



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	11 September 2012	B1	Caledonian

Delete as appropriate		Non-exempt
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Subject: LICENCE APPLICATION
RE: PLEASURE GARDENS, 278 CALEDONIAN ROAD, LONDON N1 1BA

1. Synopsis

- 1.1 This is an application for a new special treatment licence under the London Local Authorities Act 1991.
- 1.2 The application is to permit sauna, steam room and massage
- 1.3 The Police, Health & Safety, two ward councillors and two anonymous local residents have objected to the application.

2. Recommendations

- 2.1 The Licensing Service recommend, based on the history of the applicant at the premises, that the application for a special treatment licence be refused under the London Local Authorities Act 1991:
 - i. Section: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 licence;
 - ii. Section 8(d) the persons giving the special treatment are not suitably qualified;
 - iii. Section 8(e) the premises have been or are being improperly conducted;

- 2.2 If the Committee grants the application it should be subject to:
- i. the standard conditions for special treatment premises (see appendix 4);
 - iii. any conditions deemed necessary by the Committee.

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: Application form and supporting documents;
- Appendix 2: Representations;
- Appendix 3: Notes from Licensing Officer's visit on 29 June, 7 July & 18 August 2012
- Appendix 4: Standard conditions for special treatments in Islington.
- Appendix 5: London Local Authorities Act 1991

3.2 Licensing History of the premises:

- i) Wendy Jones made herself know to the Council as the owner of the premises in 2003. Since that time, the premises has been operating on and off without holding the relevant licence. The Council has made Wendy Jones aware of the requirement for a special treatment licence on several occasions over this period.
- ii) On 25 February 2012 a multi-agency visit with the Licensing Officer and the Police found the premises open and offering special treatments (steam room and massage). The owner, Wendy Jones, is currently being prosecuted as a result of this visit.
- iii) On the 16 March 2012, the same day that the special treatment premises licence was applied for, twelve applications were made to register therapists. Of those applications only one person is qualified to carry out massage treatments and is registered with Islington. The remaining eleven people could only carry out the operation of the sauna and steam room once they have completed the registration process with Islington. In the Council's view, the premises could not operate with only one masseur.
- iv) The Council has made three enforcement visits to the premises to ascertain if it is operating. On 29 June 2012 Licensing Officers visited the premises at 20:10 and rang the bell to gain entry. A taxi driver from across the road saw the officers and called them over and told them that the premises had been closed for a month but it was now open again from 1am to 5am. On 7 July 2012 between 1am and 5am a Licensing Officer visited the premises and was told that it was £15 entry fee and £50 "for half an hour". On 18 August 2012 between 1am and 5am a Licensing Officer visited the premises and was told that it was £15 entry fee and £50 for half an hour with a woman and when asked how much for longer than an hour, was told he could negotiate that privately with the girl. The officer was told that the premises were open till 6am but the last entry was 5am. Premises offering massage treatments would normally charge for the massage rather than an entry fee and then for time with a therapist.
- v) The applicant, Wendy Jones has advised the Council that she now operates the ground floor as a hairdressers. This transformation happened after the enforcement visit in February and means that the sauna, steam and massage activities are confined to the basement. Officers have attempted unsuccessfully to make an appointment for the hairdressers on a number of occasions using the

phone number advertised by way of a flyer for the "Pleasure Garden Hair Salon" as the number is constantly engaged or unanswered. Officers have also observed the premises closed on several occasions during the daytime and have been unable to make an appointment at the premises.

4. Planning implications

4.1 The lawful use of the premises in planning terms is a health club ('sui generis' use class). This use was initially granted planning permission on 08 July 1993 (Ref: 930277). On 10 April 1997, permission was granted to extend the opening hours to 11am-1am (Ref: 961528). In 2001, permission was sought to open the premises 24 hours a day (Ref: P010120). Permission was refused, although the planning enforcement team later received several complaints regarding the sauna operating overnight.

At present, it is unclear how the property is being used in planning terms and the planning enforcement team is in the process of preparing a Planning Contravention Notice (a type of requisition of information) to establish the exact nature of the breach. If the ground and basement floor can be considered as two separate planning units, then at the very least the ground floor use as hairdresser is unauthorised, with the basement floor possibly still benefitting from planning permission (subject to the approved opening hours of 11am-11pm). However, if the two uses are connected and the property remains a single planning unit, then it could be a new use altogether, which does benefit from any planning consent.

5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives. The information presented in this report shows that the premises has and is currently operating without a special treatment licence and registered masseurs.

Background papers:

London Local Authorities Act 1991

Final Report Clearance

Signed by


Service Director – Public Protection

Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Katie Tomashevski

Tel: 020-7527-3882

Fax: 020-7527-3057

E-mail: katie.tomashevski@islington.gov.uk

LONDON LOCAL AUTHORITIES ACT 1991, PART II 6
SPECIAL TREATMENT PREMISES

APPLICATION FOR AN ANNUAL PREMISES LICENCE

635
6 x 12 = 72
707

This form should be fully completed, signed and forwarded to:

Licensing Team, 3rd Floor, 222 Upper Street, Islington, London, N1 1XR.

Enclosing a cheque or postal order for the appropriate fee made payable to London Borough of Islington and crossed (cash should not be submitted).

Register Number:	
Fee Paid:	£707
Cheque/Postal Order No:	100007
Receipt Number:	53355
Date Received:	16/3/12
Initials:	TL

PLEASE READ THE ACCOMPANYING NOTES CAREFULLY BEFORE COMPLETING THIS FORM

I/We apply for an annual special treatment licence for the premises named below:

1.	Name of the premises:	PLEASURE GARDEN
	Address of the premises:	278 CALLEDONIAN RD ISLINGTON LONDON N1 1BA
	Postcode:	
	Telephone number:	0207 607 0123
2.	Your first name(s):	WENDY ANNIE
	Your surname:	JONES
	Maiden name (if applicable):	N/A
	Other names known under:	N/A
3.	Date of Birth:	11/4/59
4.	Your private residential address:	268 ST MARYS RD EDMONTON LONDON
	Proof of address must be supplied to the Council (see note 1 below)	
	Postcode:	N9 8NP
4.1	Your previous private residential address if less than 12 months at address given above:	N/A
	Postcode:	

5.	Passport Number OR Driving Licence Number (see note 1 below):	093061374
6.	List all convictions in the last five years (include date(s) and Court details) (Continue on a separate sheet if necessary)	NONE
7.	If the application is made by a limited liability company, give the name & address of the registered office here:	N/A
	Postcode	
	Company Registration Number:	
8.	What part(s) of the premises are proposed to be used under the licence? (e.g. basement, ground floor etc):	GROUND FLOOR + BASEMENT
9.	What is the main use of the premises to which this licence application relates:	SAUNA + STEAM SPA
10.	Please give full details of your interest in the premises:	OWNER OF BUSINESS
9.	Are you in a position to carry out the Council's safety and technical requirements in respect of the premises given in answer to Question 1:	YES
11.	How many persons registered by the Council to give special treatments do you intend to employ at the premises at any one time:	48
12.	List all special treatments to be given (continue on a separate sheet if necessary):	SAUNA + STEAM MASSAGE HEAD MASSAGE

Note 1:

DECLARATION:

The application must be signed by the applicant proposing to carry on the establishment. In the case of a company, the Managing Director or Company Secretary must sign.

I hereby declare that the particulars contained in this document are true to the best of my knowledge and belief.

Signature: W. Jones Name in Block Capitals: WENDY ANNE JONES
Position: owner Dated: 12th MARCH 2012

IMPORTANT NOTE: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

Data Protection Act 1998

Please note that the information on this form will be stored on computer; it will not be shared with other organisations, unless authorised under the Data Protection Act 1998.

Islington Council will process information provided by you for the purpose of processing your Application.

The information you provide will/may be disclosed to: other departments within Islington Council; the Police; other Local Authorities and other Government Agencies only when and where necessary for the purpose(s) of Prevention and/or detection of crime and to check for any anomalies and/or inconsistencies.

Retention Procedure

Our department will retain your personal data for a maximum of **six years** once our business with you has concluded. Your personal data will then be securely destroyed.

You must provide the Council with four full-face passport size photographs taken within the 12 months preceding the application, your passport or driving licence with photograph and proof of your residential address, e.g. bank statement or utilities bill.

Note 2:

You must enclose a full copy of plans for the proposed premises.

I declare that I undertake to carry out the following requirements:

a. I have sent a copy of this application form in addition to the plans to the below responsible authorities:

- Islington Borough Police
Islington Police Station
2 Tolpuddle Street
London
N1 0YY
- Fire Safety Regulations: North East Area2
London Fire Brigade
169 Union Street
City Road
London
SE1 0LL
- Health & Safety Officer
Public Protection Division
London Borough of Islington
222 Upper Street
London
N1 1XR

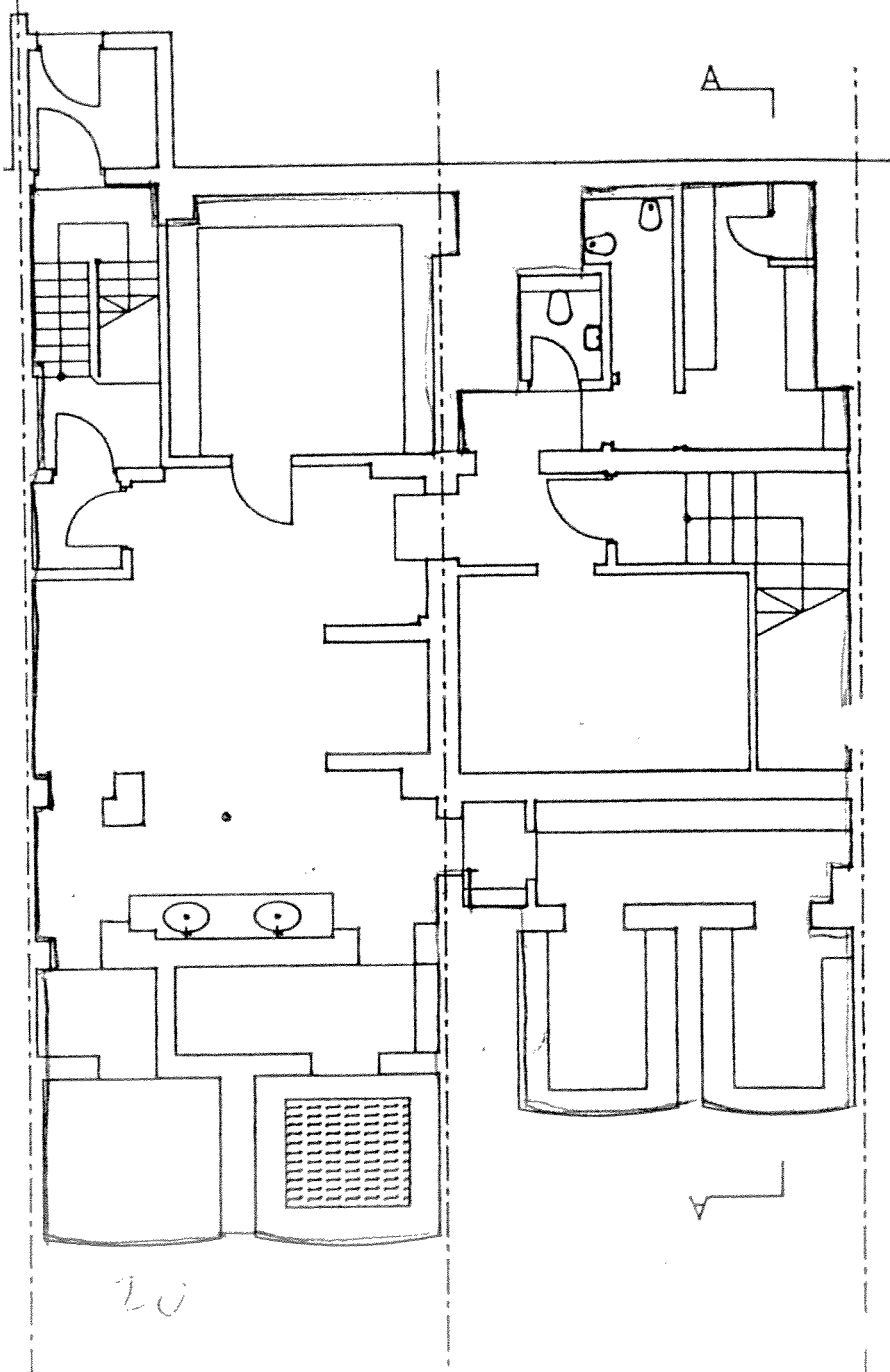
b. I have enclosed a copy of the plan of the premises ✓

c. Only those treatments named on the licence will be provided at the premises.

d. The only persons I will employ to provide special treatment will be those registered by the Council and I will permit them only to give those treatments specified on their identification card and registration document.

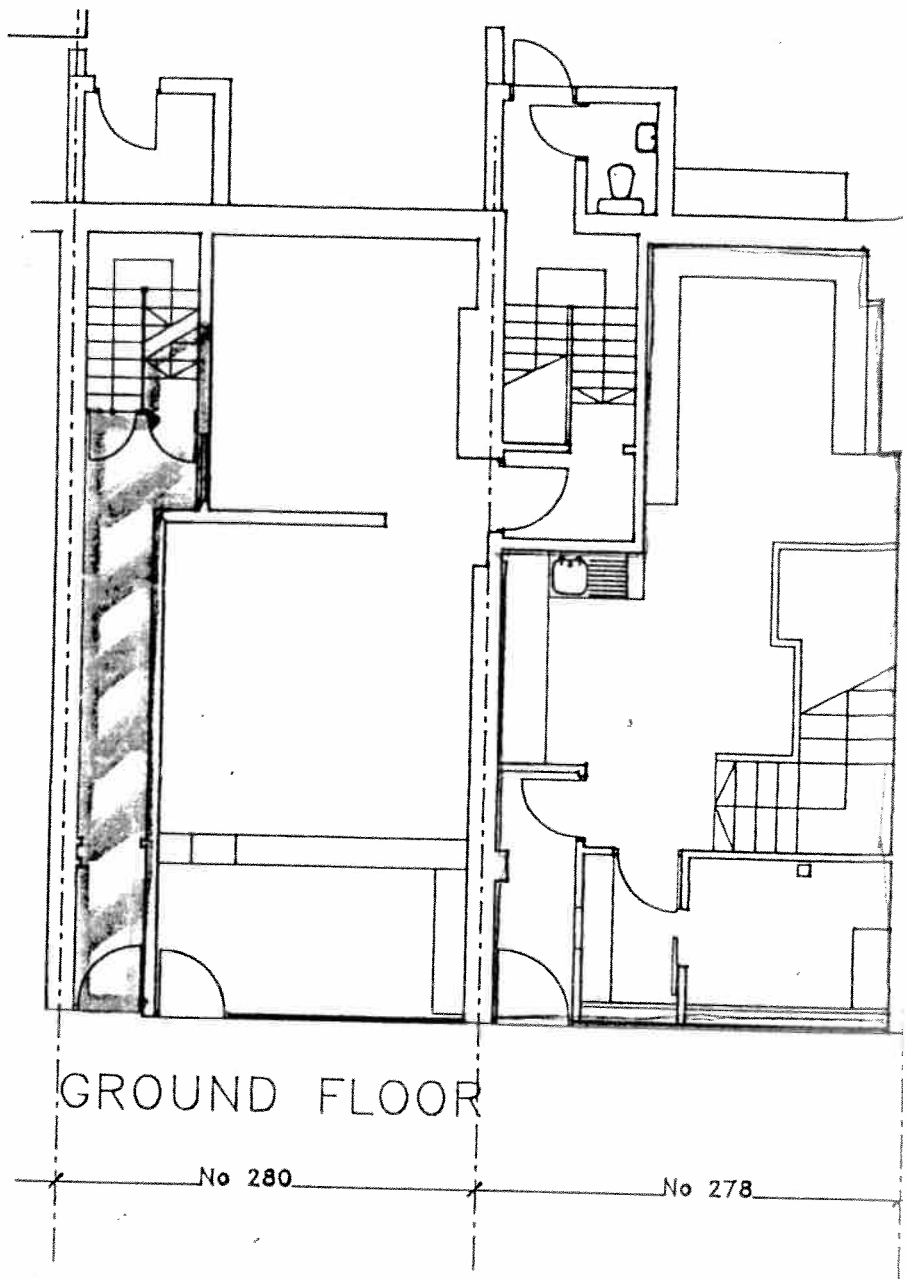
e. The following documents will be kept on the premises and available for inspection by authorised officers.

- A current Periodic Inspection Report on the electrical installation. MONDAY
- A certificate confirming examination of all fixed and portable electrical MONDAY equipment in the last 12 months.
- Fire risk assessment. BENDING CONTRACT



20
BASEMENT

notes



A. C. [unclear]
[unclear]

**ISLINGTON**

Ms Wendy A Jones
Pleasure Garden
278 Caledonian Road
London
N1 1BA

Building Control Service
Planning and Development
222 Upper Street
London
N1 1XR

T 020 7527 5986
F 020 7527 5998
E geoff.weaver@islington.gov.uk
W www.islington.gov.uk

Our ref : GW
Your ref:

Date: 31 March 2012

Dear Madam

**Special Treatment Licensing
Pleasure Garden 278 Caledonian Road N1 1BA**

With reference to the recent application for a special treatment licence, a survey of the above named premises was made on 28 March 2012 on behalf of the council as licensing authority for special treatment premises.

At the survey it was found that the requirements specified in the attached schedule are in need of urgent attention to ensure the arrangements at the premises are adequate for health and public safety before the premises can be used under the special treatment licence.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for your attention are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the commencement and completion of the works.

Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver
Senior Building Surveyor (Licensing Health and Safety)

**Special Treatment Licensing – Requirements schedule dated 31 March 2012 for
Pleasure Garden 278 Caledonian Road N1 1BA**

- (1) The damaged basement ceiling and flooring over the damaged ceiling should be replaced or repaired as necessary in compliance with the Building Regulations.
- (2) The basement cupboard under the emergency exit stairs should be repaired with 30 minute fire-resisting construction.
- (3) Replace the missing 30 minute fire door at the top of the basement emergency exit stairs.

The replacement fire door should be fitted with:

- An automatic self-closing device that will shut and hold the door closed.
- Smoke and intumescent seals.
- Signs on both sides of the door worded **Fire door keep shut**.

- (4) The fire doors at the bottom of the basement emergency exit stairs and the main stairs should be fitted with self-closing devices that will shut and hold the door closed.

Signs should be fixed on both sides of the fire doors worded **Fire door keep shut**.

- (5) Replace missing balustrade rails on the basement emergency exit stairs.
- (6) An exit sign should be provided over basement door at the bottom of the main stairs.
- (7) The mechanical extract ventilation fans in the toilets should be repaired or replaced. The ventilation fans should extract direct to external air at a rate of not less than 6 litres/second and have a 15 minute over-run controlled by the light switch. Air inlet to the toilets should be provided, e.g. 10mm gap under the doors.
- (8) All supply and extract ventilation fans and inlet/outlet grilles within the basement should be cleaned, overhauled and put into full working order.
- (9) Emergency lighting in compliance with BS 5266 – 1 should be provided in basement rooms 5 and 6.

Non-maintained emergency lighting should be wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.

- (10) The heat source in the sauna should have suitable guarding securely fixed in position to prevent persons endanger themselves.
- (11) Maintained emergency lighting should be installed in the following locations:
 - Lobby leading into basement emergency exit stairs.
 - Basement emergency exit stairs.
 - Over the fire door at the top of the basement emergency exit stairs, common hallway side of the door, as discuss on site.

- (12) Copies of the inspection and test certificates specified below, certified by an approved competent person, should be submitted to the council.
 - Electrical installation periodic inspection report
 - Emergency lighting
 - Fire alarm
 - Fire fighting appliances

An approved competent person for the testing and certification of electrical installations and emergency lighting should be one of the following:

- (i) A qualified member of the Institution of Engineering and Technology, or
- (ii) A contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors Association, or a competent person from an appropriate approved organisation.

For fire alarms any of the above, or

A member of the Loss Prevention Council 1014 Scheme, or a member of the British Approvals for Fire Equipment SP203 Scheme.

Inspection and service certificates for fire fighting appliances should be obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or a competent person from an appropriate approved organisation.

Tomashevski, Kathleen

From: Don.Stewart@met.pnn.police.uk
Sent: 26 April 2012 11:00
To: Williams, John
Cc: Tomashevski, Kathleen
Subject: RE: Special Treatment Licence: Pleasure Garden

Attachments: MG11T Pleasure garden.doc



MG11T Pleasure
garden.doc (81 ...

With regards to the Special treatment Licence application for Pleasure Garden , 278 Caledonian Road, N1. Islington Police are objecting to the grant of the licence as its police opinion that the applicant Wendy Anne Jones is not a fit and proper person.

Please find attached my statement following a visit to the premise on 24 th February 2012.

Not protectively marked

Don Stewart PC115NI
Licensing Officer
Alcohol Violence Reduction Office

Phone: 2074210194 or 0207 527 2359
Internal; 20194/20248

E-mail: Don.Stewart@met.police.uk

Address: Islington Police Station, 2 Tolpuddle Street, Islington, London, N10YY

From: Williams, John [mailto:John.Williams@islington.gov.uk]
Sent: 16 March 2012 16:28
To: NI - Licensing; islingtongroup@london-fire.gov.uk; Weaver, Geoff
Cc: Lane, Terrie; Tomashevski, Katie
Subject: Special Treatment Licence: Pleasure Garden

Dear Sir/Madam,

We have received the following application for a Special Treatment Premises Licence (New):

Applicant: Wendy Anne Jones, 268 St Mary's Road, Edmonton. N9 8NP

Premises: Pleasure Garden

Address: 278 Caledonian Road, London. N1 1BA

Last date for representations: 31/03/12

Worksheet Number: WK/111244625

Please confirm by email, within 5 days, if the application has hasn't been received by yourselves.

You then have 28 days from the date of receipt of application to make any representations. Please confirm to us within this time if you do don't wish to make a representation.

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Donald Stewart Pc 115NI** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Constable**

This statement (consisting of: ... **2** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **21.03.2012**

Tick if witness evidence is visually recorded (supply witness details on rear)

On Friday 24th February 2012 at about 8.50 pm I was on plain clothes duty employed on Operation Condor a pan London licensing operation along with a number of uniformed officers under the command of Sergeant Crawshaw. We were also working with our partners from Islington Council Licensing Authority Terrie Lane and Katie Tomashevski. We were conducting enforcement visits at premises that offered special treatment by way of massage and sauna.

I approached the front door of Pleasure Garden, 278 Caledonian Road, NI as my uniformed colleagues waited nearby out of sight. The front of the premise is covered by CCTV. I rang the door bell and after a short period of time the door entry system was released. I entered the premise and I saw a woman standing behind a small window at the end of the corridor. I approached her and asked if I could come in. She told me there was a £10 entry fee. I was aware that my colleagues were about to enter the premise, I produced my warrant card and introduced myself to the woman who gave her details as Kimalea Kurban. I explained the purpose of our visit and we were given entry to the venue.

Upon entering I saw two females sitting on a sofa towards the rear of the room. My uniformed colleagues immediately went down stairs. We were told by Ms Kurban that there were 10 girls working at the premise. I followed my colleagues down to the basement. I saw that there was a sauna room and a number of small rooms that were equipped with beds, towels and various oils. They were all vacant.

I then entered a large room with pool tables, my colleagues were talking to the other 8 girls all but one was able to produce ID. We ascertained 9 of the girls were Romanian and I was Polish. They all spoke good English.

Sgt Crawshaw established that the girls were there of their own free will and they were all over 18 years of age. I

Signature

Signature witnessed by

Continuation of Statement of **Donald Stewart Pc 115NI**

asked the girls what services they offered. They all said sauna and massage. I asked them how much they charged for a massage. They stated between £4 and £5 for half an hour session. I asked them again to confirm the price as other venues we had previously visited charged £40 to £50 per half hour. Again they all said £4 to £5.

The girls and Ms Kurban were told by the Council Officers that the premise was not licensed for massage, steam or sauna and that they had to close the premise. We then left.

Signature: Signature witnessed by:

Tomashevski, Kathleen

From: Paul Convery <paul.convery@gmail.com>
Sent: 17 August 2012 11:18
To: Williams, John
Cc: Pullen, Charlynn; Perry, Rupert; Convery, Paul; Tomashevski, Kathleen; Lane, Terrie
Subject: Re: Special Treatment Licence Application:Pleasure Garden:Hearing Notification

I oppose the granting of a license. There is evidence that these premises offer paid-for sex and that sauna/massage is a "cover" for such services.

Paul Convery

94 Gifford Street, London N1 0DF

**** please forgive any thick-fingered typos ... sent from mobile device ****

On Jul 18, 2012 12:33 PM, "Williams, John" <John.Williams@islington.gov.uk> wrote:

Dear Sir/Madam,

We have received the following application for a New Special Treatment Premises Licence :

Applicant: Wendy Anne Jones, 268 St Marys Road, Edmonton. London N9 8NP

Premises: Pleasure Garden

Address: 278, Caledonian Road. N1 1BA

Treatments : Sauna & Steam, Massage, Manicure & Pedicure

Representations have been received from the Police & the Health & Safety Officer, copies attached, and the application is to be considered at a hearing of the Licensing Committee on 11 September at 4pm. If you wish to make any representation or comments for consideration by the Committee, please submit these by 15 August 2012.

Regards

John Williams

Licensing Support Officer

Licensing Team

Public Protection Division

Environment & Regeneration

Islington Council

3rd Floor, 222 Upper Street, London, N1 1XR

Tel: 020 7527 3031

e-mail: licensing@islington.gov.uk <<mailto:licensing@islington.gov.uk>>

website: www.islington.gov.uk <<http://www.islington.gov.uk>>

Save paper, please do not print this email out

The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the confidentiality of this E-Mail and your reply cannot be guaranteed.

The information in this message is confidential and may be legally privileged.

Tomashevski, Kathleen

From: RUPERT PERRY <ipperry@btinternet.com>
Sent: 17 August 2012 12:10
To: Paul Convery
Cc: Williams, John; Pullen, Charlynn; Perry, Rupert; Convery, Paul; Tomashevski, Kathleen; Lane, Terrie
Subject: Re: Special Treatment Licence Application:Pleasure Garden:Hearing Notification

I too oppose this. Also I do not think they have planning permission for 24hr operation Rupert perry

Sent from my iPhone

On 17 Aug 2012, at 11:17, Paul Convery <paul.convery@gmail.com> wrote:

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Paul Convery
94 Gifford Street, London N1 0DF
**** please forgive any thick-fingered typos ... sent from mobile device ****

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Regards
John Williams
Licensing Support Officer
Licensing Team
Public Protection Division
Environment & Regeneration
Islington Council
3rd Floor, 222 Upper Street, London, N1 1XR
Tel: 020 7527 3031
e-mail: licensing@islington.gov.uk <<mailto:licensing@islington.gov.uk>>
website: www.islington.gov.uk <<http://www.islington.gov.uk>>

Anonymous objection received by email on 22 July at 15:29

Dear Licensing Officer,

I am writing as a resident in response to the notification of an application for a license to operate a sauna at no. 278 Caledonian Road.

We and many others in our neighbourhood object strongly to this license being granted for several reasons:

1. the premises, while purporting to be a sauna, has been a base of illegal activity in the past, including pad-for sex, in close proximity to a public swimming pool used by hundreds of young children and their families.
2. The operators have already operated illegally without a license.
3. While operating illegally, the operators have brought the public into a building that has been deemed unsafe by the authorities.

Therefore, since the operators have already shown a disregard for licensing, health and safety, and the law, they should not be allowed the opportunity to continue their illegal practices under the guise of a license which no one believes is the real business of this shop.

I have personally seen young women wearing very little/revealing attire being escorted out of the building and into a waiting car, which suggests not only that the shop is not a 'sauna' but that these women are not free to come and go in this place.

Though the business has been 'shut down' by trading standards and the police, the women still appear early in the morning, and there is no reason without a change of ownership to believe that this practice will not continue if the operators are granted this license.

The widespread belief that this operation is linked to organized crime introduces the threat of violence, along with exploitation into our residential community.

Even after the illegal activity has been supposedly shut down, the owner of the property has not been held to account, the operators of the shop continue under the same facade, and the same signage, suggesting it is illegal business as usual.

This is one of dozens of properties owned by the same landlord who seems determined not to allow any legal, long-term business to operate in his shops. These empty shops are a blight on our neighbourhood, and this property is a dangerous and degenerative part of his portfolio.

As these premises have been a centre of illegal operation, not only the lessees but the owner need to be held to account before any further license is granted. The council should enact a compulsory purchase order on the property so that it can be bought by someone else and we might have the opportunity for a new, legal, constructive business that can contribute to the betterment of the Caledonian Road.

Anonymous objection received by email on 28 August at 22:06

I understand that the business that operates from 278 Caledonian Road is wishing to apply for a licence as a sauna. I would like to object to this. I have lived [REDACTED] [REDACTED] for 10 years and in that period it's been common knowledge among the local community that it has been used for prostitution. Comings and goings are furtive and there are often men in cars watching those who enter and leave.

Visits on 29th June 2012

■■■■ hrs – Pleasure gardens, 278 Caledonian Road

Premises showed no sign of being open. Knocked door and rung intercom – no reply. One of the taxi drivers from across the road called out to us. When we went over we were told that premises had been closed for approximately one month. However we were then told that premise now only opens between 1am and 5am. The taxi driver offered to drive us to an alternative venue offering the same services but we declined.

Out of Hours visits 7 July 2012

Pleasure Gardens, 278 Caledonian Road

Arrived at [REDACTED] am and parked on the junction of Bingfield Street opposite. Witnessed male enter the premises and lights on inside. Followed [REDACTED] as he approached entrance at [REDACTED] am. He pressed bell by door, buzzer sounded, and [REDACTED] entered briefly for a few seconds and then left again. We returned to our vehicle and [REDACTED] stated that a guy spoke to him through a metal grill at the reception desk. The guy told him it was £15 to come in and £50 for half an hour. Observed that from across the road the venue initially appears closed but on closer viewing light visible under the door. Left vicinity at [REDACTED].

Enforcement visits

18 August 2012

██████████

Pleasure Gardens, 278 Caledonian Road

Watched from Bingfield St as ██████ walked up to premises, rang the doorbell and went in. After a minute a man came out the door and a few seconds later ██████ left as well. ██████ told me that the entry fee was £15 and £50 for a half hour with a woman. There was a man behind a metal shutter. ██████ said he asked how much it would be if he wanted longer and man told him he would need to discuss with the girl. The premises had no outside lighting. Could see lights from under the door and top of the blinds. Man told ██████ they were open till 6am. Last entry 5am.

PUBLIC PROTECTION DIVISION
222 UPPER STREET LONDON N1 1XR
STANDARD CONDITIONS FOR SPECIAL TREATMENT PREMISES
London Local Authorities Act 1991 - 2000

GENERAL

These conditions apply to all premises for which a special treatment licence has been granted.

LICENCE

1. The licence is personal to its holder. The licence cannot be transferred by the licence holder to any other person unless the licence holder has followed the procedures for transfer prescribed in Part II of the Act and the Council's Rules Governing Applications.
2. The licence is only valid in respect of the premises named on the licence. The licence cannot be transferred by the licence holder to any other premises unless the licence holder has followed the procedures for transfer prescribed in Part II of the Act and the Council's Rules Governing Applications.
3. Licences are normally granted for a maximum period of twelve months. This period is either from 1 April to 31 March or 1 October to 30 September.
4. The establishment specified in the licence may only carry out treatments which are specified on the licence. If any alteration is required an application for the variation of the licence must be made to the Council in the manner specified in the Council's Rules Governing Applications.
5. The licensee, if a sole proprietor or a partnership, shall at once notify the Council in writing of any change in the name or private address of the licensee(s) or if a company within the meaning of the Companies Act 1985, or any Act amending the same shall forthwith notify the Council in writing of any change in the registered office address or in the constitution of the directorate of such company during the currency of this licence.
6. Proposed changes in the name, title or style of the premises licensed as a special treatment establishment shall be notified to the Council and shall not be put into effect until an amended licence is issued. This can only be carried out where there is no change in any other circumstances other than for example the name or title of the premises. If any other circumstances change for example the type of treatment offered, or the address of the premises, an application for a variation or transfer of licence is required.
7. The licence shall be displayed in a prominent position within the licensed premises at all times.

PLANNING PERMISSION

8. Licences are granted without prejudice to any planning permission which may be in force. Licensees are advised to ensure that the premises comply with any planning restraints that may be in force.

NOTICES

9. All notices and advertisements issued by or on behalf of the establishment shall bear the trade name, style or title specified in the licence. The names of individual assistants or employees must not be given in such notices or advertisements.



ISLINGTON

STAFF

10. The licensee shall not, except with the written consent of the Council, employ in the conduct of the establishment or allow any direct or indirect interest in the business any person:
 - whose licence has been revoked or to whom a licence has been refused on the grounds that such a person is unsuitable to hold a licence to carry on an establishment for special treatment.
 - who is unsuitable to be so employed on the grounds that misconduct in connection with the employment of such a person in a special treatment establishment has been proved to the satisfaction of the Council.

PERSONS WHO CAN GIVE TREATMENT

11. Only those persons currently registered by the Council may give Special Treatment and may only give those treatments specified on the registration document. Such persons shall wear an identification card supplied by the Council.
12. Treatment may also be given by other persons provided:
 - a) the persons giving treatment is under the direct personal supervision of a persons approved by the Council;
 - b) the person has applied to the Council for registration for the treatments provided;
 - c) the applicant for registration has not been notified in writing that they are required to cease giving treatment (in these cases the employer, if known, would also be advised).

ADVERTISEMENT

13. The licensee shall keep in the premises, arranged or filed in order of date, a copy of each advertisement or circular issued by the licensee or on behalf of the licensee for a period of six months from the date of the issue of the advertisement. The copies shall be open to inspection by an officer and are to be produced on request.
14. The licensee shall not advertise in a public convenience or conveyance or in any place in which the public assemble, any massage or special treatments carried on at the establishments. (This will not apply to an advertisement in or on the premises of the establishment or to any advertisement in any newspaper or periodical which may be exposed for sale in any public place in which the public assemble).

CONDUCT OF BUSINESS

15. The licensee shall not do, suffer, or permit in the premises any act of an indecent or disorderly character and shall take all reasonable steps to exclude from the premises a customer or any other person who has committed such an act in the premises.
16. A licensee shall not employ any person in the premises licensed for special treatment who has been convicted of any indecent or immoral act related to the giving of special treatment without the prior consent of the Council. Where consent of the Council is refused the licensee will not employ the person within the licensed premises.
17. The licensee shall ensure that all employees at the premises are decently and properly attired.
18. The licensee shall not permit or suffer the door of any room or place in the premises to be locked whilst any person is within it.
19. The licensee shall not cause to be published any advertising in words or pictures suggesting that there is an erotic element in the treatment provided.

RECORDS

20. The licensee shall keep records of:
 - a) all persons employed giving the name, age, private address, qualifications and the terms of remuneration;
 - b) name and address of all persons receiving treatments, the type of treatment given, the name of the person giving treatment, and the date the treatment was given.
21. These records shall be kept on the premises named in the licence.
22. No person shall make a false entry into any records required to be kept as a condition of the grant of a licence.
23. A manager or other person directly or indirectly responsible for the management of the premises shall be under the same obligation as the licensee to comply with and secure the observance of conditions on grant of a licence.
24. These records should be available for inspection by Authorised Officers.

CLEANLINESS OF STRUCTURE

25. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings in any part of the premises used by clients and operators shall be kept clean and in such good repair as to enable them to be cleaned effectively.
26. There shall be provided in every treatment room suitable floor covering which shall be smooth, impervious and durable and shall be maintained in a clean condition.

TREATMENT ROOMS

27. If there is no separate sterilisation room, two distinct areas should be designated within the treatment area – clean and dirty – with all cleaning of contaminated equipment taking place only in the latter, as far from the areas where treatments are conducted as possible. A partition is to be erected to create a physical barrier between the treatment area and the dirty area.
28. No floor covering likely to present a tripping hazard or any other obstruction which could cause any person to fall onto an appliance should be permitted to be in the treatment area.
29. There shall be adequate light and ventilation to any treatment or waiting room either by natural or artificial means.
30. There shall be provided, in respect of a wash-hand basin, soap and a supply of disposable paper towels available at all times.
31. There shall be provided in every treatment and waiting room, suitable and sufficient means for heating and a reasonable room temperature shall be maintained.
32. Where it is intended that more than one person shall be treated in a room, suitable screening shall be provided to maintain privacy. Screens are to be capable of being effectively cleaned. In the case of ultra violet tanning equipment the positioning of such screens or curtains should ensure that people not using the equipment are not exposed to ultra violet radiation emitted from the equipment.
33. The doors to treatment rooms shall not be capable of being locked, any door shall be fitted so that its opening cannot be impeded and the door should be capable of being opened from the outside by a member of staff.
34. There shall be provided in every treatment room, excluding those used solely for ultra violet tanning, a suitable wash-hand basin or basins provided with an adequate supply of hot and cold water.

CLEANLINESS OF FURNITURE AND FITTINGS

35. All furniture, floor coverings and fittings in the treatment area shall be kept clean and in such good repair as to enable them to be cleaned effectively. Carpets and curtains should be excluded from the treatment areas.
36. All tables, couches and seats used by clients in the treatment area and any surface on which the items specified in condition 38 below are replaced immediately prior to treatment shall have a smooth impervious surface which is wiped down regularly with a suitable disinfectant.
37. Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client.

STERILISATION/CLEANSING INSTRUMENTS, MATERIALS AND EQUIPMENT

38. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment a licensee shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:
 - a) is clean and in good repair, and, so far as is appropriate, is sterile;
 - b) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised.
39. A licensee shall ensure that any needle, metal instrument, or other item of equipment used in treatment or for handling instruments and needles used in treatment so far as is appropriate, is in a sterile condition and kept sterile until it is used.
40. A licensee shall provide:
 - a) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised single use items are used) and of cleansing, as required in pursuance of these conditions;
 - b) adequate storage for all items mentioned in conditions 38 (a) and 38 (b) above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible the risk of contamination.

NEEDLES

41. All needles used in the treatments must be placed after use either:
 - a) in the case of needles or bars which will be re-used, in a suitable disinfecting solution prior to cleaning and sterilising;
 - b) in the case of disposable needles in a puncture and leak proof box which is clearly marked 'sharps'. The box and its contents must be disposed of in a manner approved for clinical waste.
42. Under the Controlled Waste Regulations 1992 and the Environmental Protection Act 1990 operatives/licence holders have a duty of care to ensure that all clinical waste i.e. used dressings, swabs etc (infected or not) and used needles are collected and disposed of by a licensed contractor. A waste transfer document shall be available at the premises for inspection.
43. The clinical waste bags shall be yellow and marked as 'Biohazard – clinical waste' and whilst awaiting collection should be stored in a secure area.

WASTE MATERIALS

44. All waste material, and other litter arising from the treatment, shall be placed in suitable covered receptacles, which are washable and leak proof, or a leak proof liner bag should be used. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned.

PERSONAL

45. Any person carrying out a treatment must ensure that:
- a) his/her hands are kept clean and washed immediately prior to carrying out any treatment;
 - b) he/she is wearing clean clothing, operators should wear disposable, single use aprons;
 - c) he/she keeps any open boil, sore, cut or open wound on an exposed part of his/her body effectively covered by an impermeable dressing;
 - d) he/she does not smoke or consume food or drink during the course of the treatment.

SHOWERS

46. In premises providing body treatments involving the application of heat by saunas, solarium, steam bath or turkish baths, suitable and sufficient showering facilities shall be provided.

SKIN PIERCING

47. Skin piercing, including body piercing and tattooing, may only be carried out using equipment approved by the Council in accordance with current standards and practice relating to the treatment.

HOT AND COLD WATER

48. An adequate, constant supply of clean hot and cold water shall be readily available on the premises at all times.

LASERS

Please refer to separate Standard Conditions for Laser & IPL treatments.

NAIL BARS

49. Training to National Occupational Standards Level 3 Nail Services, any technician trained to level 2 must be supervised by someone holding level 3. Any other qualification must have equivalent content. The content of the training can be found at www.ukstandards.org.
50. The condition of the client's nails should be examined prior to any treatment and if there is any sign or suspicion that there is any infection present, the client must be recommended to seek medical attention.
51. No electric 'drills' to be used on the natural nail bed. They may only be used on the acrylic tip by a nail technician who has received training in the safe use of electric tools. Evidence of training must be kept on site.
52. All tools, including drill accessories, are to be disinfected before use on any client. There must be a sufficient quantity of tools to allow for disinfection between clients. Disposables to be used wherever possible.
53. Clean, washable overclothing to be worn.
54. All premises must have good general ventilation, at least 10 litres per second per person, to reduce exposure to vapours from nail products and solvents. Where there is insufficient natural air flow through the building, mechanical ventilation may be required. Local exhaust ventilation to remove dust and vapour as close to site of production as possible must also be used.
55. Written aftercare information to be given to client about maintaining the nail extensions.
56. Client records; name, address, telephone number, date of treatment and name of operative, must be kept for at least 3 years and be available for inspection at the premises.

ULTRA VIOLET TANNING EQUIPMENT: SUNBEDS AND TANNING BOOTHS

57. The licensee shall draw up a schedule of maximum exposure times based on information supplied by the manufacturer and the operator shall advise clients of suitable exposure levels to avoid over-exposure particularly during initial sessions.
58. Warning notices and guidance notes approved by the Council shall be clearly displayed near the machine informing users of the equipment of the dangers of over-exposure.
59. Suitable goggles for the protection of the eyes of users of the equipment must be provided and each user must be advised of the possible dangers of failing to properly protect the eyes from ultra violet light. No user of the equipment should be allowed to undertake treatment without such protection.
60. Records must be kept of the hours of use of each machine and these records shall show when the tubes are replaced. Tubes must be replaced at intervals recommended by the manufacturer, together with the ultra violet transmitting plastic sheet if fitted.
61. Ultra violet lamps should be effectively protected from persons coming into contact with the lamps. Suitable means of achieving this protection would be the completion of the lamp enclosure with ultra violet radiation transmitting material, embedding the lamps within reflectors, or by covering with a grille or mesh. The protection should be of adequate mechanical strength which should not be impaired through repeated exposure to ultra violet radiation. In the case of lamps that might explode, the protection should be capable of containing fragments.
62. Only replacement tubes completely compatible with those supplied by the manufacturer of the appliance and of the same spectral output and energy emission as the original equipment fitted shall be used.
63. A suitable readily identified emergency device shall be fitted within easy reach of a person using the equipment. The device, when operated, should switch off ultra violet lamps, summon assistance, and where an upper canopy or door is electrically operated raise or open the canopy or door. Canopies/doors not electrically operated must rise/open freely.
64. The surface of the bed/booth must be cleansed after each use with a suitable cleanser as recommended by the manufacturer of the appliance, or covered with a disposable impervious film which is changed between each client.
65. Prospective users of the equipment shall be asked to complete a confidential questionnaire before using the appliance to establish whether any conditions exist which would indicate that use of the appliance could have an adverse effect on the health or safety of the user.
66. An automatic timer shall be fitted to the equipment and shall be of good quality with an accuracy of + - 10% and shall be such that the user is unable to increase the duration of treatment.
67. Equipment must be situated in a suitable room or cubicle and so positioned that adequate ventilation and cooling is provided, so that the temperature rise in the enclosure due to the operation of the equipment does not exceed 5°C.
68. These conditions, in so far as they relate to matters of health, hygiene and safety, are subject to amendment in accordance with any change in the requirements of the relevant statutory provisions or on the recommendation of the Health and Safety Executive.

SAUNAS

69. The sauna should be provided with:
 - a) a thermometer indicating the temperature inside the sauna;
 - b) a readily identifiable emergency device to summon assistance;

- c) a glass observation panel in the door to allow staff to monitor the welfare of clients in the sauna;
- d) a clock or timer to enable clients to record their length of stay in the sauna;
- e) a temperature control device which can only be increased above 90°C by a member of staff;
- f) a guard rail or barrier surrounding the hot coals which extends at least 100mm above the height of the coals.
- g) a heater which is provided with an external casing which is not capable of becoming hot, i.e., the surface remains below 40°C, or a fence which completely surrounds the heater to prevent accidental contact with the hot surface.
- h) adequate lighting;
- i) high and low level vents to provide adequate ventilation;
- j) the sauna stove should be fitted with a thermal cut out device which is activated if the temperature in the sauna rises above 105°C.

WHIRLPOOLS / JACUZZIS / SPA BATHS / AERATED WATER BATHS ETC

- 70. The licensee is to ensure that any spa or aerated water bath is operated in a safe and hygienic manner in accordance with appropriate guidelines on pool operation.
- 71. Suitable and compatible treatment chemicals are to be used to maintain a consistent water quality. Regular testing of the water is to be carried out by or on behalf of the licensee to confirm that the water is chemically and bacteriologically within acceptable limits.
- 72. Persons responsible for the supervision, operation, testing of water and cleaning of the pool are to have such qualifications and/or experience as are required by the Council. The operation of the pool includes work with the water treatments system, filter pump and valve.
- 73. The licensee is to keep records of all chemical and bacteriological tests required in condition 71 above. These records are to be kept on the premises for a period of not less than two years. An Officer of the Council must be allowed to view these records on request.
- 74. The licensee is to comply fully with the requirements of the approved Code of Practice "The control of legionellosis including legionnaires' disease" produced by the Health and Safety Executive, in relation to the assessment of risk from the operation of the pool.

MEANS OF ESCAPE IN CASE OF FIRE

- 75. All Means of Escape in Case of Fire and all safeguards to prevent the spread of fire and any arrangements in connection therewith shall be kept and maintained in good condition and repair and in efficient working order.

FIRE-RESISTING DOORS

- 76. All self-closing fire-resisting doors shall be maintained effectively self-closing and free from any means of holding the doors in the open position. Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.

EXITS

- 77. All exits and exit routes shall be maintained unobstructed, immediately available for use and clearly identifiable.

FIRE FIGHTING APPLIANCES

- 78. Fire fighting appliances shall be maintained and kept available for immediate use.
- 79. At least once in every 12 months an inspection and maintenance report in respect of all fire extinguishers shall be obtained from a 'Registered Firm' and kept on the

premises. Fire blankets shall be maintained in accordance with the manufacturer's instructions.

CURTAINS, DECORATIONS ETC

80. Curtains, hangings or draperies, together with their linings, and any decorations shall be non-flammable.

ESCAPE LIGHTING

81. Escape lighting installations shall be tested by a person with experience of battery installations at regular intervals not exceeding six months and a certificate that the batteries have been tested and maintained shall be obtained and kept on the premises.

ARTIFICIAL LIGHTING

82. Adequate lighting shall be provided and maintained in all parts of the premises to which members of the public and staff have access.

VENTILATION

83. Adequate ventilation shall be provided and maintained within the premises.

MEANS OF HEATING

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

GAS INSTALLATION

85. The gas installation shall comply with the current Gas Safety Regulations.

SANITARY ACCOMMODATION

86. Suitable and sufficient sanitary accommodation shall be provided and be available for use by staff and clients. The sanitary accommodation shall be maintained and kept in a clean and hygienic condition.

ELECTRICAL INSTALLATION

87. The electrical installation for the premises shall be inspected, tested and maintained in accordance with the British Standard 7671. A Periodic Inspection Report shall be obtained from a "competent person" at the appropriate intervals (e.g. up to a maximum of five years or a shorter period as specified on the Report) and submitted to the Council.
88. The inspection certificate shall be signed by a person who shall be one of the following:
- a professionally qualified Electrical Engineer;
 - a member of the Electrical Contractors' Association;
 - an approved contractor of the National Inspection Council for Electrical Installation Contracting, or
 - a qualified person acting on behalf of one of the above (in which event it shall be stated for whom he/she is acting).

ELECTRICAL APPLIANCES

89. An inspection and test shall be carried out on all portable electrical appliances within the premises as required by the Electricity at Work Regulations 1989. The inspection shall also include fixed appliances used for treatment of the public. The tests shall ensure that the electrical appliances comply with these Regulations and the relevant parts of British Standard 7671.

90. A certificate shall be submitted to the Council at 12 monthly intervals by a person described in Condition 89 above. Guidance about maintenance can be obtained from the Health & Safety Executive, Memorandum of Guidance HS(R)25.

FIRE ALARM SYSTEM

91. A fire alarm audibility test shall be carried out weekly at a predetermined time by using a different call point for each successive test to ensure that the fire alarm system and sounders operate satisfactorily.
92. Routine maintenance of the complete system shall be carried out by a competent person at intervals not exceeding 6 months and a test certificate obtained. The results of the tests and a record of the maintenance shall be kept on the premises in a log book.

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London Local Authorities Act 1991 (c. xiii)

1991 CHAPTER xiii

PART II

SPECIAL TREATMENT PREMISES

4 Interpretation of Part II

In this Part of this Act unless the context otherwise requires—

“establishment for special treatment” means any premises in the borough used, intended to be used or represented as being used for the reception or treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths but does not include—

- (a) any premises which are not used for gain or reward;
- (b) any premises where the special treatment is carried out by or under the supervision of—
 - (i) a medical practitioner duly registered by the General Medical Council; or
 - (ii) any bona fide member of a body of health practitioners which has given notice in writing to the borough council that it—
 - (1) has a register of members;
 - (2) requires as qualification for membership qualifications by way of training for, and experience of, the therapy concerned;
 - (3) requires its members to hold professional indemnity insurance;
 - (4) subjects its members to a code of conduct and ethics, including a prohibition of immoral conduct in the course of their practice; and

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- (5) provides procedures for disciplinary proceedings in respect of its members;
 - and has supported that notice with satisfactory documentary evidence, if required by the council; or
 - (iii) in the case of acupuncture, a dentist registered under the Dentists Act 1984;
 - (c) any premises which are used by a person who is registered by a board under the Professions Supplementary to Medicine Act 1960—
 - (i) solely for the practice of the profession in respect of which he is so registered; or
 - (ii) for the practice of the profession in respect of which he is so registered and for the conduct by him of any business ancillary to such practice and no other purpose;
 - (d) any hospital provided by the Secretary of State or by a National Health Service Trust established under the National Health Service and Community Care Act 1990 or by a charity which is registered under section 4 of the Charities Act 1960 or is exempted from registration by subsection (4) of that section; or
 - (e) any nursing home which is for the time being registered under Part II of the Registered Homes Act 1984 or exempted from registration under that Part of that Act;
- “licence” means a special treatment licence granted under section 6 (Licensing under

5 Application of Part II

This Part of this Act applies to a borough as from the appointed day.

6 Licensing under Part II

- (1) 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.
- (2) The borough 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.
- (3) Without prejudice to the generality of subsection (2) above, such conditions may 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;

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- (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.
- (4) Provided it has not been cancelled or revoked the licence shall remain in force for 18 months or such shorter period specified in the licence as the borough council may think fit.

7 Applications under Part II

- (1) An applicant for the grant, renewal or transfer of a licence shall not later than the day the application is made send a copy to the Commissioner of Police and a copy to the London Fire and Civil Defence Authority and, subject to subsection (2) below, no such application shall be considered by the council unless the applicant complies with this subsection.
- (2) The borough council may in such cases as they think fit, after consulting with the Commissioner of Police and the London Fire and Civil Defence Authority, consider an application for the grant, renewal or transfer of a licence notwithstanding that the applicant has failed to comply with subsection (1) above.
- (3) In considering any application for the grant, renewal or transfer of a licence the borough council shall have regard to any observations submitted to them by the Commissioner of Police and the London Fire and Civil Defence Authority within 28 days of the making of the application and may have regard to any observations submitted by them thereafter.
- (4) An applicant for the grant, renewal, transfer or variation of a licence shall furnish such particulars and give such other notices, including the public advertisement of the application, as the borough council may by regulation prescribe.
- (5) Regulations under subsection (4) above may, inter alia, prescribe the procedure for determining applications.
- (6) An applicant for the grant, renewal or transfer of a licence shall pay a reasonable fee determined by the council.
- (7) Where, before the date of expiry of a licence, an application has been made for its renewal or transfer, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications until the determination of the application by the borough council or the withdrawal of the application.

8 Refusal of licence

The borough 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;

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- (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; or
- (m) the applicant has failed to comply with the requirements of subsection (4) or (6) of section 7 (Applications under

9 Transmission and cancellation of licence

- (1) Subject to subsection (2) of this section, in the event of the death of the holder of a licence, the person carrying on at the place in respect of which the licence was granted the function to which the licence relates shall be deemed to be the holder of the licence unless and until the licence is transferred to some other person.
- (2) The borough council may revoke a licence held by a person by virtue of subsection (1) above for any of the grounds mentioned in section 8 (Refusal of licence) of this Act.
- (3) The borough council may, at the written request of the holder, cancel the licence.

10 Power to prescribe standard terms, conditions and restrictions

- (1) The borough 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.
- (2) Where the borough 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.

11 Provisional grant of licences

- (1) Where application is made to the borough council for the grant of a licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the borough council are satisfied that the premises would, if completed in accordance with the requirements of the borough council, be such that they would grant the licence, the borough council may grant the licence subject to a condition that it shall be of no effect until confirmed by them.
- (2) The borough council shall, on application being made for the appropriate variation of the licence, confirm any licence granted by virtue of subsection (1) above if and when they are satisfied that the premises have been completed in accordance with the requirements of the borough council.

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12 Variation of licences

- (1) The holder of a licence may at any time apply to the borough council for a variation in the terms, conditions or restrictions on or subject to which the licence is held.
- (2) The person making an application for such a variation of a licence shall on making the application pay to the borough council a reasonable fee determined by the council.
- (3) The borough council may—
 - (a) make the variation specified in the application;
 - (b) make that variation together with such further variation consequent thereon as the council may determine; or
 - (c) refuse the application.

13 Part II appeals

- (1) Any of the following persons, that is to say:—
 - (a) an applicant for the grant, renewal or transfer of a licence whose application is refused;
 - (b) 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;
 - (c) an applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held whose application is refused;
 - (d) 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;
 - (e) 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; 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 petty sessions area in which the premises are situated by way of complaint for an order.
- (2) 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.
- (3) An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.
- (4) 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.
- (5) 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—
 - (a) 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; and

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- (b) where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the borough council.
- (6) Where any licence is renewed under section 6 (Licensing under Part II) of this Act and the borough council specify 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.
- (7) Where the holder of a licence makes an application under section 12 (Variation of licences) of this Act and the borough council make the variation applied for together with a further variation, then the licence shall continue as it was before the application—
- (a) until the time for bringing an appeal under this section against any term, condition or restriction contained in the further variation has expired; and
 - (b) where any such appeal is brought, until the determination or abandonment of the appeal.

14 Enforcement of Part II

- (1) If any occupier or other person concerned in the conduct or management of premises in the borough uses them as an establishment for special treatment or represents them as being so used or permits the premises to be so used he shall, unless the premises are currently licensed by the borough council under this Part of this Act, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (2) If any premises in respect of which a licence is in force are used as an establishment for special treatment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then the holder of the licence or other person concerned in the conduct or management of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) Subject to section 13 (Part II appeals) of this Act, the borough council may revoke a licence if its holder is convicted of an offence under subsection (2) above.

15 Powers of entry

- (1) Any duly authorised officer or duly authorised officer of the London Fire and Civil Defence Authority (on production, if so required, of a duly authenticated document showing his authorisation) or any constable, may at all reasonable times enter upon, inspect and examine any premises which are, or which he has reasonable cause to believe are—
- (a) used, represented as being used, or intended to be used as an establishment for special treatment without the requisite licence; or
 - (b) used in contravention of the terms, conditions or restrictions on or subject to which a licence is granted; and may do all things reasonably necessary for the purpose of ascertaining whether an offence has been committed.
- (2) Subsections (2), (3) and (4) of section 287 of the Public Health Act 1936 shall apply in respect of entry to premises for the purposes of this section as they apply to entry to premises for the purposes of subsection (1) of that section.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) Any person who intentionally obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

16 Application to existing special treatment premises

- (1) In respect of premises licensed or registered under an enactment specified in the Schedule to this Act on the date this Part of this Act comes into force in the borough in which the premises are situated, section 6 (Licensing under Part II) of this Act shall not apply until the expiry of the licence or registration granted under that enactment.
- (2) If, on an application for a licence duly made under this Part of this Act in respect of any such premises as are referred to in subsection (1) above—
- (a) the application is refused; or
 - (b) the licence is granted subject to a term, condition or restriction additional to those attached to the licence or registration under the earlier enactment;
- then in a case falling within paragraph (a) above this Part of this Act shall have effect as though the applicant held a licence on and subject to the same terms, conditions and restrictions as under the previous licence or registration and the application had been for the renewal thereof, and in a case falling within paragraph (b) above this Part of this Act shall have effect as though the applicant held such a licence which had been renewed with a term, condition or restriction not previously specified in relation to the licence.
- (3) Where premises to which subsection (1) above does not apply are lawfully being used as an establishment for special treatment immediately before the date on which this Part of this Act comes into force in the borough in which the premises are situated, and an application for the grant of a licence is duly made before that date in respect of the premises, this Part of this Act shall have effect as though the applicant held a licence free of any terms, conditions or restrictions and the application had been for the renewal thereof.

17 Repeal

Subject to section 16 (Application to existing special treatment premises) of this Act, the enactments specified in column (2) of the Schedule to this Act, so far as they relate to any part of Greater London, and bye-laws made thereunder, shall cease to have effect in a borough on the day which the council of that borough resolve to be the appointed day for the purposes of this Part of this Act.