

London Borough of Islington

LICENSING REGULATORY COMMITTEE – 13 DECEMBER 2012

Minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, London N1 2UD, on 13 December 2012, at 4.15 pm

Present: Councillors: Theresa Debono, Barry Edwards and Marian Spall

Councillor Marian Spall (Chair of the Committee) in the Chair

024 APOLOGIES FOR ABSENCE (Item A1)

Received from Councillors Burgess and Ismail.

025 DECLARATION OF SUBSTITUTE MEMBERS (Item A2)

Councillor Debono substituted for Councillor Burgess.

026 DECLARATIONS OF INTEREST (Item A3)

None.

027 MINUTES OF THE MEETINGS HELD ON 21 JUNE AND 15 OCTOBER 2012 (Item A4)

RESOLVED:

That the minutes of the meetings held on 21 June and 15 October 2012 be confirmed as a correct record and the Chair be authorised to sign them.

028 APPLICATION FOR A NEW SPECIAL TREATMENT LICENCE UNDER THE LONDON LOCAL AUTHORITIES ACT 1991 – SAUNA 2K, 228-230 SEVEN SISTERS ROAD, LONDON N4 3NX (Item B1)

The Licensing Officer reported that there had been an additional visit to the premises on 7 December 2012 by officers from the Licensing Team. Copies of the report of that visit had been supplied to the licensee and their legal representative on the day following the visit. Copies of the report had been circulated to members of the Sub-Committee earlier on this day. He pointed out that Terrie Lane, the Licensing Manager, one of the officers who had taken part in that visit, was present at this meeting to answer any questions from members of the Sub-Committee.

Richard Barca, representing the applicant and supported by Mr Sirak Tekle, the manager of the premises and representative of the company, and Ms Constanza Elena, one of the women who worked at the premises and who had been referred to in the witness statement of PC Donald Stewart from a visit he made to the premises on 7 September 2012, asked questions of his witnesses, Mr Tekle and Ms Elena. In response to questions from Mr Barca, Ms Elena said that the last line of the witness statement of Donald Stewart, PC115NI, detailing his visit of 7 September 2012 to the premises, was incorrect. PC Stewart later maintained that his statement was true and

LICENSING REGULATORY COMMITTEE – 13 DECEMBER 2012

accurate.

Referring to pages 35 to 41 of the report, which were copies of webpages from a premises named “Sauna 2K”, Mr Tekle stated that those pages belonged to a previous owner of the premises and the telephone number displayed there was no longer associated with the current premises.

Mr Barca referred to the fact that a licence application had been submitted on 3 September 2012, although no acknowledgement of receipt had been received from the Licensing Team.

RESOLVED:

That the application from Mr Abraham for a new Special Treatment licence in Islington, for the premises known as SAUNA 2K, 228 – 230 Seven Sisters Road, N4 3NX be refused, on the grounds that:

- (a) 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
- (b) the persons giving the special treatment are not suitably qualified

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee noted in particular that the premises had been operating without a Special Treatment Licence since 1 October 2011. The Committee also noted that no persons at the premises were registered with Islington to carry out massage treatments, when officers visited the premises on 25 February 2012 and 7 September 2012.

The Committee noted that the applicant, Mr Benyam Abraham, was not present at the meeting. From the evidence presented to the Committee, it was clear that there had been a failure to follow the proper procedures for renewal of the licence. The premises continued to operate without a licence in force, despite written and verbal warnings given to the applicant by the Council that no special treatments should be offered at the premises until a new licence had been granted.

In the view of the Committee, the applicant did not give confidence that, if a licence was granted, the premises would operate in accordance with the terms of the licence. It took a visit from Council officers and Police officers on 25 February 2012 to bring to the applicant’s attention that the premises were being operated without a valid licence. This was followed up by a letter dated 9 March 2012 from the Council.

The Committee noted that an application was submitted by the applicant in March 2012. However, officers sent the applicant a letter on 23 April 2012 informing them that the new application was invalid, as the licence had actually expired six months previously. Forms were enclosed with the letter from the Council for them to apply for a new licence. The applicant did not respond to this letter and the Council sent a

LICENSING REGULATORY COMMITTEE – 13 DECEMBER 2012

reminder to both the applicant and his legal representative on 22 August 2012. This letter clearly stated that the premises was not licensed and no special treatments should take place until a licence had been granted. The letter also advised that licensing officers would be visiting the premises within the next 14 days and, if the premises was found to operating in breach of the law, then an objection would be made to any new application received. The officers visited on 7 September 2012 when they found the premises open for business to provide special treatments.

The meeting closed at 6. 05 pm.

CHAIR