

## Decisions of the Licensing Sub-Committee

24 September 2019

Members Present:-

Councillors:  
John Hart  
Zakia Zubairi  
Lachhya Gurung

### 1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor John Hart be appointed as Chairman.

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

None.

### 3. LICENSING SUB-COMMITTEE HEARING PROCEDURE

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

### 4. REPORT OF THE TRADING STANDARDS AND LICENSING MANAGER

The Committee considered an application for a new Special Treatment Licence under the London Local Authorities Act 1991 – Part II, for the Premises trading as Bamboo Spa, 83 Church Road, NW4 4DP (the “Premises”) by Francois Awada (the “Applicant”).

### 5. 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).

### 6. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by the Officer from HB Public Law and the Governance Officer.

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

This is an application for a new Special Treatment Licence under the London Local Authorities Act 1991 – Part II, for the Premises trading as Bamboo Spa, 83 Church Road, NW4 4DP (the “Premises”) by Francois Awada (the “Applicant”).

The application seeks to allow the named practitioner to provide full body massage at the Premises. A Special Treatment Licence was held by the Applicant at this address in the past but this lapsed on 11 June 2019 as a result of failure to renew. A visit was carried out to the Premises by the Licensing team to remind the Applicant of the expiry of the Licence. Mr Awada was advised to make a fresh application for a Premises Licence for his business.

Following the receipt of an application for a new Premises Licence, the Licensing team received representations from PC Garry Norton on behalf of the Metropolitan Police, objecting to the grant of the new Premises Licence.

The Sub-Committee heard from Elisabeth Hammond on behalf of the local authority's Licensing team who presented the licensing report.

The Applicant attended with a legal representative, Mrs Patel, who presented the applicant's case. The Applicant also had the opportunity to make his submission.

The Sub-Committee also heard from PC Norton who raised the following objections to the application on behalf of the Police:

- 1) That the individual entrusted with management of the Premises, is not a fit and proper person to do so;
- 2) That there are serious concerns regarding the activities at the Premises;
- 3) Emergency call out visits to the Premises revealed ongoing illegal abstraction of electricity which an Electrical Engineer from UK Power networks PLC advised was dangerous.
- 4) That the Applicant continued to provide Special Treatment following a lapse of the Licence.
- 5) The Applicant had failed to assist the Police in their investigation in relation to a number of incidents at the Premises.

The Sub-Committee considered the application for a special licence, taking into account comments from the Police, all oral and written representations as well as relevant statutory legislation, guidance and Barnet's licensing policy on Special Treatment.

It is noted that the Police had raised concerns regarding illegal activities on the Premises and the Sub-Committee had to consider what weight was to be given to concerns raised.

Having considered representations from all the parties, the Sub-Committee discussed the matter and made the following decision:

To grant the Licence subject to the following conditions. The committee questioned some of the validity of the allegations about sexual impropriety and were unconvinced by the proof provided.

On the basis of this reasoning they have allowed the application subject to additional conditions. These are:

- a) All employment applications by females should be conducted by Mr Awada in person assisted by a female employee to ensure that all employment is for professional massage only.
- b) A notice for customers should be displayed prominently in the premises setting out the types of service on offer.

There is a mechanism to seek a review of the premises licence in the future should the need arise.

### **Right of Appeal**

Any party aggrieved with the decision of the Licensing Sub-Committee on one or more grounds set out in section 8 of Part II London Local Authorities Act 1991, may appeal to the Magistrates Court within 21 days of notification of this decision in writing.

### **8. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at Time Not Specified