

Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	13 March 2014	B2	Finsbury Park

Delete as appropriate		Non-exempt
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Premises: SEVEN SISTERS SPA, 228 – 230 SEVEN SISTERS ROAD, LONDON, N4 3NX

Applicant: Hartrise Limited.

Statute: London Local Authorities Act, 1991 Part II

Subject: Application for a new Special Treatment Licence

1. Synopsis

- 1.1 This is an application for a new special treatment licence under the London Local Authorities Act 1991, Part II. A copy of the application form can be found at **Appendix 1**.
- 1.2 The application is to allow Sauna and Massage.
- 1.3 The application is subject to representations from the Metropolitan Police and the Licensing Authority.

2. Recommendations

- 2.1 The Committee needs to consider all the evidence before determining this application;
- 2.2 If the Committee decides to refuse the application the London Local Authorities Act 1991 section 8 permits it to do so under one or more of the grounds found at 4.2.1 of this report.
- 2.3 If the Committee grants the application it should be subject to:
 - i) the standard conditions for special treatment premises (see appendix 4);
 - ii) any conditions deemed appropriate by the Committee.

3. Background

3.1. Objections.

- 3.1.1. Objections to the grant of this application have been received from Metropolitan Police and the Licensing Authority. These objections are attached – see **Appendix 3**.
- 3.1.2. The main grounds of the objections are around the previous history of the premises. The Police and the Licensing Authority have requested information to reassure them that licensable activities at the premises will be properly conducted.
- 3.1.3. The applicant has been provided with copies of the representations received, they were also given a deadline of the 27 February 2014 to provide supporting evidence in the application. To date no supporting evidence has been received and the applicant has not agreed to the conditions or the restricted hours proposed for licensable activities by the Licensing Authority.
- 3.1.4. The applicant did telephone the Metropolitan Police to discuss the application. The Police officer requested that the applicant supply a business plan and information to demonstrate how they intend to run the business should the licence be granted. No further information has been supplied to the Police in respect of this application.

3.2 Licensing History of the premises:

- i) The premises had been licensed as a special treatment premises since 2000. The most recent licence expired on 30 September 2011.
- ii) On the 25 February 2012 the premises was visited by licensing officers and the Police as part of a program of pre - Olympic multi agency visits to massage and sauna premises. The premises was found to be offering massage, but no therapist registrations or certificates were available for inspection.
- iii) Upon further investigation it was confirmed that the premises had not renewed its special treatment licence in September 2011 and a warning letter was sent on 9 March 2012 to this effect.
- iv) The proprietor's solicitor submitted a renewal application for a special treatment licence for the premises in March 2012 but as the licence had expired 6 months earlier the renewal application was invalid. The proprietor's solicitor was written to on the 23 April 2012 advising of the requirement to submit a new application.
- v) A further reminder letter was sent to the solicitor on 22 August 2012 advising them that the premises was not licensed for special treatments.
- vi) On the 31 August 2012 the proprietor submitted an application for a special treatment licence. On 31 August 2012 the premises was visited by licensing officers on routine inspections and although the premises appeared open for business the officers were refused entry to the premises.
- vii) On 7 September 2012 the premises was visited by licensing officers, the Police and the Fire Brigade as part of a multi agency inspection program. The premises was open and advertising special treatments. The Police Officer's investigation revealed that the premises engaged in prostitution, and licensing officers found that none of the girls working at the premises were registered with the council as therapists permitted to provide special treatments in the borough.

- viii) The Police and the Council's Health and Safety Officer have made representations to the licence application. The licence holder has since satisfied all the requirements of the Health and Safety representation.
- ix) On 4 December 2012 licensing officers accessed the website for the premises, copies of the web pages including a page listing exchange links to other disreputable adult interest websites. These pages are also included in the report for information.
- x) The application was heard by the Licensing Committee on the 13 December 2012, when the application was refused. No appeal was submitted to this application.
- xi) A new application was submitted on 29 November 2013. Although the application is a new licensee, they are represented by and have the same registered company address as the firm of Solicitors that represented the previous applicant.

3.3 Planning Control

- 3.3.1 Planning permission was granted for "Change of use of lower ground floor to massage parlour and sauna" in 1999 (ref: 991897). There were no planning conditions.

3.4. Building Control

- 3.4.1. No issues.

4. Implications

4.1 Financial Implications

- 4.1.1 The Head of Finance reports that the applicant has paid the application fee of £635.00. Should the application be refused, the fee shall be refunded less the Council's costs in dealing with the application.

4.2 Legal Implications

4.2.1 Refusal of licence

If the Committee decides to refuse the application the London Local Authorities Act 1991 section 8 permits it to do so under one or more 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 license;
- (d) the persons giving the special treatment are not suitably qualified;
- (e) the premises have been or are being improperly conducted;
- (f) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
- (g) the means of heating the premises are not safe;
- (h) proper precautions against fire on the premises are not being taken;
- (i) they are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given;

- (j) they are not satisfied as to the safety of the special treatment to be given;
- (k) satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises;
- (l) the applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act; or
- (m) the applicant has failed to comply with the requirements of subsection (4) or (6) of section 7.

4.2.2. Power to prescribe standard conditions

- The Borough Council has used the power, as laid out under Section 10 of the Act, to make regulations prescribing standard conditions for all Special Treatment Premises Licences issued under the Act. All standard conditions shall apply, unless they have been expressly excluded or amended. The standard conditions as adopted by Islington Council can be found at **Appendix 4.**

4.2.2 Appeals

- Section 13 of the Act makes provision for an applicant whose application is refused, or who is aggrieved by any term, condition or restriction on or subject to which the licence is granted, renewed or transferred, to appeal.

An appeal can be submitted at any time before the expiration of the period of 21 days beginning with the relevant date to the magistrates' court in which the premises are situated by way of complaint for an order.

On an appeal 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.

4.3. Human Rights

4.3.1 The Human Rights Act 1998 makes it unlawful for the Council to act in a manner incompatible with Convention Rights. Convention rights include the right to and respect for private and family life; including the home as well as the right to the peaceful enjoyment of possessions (a licence has been held by the European Court to be a person's possession). The applicant has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal. The actions of a Licensing Committee in attaching a condition to a licence must be "proportionate" to any "pressing social need" and reasons should be given not only on refusing a licence but also when granting it.

4.3.2 The Committee considers each application being mindful of Section 17 of the Crime and Disorder Act 1998 which imposes a duty on each local authority when exercising any of its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all that it possibly can to prevent crime and disorder in the area.

4.4 Equality Implications

Applicants are advised that the provisions of the Disability Discrimination Act 1995 apply to them as providers of a service, i.e. facilities for the provision of sauna, steam room and massage (as defined by s19 of the Act). In particular that s21 of the Act places the applicant under a duty to make arrangements to ensure the service is accessible to disabled persons.

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.

6. **Background papers:**

Appendix 1: Application form;

Appendix 2: Representations;

Appendix 3: Standard conditions for special treatment premises in London Borough of Islington; and

Appendix 4: Local area map.

Final Report Clearance

Signed by


Service Director – Public Protection

3.3.14
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk



ISLINGTON

Environment and Regeneration

Licensing Team
Public Protection Division
222 Upper Street
London N1 1XR

Hartrise Limited
C/O Wilson Barca Solicitors
Carlisle Buildings
18 Carlisle Street
London
W1D 3BX

T 020 7527 3227
F 020 7527 3057
E niall.forde@islington.gov.uk
W www.islington.gov.uk

Our ref:
Your ref:

Date: 10 January 2014

Dear Sirs,

RE: Seven Sisters Spa, 228 Seven Sisters Road, London, N4 3NX

An objection has been received by the Islington Police Licensing Team and the Licensing Authority under the **London Local Authorities Act 1991, Part II** to your application for a new special treatment licence in respect of the above named premises.

Please find enclosed for your consideration a copy of the objection.

As an objection has been received to the application, the application is being referred for consideration at Licensing Committee on **13 March 2014 at 4pm**.

I have enclosed a copy of the procedure governing committee meetings for your information.

Should you wish to provide evidence supporting your renewal application, I would request that you submit it to the Licensing team by 27 February 2014.

Unfortunately the 13 March 2014 is the next scheduled meeting of the Licensing Committee, I would therefore strongly advise that you client contacts both parties making objections to see if they can reach any agreements.

Any applicant who is aggrieved by the council's decision on the licence application or any term, condition or restriction can, within 21 days of the date he or she is notified of the decision, appeal to Highbury magistrates Court.

Yours faithfully

Niall Forde
LICENSING OFFICER

Enc.



Your
Our Licensing/NI
Date: 25/12/2013



**METROPOLITAN POLICE
SERVICE
Police Licensing Unit
Islington Police Licensing Unit
Islington Police Station
2 Tolpuddle Street
London
N1 0YY**

Telephone: 020 7421 0194
Facsimile: 020 7421 0138
Email:
policelicensing@islington.gov.uk

Date: 25th November 2013

Dear Sir

Re: Seven Sisters Spa 228 Seven Sisters Road N4 3NX

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the London Local Authorities Act 1991 Part 2 Section 8 subsections (b), (c), (d) and (e).

The venue has had a considerable history of issues which culminated in the license being withdrawn by Islington Borough Council Licensing Committee on 13th December 2012, but continued to trade on an 'ad-hoc' basis throughout 2013 without a license.

Having read the application for a new license, I have concluded that the proposed use of the premises will be exactly the same as it was previously reported to be. Therefore I have genuine concerns that the premises will attempt to open and operate in the same manner as it was previously.

After reading notes of a Licensing visit conducted on 9th August 2013 I have noted that there were five Romanian females working in the venue, but none with identification or qualifications to provide a massage service; some of whom spoke no English at all.

There is a genuine concern from police that this venue will not be used for the advertised purpose. It has also not been possible to contact the applicant by telephone to discuss this application and the issues above.

It is for these reasons that we are objecting to the application and propose that it is refused.

Should you wish to discuss the matter further please contact me on Mobile 07799133204 or via email, nmailbox-.licensing@met.police.uk

Yours sincerely

Steven Harrington Pc 425NI
Peter Conisbee Pc 575NI
Paul Hoppe Pc 208NI
Islington Police Licensing Team

Licensing Act 2003- Representation from the Licensing Authority
Application: Seven Sisters Spa, 228 Seven Sisters Road, London, N4 3NX

I am submitting a representation on behalf of the Licensing Authority with respect to the new special treatment application seeking to authorise sauna and massage at the above premises.

This is an application for a new special treatment licence under the London Local Authorities Act 1991 Part II.

The application is to permit sauna, steam room and massage.

The Police have also objected to the application.

The premise has a history of being used for alleged sexual services.

An earlier application for a special treatment licence for this premises was refused in December 2012. The Committee determining the application did not have confidence that the applicant, if a licence was granted, would operate the premises in accordance with the terms of the licence.

The Licensing Authority believe that this application should be determined by the Licensing Committee and the members need to be satisfied that the following grounds for refusal of a special treatment licence are satisfied.

- The premises are structurally suitable for the purpose.
- There is no 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;
- The persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment can be reasonably regarded as being fit and proper persons to hold such a license.
- The persons giving the special treatment are not suitably qualified; the applicant has not 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.

In addition, due to the historic alleged use of the premises for the provision of sexual services, should the Committee decide to grant the application, the Licensing Authority suggest a restriction in the opening hours of the premise.

The licensing Authority does not believe that members of the public would attend a legitimate Sauna and massage premises after 10pm or before 7am and so would like these times imposed on the licence.

Janice Gibbons
Service Manager
Janice.gibbons@islington.gov.uk
020 7527 3212

18 December 2013



ISLINGTON

wk/201331581

LONDON LOCAL AUTHORITIES ACT 1991, PART II
SPECIAL TREATMENT PREMISES

APPLICATION FOR AN ANNUAL PREMISES LICENCE

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: 635-00
Cheque/Postal Order No:
Receipt Number: 0608273
Date Received: 20/11/2013
Initials: API

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:	SEVEN SISTERS SPA
	Address of the premises:	228 SEVEN SISTERS RD LONDON
	Postcode:	N4 3NX
	Telephone number:	NONE AT PRESENT (TBA)
2.	Your first name(s):	BEREKET
	Your surname:	HABTE
	Maiden name (if applicable):	/
	Other names known under:	/
3.	Date of Birth:	01-03-1982
4.	Your private residential address:	25 ORCHARD RD
	Proof of address must be supplied to the Council (see note 1 below)	HAYES
	Postcode:	UB3 2JB
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):	308701842
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:	HARTRISE LIMITED
		18 CARLILSE ST
		LONDON
	Postcode	WD1 3BX
	Company Registration Number:	
8.	What part(s) of the premises are proposed to be used under the licence? (e.g. basement, ground floor etc):	BASEMENT
9.	What is the main use of the premises to which this licence application relates:	SAUNA + MASSAGE
10.	Please give full details of your interest in the premises:	LESSEE
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:	TWO AT PRESENT
12.	List all special treatments to be given (continue on a separate sheet if necessary):	- BODY MASSAGE - SAUNA

Note 1:

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.
- A certificate confirming examination of all fixed and portable electrical equipment in the last 12 months.
- Fire risk assessment.

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:  Name in Block Capitals: BEREKET HASTE
Position: DIRECTOR Dated: 15 NOVEMBER 2013

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

Data Protection Act 1998

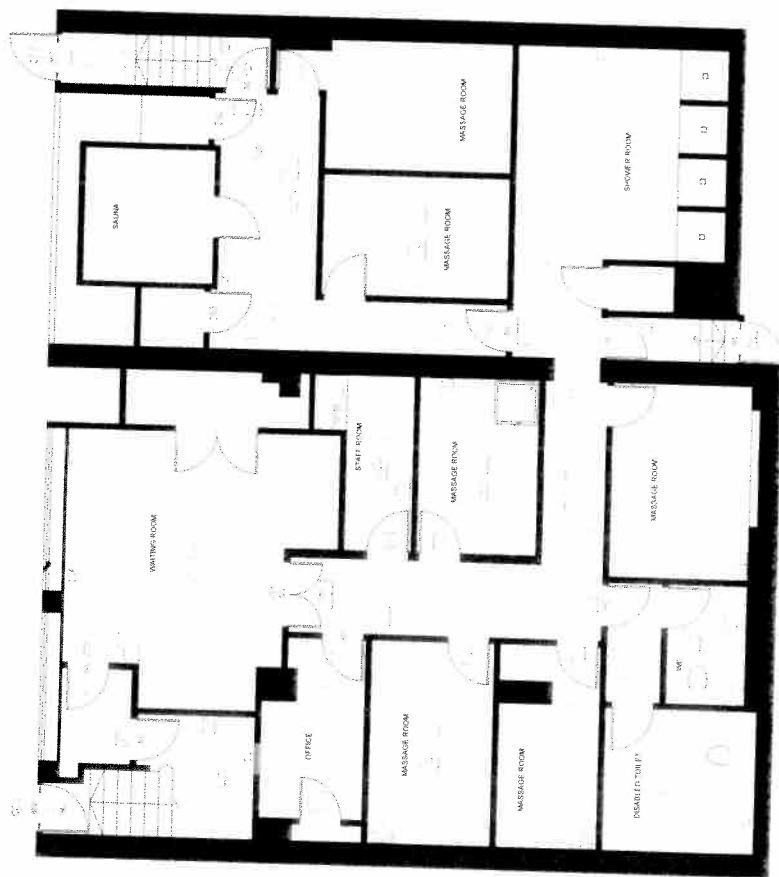
Please note that the information on this form will be stored on computer; it will not be shared with other organisations, unless authorised under the Data Protection Act 1998.

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.



PROJECT
 228 SEVEN SISTERS ROAD,
 LONDON N4 3NX

DATE: 27/11/2013

AREA: 182.75 SQ M / 1966 SQ FT

SCALE: 1:100

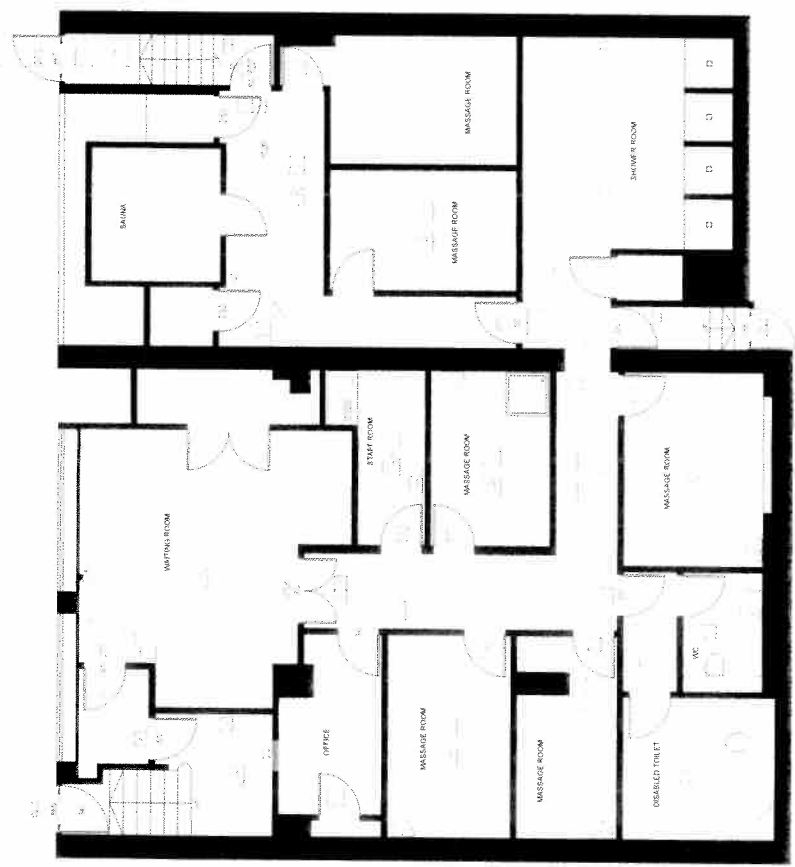
TYPE: TPB

NO: MG

NO: 120030

DATE: 27/11/2013

flo[]rolanz



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PROJECT
 228 SEVEN SISTERS ROAD,
 LONDON, N4 3NX

DATE

SPRINT-SCALE
 182.75 SQ M / 1966 SQ FT

SCALE

1:100

TPB

MG

A3

120030

27/11/2013

floorrplanz

www.floorrplanz.co.uk

**Title : Seven Sisters
Road Spa**

Islington Borough
Boundary

Printed by :
RO RO

Printed at :
03-03-2014

