

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	10 th December 2013	B1	St. Mary's

Delete as appropriate		Non-exempt
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Premises: Hikari Salon, 9 Theberton Street, London, N1 0QY.

Applicant: Ms. Marie Jacqueline Carrim-Lutchun

Statute: London Local Authorities Act, 1991 Part II

Subject: Renewal Application of a Special Treatment Licence

1. Synopsis

- 1.1 This is an application for a renewal of the 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 Facials, Manicure, Pedicure, Massage and Self-Tanning.
- 1.3 One local resident has made representations in response to the application.

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 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.
- 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) the conditions of the current premises licence; and
 - iii) 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 one local resident. These objections are attached – see **Appendix 3**.
- 3.1.2. The main grounds of objection to the grant of the licence are that the building is not structurally suitable for the purpose, the likelihood of nuisance and standards of management.
- 3.1.3. The applicant has been provided with copies of the representations received.

3.2 Licensing History of the premises:

- 1st October 2009, Special Treatment premises licence granted, authorising manicure, pedicure, facials with massage, massage and self-tanning;
- 30th September 2011, Special Treatment premises licence lapsed as renewal not sought;
- 28th February 2012, new Special Treatment premises licence application received;
- 1st April 2012, Annual Special Treatment premises licence granted, authorising manicure, pedicure, facials, massage and self-tanning.

3.3 Planning Control

3.3.1 No issues.

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 and supporting documents;
- Appendix 2: Current premises licence and associated layout plan;
- Appendix 3: Representations;
- Appendix 4: Standard conditions for special treatment premises in London Borough of Islington; and
- Appendix 5: Local area map.

Final Report Clearance

Signed by


Service Director - Public Protection

28-11-13
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



LONDON LOCAL AUTHORITIES ACT 1991, PART II
SPECIAL TREATMENT PREMISES

APPLICATION FOR RENEWAL OF AN ANNUAL LICENCE

Due 21/10
LN/13671

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

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

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

*** OFFICE USE ONLY ***	
Register Number:	2013 03A00
Fee Paid:	635.00
Cheque/Postal Order No:	000131
Receipt Number:	0662629
Date Received:	03/04/12
Initials:	USE

Please read the accompanying notes carefully before completing this form

I/We apply for a renewal of the annual special treatment licence for the premises named below:

1.	Name of the premises:	HIKARI SALON
	Address of the premises:	9 THEBERTON STREET ISLINGTON LONDON
	Postcode:	N1 0QY
	Telephone number:	
2.	Your first name(s):	MARIE - JACQUELINE
	Your surname:	CARRIM - LUTCHUN
	Your private residential address:	
	Postcode:	
	Your mobile number:	
3.	If the application is made by a limited liability company, give the name & address of the registered office here:	
	Postcode	
4.	What part(s) of the premises are proposed to be used under the licence? (e.g. basement, ground floor etc):	BASEMENT

5.	What is the main use of the premises to which this licence application relates:		
6.	Please give full details of your interest in the premises:		
7.	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:		
8.	How many persons registered by the Council to give special treatments do you intend to employ at the premises at any one time:		
9.	List below the names of all therapists currently employed at the premises:		
10.	Please ✓ each of the special treatments that you are planning to provide:		
	Massage		Pedicure <input checked="" type="checkbox"/>
	Shiatsu		False Nails
	Lymphatic Drainage		Nail Piercing
	Aromatherapy		Stone Therapy
	Reflexology		UV Tanning
	Vacuum Suction		Self-Tanning <input checked="" type="checkbox"/>
	Champissage (Indian Head Mas.)		Foot Detox
	Non-Surgical Lift		Lumi Lift/Lumi Facials
	Bio Skin Jetting		Oxygen Therapy – (Oxygen Bars only)
	Facial <input checked="" type="checkbox"/>		Electrolysis
	Acid Peel		Laser Hair Removal
	Chiropody		Intense Pulse Light
	Manicure <input checked="" type="checkbox"/>		Infra-Red
	Acupuncture		G5
	Tempooing		Body Piercing
	Tattoo		Ear Piercing
	Tattoo Removal		Beading
	Micropigmentation		Other. Please specify:
			Diathermy
			Sclerotherapy
			Ultrasound
			Milia
			Red Veins
			Thread Vein
			Skin Tag
			Galvanic
			Faradic
			Osteomyology
			High Frequency
			Body Exfoliation
			Sauna & Steam
			Spa & Bath
			WAXING <input checked="" type="checkbox"/>

Please note: we require the actual description of the treatments you wish to provide rather than the product or brand name of that treatment.

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

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

- Islington Borough Police
Islington Police Station
2 Tolpuddle Street
London
N1 0YY
- Fire Safety Regulations: North East Area 2
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. Only those treatments named on the licence will be provided at the premises.

c. 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.

d. 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: M. Carrini Name in Block Capitals: M CARRINI
Position: Beauty Therapist Dated: 3/4/13

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.

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



LICENCE NUMBER: LN/13671-010412

SPECIAL TREATMENT PREMISES LICENCE

The Council of the Borough of Islington, under the provisions of Part II of the London Local Authorities Act 1991, hereby licenses:

Name: **MARIE JACQUELINE CARRIM-LUTCHUN**
Trading as: **HIKARI SALON**
to use the premises at: **9 THEBERTON STREET, LONDON, N1 0QY**

to carry on an establishment for **SPECIAL TREATMENT**.

This licence authorises the following treatments:

Manicure, Pedicure, Facials, Massage and Self-tanning.

The licence is subject to the standard conditions for Special Treatment premises along with the following additional conditions:

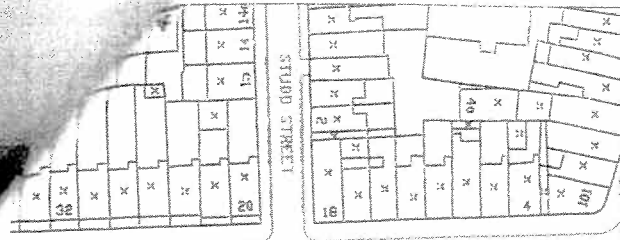
1. The maximum number of therapists registered with the Council that can be employed to work in the premises at any one time is **2**.
2. The smoke alarm in the basement beauty room 2 should be repaired. Smoke / heat alarms throughout the premises should be inspected and tested to ensure all smoke/heat alarms are interlinked so that detection of smoke or heat by one unit operates the alarm signal in all of them.

This licence, unless revoked, is in force until **31st March 2013** or during the time that the licensee is the occupier of the premises, whichever is the shorter period, and is granted subject to the Standard Conditions for Special Treatment premises and to any additional conditions included in this licence.

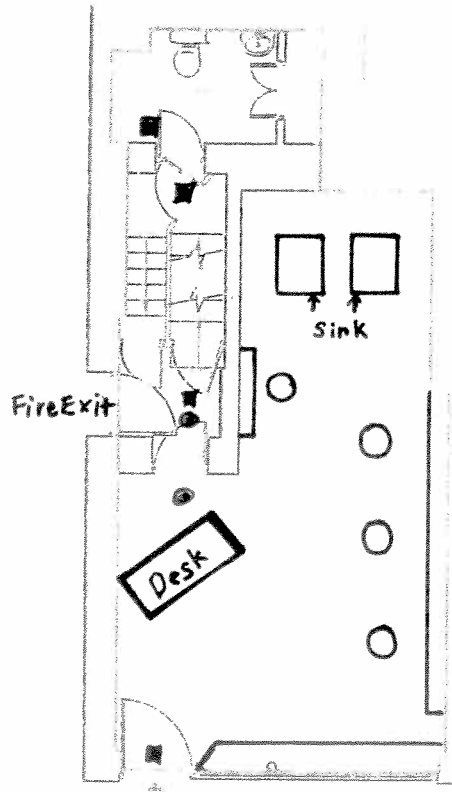
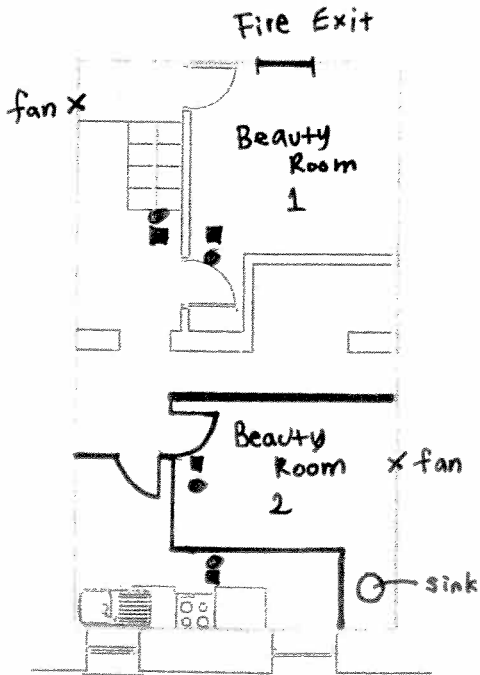
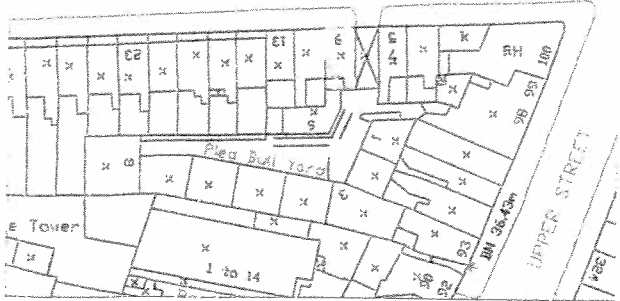
Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk


Service Manager (Commercial)
7/7/13
Date of Issue

PLAN 1

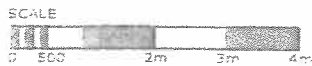


LOCATION PLAN
SCALE 1:1250



THEBERTON STREET

UPPER STREET



NORTH

- Fire Alarm
- Emergency lights

PLAN LONDON LTD © COPYRIGHT PROTECTED 2008

19 THEBERTON STREET LONDON E1 6 1JY	BASED ON A 2004 SURVEY	20 04 08	11000	AS	1:1250
		PLN2337-01			

PLEASE NOTE - ALL PLANS TO BE PREPARED AS TO THE 'BUILDING REGULATIONS' AND 'FIRE REGULATIONS' AND 'PLANNING ACT'.

Whitton, Daniel

From: Whitton, Daniel
Sent: 25 April 2013 10:08
To: Senler, Yesim
Cc: [REDACTED]
Subject: FW: Objection to Special Treatments Licence renewal application - Hikari, 9 Theberton Street

Hi Yesim,

Please can you add this representation to the file for the Special Treatment renewal for Hikari Salon, 9 Theberton Street.

Many thanks,

Dan

-----Original Message-----

From: [REDACTED]
Sent: 23 April 2013 15:53
To: Whitton, Daniel; Whitton, Daniel
Subject: Objection to Special Treatments Licence renewal application - Hikari, 9 Theberton Street

Dear Mr Whitton,

I would like to register an objection to the application to renew the Special Treatments Licence at Hikari Hair Salon, 9 Theberton Street.

If emailing you directly is not the correct way to do so, please let me know as soon as possible.

My grounds for objecting to the licence renewal are that the commercial activities in the basement of 9 Theberton Street have a serious adverse impact on my quality of life at [REDACTED]

I suffer from constant noise disturbance as a result of staff and customers using the stairs to the basement (often running), also from doors banging and from staff shouting to one another.

My safety is compromised by the fact that the staff have a history of not closing their fire doors, and the fact that the door to the basement stairs has been removed by Hikari leaving the basement effectively open-plan with the communal hallway which should be a protected area as shown in my lease plan.

My privacy is compromised by the fact that staff and customers can see into my flat when I enter or exit, and also by the fact that on occasion the door to the commercial premises has been left open all night; recently their builders have also been leaving my external front door open, although this is hopefully a temporary issue.

Frequent physical obstructions are caused by the fact that to enter or exit my flat, I have to cross the small communal hallway which is also used by Hikari's staff / customers, and is treated by them in effect as part of their shop (being the means by which they access the basement). I often have to wait for staff to get out of the way before I can cross the hallway to the front door, or staff have to wait for me to do so. Most of the staff are pleasant but some are not; it's disturbing to have

to deal with this situation just to get into or out of your home. Also on occasion the door to the commercial premises has been opened so swiftly it has almost hit me as I leave my flat.

Chemical smells from the salon and basement frequently penetrate into my flat.

I suffer draughts and inflated heating bills because Hikari have removed the door to the basement stairs. This causes a lot of cold air to blow throughout the stairwell. The basement door needs to be replaced, but this will also have the effect of increasing noise in the flat unless it is on a controlled closer.

I was recently refused a remortgage application because the surveyor was unhappy with the fact that the protected communal hallway was being used as part of the commercial space, and staff and customers physically obstructed his attempt to enter the building (he commented that he was almost knocked over by a lady with her head in a towel). This jeopardises my ability to remain in the flat long-term. Please note, when I purchased and moved into the flat in June 2006 the basement was a low-traffic area used for storage and staff kitchen facilities (as shown in Hikari's original lease plan, I believe). The communal hallway was enclosed all round by doors and the basement was lightly used, meaning that it had no impact on my occupation of the flat and posed no problems for mortgage lenders. All that has changed since Hikari moved in and my amenities, peace and financial position have all been adversely affected.

It is my strongly held opinion that the tiny communal hallway and narrow, uneven stairs to the basement make the premises unsuitable for the relatively heavy commercial use that has resulted from Hikari's activities. I am surprised that the Council is not more concerned about the safety of staff and customers alike, as the route by which they enter the basement is clearly not up to current standards. There are ways to resolve this issue permanently and effectively by altering the stairs and separating the entrance to the flat from the commercial premises, but so far the proprietors do not seem overly interested in this despite having carried out other major work recently.

I would be willing to open a dialogue with Hikari to resolve these issues, but in order for me to consider withdrawing this objection I would need to see that they are willing to listen seriously to my concerns and take substantive action. Any assistance the Council could provide in mediating might be helpful.

Yours sincerely,

A black rectangular redaction box covering the signature of the sender.



16 May 2013

Dan Whitton
Licensing Team
Public Protection Division
Environment & Regeneration
Islington Council
222 Upper Street
London, N1 1XR

Dear Mr Whitton

Objection to Special Treatments Licence, Hikari Salon, 9 Theberton Street

I wish to object to the above application for the Special Treatments licence under Section 8 Parts (a), (b), (c) and (e) of the London Local Authorities Act 1991 pt2.

My objection has two strands, one based on management standards and the other on the unsuitable physical nature of the premises.

This document is to be read in conjunction with the objection already lodged by email on 23 April 2013, by way of additional clarification.

My reasons for objecting are as follows:

(a) The premises are not structurally suitable for the purpose:

Although I understand that the Council’s Health and Safety Officer Mr Weaver is satisfied that the fire escape route, fire doors and emergency lighting are adequate at 9 Theberton Street, I would submit that this is not tantamount to a decision that the premises are structurally suitable for the purpose applied for. In my understanding Mr Weaver’s remit was not to comment on the wider issue of whether the premises are suitable for a particular use, but to consider whether an existing arrangement of stairs and doors complied with a specific set of fire safety criteria and ensure measures were put in place if not (such as the fire doors and emergency lighting). I am under the impression his department does not have the power to insist on alteration of existing arrangements, unless the work is already being renewed or altered. In examining whether the premises are structurally suitable, I believe that the mixed-use nature of the building should be taken into account and that the rights and amenities of pre-existing residential users (i.e. myself and my partner) have been ignored in the decision making process. Furthermore the fire safety provisions would have been assessed on a theoretical basis, and no account would have been taken in the original decision of the actual heavy degree of use the basement has seen.

The premises might be structurally suitable for the purpose if they existed in isolation – although I don’t believe anyone would argue they are structurally

optimal or ideal in terms of the access to the basement – but they do not exist in isolation: they share a common hallway with my residential premises, which forms my only means of accessing the building. The use of the basement for special treatments brings staff and customers of the commercial premises into conflict with residential occupiers precisely because of the structural nature of the building. I have lived in the building since June 2006, and Hikari moved in around March 2009 I believe. My quality of life has deteriorated markedly since then because of the heavy traffic to the basement.

The common hallway is ridiculously small and tight, and it is impossible for someone to pass between the shop and basement at the same time as someone passes between the flat and the exit door. It is a hazard to occupants of the flat, because doors are constantly opening and closing (sometimes with considerable force) and chemicals and beauty products are carried across the hallway. Customers pass through the hallway, unfamiliar with the layout of the building. Entering or leaving the flat at a busy time necessitates waiting for people to move out of the hallway. The degree of physical obstruction compromises both my safety (including ease of escape in the event of a fire) and my quiet enjoyment of the flat, a right I derive under the lease.

I have repeatedly suggested that Hikari Salon rearrange the access way to resolve this problem once and for all, and have offered ideas as to how it could be done. I have also offered to contribute financially. Hikari Salon are the freeholders of the building and would be able to undertake this work at will. They have recently carried out nearly 5 months' worth of major building work in the basement. This would have been a fantastic opportunity to remodel the stairs to their basement and create a situation whereby we need never come into conflict again, and I am mystified as to why they did not do this. It could have resulted in a much more attractive, safe and efficient layout to their salon too.

It is highly unusual for a salon which operates over two levels to share an access way to the basement with the hallway of a flat. I have carried out a brief survey of most of the other hair and beauty premises in the vicinity of Upper Street and have not seen any that do not have their own open-plan staircase between the ground and basement levels of their premises. Although the shared hallway was a pre-existing feature of 9 Theberton Street, the previous business only used the basement for its designated purpose (as per the lease plan) of office and staff facilities. It was a very low-traffic area at that time and as a result did not create any problems at all for the residents of the flat. The difference with Hikari Salon is the high-traffic use and they have brought to the basement and the constant physical and other disturbances arising from this. Because the change of use of the basement was never the subject of a planning application, the issue of the amenities of other users and neighbours was not examined by the Council.

That is why I submit that the premises are not suitable in their current arrangement for the purpose of special treatments in the basement.

(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 my premises in the vicinity are put:

Many of my above comments apply to this section too. I would submit that there is an established nuisance and ongoing likelihood of nuisance by reason of the situation of the premises (sharing common parts of a building with residential occupiers) and the use to which premises in the vicinity are put (i.e. pre-existing residential use).

I would add to this my grave concerns regarding the management of the premises and the conduct of the business. Hikari have a history of leaving fire doors open (originally wide open, until I raised a complaint with the Council, then chocked open with a door wedge or weight); candles have been left burning at the half-basement level overnight; lights are frequently left on, and on occasion the door between the communal hallway and their ground floor premises has been left fully open overnight posing both fire and security risks. I have previously put these matters on record with the Council.

The fire door at ground floor level is now generally closed, but when I go away for any length of time Hikari's staff tend to start leaving it open again - I know this because my partner often stays in the flat while I'm away and emails me photographs of it. She has also noted a tendency to put obstructions in the common hallway if I'm not around, such as stools.

Hikari's staff and manager used to use my private entrance door (designated 9A Theberton Street) for their smoking breaks, often leaving it unlatched when they went home and dropping cigarette butts around my doorstep. I would often have to maneuver around smoking staff to leave the building and for quite a long time there was a pint glass of their cigarette ends on my doorstep. It was disgusting and my guests were quite horrified by what they saw. I firmly believe it was my (initially very cordial but increasingly desperate) complaints about this issue which originally caused a breakdown in relations between us. I find this very unfair, because in no sense was I in the wrong but it seems to have set the stage for a wholly uncooperative relationship.

More recently Hikari's builders have been using my private entrance door day in, day out, without any permission being sought from me. They have damaged the door so it's hard to open and close, and frequently leave it off the latch when unattended. I have had to put up with nearly 5 months of noise (often beginning at 8am) and dust from the builders, and was not even notified that building work was commencing. I've had to throw out several jackets and pairs of shoes which were ruined by dust, and will have to have my carpets cleaned. My flat is covered in a fine film of dust, and I cannot currently use my first floor rooms because they get too dirty even with regular cleaning. I've taken to working and living on the second floor only. No attempt was made to proof my door against the dust or keep noise levels down. This is just another example of how Hikari go about their business with no concern for anyone but themselves, and no regard to proper standards of management and professionalism.

Finally, the way Hikari allow their staff to use the premises creates a great deal of noise and physical disturbance for me. There is often shouting audible from the communal hallway, people running on the stairs, staff moving through the communal area in a great hurry and customers trying to negotiate the stairs and various doors unsupervised. Smells permeate into the flat, and drafts abound.

because of the removal of the door to the basement. Although the door has now been reinstated (albeit in uncompleted form at the time of writing) it is generally being left open at the moment, creating yet another obstacle.

The general impression one gets is of a business without much management oversight being run on a day-to-day basis by a collection of staff who care very little about the safety and amenities of any other users of the building.

(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:

I refer the reader to my comments in section (b) for my reasoning behind this assertion. I would add that my comments relate to the salon owners / managers, not solely the named person on the licence application. I do not know about the specific skills and qualifications of the operators of the beauty treatment part of the business; but the management of the business leaves a lot to be desired in my experience. I note that Hikari did not even initially post the notice regarding the licence extension application in the window as required by law, which is entirely consistent with their general attitude regarding their responsibilities.

(e) The premises have been or are being improperly conducted:

Once again, I would refer the reader to my comments above – particularly the keeping open of fire doors, the fire risks I have witnessed, the unsanctioned use of an entrance way which is not Hikari's, and general low standard of premises management.

I wish to put on record that I sent a pleasant and courteous email to Hikari on 26 April 2013 explaining my reasons for objecting to the application and stating that I would consider withdrawing the objection if they were willing to meet me and discuss the use of the communal area with a view to agreeing some proper solutions to the problem. They did not respond to my email or acknowledge it. It is plain to me that they are not interested in any sort of neighbourly dialogue and do not wish to deal with me at all. This is a sad state of affairs and rather unprofessional in their role as both business managers and building freeholders.

I have been invited to put forward any suggestions for resolutions which might enable me to drop my objection to this licence application.

I would suggest that as a bare minimum I would need a guarantee that all doors to the communal areas would be retained permanently, kept closed and fitted with automatic soft closing mechanisms against draught excluding strips so they don't bang continually; that staff be forbidden from shouting and making phone calls in the communal hallway and running on the stairs; that customers be supervised when moving between the ground floor and basement; that no shop-related items be left in the communal hallway; that staff undertake to stay out of the hallway if I need to bring a mortgage surveyor into the building for as long as is practically possible; that my external door not be used without my consent, other than as a fire escape; and finally that Hikari agree in principle and in writing to explore (in a genuine and cooperative spirit) my proposals for

remodeling the entrance way in the medium term – work to which I am more than happy to contribute financially and in terms of planning. I have some very sensible proposals that could be carried out over a Christmas shutdown period, for example, with no loss of business to them and a dramatic improvement to their premises as well as mine. I have had these proposals costed by my builder and am confident it would be money well spent.

I do understand that the last proposal is not something the Council can enforce or add as a condition to the licence. But I firmly believe it's a perfectly sensible request that any reasonable business owner would be willing to entertain. I would like to see a proper constructive dialogue started, and to know that this had been witnessed by someone such as yourself. I would then feel I had a bit of a show of good faith from Hikari, and would be better able to trust them to observe the shorter-term measures I suggested. Given the history of non-cooperation I have witnessed, I would not feel comfortable withdrawing my objection otherwise. I hope you understand my position, having had an overview of the case.

Yours sincerely,

A solid black rectangular redaction box covering the signature area.

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.



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.

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.

Title : 9 Theberton Street - 50 Metre Area

Islington Borough Boundary

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