

## **London Local Authorities Act 1991**

### **Report for Licensing Sub-Committee**

#### **Grounds for objection by Regulatory Services Environmental Health Service**

##### **Ace Hair, Beauty and Nail Ltd, 59 Golders Green Road, London NW11 8EL**

#### **1. The Applicants**

Mr Rekawet Abdullah, 21 Lea House, Plevna Road, London N9 0BS

#### **2. The Application**

The application is for the issue of a new special treatment licence to enable the applicant to offer licensable treatments including sunbeds at the premises known as Ace Hair, Beauty and Nail Ltd, 59 Golders Green Road, London NW11 8EL.

#### **3. Representations from the Authority/Public/Police**

The granting of special treatment licences is delegated to the Service Director – Regulatory Services where there is compliance with technical requirements. In this case the applicant has not met the licensing requirements and the Service Director – Regulatory Services seeks refusal of this application. The application is therefore referred to Sub-Committee for determination. There are no third party representations.

#### **4. Brief outline of complaint**

The applicant has failed to meet the regulations and conditions set under the London Local Authorities Act 1991 for Special Treatment Licence applications, and despite trying to resolve these issues informally on several occasions, the proprietor has failed to respond appropriately. The Service Director – Regulatory Services has consequently not been able to issue a licence. The proprietor is therefore trading without a licence and is committing an offence under the Act, but cannot face sanctions until this licence application is determined.

#### **5. Background information**

This establishment was seen offering special treatments without a licence in 2016. An appointment was made with Mr Rekawet Abdullah and a visit was made on the 9<sup>th</sup> November 2016 to check safety matters and to collect an application form and fee for a special treatment licence. With the application he was asked to provide evidence of qualifications for the therapists who were

offering the treatments, which he failed to do. Mr Abdullah was offering Laser Hair Removal at that time, but informed the officer that he had not found a suitable therapist to offer the treatment and was interviewing for the role.

Following this inspection an email was sent to Mr Abdullah on the 10<sup>th</sup> November 2016 covering some issues found, namely:

- 1) Clients requesting to use the sunbed were found to be unsupervised and paying with £1 coins to operate the sun bed. No client consultation forms were being completed regarding safety precautions. Unattended or coin operated tanning devices are not permitted as clients' UV light exposure cannot be controlled.
- 2) Fire extinguishers were out of date and either needed servicing or replacement with new ones
- 3) The new therapist offering laser treatments needed to show that she had had training on the All White 3000 laser machine, and that she had completed a Core of Knowledge laser safety training course.
- 4) Mr Abdullah was required to employ an accredited Laser Protection Advisor (LPA) to undertake a Risk Assessment and write the Local Rules for the establishment.
- 5) An Electrical Installation Condition Report was to be provided once the issues with water leakage from the flat above the shop had been resolved with the landlord.

Following the visit the officer spoke to an engineer from Apollo Sunbeds, a training and advisory organisation, and he confirmed that he was expecting to arrange with Mr Abdullah to go back to the shop and change the sun bed control box back to tokens only. He was to also provide Mr Abdullah with template client consultation records which must be completed for every client, with every client visit recorded.

On the 25<sup>th</sup> November 2016 the officer left a message at the salon for Mr Abdullah to provide an update on the above issues and to provide evidence of qualifications for the therapists named on the application for the licence, which were not supplied at the time of the application.

On the 2<sup>nd</sup> December 2016 Mr Abdullah told the officer that both therapists had left and that he was still interviewing for replacements. He also advised that the sunbed coin machine had been changed to tokens issued by the staff.

On the 3<sup>rd</sup> January 2017 the officer spoke to Mr Abdullah and told him that the issue of the licence could not be held up indefinitely. Mr Abdullah told her that he had just employed a Level 4 therapist and as she was Italian he wanted to know how she went about translating her qualifications. He was

emailed details of a translation service UKNARIC, and advised that he would also need to meet the Council's requirement in regards to IPL/Laser treatments.

On the 18th January 2017, having not received contact from Mr Abdullah despite leaving several messages, the officer emailed him and told him that she was not prepared to hold up the licence any longer and that she would be visiting on the 23<sup>rd</sup> January 2017 at 11.30am with a view to licensing the sunbeds only, and that he would not be able to offer any other treatment and would need to apply for a variation for any extra treatments once this licence has been issued.

On 23<sup>rd</sup> January the officer visited as arranged and spoke with a member of Mr Abdullah's staff who told her that Mr Abdullah was not there and that she should come back in two hours. The officer told her that was not possible. The officer asked who was working there and was told the beautician was busy doing a facial. After that she declined to provide any further details as she said she did not want to give the officer the wrong information. The officer asked if she supervised the sunbed as she needed to be named on the licence. She told the officer "that this was self-service they just took the money and provided the tokens and creams, she did not assess the client's skin type etc." The officer told her that she should be trained to manage sunbed use safely. The officer then spoke with the beautician, who told her that she had been working there for three months and that they were no longer offering laser treatments.

Later that day the officer received a call from Mr Abdullah who told her that the sunbed engineer from Apollo was due to provide training to those who were going to supervise the sunbed. He asked what was required in order for the licence to be issued and he was given advice on this. No evidence of this training taking place has been received.

Several attempts to contact him were made after this conversation with requests left for Mr Abdullah to contact the officer. No response has been received. A final warning letter was sent on the 30<sup>th</sup> June 2017 signed by the manager of the Food, Health and Safety Team.

A licence can be refused on the grounds specified in the London Local Authorities Act 1991- Part II Section 8 (see Appendix 4). The regulations made by the London Borough of Barnet under Section 10(1) of the London Local Authorities Act 1991- Part II prescribe the standard conditions for annual special treatment licences and rules for determination of applications (see Appendix 3).

In this case the recommendation for licence refusal is on the *London Local Authorities Act 1991* grounds of:

*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.*

In summary, the Service Director – Regulatory Services bases the above on the following:

1. Section 8 (d) - persons giving the special treatments are not suitably qualified because there is a failure to comply with the Code of Practice for UV Light Treatments which is a licence condition. This states that staff advising clients on use of the tanning equipment must have successfully completed one of the following training courses:
  - a.) NVQ unit BT30 Provide UV Tanning Treatments
  - b.) Sports management U V light training (ISRM)
  - c.) Specific manufacturer training for the facility offered in your premises
  - d.) Membership to the Sunbed Association and receipt of their training package

Appropriately trained staff must be on duty at all times when the premises are open to the public.

2. All clients must be screened prior to first sunbed use and any contra-indications identified. Suitable tanning advice must be given to all clients relative to their skin type. Early sessions should be more restricted. Furthermore no evidence has been provided to show the up to date service history for the sunbed. It cannot therefore be established that the sunbed is in safe operating condition.

## **6. Officers Comments**

The Director of Regulatory Services is aware that the applicant was previously employed as a manager in the business which previously held a licence at 59 Golders Green Road.

## **7. Policy and Statutory Guidance**

Rules for the determination of special treatment establishment licences are attached.

