

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 11 JULY 2019

**ROOM C3, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Ehtasham Haque (Chair)
Councillor Rajib Ahmed (Vice-Chair)
Councillor Shah Ameen
Councillor Shad Chowdhury
Councillor Leema Qureshi
Councillor Gabriela Salva Macallan

Other Councillors Present:

Apologies

Councillor Faroque Ahmed
Councillor Sufia Alam
Councillor Peter Golds
Councillor Mohammed Ahabab Hossain
Councillor Eve McQuillan
Councillor Victoria Obaze
Councillor Mohammed Pappu
Councillor Zenith Rahman
Councillor Dan Tomlinson

Others Present:

Mr Ramin King	– Applicant 2.2
Mrs Chanita King	– Applicant's Mother 2.2
Mr Bobby Nagpal	– Applicants Supporter and Freeholder of Premises 2.2
Mr Omar Mohammed	– Supporter of Applicant 2.2
Mr Daron Pike	– Objector 2.2

Officers Present:

Agnes Adrien	– (Head of Litigation, Legal Services)
Natalie Thompson	– (Environmental Health Officer)
David Tolley	– (Head of Environmental Health and Trading Standards)
Luke Wilson	– (Legal Services)
Farhana Zia	– Senior Committee Services Officer

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillors Ehtasham Haque, Rajib Ahmed, Shah Ameen, Shad Chowdhury, Leema Qureshi and Gabriela Salva-Macallan declared that Mr Bobby Nagpal, supporter of the application at 2.2, Boonsara, 87 Whitechapel High Street, had contacted them by phone, email and text however they had not engaged in any dialogue with Mr Nagpal and had no pecuniary interest. Members declared they were considering the application with an open mind and here had been no pre-determined decision on the matter.

2. ITEMS FOR CONSIDERATION

2.1 London Local Authorities Act 1991 Hearing to consider the revocation of the Special Treatment Licence of Health and Beauty Centre, 1 Gunthorpe Street, London E1 7RG

Ms Natalie Thompson, Principal Environmental Health Officer informed Members the application before them was to consider the revocation of a Special Treatment Licence for Health and Beauty Centre, 1 Gunthorpe Street London E1 7RG.

Ms Thompson stated that the Licensing Authority was requesting the Committee to revoke the licence following evidence that the Licence Holder, Mr Gary Bugby had abdicated his responsibilities in running and managing his business and that the former occupants, Mr Wai Ming Yau and Mrs Chak Wa Yiu were trading from the premises.

In view of the fact that the former occupants, Mr Wai Ming Yau and Mrs Chak Wa Yiu had been successfully prosecuted under the London Local Authorities Act 1991 on the 26th March 2019 and were both found guilty of using 1 Gunthrope Street, London E1 as an establishment for special treatments without a special treatment licence, the Responsible Authority do not consider them to be fit and proper persons to hold such a licence.

Ms Natalie Thompson provided Members with a detailed account of the investigation her colleague Mr Lekan Olomo had undertaken. She said the team had conducted an investigation of the premises and had reason to believe the previous occupants were running the establishment. Evidence corroborating this, included the email from Mr Gary Bugby at Appendix LOL4 whereby he states another person is running the premises and the solicitors' letter received via Mr Bobby Nagpal, the freeholder of 1 Gunthrope Street, at appendix LOL5 which states his client is trading "from the premises under the premises licence in situ." This is a breach of Section 8c of the London Local Authorities Act 1991 ("the act").

Further evidence was found of therapists being employed by Mr Gary Bugby without the knowledge or approval of the Council in breach of Regulation 8a and 8c made under Section 10(1) of the Act which prescribes standard conditions for Annual Treatment Licences. Ms Thompson referred Members

to Appendix LOL6 and LOL7 which referred to the emails sent to Mr Bugby, who had failed to respond.

Ms Thompson stated the Licence Holder, Mr Gary Bugby had breached the conditions of the licence and asked Members of the Licensing Committee to revoke the Licence based on the evidence before them.

Members of the Committee asked questions in relation to the application and in response the following was noted:

- The onus is on the Licence Holder to inform the Council of any change of therapists employed. Therapists must be approved by the Council and have the correct qualifications to carry out special treatments.
- In response to the query raised relating to how long Mr Bugby had been absent from the business, Ms Thompson clarified that he left in March 2019, as per the email at Appendix LOL4. It appeared Mr Bugby had no intention of coming back.
- With regards to the former occupants, the solicitors email at appendix LOL5 confirmed Mr Yau was trading from the premises under Mr Bugby's licence.

Members adjourned the meeting at 18:47 hours to deliberate and reconvened at 18:50 hours.

Decision

Accordingly, the Committee unanimously

RESOLVED

That the Application for the revocation of a Special Treatment Licence, under the London Local Authorities Act 1991 for Health and Beauty Centre, 1 Gunthorpe Street, London E1 7RG be **REVOKED** for the following reasons:

- i. The licence holder is in breach of Regulation 6A of the Regulations made by the London Borough of Tower Hamlets under Section 10 (1) of the London Local Authorities Act 1991 prescribing the standard conditions for Annual Special Treatment in that the "licensee or some responsible person nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public." Members concurred Mr Bugby was in breach of this condition by allowing Mr Yau to trade from the premises. In light of Mr Yau's conviction he is not considered to be a fit and proper person to hold a licence or to be in charge of the licensed premises.

- ii. The licence holder is in breach of Regulation 8A of the Regulations made by the London Borough of Tower Hamlets under Section 10 (1) of the London Local Authorities Act prescribing the standard conditions for Annual Treatment in that ‘treatment shall only be given by qualified persons who have been approved by the Council...’. Members concluded from the evidence before them that Mr Bugby had not employed suitably qualified staff to carry out special treatments.

The Licensing Committee resolved as per paragraph 4.4 of the report, the following grounds for revocation applied, under the London Local Authorities Act 1991:

- (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 license, and
- (d) the persons giving the special treatment are not suitably qualified.

2.2 London Local Authorities Act 1991 Hearing to consider a new Special Treatment Licence for Boonsara, 87 Whitechapel High Street, London E1 7QX

At the request of the Chair, Ms Natalie Thompson, Principal Environmental Health Officer informed Members the application before them was to consider a new Special Treatment Licence for Boonsara, 87 Whitechapel High Street, London E1 7QX.

Ms Thompson said a copy of the application could be found at Appendix 1 and explained why a special treatment licence is required for the premises. Ms Thompson informed Members that objections had been received from members of the public at Appendices 4, 5 and 6. Ms Thompson explained that the Applicant had responded to the concerns of the objectors and had provided further evidence by way of a Business Reputation document at Appendix 7.

The Licensing Authority had also received a further representation from Mr Daron Pike, the objector at Appendix 4 which was in response to the Applicant’s reply. This was appended at Appendix 8. Furthermore a response was also received from the landlord of the premises (Mr Nagpal) in support of the application at Appendix 9.

At the request of the Chair, the applicant Mr Ramin King (also known as Ricky King) explained he was one of the Directors of Genesis New World London Limited, which was a family run business established over twenty years ago by his mother Mrs Chanita King. Mr King referred Members to the Business Reputation document at appendix 7 and said his mother had worked hard to establish the company and from the reviews, pages 52-58 of the agenda pack, it was evident they were a genuine company looking to expand into East London. Mr King said his company owned similar premises in South

West London and had never received any complaints in relation to those businesses. Mr King said his mother had treated famous celebrities as well as royalty from the Middle East and had also been recognised for her work by the King of Thailand. Mr King said his company wanted to promote Thai culture which was known for its food, culture and massage. It wanted to provide a professional service to those who required a massage.

Mr King said he had responded fully to the concerns raised by the Objectors but took offence at the insinuation and comparison made about his family and his business venture, by the reference to a former business which operated from Nagpal House, 1 Gunthorpe Street London E1 known as Relax Studio. The assumption being that his business would be a guise for a brothel. Mr King said he took great pride in his name, reputation and business.

Mr King requested Members hear from Mr Bobby Nagpal, the freeholder of 87 Whitechapel High Street and Nagpal House, 1 Gunthorpe Street to assist Members by answering the concerns raised regarding the locality.

The Chair invited Mr Nagpal to address the Committee. Mr Nagpal provided Members with an aerial photograph showing the location of 87 Whitechapel High Street and its proximity to Nagpal House in Gunthorpe Street. Mr Nagpal said Nagpal House was built over what was the carpark of 87 Whitechapel High Street, to the rear of the commercial building. It was accessed via the side street, namely Gunthorpe Street. Mr Nagpal said the Objectors claim that Gunthorpe Street is a residential street is disputed, as the only residential blocks in the street were the flats in which Mr Pike lived – nos 4 Gunthorpe Street and Nagpal House, which consisted of 6 flats. Mr Nagpal said the remainder of the street is commercial in its nature.

Mr Nagpal went on to say that the back entrance, the one in Gunthorpe Street had always been used for entry and egress to the upper floors of 87 Whitechapel High Street and no complaints had been received in regard to it being a health and safety issue or a fire hazard. Mr Nagpal said the rubbish left at the back entrance was from a previous tenant moving out and this was cleared quickly. Mr Nagpal said the London Fire Brigade had not objected to the entrance which is an access route as well as a means of escape in the event of a fire. The planning application referred to by Mr Pike in his counter objection at Appendix 8 has been clarified in the response at Appendix 10 from the Planning Department.

At the request of the Chair, the objector Mr Daron Pike addressed the Committee. Mr Pike said he was pleased to hear Mr King was a reputable businessman and hoped the comments and recommendations cited in the Business Reputation document were true and correct. Mr Pike said he had not attached the remark of the premises being a brothel to Mr King's premises 87 Whitechapel High Street but had made an observation that a number of premises granted a special treatment licence in the locality. Mr Pike made reference to the previous application at 2.1 and said that this was an example where the licence had been revoked due to bad management of the premises.

Mr Pike said he was concerned Mr Nagpal had made inappropriate contact with the Members of the Committee and said that his objection was as stated in his email at appendix 4. Mr Pike said he did not have a vendetta against Mr Nagpal or Mr King but was concerned the access and egress point to the upper floors of 87 Whitechapel High Street, would be via Gunthorpe Street. Mr Pike enquired how frequent the entrance way would be used and what the footfall would be, if the special treatment licence was to be granted.

Mr Pike continued to state that Gunthorpe Street was residential. He referred to the Dellow shelter for the homeless towards Wentworth Street as well as a new housing development. He also said that it was rude and disrespectful of Mr Nagpal to say the objections at appendices 4, 5 and 6 were all his doing. Mr Pike acknowledged they were similar in nature however the other objectors had filed objections of their own volition and used their own email addresses.

In response to questions from Members the following was noted:

- The residential flats are in Gunthorpe Street and whilst this premises is known as 87 Whitechapel High Street, the entry and egress will be in Gunthorpe Street. Of the 50 viewings for the vacant 2nd floor unit, Mr Nagpal said the main interest has been from medical and healthcare type of businesses such as those offering massage, botox or aesthetic cosmetics treatments. He said it had taken a long time to find appropriate tenants and he had finally agreed terms with Genesis New World London Limited. The tenants would need to apply to the Council to change the use of the premises from B1 to D1.
- Mr Nagpal confirmed the previous tenants were an accountancy firm however there is very little demand for office space. The premises had been vacant for nine months.
- In response to how Mr King would deal with anti-social behaviour given the narrowness of Gunthorpe Street, Mr King said he would be installing CCTV at the premises and would provide training to staff to deal with any troublesome customers. Although from experience this was unlikely. A Fire Risk assessment had been completed and new fire alarms had been installed.
- With regards to the collection of waste, Mr King reassured Members this would not accumulate as he owns a Skip hire business and will ensure rubbish is removed forthwith.
- Mr King confirmed of the three other businesses his family owned in South West London his mother was a leaseholder and Licence Holder and had not experienced any complaints against their business interests nor had their licences' ever been revoked.
- In response to why he had chosen this locality to expand his business, Mr King said he believed this to be the most suitable location given its

proximity to Liverpool Street. He reiterated his business was a family run business which offered massage treatments, carried out by professional masseurs. He said he hoped to attract professional office workers from the city who did not have time to go to the gym or had a preference for a massage in order to deal with stress related problems.

- With regards to footfall, Mr King said the majority of bookings are made via an online booking site called Treatwell. Mr King said customers are carefully selected and must pay for treatment at the point of making a booking. He said whilst there could be customers who 'walk-in', the majority would be via the online booking website.
- In response to what percentage would be male or female customers, Mr King said this would be hard to predict as the business is not operational but everyone is welcome.
- Mr King said that he understood the concerns of the objector however it was wrong for his business to be tarnished with the same brush or be accused of something which happened in another business. Mr King invited members and the objectors to undertake a mystery shopping exercise and said the reviews left on the website vouched for the good customer service provided by his family run business.

Members adjourned the meeting at 19:41 hours to deliberate and reconvened at 20:10 hours.

Decision

Accordingly, the majority of the Committee

RESOLVED

That the Application for a new Special Treatment Licence, under the London Local Authorities Act 1991 for Boonsara, 87 Whitechapel High Street, London E1 7QX be **GRANTED**.

The Committee asked the Applicant to pay attention to the Standard Conditions for a Special Treatment Licence, in particular point 36 in relation to the cleanliness of the premises and point 39 in relation to refuse storage.

The meeting ended at 8.14 p.m.

Chair, Councillor Ehtasham Haque
Licensing Committee