

LICENSING REGULATORY COMMITTEE – 13 MARCH 2014

Minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, London N1 2UD, on 13 March 2014, at 4.55pm

Present: Councillors: Wally Burgess, Mouna Hamitouche and Marian Spall

Councillor Marian Spall in the chair

057 APOLOGIES FOR ABSENCE (Item A1)

Received from Councillor Tracy Ismail.

058 DECLARATION OF SUBSTITUTE MEMBERS (Item A2)

None.

059 DECLARATIONS OF INTEREST (Item A3)

None.

060 MINUTES OF THE MEETING HELD ON 10 DECEMBER 2013 (Item A4)

RESOLVED:

That the minutes of the meeting of the Committee held on 10 December 2013 be confirmed as a correct record and the Chair be authorised to sign them.

061 ORDER OF BUSINESS

The Chair advised all present that, in order to facilitate members of the public who were present to hear a verbal update in relation to item B3 – Update on Camden Passage Market – she proposed to take that item first.

062 UPDATE ON CAMDEN PASSAGE MARKET

The Service Manager for Trading Standards and Street Trading reminded the Committee that the Camden Passage Market had operated up to April 2013. He outlined the history of some of the complaints received and his response, all of which had been considered by the Committee on 14 March 2013. Since that time, a local business had expressed an interest in running the market, but had subsequently withdrawn. He was considering two proposals from different operators to run a Sunday morning market in the location. He reminded the Committee that any funds made from street markets would be reinvested in the street trading account and that the aim of establishing a market in the location had been to encourage footfall into Camden Passage.

Noted.

063 APPLICATION FOR THE RENEWAL OF A SPECIAL TREATMENT LICENCE UNDER THE LONDON LOCAL AUTHORITIES ACT 1991 – HIKARI SALON, 9 THEBERTON STREET, LONDON N1 0QY (ITEM B1)

The Licensing Officer drew Members' attention to the additional papers circulated by email on the previous day, comprising a letter of 9 March 2014 from Mr J. Mossman, the objector, to Mr Whitton, the Licensing Officer, responding to points raised in a letter of 25 May 2014 from Rieko Leigh, the owner of Hikari Salon, to Mr Whitton, the Licensing Officer.

In addition, the Licensing Officer reported that the Council's Planning Control Division had advised that they had carried out an investigation of the premises in January 2014 and that planning use change was not required, since the special treatments in the basement of the building were ancillary to the

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special treatment licence.

Mr Mossman, the objector to the licence application, who lived above the premises and shared an entrance door with the Salon, said that his quality of life had been affected by the siting of beauty treatments in the basement of the building. When he had first moved into his flat, the basement was used as a store room, resulting in low footfall in the communal area. However, with the beauty treatments now sited in the basement, there was high footfall and high customer traffic in the communal area. He passed around photographs of the communal lobby area of 9 Theberton Street, together with a location plan of the premises with a remodelled front entrance. Mr Mossman had suggested to the Salon owner that it would be simple to improve access to the building and had offered to contribute to works to achieve this.

The Manager of the premises stated that they had taken steps they could to minimise the impact on Mr Mossman's entrance and exit to the building, to avoid disturbing and inconveniencing him. These measures included escorting visitors and not stepping into the hall and asking those using the building not to run. They understood his preference for a private entrance and were happy to discuss this further with him, but did not have the estimated £40,000 to share the cost of the works required. The Manager stated that Ms Leigh, the owner of the Salon, could not be present at today's meeting as she had appointments with clients.

Mr Mossman stated that there had been no offer of dialogue from the owner on the proposals to remodel the access to the building, although he would welcome this. He had received an estimate of £7k to £10k for the work, with a timescale of a week and a half. He reiterated his willingness to contribute to half of the costs, if the owner of the Salon also agreed.

The Committee adjourned at 5.35pm to deliberate and returned at 5.50pm.

RESOLVED:

1. That, subject to the standard licensing conditions, the application from Ms Marie Jacqueline Carrim-Lutchun for the renewal of a Special Treatment licence in Islington, for the basement of the premises known as Hikari Salon, 9 Theberton Street, London N1 OQY, be approved for a period of 12 months.
2. That the following additional conditions be added to the licence as follows:

- (a) No shop-related items be left in the communal hall way
- (b) Customers/clients to be supervised when moving between the ground floor and basement of the building

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee heard from the Licensing Officer that there were no outstanding health and safety or planning issues.

Note of the Committee

The Committee hoped that the applicant and the resident would enter into a dialogue to remodel the communal hallway.

064 APPLICATION FOR THE RENEWAL OF A SPECIAL TREATMENT LICENCE UNDER THE LONDON LOCAL AUTHORITIES ACT 1991 – SEVEN SISTERS SPA, 228-230 SEVEN SISTERS ROAD, LONDON, N4 3NX(Item B2)

The Licensing Officer reported that, since the despatch of the agenda and papers, the applicant's Business Plan had been circulated by email to Members, together with a Police witness statement, dated 7 March 2014. He drew Members' attention to paragraph 3.2 (ix) of the report, which referred to

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a website for the premises and the inclusion of copies of a page listing links to disreputable adult interest websites. That page had in fact been omitted in error from the report, and copies were available here, though he stressed that this page was owned by a previous owner of the premises and the information contained therein was therefore historic.

PC Paul Hoppe, representing the Police, who had made representations against the licence application, stated that his statement of 7 March 2014 had been circulated late as he had been awaiting responses from the applicant regarding his business plan for the premises. He had not received a response in time for his further statement to be circulated with the agenda.

The Licensing Authority officer said that the Licensing Authority concurred with the Police representations. She had concerns about the proposed hours of operation and questioned the need for the premises to be kept open until 03:00 hours. She sought assurances that the applicant, Hartrise Limited, a company formed only two weeks before the Special Treatment Licence application was made, had no connection with the previous licensee, noting that both shared the same registered address, that of the applicant's legal representative.

Mr Barca, representing Mr Habte, the applicant, invited Mr Habte to present the reasons for his application, by way of response to questions from him. Mr Habte said that the barber shop next door were tenants of the same landlord, and knew that he was interested in setting up in business and informed him that the premises at 228-230 Seven Sisters Road were vacant. He had met with the landlord, Mr Aresti, and visited the premises. Mr Aresti had written to Mr Habte (- a letter dated 4 November 2013 was circulated) stating that, if he obtained a licence, he would guarantee the rent at a particular level. Mr Habte stated that he had been informed that he would obtain the lease, once the licence had been granted. Mr Habte had requested Mr Barca's firm of solicitors to assist with the application and that was why they were involved. He confirmed that he had had no contact with the previous owner of the premises.

Mr Habte stated that he had contacted the Police on two occasions after receiving the notice of objection to his application. He stated that the Police had told him that the business had been badly run in the past and Mr Habte had told the Police that he did not know the previous licensee. Mr Habte also stated that he told the Police that he would ask the landlord to contact them about their concerns about the way the premises had been run in the past. Mr Habte further stated that he had offered to meet with the Police with the plans for the new premises, but the Police stated that they wished to see only his business plan. However, once Mr Habte had posted the business plan to the Police, he heard nothing further from them, although they had his postal address in Hayes.

In response to a question from his legal representative as to why the applicant was seeking a terminal hour of 03:00 hours, Mr Habte stated there was busy footfall in the area and that the barber next door remained open until midnight, or 01:00 hours. Other shops in the area were open all night. Mr Habte stated that he wished to remain open for as long as he could as the premises was new, that he wanted to familiarise himself with when the busy periods would be and wished to keep the premises open for as many hours as he could. Mr Habte confirmed that all the women who would be working at the premises were registered with the Council, as was Ms Iaccou, who was present at this meeting.

Mr Habte confirmed that he would be the sole owner running the premises if a licence was granted. Members asked questions about any market research Mr Habte might have carried out to assess whether there was a need for the premises to remain open until 03:00 hours. Mr Habte replied that the barber next door had informed him of the busy footfall in the area and that it was a busy street. The officer who had made representations on behalf of the Licensing Authority stated that the barber shop closed at midnight and that there would be no footfall from the railway station at 03:00 hours, as set out in Mr Habte's business plan.

PC Hoppe stated that he had been the first Police Officer to speak to Mr Habte. PC Hoppe stated that he had experience of running spas and had asked Mr Habte for sight of his business plan. He had

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expected to see an operating schedule, a business structure, an analysis of competitors in the area, price lists and promotion of the premises. PC Hoppe stated that, at the time, Mr Habte had been unsure and had asked PC Hoppe to suggest what should be included in the business plan. PC Hoppe had told him that it was not his role to advise on these matters. Mr Habte stated that he was a qualified retail manager and did not know what was needed in a business plan. Mr Habte stated that his intention to run these premises to provide Special Treatments stemmed from an accident he had had when he was young, resulting in back injuries, which were alleviated by massage. He added that he would not object to changes in the proposed opening hours, but that he preferred to keep the premises open for as long as possible.

Mr Habte confirmed that the premises would be open to men and women, aged from 18 to 50 or 60 years. He expected mainly sports users, as the premises was located near to a park. Mr Habte stated that he proposed that showers and Swedish massage would be provided as therapy. The Committee was told that the current application was for sauna and massage only and that if Mr Habte wished to provide any additional treatments, he would have to make a separate application.

Ms Ioccau, one of the therapists present at the meeting, confirmed that she was qualified to provide Swedish massage.

Mr Barca informed the Committee that the objections from the Licensing Authority relating to the proposed 03:00 hours closing were not well founded, that there were numerous similar premises operating legitimately 24 hours a day and that Mr Habte should be given an opportunity to run the premises. He submitted that it would also be inappropriate for the application to be considered on the basis of Mr Habte's business viability and that although the business plan was "amateur", it was well-intentioned and the previous owners were not Mr Habte's concern.

The Committee adjourned at 6.30pm to deliberate and returned at 6.50pm.

RESOLVED:

That the application from Mr Bereket Habte for a new Special Treatment Licence in Islington, for the premises known as Seven Sisters Spa, at 228-230 Seven Sisters Road, N4 3NX, be granted for a period of six months to provide sauna and massage, subject to the standard conditions and the following additional condition:

The operating hours be amended from 07:00 hours to 22:00 hours.

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee noted that the Business Plan, supplied by Mr Habte, did not include detailed information as to how the business would be run and there was insufficient information given to the Committee as to why he needed to operate the business every day until 03:00 hours. However, on hearing directly from Mr Habte, the Committee decided that he should be given an opportunity to run a new business to provide sauna and treatment massage at the premises.

The meeting closed at 6.53pm.

CHAIR