

	<p style="text-align: center;">Licensing Sub-Committee</p> <p style="text-align: center;">Thursday 25th May 2017</p>
<p style="text-align: right;">Title</p>	<p>Special Treatment Licence Renewal- Linh Nail Salon, 18A Vivian Avenue, Hendon, London NW4 3XP</p>
<p style="text-align: right;">Report of</p>	<p>Food Health and Safety Manager</p>
<p style="text-align: right;">Wards</p>	<p>West Hendon</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1 – Renewal Application Form Appendix 2 – Police Objection Appendix 3 – Standard Conditions attached to Special Treatment Licences Appendix 4 – London Local Authorities Act 1991 – Part II</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Sharon Hofer 020 8359 7431 sharon.hofer@barnet.gov.uk</p>

Summary

This report asks the Sub-Committee to determine an application for the renewal of a Special Treatment Licence under the London Local Authorities Act 1991 – Part II following an objection from the police in relation to Linh Nail Salon, 18A Vivian Avenue, Hendon, London, NW4 3XP.

Recommendations

1. The following options are open to members:

- (a) To grant the application in full, subject to standard conditions;
- (b) To grant the application subject to additional conditions;
- (c) To refuse the application

1. WHY THIS REPORT IS NEEDED

- 1.1 Where an objection is submitted under Section 7(3) of the London Local Authorities Act 1991 – Part II (and not withdrawn), the authority must hold a

hearing to consider it, unless the applicant or any party or responsible authority who has made (and not withdrawn) a valid representation agree, or where the authority considers that the representations are frivolous, vexatious or will certainly not influence the authority's determination of the application.

- 1.2 The licensing authority, having received a valid objection from the Metropolitan Police against the renewal of the special treatment licence.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Applications for renewal are generally dealt with under officer's delegated authority. However, where there is a proposal to refuse a renewal, the decision must be made by the licensing sub-committee (under powers delegated to it by the Licensing Committee)

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 The decision will have immediate effect.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Members are referred to the Council's Licensing Policy for consideration.

- 5.1.2 Timely and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a "successful London Borough" by ensuring that only legal, well regulated licensable activities occur within the Borough.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 N/A

5.3 Legal and Constitutional References

- 5.3.1 The London Local Authorities Act 1991 Part II sets out how applications for special treatment licences should be dealt with where valid representations have been submitted.

Under the terms of London Local Authorities Act 1991 the Council may only refuse to grant, renew or transfer a licence on the following grounds:-

- a) the premises is not structurally suitable for the purpose

- b) there is likelihood of nuisance being caused by reason of the conduct, or management 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 licence;
- 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 a 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 the equipment used for 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 5 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 application requirements of the Act.

5.3.2 Under the Constitution, responsibility for Functions (Annex A), the London Local Authorities Act 1991 – Part II and associated regulations, as delegated to it by the Licensing Committee, including the determination of review licence applications.

5.3.3 The available options in respect of this application are highlighted in paragraph 1 of this report.

5.3.4 The applicant for renewal is entitled to appeal a refused application to the Magistrates Court. The decision of the Magistrates Court may be subsequently appealed to the Crown Court.

5.4 Risk Management

5.4.1 N/A

5.5 Equalities and Diversity

5.5.1 Licence applications are dealt with according to the provisions of the London Local Authorities Act 1991 – Part II and associated Regulations which allow both applications and representations to applications to be made by all sectors of the community.

5.6 Consultation and Engagement

5.6.1 The statutory consultation process has been followed in accordance with the London Local Authorities Act 1991 – Part II.

6. BACKGROUND PAPERS

- 6.1 The application and report of the Licensing Officer and appendices are attached to this report.

