

APPENDIX C

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 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