonable times to all parts of the premises.

## Electricity

12. That the electrical installation for the premises, including fixed appliances shall be inspected, tested and maintained in accordance with the British Standard 7671 , or superseding regulations should they apply. A periodic inspection report shall be obtained from a 'competent person' at the appropriate intervals and submitted to the council. A competent person would be one of the following:
- i) A professionally qualified electrical engineer
  - ii) Member of the Electrical contractors Association (ECA)
  - iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting (NICEIC).

## Record Keeping

13. Records including name, address, age, date & type of treatment received shall be kept for all treatments, for a period of at least 3 years in regards to customers. See paragraph "Challenge 25" below for further details.
14. Any contra-indications e.g. Heart conditions, diabetes, epilepsy etc for each treatment will be discussed with the client prior to any treatment, and the client shall sign a record card to say that they have been made aware of the risks involved.
15. A record of the operative providing the treatment for each customer is to be kept.

## Challenge 25

16. Any person wishing to receive a licensable treatment will need to provide proof of their age if they look under 25.
17. Licensees must advertise this policy so that all clients are made aware that they may be challenged about their age if they look under 25. Signage shall be displayed at the entrance to the premise where the treatment is to be carried out to inform customers that an agecheck "Challenge 25" applies and proof of age may be required.

Acceptable forms of ID are a photo driving licence, passport or the PASS hologram proof of age card such as the Southwark Proof of Age (SPA) card.

18. Where a challenge is made, it must be recorded in a register of refused or accepted treatments in order to demonstrate effective operation of the policy. Proof of age should also be noted on the client's record card, where appropriate. The register and client record cards shall be available for inspection at the premise by Southwark Council's authorised officers.

## **Maintenance**

19. All systems i.e. fire safety equipment, boilers, etc provided in the premises shall be maintained regularly by competent persons, and records available on site for inspection.
20. All equipment used in connection with special treatments shall be serviced/ maintained in accordance with the manufacturers/suppliers recommendation, and records kept.
21. Bench top sterilisers shall be calibrated and maintained in accordance with the Manufacturers recommendations and records available on site.

## **Training**

22. All persons carrying out special treatments shall have received suitable training in the treatments being undertaken and also use of any relevant equipment.
23. All persons involved with taking bookings, reception of clients or carrying out of special treatments shall be given training on the agecheck policy, "Challenge 25"
24. Written evidence of all training (including the date of that training) shall be available on the premises for inspection.

## **Persons who can give treatment**

25. Except as provided by 26 below, treatment shall only be given by qualified persons who have been approved by the Council and in respect to whom two identical full face passport size photographs taken within the twelve month preceding the application for approval, have been submitted to the Council.
26. Treatment may also be given by other persons provided:
  - (i) the person giving treatment is under the personal supervision of a person approved by the Council; and
  - (ii) the Council's consent has first been obtained in writing and is current at the time of treatment.

It must be understood that before any new treatment or new operator is provided at the premises consent from the Council must be obtained. Council Enforcement Officers or the Police can inspect the premises and any if any treatments or operatives are being provided that are not on the licence they will be required to stop immediately and enforcement action may be taken against the licence holder that can include prosecution. This may also place the special treatments licence for the premises in jeopardy.

## **PART III - RULES WHICH APPLY TO ALL TREATMENTS**

### **Restriction on Treatment**

27. Unless otherwise expressly permitted by the Council, when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the knee or hands and arms and is not being so given by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to persons of the same sex as the person giving the treatment, and persons of the opposite sex may not be present.

### **Personal Hygiene**

28. Any person carrying out any special treatment must ensure that:

- (i) hands are kept clean and are washed immediately prior to carrying out any treatment.
- (ii) any open boil, sore, cut or other open wound is effectively covered by an impermeable dressing
- (iii) No smoking or consuming food and drink shall be undertaken during the course of the treatment.

### **Waste Material**

29. A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises. The receptacles shall be emptied whenever this becomes necessary.

### **Needles and sharps**

30. All needles and sharps used in treatment shall be placed after use in a separate, covered and leak proof container compliant with BS 7320 and UN 3291 and shall be disposed of when full as clinical waste, and proof shall be provided as to the method of disposal to the satisfaction of the Council.

### **Anaesthetic**

31. Administration of local anaesthetic injections other than by medically qualified practitioners is an offence. Under the Medicines Act 1968, local anaesthetic creams, sprays, gels etc. are prescription only medicines and pharmacy medicines which may only be sold by pharmacists for medical application on the patient only. Their use prior to a body piercing is therefore an offence.

### **Control of Substances Hazardous to Health Regulations 2002**

32. Substances which fall under the above Regulations e.g. Barbicide, bleach, nail monomers etc shall be assessed in accordance with the requirements of those Regulations and all the necessary precautions taken to ensure their safe use and storage.

### **Aftercare**

33. Each client shall be provided with written aftercare advice for each treatment they receive, and confirmation of this should be recorded on their client record card.

## **PART IV - Rules which apply to safety and maintenance**

### **Maintenance of Means of Escape**

34. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and identifiable in accordance with the approved arrangements.
35. Any mirrors, pictures, advertisements or notices which may be permitted by the Council shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line, i.e. 2 metres above the floor.
36. Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned. Notice in writing of any proposal to rail off a portion of the premises for the accommodation of such boards or easels shall be given to the Council and the Council's prior consent obtained in the manner prescribed by regulation 21.

### **Maintenance of Exits**

37. All exit doors shall be available for egress during the whole time that the public are on the premises.

### **Fire Alarms**

38. Any fire alarm system shall be checked weekly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in the log book.

### **Fire Fighting Equipment**

39. All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. In the case of hose reels and sprinkler systems the test results shall be recorded in the log book.

### **Non-Slippery Surfaces**

40. All gangways and exitways and the treads of steps and stairways shall be maintained with non slippery and even surfaces.

### **Edges of Steps**

41. The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

### **Floor Coverings**

42. All floor covering shall be so secured and maintained that they will not be likely to ruck, or to be in any way a source of danger. Any mats shall be fitted into matwells so as to be flush with the surface of the floor. Each treatment room shall be provided with suitable floor coverings which shall be maintained in a clean condition.

### **Curtains, Hangings, Upholstery Decorations etc**

43. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where

necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the Council.

### **Ventilation**

44. The licensee shall ensure that the premises are adequately ventilated to all areas of which the staff and clients have access. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720, 1979. The system shall be capable of full operation during the whole of the time the public are on the premises.

- *Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort.*

### **Sanitation**

45. The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and public and in particular shall :

- (i) maintain each sanitary convenience in clean and efficient order;
- (ii) ensure that any room which contains a sanitary convenience is suitable and sufficiently illuminated and ventilated and is kept clean;
- (iii) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water at a suitably controlled temperature; together with an adequate supply of soap and suitable hand drying facilities;
- (iv) ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes, etc. so that satisfactory sanitation can be maintained;
- (v) where appropriate the sanitary accommodation shall be adequately indicated.

### **Sanitary Condition of Premises**

46. All parts of the premises and any yard of such premises shall be kept in a clean condition to the satisfaction of the Council.

### **Treatment Room**

47. Each treatment room shall :

- (i) be maintained in a clean and structurally sound condition;
- (ii) be adequately illuminated and ventilated;
- (iii) be provided with suitable wash-hand basin or basins readily accessible to each treatment room with a suitable supply of hot and cold water, together with soap and either a supply of disposable towels or a clean towel at all times.
- (iv) suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained;
- (v) where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

### **Cleanliness**

48. Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.

### **Lighting**

49. The owner, occupier or any other person concerned in the conduct or management of the premises licensed for special treatment shall ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which public and staff have access and is in operation continuously during the whole time the premises are open to the public.
50. The general lighting shall be maintained alight and the lighting to "EXIT" or "WAY OUT" notices shall not in any circumstances be extinguished or dimmed while clients are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

### **Electrical Installation**

51. The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition, as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

### **Heating**

52. All parts of the premises regularly occupied by the public or employees shall be heated to the satisfaction of the Council.

### **Portable Heating Appliances**

53. Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

### **Gas Cylinders**

54. Appliances utilising cylinders or containers of gas under pressure (apart from CO<sup>2</sup> cylinders and hand held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

**NOTE:** the use of liquid petroleum gas in cylinders is unlikely to be approved.

### **Gas Installations**

55. The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984, or superseding regulations should they apply.

## **Gas Meter and Electrical Intake Enclosures**

56. Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not shall be kept clear and unobstructed.

## **PART V - CONDITIONS APPLYING TO LARGER PREMISES ONLY WHERE THE COUNCIL SO PRESCRIBES**

### **Electrical Certificates**

57. Unless otherwise decided by the Council an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises licensed for special treatment and any equipment used therein shall be submitted to the Council at least annually or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

**NOTE:** Certificates submitted under this regulation are retained by the Council.

58. The Council normally requires that any such certificate shall be signed by the Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or by a suitable qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

### **Escape Lighting**

59. The escape lighting installation, including its load, shall not be altered without the consent of the Council..
60. Any escape lighting battery shall be fully charged before the admission of patrons.
61. If the patrons have left the premises they shall not be re-admitted until normal lighting has been fully restored and the battery or batteries fully recharged.
62. The escape lighting installation shall be tested at least once every 6 months in accordance with BS 5266 Part I and a copy of the certificate retained on the premises.
63. In the event of the failure of the normal system of lighting, (i) where the escape lighting has a 1 hour capacity the public shall be required to leave the building within a maximum period of 30 minutes and (ii) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

### **Diagram of Wiring**

64. Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits, the position of the distribution boards and the sizes of the cables shall be provided on the premises.

### **Installation for Unlicensed Portions of Premises**

In cases in which the premises form part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the premises, except with the consent of the Council and in accordance with any conditions of such consent.

**PART VI - CERTIFICATION REQUIRED TO BE AVAILABLE AT THE LICENSED PREMISES****Electricity**

65. All applicants and licence holders are required to hold valid documentation confirming the safety of the fixed wiring throughout the premises. All works must be carried out by a competent electrical engineer in accordance with the Electricity at Work Regulations 1989. e.g. NICEIC 'Periodic Inspection Report For An Electrical Installation'.

**Sterilisers**

66. All applicants and licence holders are required to hold valid documentation confirming the safety/calibration of all sterilisers which are used in connection with the business e.g. autoclaves, ultrasonic cleaners, ultra violet cabinets etc. All works must be carried out by a competent engineer.

**Controlled Waste**

67. All applicants and licence holders shall hold a copy of the licence of the contractor who is removing the controlled waste.

68. Copies of transfer documents for the removal of controlled waste should also be held.

**Insurance**

69. A copy of the employers liability (where applicable) and public liability certificates should be available for inspection.

**Training**

70. All certificates of qualification relevant to the licensed treatments shall be available for inspection.



*Briefing Report:*

**Health and Safety in UK Nail Salons**

Place and Wellbeing Department: Public Health

*Author:* Dr Kerrie Stevenson (Registrar)

*Last updated:* 22 November 2019

**Introduction**

The beauty and cosmetics industry contributed £27.2 billion to the UK economy in 2018 (1). Between 2017 and 2018 an additional 166 nail salons opened on UK high streets (1). Across the UK, an estimated 1,000 - 1,500 people are employed as nail technicians, but the actual figure is likely to be much higher owing to a large number of seasonal workers, crossover work with other beauty services such as waxing and hairdressing, and a large number of undocumented workers (1, 2). An estimated 89.3% of employees are women, the majority of whom are reproductive age (2). To the author's knowledge, there is no data relating to the number of nail salons in Southwark, or the number of local people employed in the industry.

There are growing concerns about the health and safety of nail salon employees and their clients; and unfortunately there is a marked lack of data relating to health and safety concerns in UK nail salons. The data that does exist tends to focus on musculoskeletal disorders and chemical exposures (3-5). Concerns relating to people trafficking, exposure to noxious chemicals, musculoskeletal disorders and transmission of infectious disease mean that there is an increasing need to consider how the industry can be better regulated (3, 6). There is more data available from the US nail industry, which highlights similar concerns including poor workers' rights and concerns about people trafficking within the industry (7-9). Regulation and licencing of nail bars in the UK is largely voluntary, meaning there are few incentives to improve health and safety standards and workers' rights within the industry (6).

This briefing paper will provide a broad overview of the issues relating to health and safety in UK nail salons as well as suggestions for improved data collection and regulation.

### **Workers' Rights and People Trafficking**

Within the UK, there are an estimated 13,000 modern slaves working in a number of industries but the exact number is unknown (10, 11). To the author's knowledge, there is no specific data relating to the number of people working in UK nail salons who have been trafficked or may be at risk of trafficking. However, there a large number of anecdotal reports citing this as a major issue across the country (6, 12, 13). There are also reports of nail salons being used as a cover for prostitution or drug dealing, as well as employing children from various countries including Vietnam and China (6, 10). Owing to high rates of illegal workers and seasonal workers within the industry, there are few rights for workers. A US study highlighted issues relating to poor engagement with and access to the healthcare system amongst immigrant nail workers in the US (8). Within the UK, it is thought that many employees are working illegally, without contracts and getting paid in cash (13). As a result, they are not protected by a union or offered paid annual or sick leave. There is an urgent need for better data relating to these practices in salons across the UK, and a need for interdisciplinary working to tackle these issues.

### **Musculoskeletal Disorders**

Musculoskeletal (MSK) disorders are responsible for a loss of an average of 13.8 days of work per person in UK, making it the second largest cause of work-related ill health after mental illness (14). A report published by the UK Health and Safety Executive in 2008 highlighted issues relating to MSK disorders amongst nail salon workers (3). 71 nail technicians from across the UK were interviewed about their health at work, and this was compared with a group of 64 office-based controls. There is a large burden of musculoskeletal disorders in this group, with 38% (27 out of 71) of nail salon workers reporting shoulder problems compared to 3% (2 out of 64) of office workers. In addition, 21% (15 out of 71) of nail salon workers reported

lower back problems, compared with 6.3% (4 out of 64) of office workers. There is a need for further research to explore rates of MSK disorders amongst these workers, and potential workplace interventions to prevent injuries.

### **Chemical Exposures and Dermatological and Respiratory Illness**

The nail industry uses a number of chemicals which can cause diseases of the skin and respiratory systems. One of the most dangerous is ethyl methacrylate (EMA), a compound used in artificial nail extensions (15). A similar compound, methyl methacrylate (MMA), has been banned in the US since 1974 and is linked to a number of illnesses including asthma, allergies, contact dermatitis and conjunctivitis (4). Although not banned in the UK, salons should be using EMA instead of MMA. The Health and Safety Executive's study, which was published in 2008 and referenced above, found that just 5.6% of the salons (4 out of 71) were using MMA (3). All technicians interviewed said they used personal protective equipment (PPE) when using products containing EMA or MMA; this included gloves, masks and natural ventilation, but the precautions taken were not standardised or adequate in all settings. 21% (15 out of 71) of nail technicians reported work-related nasal symptoms compared to 3.1% (2 out of 64) of office workers. 10% (7 out of 71) reported a work-related cough compared to 2% (1 out of 64) of office workers, and 11% (8 out of 70) reported work-related chest tightness compared to 2% (1 out of 63) of office workers. In addition, 7% (5 out of 71) reported work-related eczema compared to 0% (0 out of 64) of office workers. More research is needed to understand the scale of MMA and EMA use in nail salons across the UK, as well as better understanding of health conditions caused by working with commonly used chemicals. There is a need for better regulation of ventilation procedures, PPE and healthcare for these workers who may be at increased risk of a number of illnesses as a result of their occupation.

### **Transmission of Infectious Diseases**

There are a number of potential avenues for transmission of infectious disease in the nail salon environment. These include transmission of nail and skin infections, and blood-borne infections. The Health and Safety Executive's study, which was published in 2008 and referenced above, demonstrated that 70% (49 out of 70) of

the nail salon workers interviewed had encountered a client with a nail infection (3). 78% (38 out of 49) reported that they would not treat a client if they had a nail infection on their natural nails, and 57% (28 out of 49) said they would suggest the client visited their GP for treatment. Just 24% (17 out of 71) of technicians said they would refuse to treat a client if they had a wart. 17% (12 out of 71) said they would work around the area. When dealing with clients with cuts or sores, the common response was for technicians to avoid the area (47%, 33 out of 71). 47% (33 out of 71) said they would cover the area with a dressing.

If a technician had caused a patient to bleed as a result of treatment, 86% (61 out of 71) said they would stop the bleed with pressure, clean and then cover it. Only 66% (47 out of 71) said they would then sterilise or disinfect the tool they had been using. Technicians commonly used the word 'sterilise' to mean disinfect or sanitise with a substance such as alcohol. 80% of all technicians cleaned tools with alcohol fluid or spray only. Amongst all technicians there was poor understanding of the meaning of the word 'sterilise' and most salons did not possess sterilisation equipment (such as bench-top steriliser or autoclave). It should be noted that in this study, bleeding was a rare event with less than a tenth of the study population reporting this as ever having happened. Nonetheless, there is a risk of transmission of blood-borne viruses in these settings including HIV and hepatitis B and C. Various cases have been reported across the world, including in the UK (3, 16, 17). In 2018, the Middlesex-London Health Unit asked customers using a nail bar in a shopping centre to consider getting tested for Hepatitis B, C and HIV after a client had tested positive for a blood borne infection (18). There is also growing concern about transmission of skin infections including *Staphylococcus aureus*, particularly to immunocompromised individuals such as young children and those on chemotherapy who may be particularly susceptible to infection (19). In light of these concerns, and case reports of transmission of infection, local authorities and the UK government must take action to mitigate risks of transmission of infections in the nail industry.

### **Recommendations**

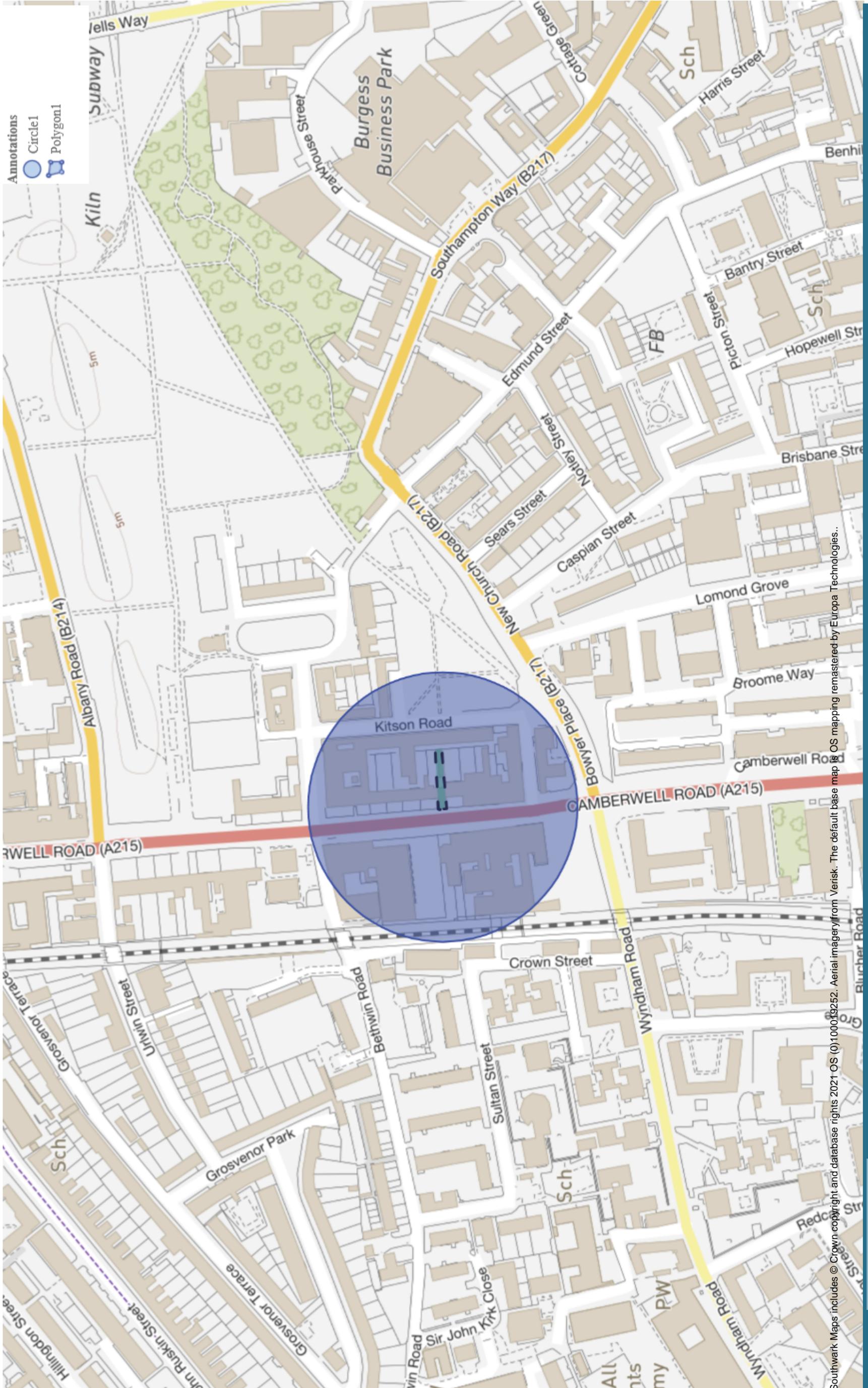
- Initiation of a study to assess the scale of health and safety concerns present in nail salons within the London Borough of Southwark.

- Contact other boroughs and national bodies to glean any unpublished data that would help to gain a better understanding of the scale of the problem on a local and national level.
- Working together with colleagues in licencing, environmental health, healthcare, national government, non-governmental organisation and occupational health, public health teams should consider the practical implications of these concerns. This includes official licencing and better training, inspections and workers' rights across nail salons in the borough. Any models for change should be widely shared with colleagues in other boroughs.
- Suggestions for potential licencing standards include health and safety equipment assessments; regulation of PPE, sterilisation techniques, products used, first aid techniques and workers' rights / immigration status standards.

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Beauty By Eva, 157 Camberwell Road, SE5 0HB



Annotations

- Circle1
- Polygon1

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26-Jan-2022

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# Agenda Item 6

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 10 February 2022	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Ahwaz, 249 Old Kent Road, London SE1 5LU	
<b>Ward(s) of group(s) affected</b>		South Bermondsey	
<b>From</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Fathi Eskander for a new premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Ahwaz, 249 Old Kent Road, London SE1 5LU.
2. Notes:
  - a) This application is for for a premises licence and has been submitted under Section 17 of the Licensing Act 2003. The application is subject to representations submitted by responsible authorities and an 'other person' and is therefore referred to the licensing sub-committee for determination.
  - b) Paragraphs 8 to 12 of this report provide a summary of the application. Copies of the full application, related correspondence and the floor plan submitted with the application are attached as Appendix A.
  - c) Paragraphs 15 to 19 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report as Appendix B and C. A map showing the location of the premises is attached to this report as Appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
  
6. In carrying out its licensing functions, a licensing authority must also have regard to:
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
  
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 4 October 2021 Mr Fathi Eskander applied to this council for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Ahwaz, 249 Old Kent Road, London SE1 5LU.
  
9. The hours applied for are summarised as follows:
  - The sale by retail of alcohol (for consumption on and off the premises):
    - Sunday to Friday: 09:00 to 03:00
    - Saturday: 09:00 to 04:00
  
  - The provision of late night refreshment (indoors and outdoors):
    - Sunday to Friday: 23:00 to 03:00
    - Saturday: 23:00 to 04:00
  
  - Opening hours:
    - Sunday to Friday: 23:00 to 03:00
    - Saturday: 23:00 to 04:00.

10. **N.B.** The application was withdrawn, but the applicant then stated that he wished to reinstate the application with amendments. The application is amended as follows:

- The sale by retail of alcohol (for consumption on the premises):
  - **Removed from the application**
- The provision of late night refreshment (indoors and outdoors):
  - Monday to Sunday: 23:00 t 03:00
- Opening hours:
  - Monday to Sunday: 23:00 to 03:00
- Proposed licence conditions:
  - a) That a CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use under this licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
  - b) That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to council and / or police officers on request.
  - c) That a member of staff shall be on duty at all times that the premises are in operation under this licence who is trained in the use of the CCTV system and who is able to view, and download to a removable device, CCTV footage at the request of police and / or council officers.
  - d) That all staff shall be trained in their responsibilities under the Licensing Act 2003 and the terms and conditions of this licence. Records pertaining to such training shall be kept, shall be updated every 6 months and shall be made immediately available police and / or council officers on request.
  - e) That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents.
  - f) That a dispersal policy shall be devised and maintained regarding the premises. A written copy of the dispersal policy shall be kept at the premises with the premises licence and shall be made available for inspection to council and / or police officers on request. All relevant staff shall be trained in the implementation of the dispersal policy.
  - g) That all external plant required for the operation of the premises (air handling plant, condensers, kitchen extraction systems, etc.) shall be designed, installed and maintained to ensure that noise output from the

external plant does not cause a public nuisance or intrude inside the nearest, or most exposed, noise sensitive premises.

- h) That patrons shall not be permitted to use the external area of the premises (as defined on the premises plan) after 22:00 hours until 09:00 hours the following day, except to allow immediate access and egress to and from the premises and for up to a maximum of five customers at any one time who temporarily leave the interior of the premises to smoke.
- i) That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is 70 people (excluding staff).
- j) That amplified music, song or speech shall not be broadcast in any external area at any time.
- k) That external waste handling and cleaning of external areas (in all areas apart from the enclosed, rear court yard), collections, and deliveries shall only occur between the hours of 08:00 hours and 23:00 hours.
- l) That an SIA registered security guard shall be employed to screen customer entry to the premises between 00:00 (midnight) and the premises' closing time on Thursday to Sunday.

11. The designated premises supervisor is to be Mr Fathi Eskander.
12. The premises, and the intended operation of the premises, are described in the application as follows: "At the moment we are takeaway restaurant and we would like to have a full license and extended opening hours late with eating services including alcohol."
13. The premises licence application form provides the applicant's operating schedule. Parts I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full, with reference to the four licensing objectives as defined in the Licensing Act 2003. Should a premises licence be issued in respect of the application then the conditions stated in paragraph 10 above that will be attached to any licence granted subsequent to the application.
14. Copies of the application, correspondence confirming the amendments to the application and premises plan are attached to this report as Appendix A.

### **Representations from responsible authorities**

15. Representations have been submitted by the Metropolitan Police Service, by this council's environmental protection team and by this council's licensing responsible authority.
16. The Metropolitan Police Service's representation notes that the proposed closing times of the premises exceed those suggested for the premises in this council's statement of licensing policy. The police suggest that the closing times of the premises should be brought in line with those suggested in this council's statement

of licensing policy. The police also suggest control measures that they recommend become conditions of any licence issued in respect of the application.

17. The environmental protection team's representation notes that the proposed closing times of the premises exceeded those suggested for the premises in this council's statement of licensing policy and that there were no controls included in the application to address the prevention of public nuisance licensing objective. However, subsequent to the amendments made to the application the environmental protection team withdrew their representation
18. The licensing responsible authority's representation notes that the proposed closing times of the premises exceed those suggested for the premises in this council's statement of licensing policy. The licensing responsible authority suggests that the closing times of the premises should be brought in line with those suggested in this council's statement of licensing policy. The licensing responsible authority also suggests control measures that they recommend become conditions of any licence issued in respect of the application.
19. Copies of the representations, and related correspondence, are attached to this report in Appendix B.

### **Representations from other persons**

20. A representation regarding all four licensing objectives was submitted by a local ward councillor. The representation suggested that the closing time of the premises should be amended to 00:00 hours (midnight) on Sundays, except regarding Sundays that precede a Bank Holiday Monday, and that any licence issued subsequent to the application allows for 30 minutes 'drinking up time'.

### **Conciliation**

21. All of the representations were sent to the applicant and initially the applicant withdrew the application. After liaising with the licensing unit the applicant decided to reinstate the application, but with amendments made to the application.
22. Subsequent to the amendments made to the application, the environmental protection team and the local ward councillor withdrew their representations.
23. The representations submitted by the Metropolitan Police Service and by the licensing responsible authority remain in place and must be considered in the determination of the application.
24. The licensing sub-committee will be apprised as to any conciliation, whether partial or full, of the Metropolitan Police Service and / or the licensing responsible authority.

### **Premises history**

25. No licensing authorisation under prior or current legislation has been held in respect of the premises.
26. No temporary event notices have been served in respect of the premises.

## Map

27. A map showing the location of the premises is attached to this report as Appendix D. The following licensed premises are also shown on the map and provide licensable activities as stated:

- **Iman International Supermarket, 157-163 Old Kent Road, SE1 5UT** licensed for:

The sale of alcohol to be consumed off the premises:

- Monday to Sunday 00:00 – 00:00 (24 hours)

- **La Cantaleta, 176-178 Old Kent Road, SE1 5TY** licensed for:

The sale of alcohol to be consumed on and off the premises:

- Monday to Sunday 12:00 – 22:30

Recorded music, and performances of dance:

- Friday and Saturday 12:00 – 23:30

Late night refreshment:

- Friday and Saturday 23:00 – 23:30

- **Tropical, 186-188 Old Kent Road, SE1 5TY** licensed for:

The sale of alcohol to be consumed on the premises:

- Monday to Sunday 11:00 – 00:00

The provision of late night refreshment:

- Monday to Sunday 23:00 – 00:00

Recorded music:

- Monday to Sunday 23:00 – 00:00

Performance of dance, anything similar to recorded or live music:

- Monday to Sunday 20:00 – 00:00

- **Mambo 190 Bar & Lounge, 190-192 Old Kent Road, SE1 5TY** licensed for:

The sale of alcohol to be consumed on the premises:

- Monday to Wednesday 11:00 – 00:00
- Thursday 11:00 – 01:00
- Friday & Saturday 10:00 – 03:00
- Sunday 10:00 – 01:00

## Recorded music:

- Monday to Thursday 11:00 – 00:00
- Friday & Saturday 11:00 – 03:00
- Sunday 11:00 – 02:00

## Live music:

- Monday to Thursday 11:00 – 00:00
- Friday & Saturday 11:00 – 03:30
- Sunday 10:00 – 02:00

## Performances of dance:

- Monday to Thursday 18:00 – 00:00
- Friday 17:00 – 01:00
- Saturday 17:00 – 02:00
- Sunday 17:00 – 00:00

- **Eurotraveller Hotel, 194-202 Old Kent Road, SE1 5TY** licensed for:

The sale of alcohol to be consumed on the premises:

- Monday to Sunday 00:00 – 00:00 (24 hours)

Recorded music, live music and performances of dance:

- Monday to Saturday 11:00 – 23:00
- Sunday 11:00 – 22:00

Performance of dance, anything similar to recorded or live music:

- Monday to Sunday 20:00 – 00:00

- **Boulevard Coffee, 224 Old Kent Road, SE1 5UB** licensed for:

The sale of alcohol to be consumed on the premises, recorded music, live music, anything similar to live or recorded music and performances of dance:

- Sunday to Thursday 11:00 – 00:00
- Friday & Saturday 11:00 – 00:30

- **Lebanese Kitchen, 230 Old Kent Road, SE1 5UB** licensed for:

Late night refreshment:

- Sunday to Thursday 23:00 – 03:00
- Friday & Saturday 23:00 – 04:00

- **Nisha's News, 246 Old Kent Road, SE1 5UB** licensed for:

The sale of alcohol to be consumed on and off the premises:

- Sunday to Friday                      06:30 – 23:30
- Saturday                                      07:00 – 23:30

- **G & F Supermarket, 272-274 Old Kent Road, SE1 5UB** licensed for:

The sale of alcohol to be consumed off the premises:

- Monday to Sunday                      00:00 – 00:00 (24 hours)

- **Lush Bar and Restaurant, 280 Old Kent Road, SE1 5UE** licensed for:

The sale of alcohol to be consumed on the premises and recorded music:

- Sunday to Wednesday                12:00 – 23:30
- Thursday                                      12:00 – 00:00
- Friday & Saturday                      12:00 – 01:30

The provision of late night refreshment:

- Sunday to Wednesday                23:00 – 23:30
- Thursday                                      23:00 – 00:00
- Friday & Saturday                      23:00 – 01:30

Live music:

- Monday to Sunday                      12:00 – 00:00

- **Super Pizza, 292 Old Kent Road, SE1 5UE** licensed for:

Late night refreshment:

- Sunday to Thursday                      23:00 – 01:00
- Friday & Saturday                      23:00 – 01:00

### **Southwark Council statement of licensing policy**

28. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.

29. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current

special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.

- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
30. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

### **Cumulative Impact Area (CIA)**

31. The premises is not situated in any of Southwark’s CIAs. The premises are situated in a residential area.
32. Under the Southwark’s statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for the categories of premises stated:
- Restaurants and cafes:
    - Monday to Sunday 23:00 hours
  - Takeaways are not considered appropriate in residential areas.

### **Climate Change Implications**

33. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
34. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.

35. Examples of such agreements may be:
- Not use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.
  - Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.
36. The council's climate change strategy is available at:  
<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

37. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

### **Equalities (including socio-economic) impact statement**

38. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the Council to consider all individuals when carrying out its functions.
39. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.
40. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026:  
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>.
41. The equalities impact assessment is available at:  
<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

### **Health impact statement**

42. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

## **Resource implications**

43. A fee of £190.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value B.

## **Consultation**

44. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and similar notices were exhibited outside of the premises for a period of 28 consecutive days.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Governance**

45. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.
46. The principles which sub-committee members must apply are set out below.

### **Principles for making the determination**

47. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.
48. The principles which sub-committee members must apply are set out below.
49. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
50. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
51. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
    - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives

- Any condition which must under section 19, 20 or 21 be included in the licence.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

## Conditions

52. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
53. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
54. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
55. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
56. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

## Reasons

57. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

## Hearing procedures

58. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.

- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
  - Address the authority
  - If given permission by the committee, question any other party.
  - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

59. This matter relates to the determination of an application for a premises licence under Section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

### **Council's multiple roles and the role of the licensing sub-committee**

60. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
61. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
62. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

63. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
64. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
65. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
66. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
67. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### **Guidance**

68. Members are required to have regard to the Home Office guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### **Strategic Director of Finance and Governance**

69. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003, Home Office Revised Guidance to the Act, Secondary Regulations, Southwark statement of licensing policy, Case file	Southwark Licensing, C/O Community Safety and Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

**APPENDICES**

<b>Name</b>	<b>Title</b>
Appendix A	Application, correspondence confirming amendments to the application and the application plan
Appendix B	Representations submitted by responsible authorities,
Appendix C	Representation submitted by an 'other person'
Appendix D	Map showing the location of the premises

**AUDIT TRAIL**

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Wesley McArthur, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	26 January 2022	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	28 January 2022	

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** Fathi eskander

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <b>249 old kent road</b>			
<b>Post town</b>	london	<b>Postcode</b>	se1 5lu
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£		

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- |    |  |                          |                             |
|----|--|--------------------------|-----------------------------|
| a) | an individual or individuals *                       | 1                        | please complete section (A) |
|    |  | <input type="checkbox"/> |                             |
| b) | a person other than an individual *                  |                          |                             |
|    | i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
|    | ii as a partnership (other than limited liability)   | <input type="checkbox"/> | please complete section (B) |
|    | iii as an unincorporated association or              | <input type="checkbox"/> | please complete section (B) |
|    | iv other (for example a statutory corporation)       | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club                                    | <input type="checkbox"/> | please complete section (B) |
| d) | a charity  | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Eskander			<b>First names</b> fathi		
<b>Date of birth</b> [REDACTED]		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b> british					
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
28	09	2012

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

At the moment we are takeaway restaurant and we would like to have a full license and extended opening hours late with eating services including alcohol

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

no

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

X

**Supply of alcohol** (if ticking yes, fill in box J)

X

**In all cases complete boxes K, L and M**

## I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	03:00	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	23:00	03:00			
Wed	23:00	03:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur	23:00	03:00			
Fri	23:00	03:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	23:00	04:00			
Sun	23:00	03:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) no seasonal variation		
Mon	9am	3am			
Tue	9am	3am			
Wed	9am	3am			
Thur	9am	3am			
Fri	9am	3am			
Sat	9am	4am			
Sun	9am	3am			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Fathi Eskandar	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) in progress	
Issuing licensing authority (if known) London bought of Southwark in progress	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

All children's underage will be accompanied by adult no access to minor with no adult only on acceptable opening hours

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	9am	3am	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>
Tue	9am	3am	
Wed	9am	3am	
Thur	9am	3am	
Fri	9am	3am	
Sat	9am	4am	
Sun	9am	3am	

## M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

its prevention and protection of children from harm  
 Strong languages  
 Adult entrainment  
 Gambling  
 Violence

**b) The prevention of crime and disorder**

to do everything to prevent any crime enforce all types the security to prevent any public disorder. Cameras and door supervisors

**c) Public safety**

to ensure the protection and safety of the public according to law

**d) The prevention of public nuisance**

law level nuisance low and soft music respecting neighbour hood

**e) The protection of children from harm**

put all measurement in place to make sure all children are protected at all times and safeguarding within statutory framework

**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee. 1
- I have enclosed the plan of the premises. 1
- I have sent copies of this application and the plan to responsible authorities and others where applicable. 1
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> </ul>
--------------------	--

	<ul style="list-style-type: none"> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	██████████
Date	26/09/2021
Capacity	██████████

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Same as above			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**From:** McArthur, Wesley  
**Sent:** 15 December 2021 18:08  
**To:** Beddar, Moulka  
**Cc:** farouq sofi  
**Subject:** RE: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward  
**Importance:** High

Dear Farouq & Moulka,

Mr Fathi Eskander has stated that you represent him regarding the above application.

Further to our recent phone calls please can you confirm that the following is correct:

1. That you didn't intend to withdraw your application as stated in your email of 3 December 2021 (timed at 15:29 hours), but that you had meant to amend your application.

2. That you wish to amend your application as follows:

To remove the sale of alcohol from the application completely.

To allow late night refreshment as follows:

Mon: 23:00 – 03:00  
Tue: 23:00 – 03:00  
Wed: 23:00 – 03:00  
Thur: 23:00 – 03:00  
Fri: 23:00 – 03:00  
Sat: 23:00 – 03:00  
Sun: 23:00 – 03:00

With the premises closing half an hour later on each day.

3. That the following conditions are to be included in the application:

That a CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use under this licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.

That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to council and / or police officers on request.

That a member of staff shall be on duty at all times that the premises are in operation under this licence who is trained in the use of the CCTV system and who is able to view, and download to a removable device, CCTV footage at the request of police and / or council officers.

That all staff shall be trained in their responsibilities under the Licensing Act 2003 and the terms and conditions of this licence. Records pertaining to such training shall be kept, shall be updated every 6 months and shall be made immediately available police and / or council officers on request.

That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents.

That a dispersal policy shall be devised and maintained regarding the premises. A written copy of the dispersal policy shall be kept at the premises with the premises licence and shall be made available for inspection to council and / or police officers on request. All relevant staff shall be trained in the implementation of the dispersal policy.

That all external plant required for the operation of the premises (air handling plant, condensers, kitchen extraction systems, etc.) shall be designed, installed and maintained to ensure that noise output from the external plant does not cause a public nuisance or intrude inside the nearest, or most exposed, noise sensitive premises.

That patrons shall not be permitted to use the external area of the premises (as defined on the premises plan) after 22:00 hours until 09:00 hours the following day, except to allow immediate access and egress to and from the premises and for up to a maximum of five customers at any one time who temporarily leave the interior of the premises to smoke.

That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is 70 people (excluding staff).

That amplified music, song or speech shall not be broadcast in any external area at any time.

That external waste handling and cleaning of external areas (in all areas apart from the enclosed, rear court yard), collections, and deliveries shall only occur between the hours of 08:00 hours and 23:00hours.

Regards,

***Wesley McArthur***

Principal Enforcement Officer

London Borough of Southwark

***E-mail:*** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

***General:*** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

***Phone:*** 020 7525 5779 (This number is temporarily out of use whilst I am working from home)

***Fax:*** 020 7525 5705

***Address:*** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

**From:** Beddar, Moulka

**Sent:** Thursday, December 16, 2021 9:09 AM

**To:** McArthur, Wesley

**Subject:** RE: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

Dear Mr McArthur,

Good Morning I hope you doing very well today?

I would like to proceed with my application above

I don't want withdraw the application state on 3<sup>Rd</sup> of December witch I did Amend the opening hours Also

I removed the alcohol application only night refreshment from

Mon: 23:00 – 03:00

Tue: 23:00 – 03:00

Wed: 23:00 – 03:00

Thur: 23:00 – 03:00

Fri: 23:00 – 03:00

Sat: 23:00 – 03:00

Sun: 23:00 – 03:00

All security measurement should be applied and followed CCTV camera 24hours health safety measures door security

I kindly request you to consider my application and grant me the licence thank you

Yours sincerely

Eskander

**Sent:** 10 January 2022 23:01

**To:** Beddar, Moulka

**Cc:** farouq sofi

**Subject:** RE: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

**Importance:** High

Dear Moulka,

It was good to speak to you earlier. As discussed please send me a final confirmation of the changes to be made to the application. As I understand it, the changes are as follows:

1. To remove the sale of alcohol from the application.

2. To allow late night refreshment as follows:

Mon: 23:00 – 03:00

Tue: 23:00 – 03:00

Wed: 23:00 – 03:00

Thur: 23:00 – 03:00

Fri: 23:00 – 03:00

Sat: 23:00 – 03:00

Sun: 23:00 – 03:00

3. To include the following conditions in the application (including a new condition regarding door security that you proposed during our phone call):

- That a CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use under this licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
- That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to council and / or police officers on request.
- That a member of staff shall be on duty at all times that the premises are in operation under this licence who is trained in the use of the CCTV system and who is able to view, and download to a removable device, CCTV footage at the request of police and / or council officers.
- That all staff shall be trained in their responsibilities under the Licensing Act 2003 and the terms and conditions of this licence. Records pertaining to such training shall be kept, shall be updated every 6 months and shall be made immediately available police and / or council officers on request.
- That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents.

- That a dispersal policy shall be devised and maintained regarding the premises. A written copy of the dispersal policy shall be kept at the premises with the premises licence and shall be made available for inspection to council and / or police officers on request. All relevant staff shall be trained in the implementation of the dispersal policy.
- That all external plant required for the operation of the premises (air handling plant, condensers, kitchen extraction systems, etc.) shall be designed, installed and maintained to ensure that noise output from the external plant does not cause a public nuisance or intrude inside the nearest, or most exposed, noise sensitive premises.
- That patrons shall not be permitted to use the external area of the premises (as defined on the premises plan) after 22:00 hours until 09:00 hours the following day, except to allow immediate access and egress to and from the premises and for up to a maximum of five customers at any one time who temporarily leave the interior of the premises to smoke.
- That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is 70 people (excluding staff).
- That amplified music, song or speech shall not be broadcast in any external area at any time.
- That external waste handling and cleaning of external areas (in all areas apart from the enclosed, rear court yard), collections, and deliveries shall only occur between the hours of 08:00 hours and 23:00 hours.
- That an SIA registered security guard shall be employed to screen customer entry to the premises between 00:00 (midnight) and the premises' closing time on Thursday to Sunday.

If the above is correct please confirm so.

As discussed, the closing times recommended in this council's Statement of Licensing Policy (SoLP) for licensed premises in the area of the premises is 23:00 hours daily. The SoLP is guidance only, and licences can be granted whose opening hours are later than those suggested in the SoLP.

I have attached a copy of the SoLP to this email. Section 7 (pages 41-43) relates to suggested closing times.

For reference I have attached copies of the representations that were previously submitted regarding the application. I believe you received copies of the representations already.

If you are unable to conciliate all of the objectors then a licensing sub-committee hearing will be held to determine the application. I will inform you of the time and

date of the hearing in due course. If you reach any agreements with the objectors please copy me in to them.

Regards,

**Wesley McArthur**

Principal Enforcement Officer  
London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

**General:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Phone:** 020 7525 5779 (This number is temporarily out of use whilst I am working from home)

**Fax:** 020 7525 5705

**Address:** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

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**From:** Beddar, Moulka

**Sent:** Thursday, January 13, 2022 12:52 PM

**To:** McArthur, Wesley

**Subject:** RE: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

**Good Afternoon Mr McArthur,**

**I confirm that all the details are correct please you can proceed with the application.**

**Regards**

**Moulka**





The Licensing Unit  
Floor 3  
160 Tooley Street  
London  
SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
**Southwark Police Station,**  
**323 Borough High Street,**  
**LONDON,**  
**SE1 1JL**

Tel: 07880 053 191

Email:

[southwarklicensing@met.police.uk](mailto:southwarklicensing@met.police.uk)

[graham.s.white@met.police.uk](mailto:graham.s.white@met.police.uk)

**Our** MD/21/253/2021  
**reference:**

**Date:** 23rd November 2021

**Re:- Ahwaz Lebanese Restaurant, 249 Old Kent Road, London, SE1 5LU**

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence to operate as a Restaurant and takeaway with alcohol both on and off the premises. The hours applied for are considerably outside that recommended within the Southwark Statement of licensing policy. The venue is situated in a residential area as designated by the Statement of licensing policy and the recommended closing time for a restaurant in this area is 23.00hrs daily

The current licence application contains minimal in the way of enforceable conditions. The Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions must be precise and enforceable which the application fails to do.

No accommodation limit has been supplied so we are unable to assess the full impact of the application on the licensing objectives.

We object to the granting of the licence on the grounds of Public nuisance, Crime and disorder. We would like to see the hours reduced in line with policy and the following condition and wording of condition offered be included on the licence.

1. All alcohol off sales shall be sold in sealed containers for consumption away from the premises.
2. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use

under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises

3. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
4. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
5. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
6. Intoxicating liquor shall not be sold or supplied on or off the premises otherwise than to persons taking table meals or take away meals and for consumption by such person as an ancillary to the meal.
7. That there is a maximum of 5 outside smoking at any one time.
8. That there is an accommodation limited \*\*\*\* inside the premises, excluding staff.

Submitted for your consideration, Police would welcome the opportunity to conciliate with the applicant should the need arise.

Yours Sincerely

**PC Graham White 2288AS**  
Licensing Officer  
Southwark Police Licensing Unit

**From:** Earis, Richard <[Richard.Earis@southwark.gov.uk](mailto:Richard.Earis@southwark.gov.uk)>  
**Sent:** Wednesday, November 24, 2021 8:58 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Cc:**  
**Subject:** RE: New Premises 249 Old Kent Road

**RE: New Premises License 875620 - Ahwaz Lebanese Restaurant - 249 Old Kent Road**

I have considered the application on behalf of the Environmental Protection Team (Prevention of Public Nuisance Responsible Authority).

I object to the application on the following grounds:

- The operating hours significantly exceed the Licensing Policy hours for this area. The closing time for Restaurants and Cafes in the policy is 23:00 hours daily. Closing time for Public Houses Wine bars or other drinking establishments is 23:00 hours daily. Takeaways are not considered appropriate for this area.
- The area is residential with residential dwellings above most of the surrounding shops on Old Kent Road and Houses on Marcia Road are directly overlooking the rear of the site. Whilst Old Kent Road has high background noise levels in the daytime, these are much lower at the rear of the premises and by late evening the surrounding background noise level on both elevations drops significantly leading to high potential for disturbance from patrons at night.
- There are no controls included in the application to address or deal with the potential for Public Nuisance and no consideration has been given to this issue.
- There is no control over the rear 'shisha smoking' area which is an obvious likely source of noise at night. Outdoor areas are usually required to close at 22:00 under the Licensing Policy and this would be necessary in this case.

In order to make the application acceptable it would be necessary to cut the opening hours back to the Policy Hours, close the outdoor area at 22:00, and include enforceable controls on prevention of public nuisance.

Kind Regards,

Richard

**Richard Earis**  
Principal Environmental Protection Officer  
**Environmental Protection Team**

**020 7525 2469**

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only): Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

[www.southwark.gov.uk](http://www.southwark.gov.uk)

# MEMO: Licensing Unit

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To Licensing Unit Date 24 November 2021

From Jayne Tear

Email jayne.tear@southwark.gov.uk

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Subject Re: Ahwaz Lebanese Restaurant, 249 Old Kent Road, London, SE1 5LU  
– Application for a premises licence

I write with regards to the above application for a premises licence submitted Fathi Eskander under the Licensing Act 2003, which seeks the following licensable activities:

- Late night refreshment (indoors and outdoors) on Sunday to Friday from 23:00 to 03:00 the following day and on Saturday from 23:00 to 04:00 the following day
- Supply of alcohol (on and off the premises) on Sunday to Friday from 09:00 to 03:00 the following day and on Saturday from 09:00 to 04:00 the following day
- Overall opening times shall be on Sunday to Friday from 09:00 to 03:00 the following day and on Saturday from 09:00 to 04:00 the following day

The premises is described within the application as *'At the moment we are takeaway restaurant and we would like to have a full license and extended opening hours late with eating services including alcohol'*.

My representation is based on the Southwark Statement of Licensing policy 2021 – 2026 and relates to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The premises is situated in a residential area and under the Southwark Statement of Licensing policy 2021 - 2026 the appropriate closing times for restaurants; cafes, public houses, wine bars or other drinking establishments is 23:00 daily. Takeaways are not considered appropriate for this area.

This application seeks in excess of the appropriate closing times within the licensing policy 2021 -2026 for this area. To promote the licensing objectives I ask the applicant to consider amending the operating schedule to bring the opening hours in line with the licensing policy, and in turn the licensable activities; to remove Late night refreshment and to allow half an hour drinking up time for *'on sales'* of alcohol as follows:

- To remove late night refreshment (not required if premises is to close at 23:00)
- Supply of alcohol (off the premises) on Monday to Sunday to cease at 23:00
- Supply of alcohol (on the premises) on Monday to Sunday to cease at 22:30
- Overall opening times shall be on Monday to Sunday from 09:00 at 23:00

The operating schedule is lacking and due to the limited information provided to promote the licensing objectives I ask the applicant to provide the following information:

- An accomodation limit for the premises. (to be conditioned)
- To provide a written dispersal policy for the premises

And to add the further conditions to the operating schedule to promote the licensing objectives as follows:

- Any off sales of alcohol shall be provided in sealed containers and taken away from the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises
- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation. A record of such training shall be kept / be accessible at all times and be made immediately available for inspection to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept/ be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to council or police officers on request

Further to this I also recommend the following condition, for the use of the outside area for licensable activities is to cease at 22:00 daily. This would be in line with the statement of licensing policy recommendations in section 10 of the licensing policy.

- Patrons shall not be permitted to use the external area of the premises (as defined on the premises plan) after 22:00 until 09:00 the following day, apart for access and egress and those who temporarily leave to smoke.

I therefore submit this representation and welcome any discussion with the applicant

Southward's Statement of Licensing Policy 2021 – 2026 can be found on the following link: <https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear

Principal Licensing officer, in the capacity of Licensing Authority as a Responsible Authority.

**Sent:** 10 January 2022 23:01

**To:** Beddar, Moulka

**Cc:** farouq sofi

**Subject:** RE: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

**Importance:** High

Dear Moulka,

It was good to speak to you earlier. As discussed please send me a final confirmation of the changes to be made to the application. As I understand it, the changes are as follows:

1. To remove the sale of alcohol from the application.

2. To allow late night refreshment as follows:

Mon: 23:00 – 03:00

Tue: 23:00 – 03:00

Wed: 23:00 – 03:00

Thur: 23:00 – 03:00

Fri: 23:00 – 03:00

Sat: 23:00 – 03:00

Sun: 23:00 – 03:00

3. To include the following conditions in the application (including a new condition regarding door security that you proposed during our phone call):

- That a CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use under this licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
- That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to council and / or police officers on request.
- That a member of staff shall be on duty at all times that the premises are in operation under this licence who is trained in the use of the CCTV system and who is able to view, and download to a removable device, CCTV footage at the request of police and / or council officers.
- That all staff shall be trained in their responsibilities under the Licensing Act 2003 and the terms and conditions of this licence. Records pertaining to such training shall be kept, shall be updated every 6 months and shall be made immediately available police and / or council officers on request.
- That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents.

- That a dispersal policy shall be devised and maintained regarding the premises. A written copy of the dispersal policy shall be kept at the premises with the premises licence and shall be made available for inspection to council and / or police officers on request. All relevant staff shall be trained in the implementation of the dispersal policy.
- That all external plant required for the operation of the premises (air handling plant, condensers, kitchen extraction systems, etc.) shall be designed, installed and maintained to ensure that noise output from the external plant does not cause a public nuisance or intrude inside the nearest, or most exposed, noise sensitive premises.
- That patrons shall not be permitted to use the external area of the premises (as defined on the premises plan) after 22:00 hours until 09:00 hours the following day, except to allow immediate access and egress to and from the premises and for up to a maximum of five customers at any one time who temporarily leave the interior of the premises to smoke.
- That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is 70 people (excluding staff).
- That amplified music, song or speech shall not be broadcast in any external area at any time.
- That external waste handling and cleaning of external areas (in all areas apart from the enclosed, rear court yard), collections, and deliveries shall only occur between the hours of 08:00 hours and 23:00 hours.
- That an SIA registered security guard shall be employed to screen customer entry to the premises between 00:00 (midnight) and the premises' closing time on Thursday to Sunday.

If the above is correct please confirm so.

As discussed, the closing times recommended in this council's Statement of Licensing Policy (SoLP) for licensed premises in the area of the premises is 23:00 hours daily. The SoLP is guidance only, and licences can be granted whose opening hours are later than those suggested in the SoLP.

I have attached a copy of the SoLP to this email. Section 7 (pages 41-43) relates to suggested closing times.

For reference I have attached copies of the representations that were previously submitted regarding the application. I believe you received copies of the representations already.

If you are unable to conciliate all of the objectors then a licensing sub-committee hearing will be held to determine the application. I will inform you of the time and

date of the hearing in due course. If you reach any agreements with the objectors please copy me in to them.

Regards,

**Wesley McArthur**

Principal Enforcement Officer

London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

**General:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Phone:** 020 7525 5779 (This number is temporarily out of use whilst I am working from home)

**Fax:** 020 7525 5705

**Address:** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

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**From:** Beddar, Moulka

**Sent:** Thursday, January 13, 2022 12:52 PM

**To:** McArthur, Wesley

**Subject:** RE: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

**Good Afternoon Mr McArthur,**

**I confirm that all the details are correct please you can proceed with the application.**

Regards

**Moulka**

---

**From:** McArthur, Wesley

**Sent:** Thursday, January 13, 2022 1:41 PM

**To:** Tear, Jayne <[Jayne.Tear@SOUTHWARK.GOV.UK](mailto:Jayne.Tear@SOUTHWARK.GOV.UK)>; Earis, Richard

<[Richard.Earis@southwark.gov.uk](mailto:Richard.Earis@southwark.gov.uk)>; [Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk);

[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk); Lambe, Sunny

<[Sunny.Lambe@southwark.gov.uk](mailto:Sunny.Lambe@southwark.gov.uk)>

**Cc:** Beddar, Moulka; farouq sofi

**Subject:** FW: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

Dear Responsible Authorities and Cllr Lambe,

Please see the emails below. The application was previously withdrawn, however after liaising with the applicant's representatives the application has been reinstated.

The applicant has now amended the application.

Taking into account the changes to the application, if you have any comments further to your representations please provide them to Ms Moulka Beddar, who is the applicant's representative in this matter, and copy me in.

Ms Boulka is copied into this email. The applicant has confirmed to me that Ms Boulka represents him in this matter, along with a Mr Farouq Sofi.

I have attached your representations to this email for reference.

I will schedule a licensing hearing in case one is required, and will confirm the hearing details in due course.

Regards,

**Wesley McArthur**

Principal Enforcement Officer  
London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

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**Address:** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH  
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

---

**From:** Earis, Richard <Richard.Earis@southwark.gov.uk>

**Sent:** Thursday, January 13, 2022 3:49 PM

**To:** Beddar, Moulka; farouq sofi

**Cc:** McArthur, Wesley; Regen, Licensing  
<Licensing.Regen@southwark.gov.uk>

**Subject:** RE: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

Dear Moulka,

Further to the below, EPT can agree to conciliate our objections. This is on the basis of removal of sale of alcohol and application of all of the conditions detailed in the email below (dated 10 January 2022, 23:01, from Wesley McArthur), including closure of the external area at 22:00 daily.

Kind Regards,

Richard

**Richard Earis**

Principal Environmental Protection Officer  
**Environmental Protection Team**

**From:** Graham.S.White@met.police.uk <Graham.S.White@met.police.uk> **On Behalf Of** SouthwarkLicensing@met.police.uk  
**Sent:** Tuesday, January 18, 2022 5:33 PM  
**To:** McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>  
**Subject:** RE: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

Wes,

My current representation still stands and we would like the terminal hour reduced in line with the Southwark statement of licensing policy. Even though alcohol has been removed from the licence this would still permit bring your own alcohol to be consumed up to 3am and then 70 people leaving whilst intoxicated. This has the possibility of causing crime and disorder and public nuisance.

Regards

**Graham White** | Constable  
**MPS Central South BOCU**  
**Neighbourhoods Policing- Partnership & Prevention**  
**Licensing Officer – Southwark**  
**Mobile** 07880 053191  
**MPS Internal** 726639  
**MPS Telephone** 0207 232 6639

---

**From:** McArthur, Wesley  
**Sent:** Thursday, January 20, 2022 1:14 PM  
**To:** Beddar, Moulka  
**Subject:** FW: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward  
**Importance:** High

Hi Moulka,

PC White wishes to maintain his representation objecting to the application as below. If you wish to discuss this further you should contact him directly and copy me in.

Jayne Tear (the licensing responsible authority has not provided any further comments). You may wish to email her directly to discuss her representation further. If you email her, please copy me in.

I will send you details of the licensing sub-committee hearing later today.

Regards,

**Wesley McArthur**  
Principal Enforcement Officer  
London Borough of Southwark

**From:** Beddar, Moulka  
**Sent:** Tuesday, January 25, 2022 1:56 PM  
**To:** McArthur, Wesley Lambe, Sunny <Sunny.Lambe@southwark.gov.uk>  
**Cc:** Graham.S.White@met.police.uk; Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>  
**Subject:** FW: 249 old Kent Road

**Dear Mr McArthur,**

**I would like to take the opportunity to thank you for continued support, can you advise me if Ahwaz restaurant consider to change the opening hours to 2.00Am instead off 3.00Am**

Mon: 23:00 – 02:00Am  
Tue: 23:00 – 02:00Am  
Wed: 23:00 – 02:00Am  
Thur: 23:00 – 02:00Am  
Fri: 23:00 – 02:00Am  
Sat: 23:00 – 02:00Am  
Sun: 23:00 – 02:00Am

**Do we have to represent sub-committee hearing to determine our application.**

**Best regards**  
**Moulka Beddar**

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**From:** McArthur, Wesley  
**Sent:** Tuesday, January 25, 2022 6:11 PM  
**To:** Graham.S.White@met.police.uk; Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>  
**Cc:** Beddar, Moulka; Hougbo, William <William.Hougbo@southwark.gov.uk>  
**Subject:** Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

Hi Graham and Jayne,

Further to her email as below, please provide a response to Ms Beddar regarding the further proposed amendment to the application and copy me in. To save time and duplication of emails I have copied Ms Beddar into this email.

As per a separate email sent to you today, a licensing sub-committee hearing to determine the application has been scheduled for 10 February.

Regards,

**Wesley McArthur**  
Principal Enforcement Officer  
London Borough of Southwark

**SOUTH BERMONDSEY WARD COUNCILLORS**  
**Members Room, 160 Tooley Street, London SE1 2QH**

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Claire Beswick  
Processing Manager  
Licensing Unit, Southwark Council  
[Licensing@southwark.gov.uk](mailto:Licensing@southwark.gov.uk)

**16 November 2021**

Dear Claire,

**WARD COUNCILLORS REPRESENTATION: AHWAZ LEBANESE RESTAURANT,  
Ground Floor, 249 Old Kent Road, London SE1 5LU**

I write on behalf of the South Bermondsey Ward Councillors to object to the New Premises Licence application for the **sale of alcohol on and off the premises** by **AHWAZ LEBANESE RESTAURANT, Ground Floor, 249 Old Kent Road, London SE1 5LU** under the Licensing Act 2003.

Whilst we would like to encourage inwards investment, promote local economic activities and employment opportunities for people in South Bermondsey and Southwark as a whole through night economy, however, we believe that the operating hours (**Sunday 09.00am to Friday 03.00am and Sunday 09.00am to 4.00am, respectively**) sought could encourage the breach of the following licensing objectives, if granted:

**The Licensing Objectives**

• **The Prevention of Crime and Disorder**

It is often said that prevention is better than cure. We strongly believe that granting the premises licence as applied could create an environment where crime and disorder could easily increase due to proximity to a very busy traffic flowing Old Kent Road with numerous other similar premises on both sides of the road within the same proximity. It is our opinion that by reducing the hours to a manageable level most especially on Sundays, it will deter any likely problems of crime and disorder in the area.

• **Public Safety**

The consequences of the above breaches may lead to public concerns especially for women and girls who may be travelling coming back and to work in the early hours as result of drunken customer which may also lead to the need for enforcement by the police and thereby take away police time from dealing with other priority public safety matters.

• **The prevention of Public Nuisance**

Public nuisance through drunkenness, noise pollution, littering, urination in the corner and streets, women safety, indecent exposure and all other forms of antisocial behaviours,

disturbance of local peace and tranquillity, considering the **'on and off'** premises licence being sought.

• **The Protection of Children from Harm**

It is also extremely important to protect our young people from exposure to danger and harm which such premises may present, if preventative measures are not taken. There are schoolchildren boarding buses to and from both sides of the road who need protecting from harm and exposure to danger. I will therefore like to see what measures are in place to safeguard children's safety and protection from harm.

**However, if the licensing sub-committee is mindful of granting the licence, I would like the Sunday Opening Hours reduced to midnight (00.00hrs) closing with 30 minutes drink-up time built into it; except where such Sunday precedes a Monday bank holiday.**

In addition to the above, I will also be interested to know the background of the applicant management team s in terms of their experience and expertise of managing similar premises successfully in the past.

Yours sincerely,

Cllr Sunny Lambe

**On behalf of**

**South Bermondsey Ward Councillors**

**Sent:** 10 January 2022 23:01

**To:** Beddar, Moulka

**Cc:** farouq sofi

**Subject:** RE: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

**Importance:** High

Dear Moulka,

It was good to speak to you earlier. As discussed please send me a final confirmation of the changes to be made to the application. As I understand it, the changes are as follows:

1. To remove the sale of alcohol from the application.

2. To allow late night refreshment as follows:

Mon: 23:00 – 03:00

Tue: 23:00 – 03:00

Wed: 23:00 – 03:00

Thur: 23:00 – 03:00

Fri: 23:00 – 03:00

Sat: 23:00 – 03:00

Sun: 23:00 – 03:00

3. To include the following conditions in the application (including a new condition regarding door security that you proposed during our phone call):

- That a CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use under this licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
- That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to council and / or police officers on request.
- That a member of staff shall be on duty at all times that the premises are in operation under this licence who is trained in the use of the CCTV system and who is able to view, and download to a removable device, CCTV footage at the request of police and / or council officers.
- That all staff shall be trained in their responsibilities under the Licensing Act 2003 and the terms and conditions of this licence. Records pertaining to such training shall be kept, shall be updated every 6 months and shall be made immediately available police and / or council officers on request.
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If the above is correct please confirm so.

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For reference I have attached copies of the representations that were previously submitted regarding the application. I believe you received copies of the representations already.

If you are unable to conciliate all of the objectors then a licensing sub-committee hearing will be held to determine the application. I will inform you of the time and

date of the hearing in due course. If you reach any agreements with the objectors please copy me in to them.

Regards,

**Wesley McArthur**

Principal Enforcement Officer

London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

**General:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Phone:** 020 7525 5779 (This number is temporarily out of use whilst I am working from home)

**Fax:** 020 7525 5705

**Address:** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

**From:** Beddar, Moulka

**Sent:** Thursday, January 13, 2022 12:52 PM

**To:** McArthur, Wesley

**Subject:** RE: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

**Good Afternoon Mr McArthur,**

**I confirm that all the details are correct please you can proceed with the application.**

Regards

**Moulka**

**From:** McArthur, Wesley

**Sent:** Thursday, January 13, 2022 1:41 PM

**To:** Tear, Jayne <[Jayne.Tear@SOUTHWARK.GOV.UK](mailto:Jayne.Tear@SOUTHWARK.GOV.UK)>; Earis, Richard

<[Richard.Earis@southwark.gov.uk](mailto:Richard.Earis@southwark.gov.uk)>; [Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk);

[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk); Lambe, Sunny

<[Sunny.Lambe@southwark.gov.uk](mailto:Sunny.Lambe@southwark.gov.uk)>

**Cc:** Beddar, Moulka; farouq sofi

**Subject:** FW: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

Dear Responsible Authorities and Cllr Lambe,

Please see the emails below. The application was previously withdrawn, however after liaising with the applicant's representatives the application has been reinstated.

The applicant has now amended the application.

Taking into account the changes to the application, if you have any comments further to your representations please provide them to Ms Moulka Beddar, who is the applicant's representative in this matter, and copy me in.

Ms Boulka is copied into this email. The applicant has confirmed to me that Ms Boulka represents him in this matter, along with a Mr Farouq Sofi.

I have attached your representations to this email for reference.

I will schedule a licensing hearing in case one is required, and will confirm the hearing details in due course.

Regards,

***Wesley McArthur***

Principal Enforcement Officer  
London Borough of Southwark

***E-mail:*** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

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***Phone:*** 020 7525 5779 **(This number is temporarily out of use whilst I am working from home)**

***Fax:*** 020 7525 5705

***Address:*** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH  
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

---

**From:** Lambe, Sunny <Sunny.Lambe@southwark.gov.uk>

**Sent:** Tuesday, January 18, 2022 4:52 PM

**To:** Beddar, Moulka; McArthur, Wesley

**Subject:** Re: Application for a premises licence: Ahwaz, 249 Old Kent Road, London, SE1 5LU (our ref': 875620) Loc ID: 190511 - South Bermondsey ward

Dear Mr Wesley McArthur,

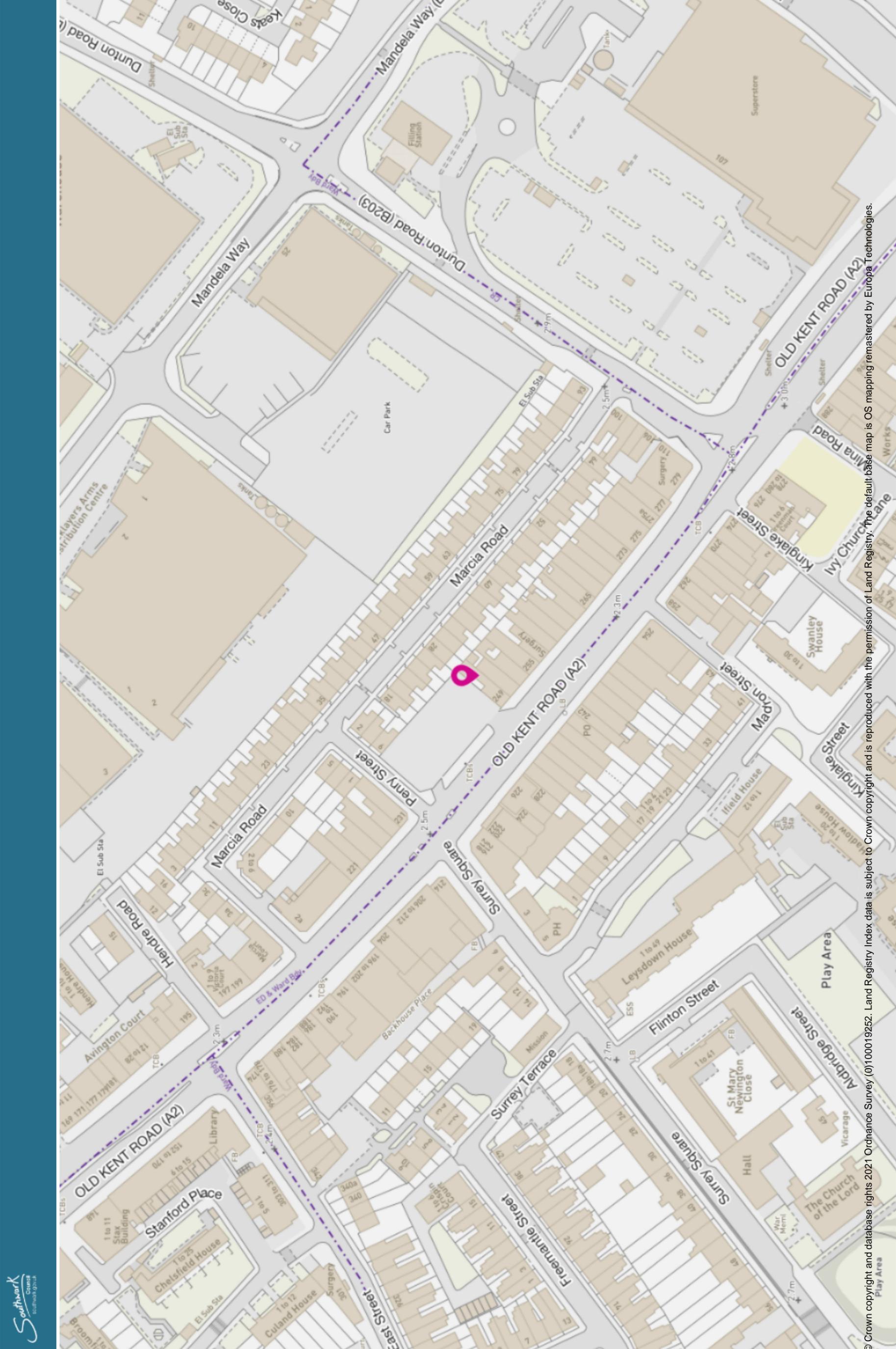
Further to my telephone conversation with Ms Beddar this afternoon in relation to the premises licensing application of 249 Old Kent Road and the fact that the alcohol element of the application which relates to my specific concerns has been removed, I therefore have no further objections to the licence being granted.

If you require further information, please do not hesitate to contact me.

Kind regards,

Cllr Sunny Lambe  
Labour Councillor for South Bermondsey Ward

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26-Jan-2022

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