

Decisions of the Licensing Sub-Committee

7 September 2017

Members Present:-

Councillor John Hart (Chairman)
Councillor Alison Cornelius
Councillor Zakia Zubairi

Also in attendance

Chris Carabine - Licensing Officer
Sharon Hofer – Responsible Authority (Health & Safety)
Bob Huffam - HB Public Law Legal Officer
Kirstin Lambert – Governance Officer
Tracy Scollin – Governance Officer

1. APPOINTMENT OF CHAIRMAN

Councillor Alison Cornelius, seconded by Councillor Zakia Zubairi nominated Councillor John Hart as Chairman of the meeting.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chairman explained the procedure that would be followed for the meeting.

5. APPLICATION FOR SPECIAL TREATMENT LICENCE - ACE HAIR, BEAUTY AND NAIL LTD, 59 GOLDERS GREEN ROAD, LONDON NW11 8EL

The Committee considered the application for a new special treatment license for Ace Hair, Beauty and Nail Ltd, 59 Golders Green Road, London NW11 8EL. The Committee heard submissions from the Licensing Officer, and from the Responsible Authority objecting to the application.

6. MOTION TO EXCLUDE THE PRESS AND PUBLIC

RESOLVED that the parties be excluded from the meeting, together with the press and public, in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations) 2005.

7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-committee deliberated in private session, together with HB Public Law and the LBB Governance Service.

8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE

The parties to the application were re-admitted to the meeting and the Chairman conveyed the decision of the Sub-Committee as follows:

This is an application for a new special treatment licence at the premises Ace Hair, Beauty and Nail Ltd, 59 Golders Green Road, London to include the provision of sunbeds. The application has come before the Sub-Committee as The Director of Regulatory Services for the London Borough of Barnet has objected to the application.

The reasons for the objection are set out in full in the Grounds for Objection included in the agenda papers, but to summarise they relate to the provision of sunbeds for customers without having provided details of the qualifications of the members of staff whose responsibility it is to supervise such use; the failure to screen customers prior to first sunbed use in order to identify any contraindications and to provide suitable tanning advice relative to their skin type; and the failure to provide an up to date service history for the sunbed meaning that it cannot be established that the sunbed is in safe operating condition. In addition the applicant has failed to provide documentary evidence of the qualifications of the staff dealing with beauty treatments .

Any objection must be pursuant to the grounds set out in the London local Authorities Act 1991, and in this instance the grounds are:

Failure to provide evidence that the following requirements are met:

1. Section 8 (d) - the qualifications of the persons giving the special treatments are suitable
2. Section 8 (i) - the safety of any equipment used in connection with the sunbed treatment and the way in which the treatment is given.

The objection sets out various attempts by the Officer to obtain evidence relating to these issues including service of warning letters. Despite these attempts the applicant has failed to provide the necessary evidence to date.

Not only has the applicant failed to respond to the Health and Safety Officer, he has also failed to attend today. It has not been possible to ask him why he has failed to cooperate.

In the circumstances it does not seem to the Panel that it would be appropriate to impose conditions on the licence as the applicant has shown no willingness to comply with legal requirements.

The application for a special treatment licence is refused on the grounds set out in section 8 (d) and (i) of the London Local Authorities Act 1991.

Right of Appeal

Any party aggrieved with the decision of the licensing Sub-Committee on one or more of the grounds set out in Section 13 of the London Local Authorities Act 1991 may appeal to the magistrates' court within 21 days of notification of this decision.

9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 11.20 am