

Licensing Sub-Committee

Thursday 2 February 2023

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Ian Wingfield

Reserves

Councillor Kath Whittam

INFORMATION FOR MEMBERS OF THE PUBLIC

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.

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Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Andrew Weir by email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 24 January 2023



Licensing Sub-Committee

Thursday 2 February 2023
10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LONDON LOCAL AUTHORITIES ACT 1991: WINTA BEAUTY SALON LTD, 151 RYE LANE, LONDON SE15 4TL	1 - 73
	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: 24 January 2023

Item No. 5.	Classification: Open	Date: 2 February 2023	Meeting Name: Licensing Sub-Committee
Report title:		London Local Authorities Act 1991: Winta Beauty Salon Ltd, 151 Rye Lane, London SE15 4TL	
Ward(s) or groups affected:		Rye Lane	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Genet Berhe for a new special treatment licence in respect of the premises known as Winta Beauty Salon (nee. Sabrina Beauty Salon), 151 Rye Lane, London SE15 4TL.
2. Notes:
 - a) This application for a new 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, manicures and pedicure treatments. A copy of the expired special treatment licence is attached as Appendix B.
 - c) The application is subject to objections from Southwark Council licensing and Southwark Council trading standards, as responsible authorities. A copy of the objections are attached as Appendix C.

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 January 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 11 November 2022 Genet Berhe made an application for a new special treatments licence to provide manicure, pedicure treatments and nail extensions on the premises. Details of qualifications supplied with the application will be made available at the Hearing.
8. The operating hours of the premises are:
- Monday to Wednesday: from 08:00 to 22:45
 - Thursday to Sunday: from 08:00 to 22:00.

Objections

9. It should be noted that following the submission of the application, the applicant contacted the licensing authority and requesting that the name of the premises be amended as part of the application.
10. A copy of the application is attached as Appendix A.

11. Objections to the grant of a new special treatment licence have been submitted from Southwark Council licensing and Southwark Council trading standards as responsible authorities. The reasons given by Southwark's Council's licensing and Southwark Council's trading standards and for making the objections are that:
- 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 an proper persons to hold such a licence.
 - The premises have been or are being improperly conducted.
 - There is likely to be 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.
 - The persons giving the special treatment are not suitably qualified.
 - 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.
 - They are not satisfied as to the safety of the special treatment to be given.
 - A licensing sub-committee hearing to determine the application was held on 4 June 2020. During the hearing it was noted that the person previously in charge of the premises was the applicant's ex-husband (and the father of the applicant's daughter). He was/is the landlord of the premises. Further, it was noted that Ms Berhe had a demanding full time job as a nurse. It was unclear as to how Ms Berhe could effectively manage the premises, and it was felt that her ex-husband could still have a controlling interest in the operation of the premises. There were also concerns as to the insurance status of the premises.
 - This new application is a repeat of the previous application submitted by Ms Berhe, which was rejected by the licensing sub-committee. Although some years have passed since the previous application the licensing unit believe that Ms Berhe may still not be a fit and proper person to hold such a licence and that it is possible that her ex-husband may still have a controlling interest in the operation of the premises.
 - The premises was found on two occasions to be operating as an unlicensed nail bar contrary to Section 6(1) of the London Local Authorities Act 1991, which states: "no premises should be used in the borough as an establishment for special treatment except under and accordance with a special treatment licence granted under this section by the borough council."

12. A copy of the objections and notice of decision are attached as Appendix C.

Conditions

13. The Act allows the council to set standard conditions and conditions relating to the specific treatments. The standard conditions are listed in Appendix D. The specific conditions for the activities in the application relate to artificial nails, manicure and pedicure:
 - 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.
 - 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.
 - 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

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

History

15. The premises was first issued a Special Treatments licence in August 2013, held by Mr Amanuel Fissehayé, this has subsequently been renewed.
16. The last renewal took place on 2 November 2018 by Mr Amanuel Fissehayé.
17. On 30 October 2019 a multi-agency team comprising of Southwark Council licensing, Southwark Council social services, Southwark Council trading standards, the Metropolitan Police Service and UK Border Agency officers carried out a visit to the premises and found 10 unlicensed nail operatives working within the premises. It was noted that the premises had not renewed their licence for the period of 2019 /2020.
18. Subsequently on 30 October 2019, an application to renew the special treatments licence to provide manicure treatments was, submitted by Mr Amanuel Fissehayé.
19. On 9 January 2020, an application to transfer the special treatments licence to provide manicure as a treatment was submitted by Mrs Genet Berhe.

20. A further visit to the premises was made by a multi - agency team comprising of Southwark Council licensing, Southwark Council social services, Southwark Council trading standards, the Metropolitan Police Service and UK Border Agency officers on 29 January 2020 and found that there were three unlicensed nail operatives working within the premises.
21. During the course of the visit trading standards officers removed a large quantity of nail polish from the premises. Trading standards officers examined seven of the operational workstations within the premises removing products that did not have defined details of the origin of the products and who had brought the product into the EU as required by the provisions of the Cosmetic Products Enforcement Regulations 2013.
22. The Metropolitan Police Service comment on the visit to the premises on 29 January 2020 and state that they 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.
23. On 30 January 2020, an application to vary the special treatments licence to provide manicure treatments was, submitted by Mr Amanuel Fissehaye.
24. On 31 January 2020, Ms Genet Berhe withdrew her application to transfer the special treatments licence.
25. On 12 February 2020 Ms Genet Berhe submitted a new licence application for a special treatment licence. However, Ms Berhe subsequently withdrew her application.
26. Further to the above visits, the application was objected to and referred to the council's licensing sub-committee for determination.
27. A further licensing sub-committee hearing to determine the application was held on 4 June 2020. At the hearing the licensing sub-committee rejected the application based on section 8 of the London Local Authorities Act 1991. The notice of decision is available at Appendix F.
28. On 30 June 2020 Ms Berhe lodged an appeal to the Magistrates' Court against the licensing sub-committee's decision to refuse her application for a special treatment licence.
29. On 21 February 2022 Ms Berhe withdrew her appeal and a consent order was made at Lavender Hill Magistrates' Court. The summons and consent order are available at Appendix G.
30. On 11 November 2022 Ms Genet Berhe submitted a new special treatment licence application. The application is to provide manicure, pedicure and nail extensions. Objections were received from Southwark's licensing unit and trading standards acting as responsible authorities. The purpose of this committee hearing is to consider this new application.

The local area

31. A map of the area is attached to this report as Appendix H. 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. The following special treatment premises are within the 100 metre radius:

- Peckham Beauty Salon, 96 Rye Lane, London SE15 4RZ
- Avi Studio Tattoo & Piercing, 142 Rye Lane, London SE15 4RZ
- Amina Beauty Zone, Sky Shopping Centre, Unit 3 137-139 Rye Lane, London SE15
- Safi Nails & Beauty, 84 Rye Lane, London SE15 4RZ
- Queens Peckham, 135a Rye Lane, London SE15 4ST
- Kimmy London, Sky Shopping Centre, Unit 5 137-139 Rye Lane, London SE15

Consultation

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

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 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.

35. 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

36. 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

37. 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.

38. 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

39. 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 Governance

40. 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

41. 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

42. 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

43. Power to prescribe standard terms, conditions and restrictions:

- 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.
- 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

44. 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

45. 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.
46. 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.
47. 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.
48. An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.
49. 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.
50. 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:
- 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.
 - Where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the council.

51. 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.
52. 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:
 - Until the time for bringing an appeal under this section against any term, condition or restriction contained in the further variation has expired.
 - Where any such appeal is brought, until the determination or abandonment of the appeal.

Hearing procedures

53. 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.
54. 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

55. 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.
56. 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.

57. 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.
58. 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

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Local Authorities Act 1991	Southwark Licensing, c/o Community Safety & Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525
Conditions document	Southwark Licensing, c/o Community Safety & Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525

APPENDICES

Name	Title
Appendix A	Application
Appendix B	Expired licence
Appendix C	Objections from licensing and trading standards
Appendix D	Special treatment standard conditions
Appendix E	Briefing from public health
Appendix F	Notice of decision from 4 June 2020
Appendix G	Summons and consent order
Appendix H	Local area map

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Justin Williams, Licensing Enforcement Officer	
Version	Final	
Dated	19 January 2023	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	24 January 2023	

11/11/2022

Application for a new special treatments establishment licence

Ref No. 1921950

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	Sabrina Beauty Salon
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Address of trading premises

Address	151 RYE LANE
Postcode	SE15 4TL

Parts of the premises to be licensed

	151 Rye Lane, London, SE15 4TL
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Please state type of premises

	Commercial
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Contact details

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

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

Please choose	individual
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Section 2 - The Applicant - First Entry

	Individual Applicant
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Full name - First Entry

	Genet Berhe
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Contact details - First Entry

Address Line 1	[REDACTED]
Address Line 2	[REDACTED]
Town	[REDACTED]
County	[REDACTED]
Post code	[REDACTED]
Contact daytime phone number	[REDACTED]

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

Please state	Other
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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	[REDACTED]
Address	151 RYE LANE
Postcode	SE15 4TL

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	Manicure
	Pedicure
	Nail Extensions

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.

Application for a new special treatments establishment licence

2 passport photographs and photo ID included	<u>Yes</u>
Public notice exhibited at the premises	<u>Yes</u>
Upload valid electrical certificate	[REDACTED]

I agree to the above statement

	I agree
PaymentDescription	Application for a new special treatments establishment licence
PaymentAmountInMinorUnits	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
Name	Duncan Craig
Position held	Barrister and Duly Authorised Agent
Date	11/11/2022

ESTABLISHMENTS FOR SPECIAL TREATMENTS

Licence No: [REDACTED]

THE LONDON BOROUGH OF SOUTHWARK under the provisions of Part II of the London Local Authorities Act 1991 **hereby licenses**

[REDACTED]

to use the premises

Sabrina Beauty Salon
151 Rye Lane
London
SE15 4TL

as an **Establishment for Special Treatments.**

Other Consents and lease agreement.

A business or other activity requires a number of lawful consents to have been granted before that activity may legitimately take place. Until each consent is in place that activity is not fully authorised, even where one or more consents may be necessary from the same body. Consent under this licensing regime does not constitute consent under any other regime. It remains the position that all necessary consents must be individually obtained before the business activity is lawful.

This licence is in force up to **31/07/2018**, or during the time that the licensee is the occupier of the premises, whichever is the shorter period, and is granted subject to the rules of the Council annexed hereto relating to the management of Establishments for Special Treatments as well as additional conditions attached.

Treatments may only be administered by the person(s) listed below and these persons may only administer the treatments for which they are licensed.

[REDACTED] - Manicure and Pedicure

[REDACTED] Acrylic nail extensions, uv gel, manicure, pedicure, nail technology

[REDACTED] Nail technology

[REDACTED] Nail extensions, manicure, pedicure

[REDACTED] Nail technology

[REDACTED] Information only

[REDACTED] Nail technology

[REDACTED] Nail technology

Conditions

Artificial Nails, Manicure and Pedicure

- a) 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.
- b) 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. Also see j).
- c) 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.
- d) Products containing Methyl Methacrylate (MMA) shall not be used. Methyl Methacrylate (MMA) is subject to an occupational exposure limit and research has shown that regular exposure to them can cause respiratory etc sensitisation. The use of a suitable alternative product should be considered e.g. Ethyl Methacrylate (EMA).
- e) All products used in the premises should be stored in suitably labelled containers, specifying details of contents, supplier etc.
- f) The premises should be suitably ventilated to minimise the exposure of chemicals by the operative and public. Suitably ventilated treatment tables or other local exhaust ventilation which removes the fumes from the source are the best way of achieving this. The local exhaust ventilation should be fitted with a filter which will trap the dust or alternatively if there is a very strong smell of monomer or solvent then a carbon filter could be used for dust and smell.
- g) Floor coverings shall be made of impervious material which can be easily cleaned.
- h) Any cotton wool etc which has come into contact with nail liquids should be disposed of in suitably covered receptacles
- i) Dispensed nail liquids shall be kept in covered containers at all times when not in use.
- j) Electric drills may only be used by suitably trained operatives, written evidence of training should be available on site. Electric drills should only be used on the artificial nail and not on the clients nail. Drill bits etc shall be cleaned between use on each client.
- k) All equipment capable of being effectively disinfected shall be cleaned and disinfected between each client. Equipment that cannot be effectively cleaned and disinfected should be single use and disposed of after each client e.g. emery boards. Alternatively they can be kept in labelled clean container and reused on the same client.

General

Disposable paper towel shall be used on any couches used in the treatment room which shall be changed between clients.

Issue Date: 02/11/2018



Head of Regulatory Services

██████████
Sabrina Beauty Salon
151a Rye Lane
London
SE15 4TL

Licensing Unit
Direct Dial - 020 7525 5748
Facsimile - 020 7525 5705
Email - licensing@southwark.gov.uk

2 November 2018

Dear Sir/Madam

LONDON LOCAL AUTHORITIES ACT 1991 (PART II) - SPECIAL TREATMENTS LICENCE -

Please find enclosed the Special Treatments annual licence in respect of the above named premises. The following advice is offered as regards to the use of the premises for Special Treatment.

The Council expects the terms, conditions and restrictions of the licence to be observed whenever the licensed area is used for Special Treatment. Any evidence of failure to observe the terms, conditions and restrictions of the licence when the premises are in use for Special Treatment would be a matter to which the Council could have regard in considering any application made for renewal.

Please note that a business or other activity may require a number of lawful consents to have been granted before that activity may legitimately take place. Until such time as all necessary consents are in place, that activity is not fully authorised, even where one or more consents may be necessary from the same body. Consent under this licensing regime does not constitute consent under any other regime. It remains the position that all necessary consents must be individually obtained before the business activity is lawful.

The Council should be advised immediately if there is any change in Management, persons giving treatment or the actual treatments themselves. Additionally the Council should be advised and approval given before any alteration to the premises is undertaken.

The licence, or a copy of it, is to be exhibited at all times on the premises and in such a position that all persons can easily see it. The licence shall be adequately protected against theft, vandalism, or defacement.

A notice showing the name of the person in charge of the premises at the time they are open under the licence should be exhibited in such a position that it can be easily seen.

The council should be advised immediately, if there is any intended change in either the management, operatives providing the treatments at the premises or to the treatments themselves. In each case a variation of the licence will be necessary. New operatives should not commence work nor new treatments be offered at the premises, until approved by the council. Additionally the Council should be advised and approval given before any alteration to the premises is undertaken.

The enclosed licence and list of treatment operatives must be prominently displayed in the premises.

On a different matter I would inform you that the test certificates in respect of the premises are valid to the dates below;

Electrical Installation Certificate **06.10.2020**
Emergency Lighting Certificate

You should diary note this date, as it is your responsibility to ensure that replacement certificate are provided to this office on the due dates.

Yours faithfully

██████████

Pp Kirty Read
Processing Manager
licensing@southwark.gov.uk

Special Treatment: - [REDACTED] Appendix

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 be 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 CO₂ 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

Southwark Council - Regulatory Services, Licensing Team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
Strategic Director Environment & Leisure - Deborah Collins

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.

LICENSING

To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 12 December 2022
Subject:	Representation	
Act:	London Local Authorities Act 1991 (the Act)	
Premises:	Winta Beauty Salon Limited, 151 Rye Lane, Peckham, London, SE15 4TL	
Ref':	878826	

We object to the grant of a special treatments licence application, submitted by Mrs Genet Berhe under the London Local Authorities Act 1991, in respect of the premises known as Winta Beauty Salon Limited, 151 Rye Lane, Peckham, London, SE15 4TL.

The application is to allow for the provision of manicure, pedicure and nail extension treatments to members of the public at the premises.

The proposed opening hours of the premises are:

Monday: 08:00 - 22:45
 Tuesday: 08:00 - 22:45
 Wednesday: 08:00 - 22:45
 Thursday: 08:00 - 22:00
 Friday: 08:00 - 22:00
 Saturday: 08:00 - 22:00
 Sunday: 08:00 - 22:00

The application states that there will be one operative providing special treatments at the premises.

My objection is based on the following criteria:

- (i) That the premises have been / are being improperly conducted (in accordance with Section 8(c) of the Act).
- (ii) That the persons concerned / intended to be concerned in the conduct / management of premises used for special treatments could be reasonably regarded as not being fit and proper persons to hold such a licence (in accordance with section 8(e) of the Act).

The premises was found on two occasions to be operating as an unlicensed nail bar. Section 6(1) 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”.

On 30 October 2019 a licensing officer visited the premises which was then operating as Sabrina’s Beauty Salon, 151 Rye Lane, London, SE15 4ST and found 10 unlicensed nail operatives working at the premises. The premises were unlicensed at this time.

On 29 January 2020 a licensing officer and officers from this council's Trading Standards service visited the premises. Three unlicensed nail operatives were found working at the premises. The officers also found various nail products that did not have details of who had brought the products into the EU, as is required by the provisions of the Cosmetic Products Enforcement Regulations 2013. These products were removed from the premises.

At the time of the visit the officers concluded that:

"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;" (in accordance with section 8(i) of the Act)

"They are not satisfied as to the safety of the special treatment to be given;" (in accordance with section 8(j) of the Act).

An application for a special treatments licence in respect of the premises was previously submitted by Ms Berhe on 13 February 2020. Further to the above visits, the application was objected to and referred to this council's licensing sub-committee for determination.

A licensing sub-committee hearing to determine the application was held on 04 June 2020. At the hearing the licensing sub-committee rejected the application based on section 8 of the London Local Authorities Act 1991 as below:

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

Section 8(e): the premises have been / are being improperly conducted.

During the hearing it was noted that the person previously in charge of the premises when the above visits had taken place, Mr. [REDACTED], was Ms Berhe's ex-husband (and the father of her daughter) and that Mr [REDACTED] was the landlord of the premises. Further, it was noted that Ms Berhe had a demanding full time job as a [REDACTED]. It was unclear as to how Ms Berhe could effectively manage the premises, and it was felt that Mr [REDACTED] could still have a controlling interest in the operation of the premises. There were also concerns as to the insurance status of the premises. A copy of the Notice of Decision regarding the licensing sub-committee hearing of 04 June 2020 is attached to this representation as **appendix (i)**.

Essentially this application is a repeat of the prior application submitted by Ms Berhe, which was rejected by the licensing sub-committee. Although some years have passed since the previous application we say that Ms Berhe may still not be a fit and proper person to hold such a licence and that it is possible that Mr [REDACTED] may still have a controlling interest in the operation of the premises. We therefore refer this application to the licensing sub-committee to consider.

To assist the licensing sub-committee in making their determination of this application you may wish to answer the following questions:

Who is the day to day manager of the premises and who are they employed by?

What relation (if any) is the above manager to either the applicant or the premises' leaseholder ([REDACTED])?

What will the applicant's role in the operation of the premises be?

What systems will be put in place to avoid illegal products be used at the premises?

What guarantees can be provided that Mr [REDACTED] does not have, or will not resume, a controlling interest in the operation of the premises?

In addition to the above, we ask that you provide the following:

- 1) A copy of the current lease agreement between Ms Berhe and Mr [REDACTED].
- 2) Evidence of employer's liability (where applicable) and public liability insurance cover as required by Paragraph 4, Part II, of the regulations made by this council under section 10(1) of the Act - copy attached as **appendix (ii)**.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer

NOTICE OF DECISION

LICENSING SUB-COMMITTEE - 4 JUNE 2020

PART II OF THE LONDON LOCAL AUTHORITIES ACT 1991: SABRINA BEAUTY SALON, 151 RYE LANE, LONDON SE15 4TL

1. Decision

That the application made by Genet Berhe (“the applicant”) for a special treatment licence in respect of the premises known as Sabrina Beauty Salon, 151 Rye Lane, London SE15 4TL be refused.

2. Reasons

The licensing sub-committee heard from the applicant and her representative who advised that she has made an application to provide nail extensions, manicures and pedicure treatments at the premises. The applicant submitted additional information at the hearing, namely (i) “right to work” documents for five operatives and (ii) a Shop Management Agreement, as entered into by the applicant with the landlord, dated 07 February 2020.

The applicant’s representative responded to the objections to the grant of a new special treatment licence as submitted by Southwark Council licensing, Southwark Council trading standards and the Metropolitan Police Service, as responsible authorities.

The applicant’s representative stated that the application for a special treatment licence had been lodged on 12 February 2020. The applicant was not involved in the running of the business before the date of that agreement and should not be held accountable for anything that occurred at the premises before that date. The special treatments licence was previously held by Mr. [REDACTED].

The applicant’s representative advised that the applicant is a person of good character and a fit and proper person to hold a licence. The applicant is a [REDACTED]. The applicant proposes to operate with five qualified practitioners who all have the right to work in the United Kingdom. Three are British citizens and the others have provided right to work documents. The previous owner will not have anything to do with the running of the premises. The applicant would be prepared to give an undertaking or accept a condition on the licence to this effect.

The applicant’s relationship with the previous operator is nothing more than landlord and tenant under the agreed shop management agreement. Although the applicant would be working at the [REDACTED] she would visit the premises two or three times each week to check on the business. The applicant would monitor receipts to check if the correct products were being used and would also be responsible for health and safety. When she is not there she will delegate responsibility to the supervisor. The applicant has no previous experience of working or running a beauty treatment salon but is used to working in a structured organisation at the [REDACTED] and has attended many health and safety courses whilst working at the [REDACTED].

The applicant explained that she is the manager but not a director or the owner of the company. The sub-committee questioned whether she would have effective control over the shop. The applicant stated that she would be in charge of running the business. The applicant accepted that Mr. [REDACTED] is still the owner of the business and is the sole director of Sabrina Beauty Salon Ltd.

The applicant said the operatives working at the salon would be self employed and pay rent to work there at around £100 to £200 per week. The sub-committee noted that the applicant has to pay £1,500 per week to the landlord in rent.

The sub-committee asked the applicant about her relationship with the landlord. The applicant confirmed the landlord is her ex-husband and is the father of her daughter. The premises are named after their daughter. The sub-committee asked the applicant if she had public liability and employer's liability insurance in place. The applicant stated that insurance had been taken out but that she did not know the name of the insurers.

The licensing sub-committee heard from the licensing authority representative who concluded that the special treatments licence should be refused based on the London Local Authorities Act 1991, Section 8, paragraphs:

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

The licensing authority representative believed that Mr. [REDACTED] will still be involved in the running of the business and that the applicant had not demonstrated that she will be a fit and proper person.

The representative for Southwark Council trading standards confirmed that the written reasons for the objections made to the application still remained.

The licensing sub-committee heard from the Metropolitan Police Service who advised that premises were not being operated properly by Mr. [REDACTED]. It appears, to the Metropolitan Police Service, that the applicant is a manager being employed by her ex-husband, who was in charge of the business when offences were committed, and there has been no material change in the operation of the premises other than a new name being put forward as the licence holder.

In summing up the applicant's representative confirmed that the applicant's relationship with Mr. [REDACTED] was over. They also advised that the previous operator had now gone. They informed the sub-committee that the applicant would come in as a breath of fresh air and would bring with her, a wealth of health and safety experience. It was stated that the applicant had no previous convictions.

The licensing sub-committee having read and heard all of the evidence had no confidence that the applicant could be regarded as a fit and proper person to hold such a licence.

The licensing sub-committee was not satisfied that the applicant had demonstrated sufficient knowledge or understanding of how the premises needed to be managed. The applicant had not considered the business model carefully, with regard to the rents being paid by the operatives and the amount needed to cover the rent payable

to the landlord. The applicant was also unsure about the insurance that was needed to be taken out.

The applicant's representative did not dispute that the premises had been improperly managed by Mr. [REDACTED]. The licensing sub-committee concluded the applicant did not have sufficient experience to manage these premises having regard to the recent problems and offences.

Mr. [REDACTED] is the previous operator and is still the owner of the premises. The applicant would not be able to run the business without his involvement. There is also a strong family connection which could not be ignored. Mr. [REDACTED] has not gone, as asserted by the applicant and her representative.

The licensing sub-committee noted that the shop management agreement was only for six months and could be terminated by applicant giving three months notice of termination (clause 5.2). The licensing sub-committee also noted that the applicant did not have the benefit of a lease (clause 14.1). The licensing sub-committee was concerned that when the shop management agreement contract expires on the 6th August 2020, or is terminated, Mr. [REDACTED] could resume being fully in charge of the premises.

The licensing sub-committee found that the objections were upheld.

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

3. Appeal rights

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

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 4 June 2020

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 CO² 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.

TRADING STANDARDS

As a part of the local authority of the London Borough of Southwark, Trading Standards are objecting to the application for a special treatments license at the above premises with respect to the provisions of the London Local Authorities Act 1991. Specifically, objections are made under the following grounds for refusing a license as set out in Section 8 of the said Act:-

8(b) “there is likely to be 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;”

8(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 license;”

8(d) “the persons giving the special treatment are not suitably qualified;”

8(e) “ the premises have been or are being improperly conducted;”

8(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;”

8(j) “they are not satisfied as to the safety of the special treatment to be given;”

These objections have been put in at a late date owing to information that came to hand on Friday 24th January 2020 and on Wednesday 29th January 2020.

More specifically, the facts are as follows:-

1. On 30th October 2019, officers from the UK Border Force, Police and LB Southwark Licensing Team visited the above premises and noted that the people working there did not have the right to work in the UK (Note wrt 8(b); 8(c); 8(d) and 8(e). [REDACTED] [REDACTED] from the Trading Standards Team was working on that day, and briefly visited the store. He saw [REDACTED] at the premises who he knew from other shops in the area. [REDACTED] was dealing with another nail bar at the time and was not able to carry out an inspection of cosmetic products for compliance with the Cosmetic Products Enforcement Regulations 2013 (CPERS) at Sabrina Beauty Salon on that day.
2. On Friday 24th January 2020, [REDACTED] from the Trading Standards Team and [REDACTED] from the Licensing Team visited the premises and noted that there were 3 people working at the nail stations on the premises. [REDACTED] briefly spoke to the staff before going to the off license run by [REDACTED] at the other end of that block. It should be noted that there are only two names on the application for work at the premises, namely “001 [REDACTED]” and “002 [REDACTED]”.
3. On Wednesday 29th January 2020 UK Border Force; Police and London Borough of Southwark Licensing and Trading Standards Teams visited the premises again. On this occasion it was noted that there were 8 work stations in the shop...although one had no nail gels behind it... [REDACTED] made a note of these work stations and drew details of the layout in his “incident report book” while his colleague [REDACTED] [REDACTED] took photographs of the premises showing each work station and the products displayed behind them. These photographs are produced as exhibits AJM/01. On this occasion all the people on the premises had the right to work in the UK. It should be noted that the two people listed on the application mentioned above as “001” and “002” were working at work station 4 and 5. The other three on the premises were [REDACTED] and [REDACTED]. The woman working at work station 3, [REDACTED] later that day produced some invoices that she said

related to certain nail gels that had been identified as liable for seizure as evidence of non compliance with the CPERs. These covered some but not most of the products displayed there and were dated after the visit on 30th October 2019 (see exhibit AJM/03; AJM/04 and AJM/05). The lady from work station 7, [REDACTED] also produced some invoices later in the day and once again these did not cover most of the products there but were dated after 30th October 2019 (see exhibits AJM/06 and AJM/07). [REDACTED] and colleague [REDACTED] went through each of the work stations 1 through to 7, examining product and removing those that did not appear to comply with the CEPRs in that they did not bear the name and address of a responsible person i.e. who first placed them on the market (which is usually means either the manufacturer based in the EU or whoever imported it into the EU). There was also a large quantity of product that had no English labelling at all. It should be noted that these are relevant to sections 8(b) to 8(j) of the Act and reasons for objecting to the application.

The invoices produced cover mainly non nail gels and some for “DND” nail gels and were from well established local nail wholesalers. The DND product does not have details of who brought the product into the EU and these matters are currently under investigation.

The CPERs exist to ensure safety and traceability and hence the need for an identifiable and contactable responsible person in the EU whose duty it is to ensure a safety assessment has been carried out and that no prohibited substances are used as ingredients (such as certain phthalates).

It is our representation that a fit and proper salon operator should be alert to any operatives bringing in their own products to use on clients. Any product with totally foreign labelling on is obviously not suitable and an easy thing for a salon operator to check with respect to whether products are not legal and potentially unsafe. Products which do not bear any English language labelling present an obvious risk to both technicians and clients as any relevant instructions and safety precautions will be unintelligible.

Nail gels and acrylic products contain monomers which are highly sensitising and therefore it is important that warnings about not letting them come into contact with the skin are on the products. Also UV activated products only cure properly with the right frequency UV light. Again with no proper labelling it is questionable how safe the treatment can be as an uncured product is more likely to pose a sensitising risk.

In summary there are potentially serious allergenic sensitivity causing concerns posed by inadequate labelling on products which would be compounded through inappropriate application by unqualified operatives.

Trading Standards are making these objections with respect to this application on the section 8 grounds given above.

THESE WERE THE REPRESENTATIONS THAT WERE PUT IN FOR THE LAST APPLICATION BY [REDACTED]

The notice of decision at the licensing subcommittee on 4th June 2020 stated the following (amongst other things).

“The applicant explained that she is the manager but not a director or the owner of the company. The sub-committee questioned whether she would have effective control over the shop. The applicant stated that she would be in charge of running

the business. The applicant accepted that [REDACTED] is still the owner of the business and is the sole director of [REDACTED].

The applicant said the operatives working at the salon would be self-employed and pay rent to work there at around £100 to £200 per week. The sub-committee noted that the applicant has to pay £1,500 per week to the landlord in rent.

The sub-committee asked the applicant about her relationship with the landlord. The applicant confirmed the landlord is her ex-husband and is the father of her daughter. The premises are named after their daughter. The sub-committee asked the applicant if she had public liability and employer's liability insurance in place. The applicant stated that insurance had been taken out but that she did not know the name of the insurers."

This application appears to be identical to the previous one and the same issues apply...

Attached (and in other e-mails forwarded) are the following exhibits:-

Photographs AJM/01

Invoices (Photographs of) AJM/03 to AJM/07

Notices RAY/SN/1

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 CO² 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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NOTICE OF DECISION

LICENSING SUB-COMMITTEE - 4 JUNE 2020

PART II OF THE LONDON LOCAL AUTHORITIES ACT 1991: SABRINA BEAUTY SALON, 151 RYE LANE, LONDON SE15 4TL

1. Decision

That the application made by Genet Berhe (“the applicant”) for a special treatment licence in respect of the premises known as Sabrina Beauty Salon, 151 Rye Lane, London SE15 4TL be refused.

2. Reasons

The licensing sub-committee heard from the applicant and her representative who advised that she has made an application to provide nail extensions, manicures and pedicure treatments at the premises. The applicant submitted additional information at the hearing, namely (i) “right to work” documents for five operatives and (ii) a Shop Management Agreement, as entered into by the applicant with the landlord, dated 07 February 2020.

The applicant’s representative responded to the objections to the grant of a new special treatment licence as submitted by Southwark Council licensing, Southwark Council trading standards and the Metropolitan Police Service, as responsible authorities.

The applicant’s representative stated that the application for a special treatment licence had been lodged on 12 February 2020. The applicant was not involved in the running of the business before the date of that agreement and should not be held accountable for anything that occurred at the premises before that date. The special treatments licence was previously held by Mr. [REDACTED]

The applicant’s representative advised that the applicant is a person of good character and a fit and proper person to hold a licence. The applicant is a [REDACTED]. The applicant proposes to operate with five qualified practitioners who all have the right to work in the United Kingdom. Three are British citizens and the others have provided right to work documents. The previous owner will not have anything to do with the running of the premises. The applicant would be prepared to give an undertaking or accept a condition on the licence to this effect.

The applicant’s relationship with the previous operator is nothing more than landlord and tenant under the agreed shop management agreement. Although the applicant would be working at the [REDACTED] she would visit the premises two or three times each week to check on the business. The applicant would monitor receipts to check if the correct products were being used and would also be responsible for health and safety. When she is not there she will delegate responsibility to the supervisor. The applicant has no previous experience of working or running a beauty treatment salon but is used to working in a structured organisation at the [REDACTED] and has attended many health and safety courses whilst working at the [REDACTED].

The applicant explained that she is the manager but not a director or the owner of the company. The sub-committee questioned whether she would have effective control over the shop. The applicant stated that she would be in charge of running the business. The applicant accepted that Mr. [REDACTED] is still the owner of the business and is the sole director of Sabrina Beauty Salon Ltd.

The applicant said the operatives working at the salon would be self employed and pay rent to work there at around £100 to £200 per week. The sub-committee noted that the applicant has to pay £1,500 per week to the landlord in rent.

The sub-committee asked the applicant about her relationship with the landlord. The applicant confirmed the landlord is her ex-husband and is the father of her daughter. The premises are named after their daughter. The sub-committee asked the applicant if she had public liability and employer's liability insurance in place. The applicant stated that insurance had been taken out but that she did not know the name of the insurers.

The licensing sub-committee heard from the licensing authority representative who concluded that the special treatments licence should be refused based on the London Local Authorities Act 1991, Section 8, paragraphs:

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

The licensing authority representative believed that Mr. [REDACTED] will still be involved in the running of the business and that the applicant had not demonstrated that she will be a fit and proper person.

The representative for Southwark Council trading standards confirmed that the written reasons for the objections made to the application still remained.

The licensing sub-committee heard from the Metropolitan Police Service who advised that premises were not being operated properly by Mr. [REDACTED]. It appears, to the Metropolitan Police Service, that the applicant is a manager being employed by her ex-husband, who was in charge of the business when offences were committed, and there has been no material change in the operation of the premises other than a new name being put forward as the licence holder.

In summing up the applicant's representative confirmed that the applicant's relationship with Mr. [REDACTED] was over. They also advised that the previous operator had now gone. They informed the sub-committee that the applicant would come in as a breath of fresh air and would bring with her, a wealth of health and safety experience. It was stated that the applicant had no previous convictions.

The licensing sub-committee having read and heard all of the evidence had no confidence that the applicant could be regarded as a fit and proper person to hold such a licence.

The licensing sub-committee was not satisfied that the applicant had demonstrated sufficient knowledge or understanding of how the premises needed to be managed. The applicant had not considered the business model carefully, with regard to the rents being paid by the operatives and the amount needed to cover the rent payable

to the landlord. The applicant was also unsure about the insurance that was needed to be taken out.

The applicant's representative did not dispute that the premises had been improperly managed by Mr. [REDACTED]. The licensing sub-committee concluded the applicant did not have sufficient experience to manage these premises having regard to the recent problems and offences.

Mr. [REDACTED] is the previous operator and is still the owner of the premises. The applicant would not be able to run the business without his involvement. There is also a strong family connection which could not be ignored. Mr. [REDACTED] has not gone, as asserted by the applicant and her representative.

The licensing sub-committee noted that the shop management agreement was only for six months and could be terminated by applicant giving three months notice of termination (clause 5.2). The licensing sub-committee also noted that the applicant did not have the benefit of a lease (clause 14.1). The licensing sub-committee was concerned that when the shop management agreement contract expires on the 6th August 2020, or is terminated, Mr. [REDACTED] could resume being fully in charge of the premises.

The licensing sub-committee found that the objections were upheld.

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

3. Appeal rights

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

Issued by the Constitutional Team on behalf of the Director of Law and Democracy

Date: 4 June 2020



Croydon Magistrates' Court
Code 2576
Email: southlondonmc@justice.gov.uk
Telephone: 0300 303 0645

LONDON BOROUGH OF SOUTHWARK
Licensing Sub Committee
3rd Floor Hub1
PO Box 64529
SE1P 5LX

Case number: 012001062127

Summons

Ms Genet BERHE of [REDACTED] has made the complaints shown below. The court will hear the case

on 20 August 2020 at 10.00 am
at Croydon Magistrates' Court, Barclay Road, Croydon, Surrey, CR9 3NG (telephone 0300 303 0645).

Attendance

You should **attend** Court 30 minutes before the time shown above or instruct a lawyer to attend for you.

If you do not do this, the court may hear the case in your absence, either on the date in this summons or at a later date we will give you. This could result in **orders being made** without the court hearing your side of the case. It would be difficult and **expensive** for you to have these orders changed.

It is also possible that the court may make you attend.

S.McAllister

Date: 30 June 2020

Justices' Clerk

Applications or Complaints

In this list, the date after the words **Date of Application/Complaint** is the date when the summons was applied for.

2001062127/1 Date of Application/Complaint: 22/06/2020

Appeal by way of complaint against a decision to refuse the application for a Special Treatment Licence for the premises named Sabrina Beauty Salon, 151 Rye Lane SE15 4TL made on 04/06/2020 by London Borough of Southwark Licensing Sub Committee.

In accordance with Section 13 (Part 2 Appeals) (1) of the London Local Authorities Act 1991.

Case No. 012001062127

IN THE LAVENDER HILL MAGISTRATES' COURT MAGISTRATES' COURT

AN APPEAL UNDER SECTION 12 (PART 2 APPEALS)(1) LONDON LOCAL
AUTHORITIES ACT 1991

B E T W E E N:

GENET BERHE
(Sabrina Beauty Salon, 151 Rye Lane, London SE15 4TL)
Appellant

-and-

LONDON BOROUGH OF SOUTHWARK
Respondent

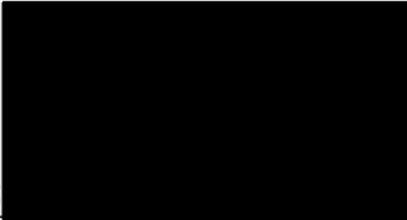
CONSENT ORDER

UPON the parties agreeing terms of settlement

BY CONSENT IT IS ORDER BY THE COURT THAT:

1. The Appeal case number 012001062127 against the decision of the Licensing Sub-Committee of 4 June 2020 be withdrawn.
2. There be no order as to costs.

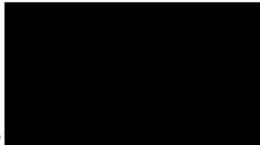
Signed:



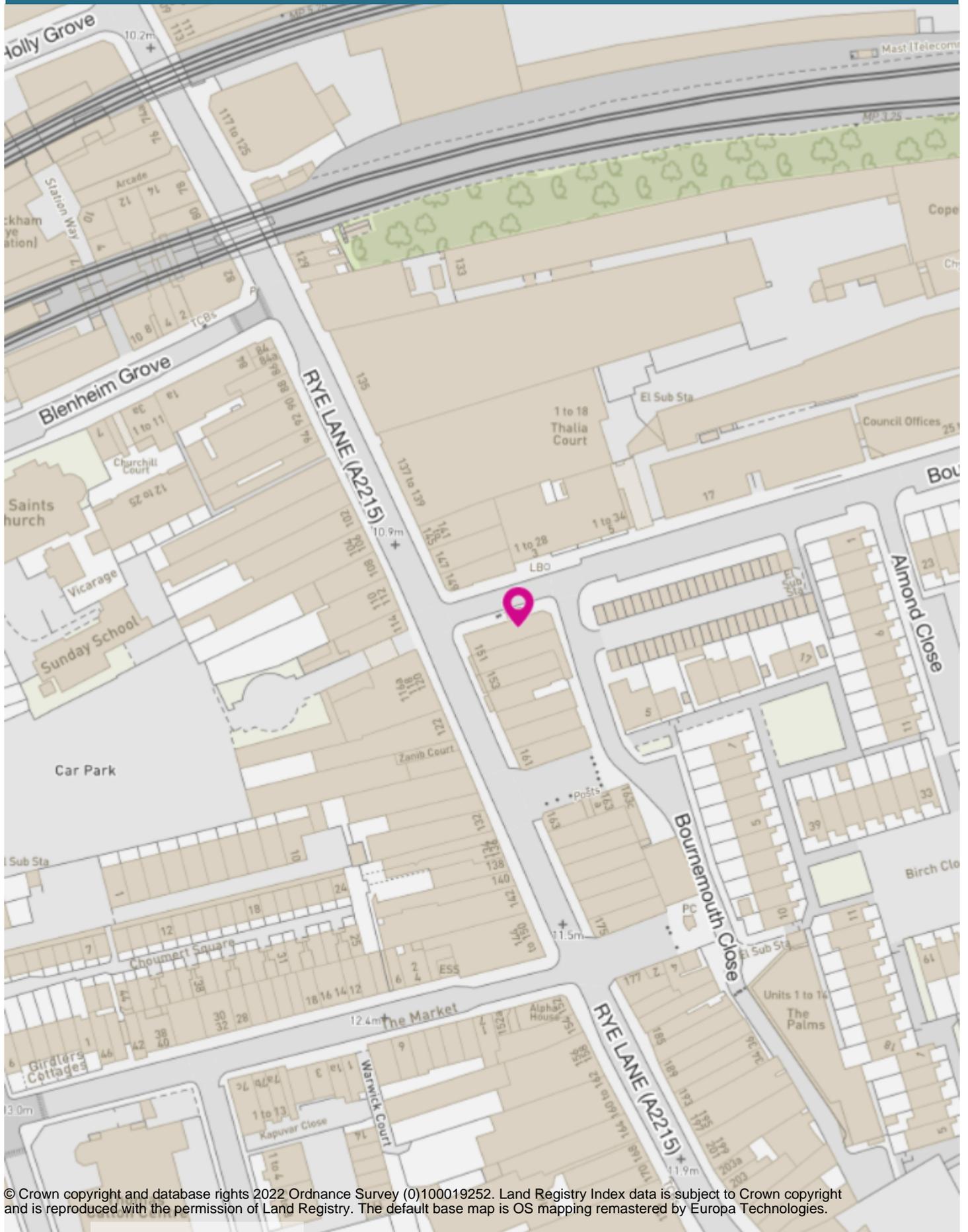
Duncan Craig
Citadel Chambers
190 Corporation Street
Birmingham, B4 6QD

Barrister for the Appellant

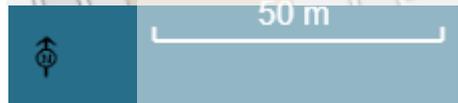
Signed:



Debra Allday
Senior Solicitor - Regulatory
160 Tooley Street
PO Box 64529
London SE1P 5LX
Solicitor for the Respondent



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Andrew Weir - Tel: 020 7525 7222

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