

## 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