

LICENSING COMMITTEE

Tuesday, 8 September 2020 at 5.30 p.m.

Online 'Virtual' Meeting - <https://towerhamlets.public-i.tv/core/portal/home>

The meeting is open to the public to attend.

<u>Members:</u>	Ward Represented
Chair: Councillor Ehtasham Haque	Blackwall & Cubitt Town;
Vice-Chair: Councillor Rajib Ahmed	Lansbury;
Councillor Faroque Ahmed	Whitechapel;
Councillor Sufia Alam	Poplar;
Councillor Shah Ameen	Whitechapel;
Councillor Shad Chowdhury	Spitalfields & Banglatown;
Councillor Peter Golds	Island Gardens;
Councillor Mohammed Ahbab Hossain	Bethnal Green;
Councillor Eve McQuillan	Bethnal Green;
Councillor Victoria Obaze	Whitechapel;
Councillor Mohammed Pappu	Blackwall & Cubitt Town;
Councillor Leema Qureshi	Spitalfields & Banglatown;
Councillor Zenith Rahman	Bromley North;
Councillor Gabriela Salva Macallan	St Peter's;
Councillor Dan Tomlinson	Bromley North;
[The quorum for this body is 3 Members]	

Contact for further enquiries:

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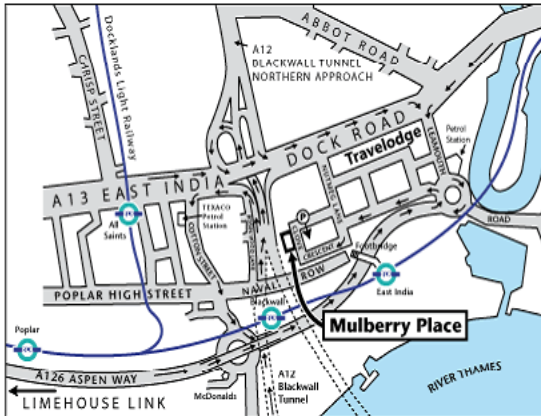
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF INTEREST (Pages 5 - 6)

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests form and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

	PAGE NUMBER	WARD(S) AFFECTED
2. MINUTES OF THE PREVIOUS MEETING(S)		
	7 - 12	
To confirm the minutes of the meeting of the Licensing Committees held on 19 December 2019 and 23 June 2020 as an accurate record of the proceedings.		
3. ITEMS FOR CONSIDERATION		
3 .1 Application to consider the objection to Sunflower London Ltd, 21 Wentworth Street, London E1 7TB renewing their Special Treatment Licence	13 - 72	Spitalfields & Banglatown
3 .2 Alcohol Licensing – temporary off-sales permissions	73 - 78	All Wards
3 .3 Update in relation to Prosecutions and Appeals – Quarters 3-4 2019/2020 Quarters 1-2 2020/2021	79 - 84	All Wards

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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Asmat Hussain, Corporate Director, Governance and Monitoring Officer,
Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 19 DECEMBER 2019

COMMITTEE ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Faroque Ahmed
Councillor Peter Golds
Councillor Mohammed Ahbab Hossain
Councillor Leema Qureshi
Councillor Zenith Rahman

Apologies

Councillor Sufia Alam
Councillor Shah Ameen
Councillor Shad Chowdhury
Councillor Ehtasham Haque
Councillor Eve McQuillan
Councillor Victoria Obaze
Councillor Mohammed Pappu
Councillor Gabriela Salva Macallan
Councillor Dan Tomlinson

Officers Present:

Agnes Adrien	– (Head of Litigation, Legal Services)
Tom Lewis	– (Team Leader - Licensing Services)
David Tolley	– (Head of Environmental Health and Trading Standards)
Simmi Yesmin	– (Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes from the Licensing Committee meetings of 3rd & 12th September 2019 were agreed and approved to be an accurate record of the meeting.

3. ITEMS FOR CONSIDERATION

3.1 Update on the Community & Alcohol Partnership and Best Bar None Scheme

Mr Vincent Fajilagmago, Licensing Officer, introduced the report and provided The Committee with an update on the progress of the Community Alcohol Partnership (CAP) initiative together with an update on the Best Bar None (BBN) Scheme within the borough for 2018-2019. It was noted that both programmes seek to lower alcohol related crime and anti-social behaviour within the borough.

Mr Fajilagmago briefly went through the engagement and enforcement processes, and the successes to date which was detailed in the report. It was noted that all premises that were a part of the Best Bar None Scheme had a 100% pass rate for test purchases. It was recommended to extend the CAP area to include Bow West, Bow East, Bromley North and Bromley South allowing CAP strategies and solutions currently applied in the existing CAP areas to be extended to wards that face similar levels of crime and anti-social behaviour.

There were no questions from The Committee.

The Chair moved and it was **RESOLVED**;

1. The activity that has been undertaken by the Community Alcohol Partnership (CAP) and Best Bar None scheme (BBN) was noted.
2. The CAP area to include Bow West, Bow East, Bromley North and Bromley South was noted.
3. To invest in publicity for the Best Bar None scheme to improve the reach of the scheme and improve the number of applicants and accreditations across the borough was noted.
4. The Licensing Committee via the Democratic Services Officer would nominate a Member of the Committee to attend the Best Bar None Awards Ceremony to be held on the 13th March 2020.

3.2 Night Time Economy visits and Enforcement Update

Mr Tom Lewis, Team Leader – Licensing, introduced the report which detailed late night inspections to licensed premises undertaken by the Environmental Health and Trading Standards Services. He explained that the objective was to carry out late night visits to premises where intelligence received alleged a contravention of the Licensing Act 2003.

It was noted that there were approximately 1,179 licensed premises within the London Borough of Tower Hamlets. During inspection visits where non-compliance was witnessed and a breach of the Licensing Act 2003 was

established, actions were taken including warning letters being sent, review applications made and where necessary court prosecutions filed.

Mr Lewis referred Members to the appendices included in the report, which gave a detailed breakdown of the number of visits made in each ward and the relevant actions taken in 2018/19 and 2019/20 (to date).

In response to questions the following was noted;

- That the number of inspection visits in each ward varied due to the number of licensed premises in each ward.
- Where premises had a history of non-compliance, follow up checks are made accordingly.
- That licensing fines are relatively low.
- It was agreed that the next report on enforcement activity would include a comparison with other local boroughs to see how many licensed premises they had, in contrast with the number of inspection visits conducted and the number of enforcement actions taken etc.

The Chair moved and it was **RESOLVED**;

1. The activity that has been undertaken by the Environmental Health and Trading Standards Service with regards to regulating Late Night Licensed Premises be noted.

3.3 Update in relation to Prosecutions and Appeals – Quarters 3- 4 2018/2019

Ms Agnes Adrien, Head of Litigation briefly introduced the regular noting report which detailed licensing related prosecutions and appeals for Quarter 3 & 4 for 2018-2019 and Quarter 1 & 2 for 2019/2020.

The number of prosecutions over the quarters was noted and it was also noted that three appeals had been withdrawn, two had been granted, two had been agreed with consent and one case had discontinued.

Following a short discussion, Members expressed their disappointment at the two appeals that had been granted and thanked the Officers for providing robust legal advice at Licensing Sub Committee meetings.

Members welcomed the report, and noted the results of the prosecution and appeals detailed in the report.

RESOLVED

That the report be noted.

The meeting ended at 7.10 p.m.

Chair, Councillor Rajib Ahmed
Licensing Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 5.00 P.M. ON TUESDAY, 23 JUNE 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Councillor Ehtasham Haque (Chair)
Councillor Rajib Ahmed (Vice-Chair)
Councillor Faroque Ahmed
Councillor Sufia Alam
Councillor Shad Chowdhury
Councillor Peter Golds
Councillor Mohammed Ahbab Hossain
Councillor Eve McQuillan
Councillor Victoria Obaze
Councillor Mohammed Pappu
Councillor Leema Qureshi
Councillor Zenith Rahman
Councillor Gabriela Salva Macallan

Apologies

Councillor Shah Ameen
Councillor Dan Tomlinson

Officers Present:

Tom Lewis	– (Team Leader - Licensing Services)
Venky Ramakrishnan	– (Principal Enforcement Lawyer)
David Tolley	– (Head of Environmental Health and Trading Standards)
Simmi Yesmin	– (Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest made.

2. ITEMS FOR CONSIDERATION

2.1 Late Night Levy - Annual Review

Mr Tom Lewis, Team Leader – Licensing, introduced the report and outlined the Late Night Levy Annual Review for 2019/20 detailing the income received, the expenditures made and the initiatives funded by the levy.

It was noted that the total income received by the levy in Year 2 (2019/20) was £283,592, and the following initiatives were agreed by the Community Safety Partnership;

- Additional police officers on patrol between 11pm to 3am
- Street pastors
- Officer to manage the scheme
- Additional street cleaning
- Purchase of four big belly bins
- Portable urinal placed in the borough during the evening and night

Mr Lewis explained that the total expenditure on the initiatives was £211,143 taking a surplus of £86,658 into Year 3. It was further noted that they were in the process of a contract for additional street pastors which would be costing £83,500 and a contract for two portable toilets for the value of £100,000 and that neither of these had been included in the spend for Year 2 and would be accounted for in the expenditures in Year 3. The roles and outcomes of the current levy initiatives were highlighted and the benefits of the levy were noted.

In response to questions from Members the following was agreed;

- Officers to continue to work with the Metropolitan Police to explore the possibility of employing more Police Officers.
- Officers to explore options for more portable toilets to be placed around other parts of the borough.


The Committee welcomed the report and noted the good work following from the late night levy.

The Chair moved and it was **RESOLVED**;

1. The work achieved via the levy revenue, the income received and the expenditure made was noted.

The meeting ended at 5.45 p.m.

Chair, Councillor Ehtasham Haque
Licensing Committee

Non-Executive Report of the:	 TOWER HAMLETS
Licensing Committee 8th September 2020	
Report of: David Tolley, Head of Environmental Health and Trading Standards Directorate of Place	Classification: Unrestricted
London Local Authorities Act 1991 Hearing to consider the objection to Sunflower London Ltd, 21 Wentworth Street, London E1 7TB renewing their Special Treatment Licence	

Originating Officer(s)	Kamal Miah, Environmental Health Officer
Wards affected	Spitalfields and Banglatown

1. EXECUTIVE SUMMARY

Licence Holder: **Sunflower London Ltd**

Name and Address of Premises: **Healthcare
21 Wentworth Street
London
E1 7TB**

Licence sought to refuse to renew: **Special Treatment Licence under The London Local Authorities Act 1991 Application to renew a Special Treatment Licence**

Objectors: **Charlotte Basten, Environmental Health Officer, Licensing and Safety Team**

2. RECOMMENDATIONS

- 2.1 The Licensing Committee is recommended to consider the objection to the renewal of the special treatment licence and then adjudicate accordingly.

3. BACKGROUND

- 3.1 This is a report by the Licensing and Safety Team to object to the renewal of the special treatment licence for Sunflower London Limited trading as Healthcare, 21 Wentworth Street, London, E1 7TB following evidence obtained that services of a sexual nature are being offered by the business at the premises. The business was prosecuted by the Council for breaches of

regulation 7 (B) of the Regulations made by the London Borough of Tower Hamlets under section 10 (1) of the London Local Authorities Act 1991 - for allowing the premises to be used by prostitutes, for soliciting or other immoral purposes and Condition 12 of the Massage and Special Treatment Licence- allowing female therapists to massage male clients without prior approval from the Council.

- 3.2 The matter of Sunflower London Limited was considered by the Thames Magistrates Court on 10th April 2019. The Company pleaded guilty to the two charges of breaching its special treatment licence conditions. It was sentenced to pay a fine of £500, Victim surcharge of £50 and Costs of £2500.
- 3.3 A licence from the Council is required for the use of a premises as an establishment for special treatments. An establishment for special treatment is defined in the Act as any premises in the borough used, intended to be used or represented as being used for the reception or treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths.
- 3.3 A renewal of a special treatment licence may be refused under The London Local Authorities Act 1991 Section 8.
- 3.4 Sunflower London Ltd has applied to renew its special treatment licence which expired on the 15th of January 2020. A copy of the licence can be found at **Appendix 1**.

4. Legal Powers and Advice

- 4.1 Licences are granted subject to standard conditions.
- 4.2 Those Standard Conditions of the London Borough of Tower Hamlets were made under the London Local Authorities Act 1991, Section 10 (1). It is the duty of any licence holder to be aware of and abide by those conditions. A copy of the standard conditions can be found at **Appendix 2**.
- 4.3 The council has made Regulations for annual special treatment licences under section 10 (1) of the London Local Authorities Act 1991. These are available as **Appendix 3**.
- 4.4 Under the London Local Authorities Act 1991 the borough may refuse to renew a licence on the following grounds:
 - (a) the premises are not structurally suitable for the purpose;
 - (b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation 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 license;
- (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 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 equipment used in the 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 five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act.

4.5 Legislation provides that where an applicant is aggrieved at the Council refusing a licence, the applicant may within twenty one days of being notified of the Council's refusal appeal to a Magistrates Court. The Court may grant such an order as it sees fit.

4.6 An appeal by either party against the decision of the magistrates' court may be brought to the Crown Court.

4.7 Where any licence renewal is refused under section 8 of this Act the licence shall be deemed to remain in force –

- (a) until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and
- (b) where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the borough council.

5. Grounds for Refusal of the renewal of the Licence

5.1 The Environmental Health Department has requested the hearing with the Licensing Committee to refuse to renew the licence. The report detailing the reasons for this can be found at **Appendix 4**. Find below a summary of the comments.

- Sunflower London Limited was prosecuted at Thames Magistrates Court on 19th April 2019. The Company pleaded guilty to the two charges of breaching its special treatment licence conditions.
- The business has been investigated and found to be offering services of a sexual nature to customers. A test purchase operative from a company hired by the council to carry out the visit took place on the 9th of January 2020. The operative wrote that during the massage, a female massage therapist called Cindy had asked him to take off his underwear, which he declined. The therapist had then bent down close to his ear and whispered to ask if he wanted something extra. The operative asked what she meant and the therapist made a movement with her hand in a manner indicating masturbating. She then said £20-£30 for a hand job and also £50-£60 for a hand job with no clothes on. The operative declined saying he didn't have enough money, but was told he could pay by card, which he declined as well. This was a clear offering of a sexual service in addition to the massage.
- Cindy the therapist who offered the sexual services to the test purchase operative is also known as Ms Liyan Guan was not listed as one of the therapists working at Healthcare and therefore had not been approved by the Council to provide massage services at the premises.
- The director of the company Xiao Qin Song is responsible for the management of the business and therefore the person concerned in the conduct and management of the premises. She should be reasonably regarded as not being fit and proper persons to hold such a licence on basis of the guilty plea.
- Under The London Local Authorities Act 1991 the Council may refuse to renew a licence held by a person for grounds mentioned in Section 8 of the Act which include the licence holder not being a fit and proper person to hold a licence (c) the persons giving the treatment not being suitably qualified (d) the premises being improperly conducted (e).

6. Recommendations

6.1 Following the objection the renewal of the licence, Members are asked to consider the representation when determining whether to refuse to renew the licence.

7. Summary of Premises and Licence History

- 7.1 The premises were first issued with a Massage and Special Treatment Licence on the 15th January 2016.

8. Complaints and Enforcement History

- 8.1 On the 13th April 2017 a petition containing 101 signatures of residents local to the Liverpool Street area was handed to the council by the Corporation of London. The petition requested that all massage premises in the area were investigated for compliance with their licence conditions.
- 8.2 2nd January 2020, the council received an email from a member of the public who reported being offered sexual services following a massage at Healthcare, 21 Wentworth Street, E1 7TB
- 8.3 The premises has received the following visits from the Local Authority in the last 5 years:

Date	Authority	Nature of visit
02/12/2015	Licensing and Safety	Premises found trading without a Special Treatment Licence
22/12/2015	Licensing and Safety	Follow up visit - Trading without special treatment licence
05/01/16	Licensing and Safety	Inspection prior to issue of a Special Treatment licence. Several Points required action. - Change cable extension in the washing/laundry room - Request passport photos of remaining therapist Request copy of newspaper advert
26/01/2017	Licensing and Safety	Licence inspection. Licence conditions were being upheld at the time of the inspection.
13/06/2017	Licensing and Safety	Test purchase. Services of a sexual nature offered.
18/01/2018	Licensing and Safety	Licence Renewal inspection. Several Points required action. - Remove treatments currently not on the licence from the price list - Issues of therapist qualification - Request for 3 rd party insurance - Request for customer vetting system
11th February 2019	Licensing and Safety	Licence Renewal inspection. Several Points required action. - Therapist cannot offer treatment until they have the required level of Beauty Therapy training. - Business is reminded to notify the Council of any new therapist with

		<p>required qualifications submitted for approval.</p> <ul style="list-style-type: none"> - Requirement to keep clients' records and keep them safe. - Devise and use a suitable customer vetting system such as a health questionnaire.
1/3/2019	Licensing and Safety	Test purchase. Licence conditions being upheld.
10/01/2020	Licensing and Safety	Test purchase. Services of a sexual nature offered.

8.4 The licence holder was prosecuted under the London Local Authorities Act 1991. The case was considered by the Thames Magistrates Court on 19th April 2019. The Company pleaded guilty to the two charges of breaching its special treatment licence conditions. It was sentenced as follows:

8.5 Sunflower London Limited was sentenced as follows;
 Fine: £500
 Costs: £2,500
 Victim surcharge: £50

9. Special Treatment Licences and Determination

9.1 Members should consider the relevant legislation and Standard Conditions (see **Appendix 2** and **Appendix 3** respectively).

10. EQUALITIES IMPLICATIONS

10.1 There are no equalities implications.

11. OTHER STATUTORY IMPLICATIONS

11.1 Best Value implications: There are no best value implications.

11.2 Environmental considerations: There are no environmental implications.

11.3 Crime reduction: One of the key licensing objectives of the Council ensures that it does not licence premises that are liable to be a source of crime and disorder. The Council supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences. Illegal activity has been proven to occur at the premises.

11.4 Safeguarding: There are no proven safeguarding impacts; however premises that are managed in this way may employ underage persons or vulnerable adults. Therefore there may be a positive safeguarding impact.

- 11.5 Risk Management: The Council will be at risk of legal challenge if its processes are not transparent and evidentially based.
- 11.6 Data Protection/ Privacy Impact Assessment: The application has been processed in line with the council's data protection policy. Some aspects of the appendices have been redacted for data protection purposes. No Privacy Impact Assessment required.

12. COMMENTS OF THE CHIEF FINANCE OFFICER

- 12.1 There are no material financial implications emanating from the decision to revoke the special treatment license for Sunflower London Ltd. The Council will lose the license income should the appeal decision be in our favour and incur legal costs. This will be managed within existing budget provision.

13. COMMENTS OF LEGAL SERVICES

- 13.1 Section 10 of the London Local Authorities Act 1991 enables the local authority to make regulations prescribing standard conditions applicable to all licenses for special treatment premises.
- 13.2 The London Borough of Tower Hamlets made such regulations which are produced as Appendix 2 to this report, and one of those regulations, 7(B) says, "The licensee shall ensure that no part of the premises are used by prostitutes, for soliciting or any other immoral purposes." Condition 6 of the licence says, "All treatments shall be given only by persons approved by the Council or, provided that the written consent of the Council has been obtained, under the personal supervision of a person approved by the Council."
- 13.3 Section 9(2) of the London Local Authorities Act 1991 empowers the Council to revoke a special treatments licence for any of the reasons set out in section 8 of that Act.
- 13.4 Section 8 of that Act sets out a number of grounds under which the Council can refuse to renew, as set out in paragraph 4.4 of this report.

14. APPENDICES

Appendix 1	A copy of the current special treatment licence.
Appendix 2	Regulations for annual special treatment licences under section 10 (1) of the London Local Authorities Act 1991
Appendix 3	A copy of the standard conditions for special treatment licences.
Appendix 4	Report from the Environmental Health Department
CHB.HC.1	Special treatment licence renewal application and supporting documents.

CHB.HC.2	Email from complainant dated 29 th December 2019
CHB.HC.3	Witness statement of test purchase conducted on the 9 th January 2020
CHB.HC.4	Test purchaser's notes
CHB.HC.5	Email from Legal Services
CHB.HC.6	List of appointed officers for the company

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

Kamal Miah, Environmental Health Officer

Ext: 6706

**TOWER HAMLETS**

Licence / Registration

Certificate Number

24368**LONDON LOCAL AUTHORITIES ACT 1991****LICENCE FOR SPECIAL TREATMENT PREMISES**

The Council of the London Borough of Tower Hamlets grants this licence

To: **Sunflower London Limited**

T/A: **Healthcare**
21 Wentworth Street
London E1 7TB

for the provision of the following special treatments

Massage, Acupuncture

subject to compliance with the requirements of the Act and licensing conditions, a copy of which is attached.

Fee: **£338.00**

Date Licence Issued: **1st March 2019**

Date Licence Expires: **15th January 2020**

Signed:

David Tolley

Head of Environmental Health and Trading Standards

Note: This Licence should be prominently displayed at the place where the business is conducted.

FOR OFFICE USE

Receipt Number

Fee Paid ~~£338.00~~ Fee Req. —

Date 10/1/19 Initial BT

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APPENDIX 2

REGULATIONS MADE BY THE LONDON BOROUGH OF TOWER HAMLETS UNDER SECTION 10 (1) OF THE LONDON LOCAL AUTHORITIES ACT 1991 PRESCRIBING STANDARD CONDITIONS FOR ANNUAL SPECIAL TREATMENT LICENCES.

NOTES:

- (I) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (II) Nothing in these rules shall be construed as interfering with (I) the discretion of the licensee or his representative regarding the admission of any person or (II) the need to strictly comply with all relevant statutory requirements.
- (III) These rules are divided into three parts as follows:
 - Part I - General
 - Part II - Rules which apply to all premises.
 - Part III - Rules which apply to larger premises of where there are special circumstances (e.g. complex layouts).
- (IV) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

Disabled People

It is the policy of the Council that there should be access and facilities for disabled people at premises licensed for special treatment. Licensees are therefore encouraged in the strongest possible terms to provide such facilities so as to enable the admission of disabled people. To this end Council officers will be pleased to discuss and advise on the best ways to achieve this.

PART 1

GENERAL

Definitions

- 1. In these rules, unless the context otherwise requires:
 - “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council as Licensing Authority in writing.
 - “Approved”, “accepted” or “permitted” means approved, accepted or permitted by the Council in writing.
 - “Approved arrangements” means the arrangement of the premises, fitting, installations and other things in connection therewith as approved by the Council.
 - “Council” means the appropriate licensing authority.

“Escape Lighting” (safety lighting) means lighting, obtained from a source independent of the general supply for the building provided to assist the public and staff to leave the premises without the aid of the normal lighting.

“Establishment for Special Treatment” has the meaning set out in Section 4 of the London Local Authorities Act 1991.

“Fire Authority” means the Chief Officer and Chief Executive of the London Fire and Emergency Planning Authority.

“Licence” means a special treatment licence granted under Section 6 of the London Local Authorities Act 1991.

“Licensee” means the person or corporate body licensed under Section 6 of the London Local Authorities Act 1991.

“Management Lighting” means the combination of the approved escape lighting and that portion of the normal lighting which in the absence of adequate day lighting is intended for use to facilitate easy movement about the premises during the whole time the public are present.

“Non-combustible material” means material which is deemed to be non-combustible when tested in accordance with the provisions of the current edition of British Standard 476: Part 4, or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of these rules.

“Normal Lighting” means all lighting, other than escape lighting permanently installed in those parts of the premises to which the public have access. The term includes purely decorative lighting but not lighting installed solely for advertising purposes.

“Officer” means any person authorised in writing by the Council. (This may include officers of the London Fire and Emergency Planning Authority.

“Public” means any person other than a member of staff admitted to the licence premises.

“Premises” means any premises within the Council’s area licensed for special treatment and includes all installations, fittings and things in connection therewith.

Dispensation or Modification

2. (A) These rules may be dispensed with or modified by the Council in any special case.
- (B) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (C) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

PART II

RULES WHICH APPLY TO ALL PREMISES

Type of Business

3. The establishment shall be carried on only for the treatment or business and in the trade name or style specified in the licence and at the address mentioned therein.

Exhibition of Licence

4. The licence or a clear copy shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism or defacement.

Responsibility of Licensee

5. (A) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.

(B) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisement) Regulations 1989 or any Order amending or replacing the same.

(C) The premises shall not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Buildings Acts 1930-1939, the Building Act 1984 and the Building Regulations 1985 or any legislation amending or replacing the same.

(D) The licensee shall at once notify the Council in writing of any change in the name or private address of the licensee or in the treatments provided or in the nature of the business carried on at the establishment.

(E) The licensee shall ensure compliance at all times with the relevant provisions of the Health & Safety at Work etc.. Act 1974.

Persons in charge of Licensed Premises

6. (A) 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. Such written nomination shall be continuously available for inspection by any officer authorised in writing by the Council. The person in charge shall not be engaged in any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these rules, a copy of which should be held on the premises..

(B) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

Conduct of Premises

7. (A) The licensee shall maintain good order in the premises.

(B) The licensee shall ensure that no part of the premises are used by prostitutes, for soliciting or any other immoral purposes.

- (C) The licensee shall ensure that the public are not admitted to any part or parts if the premises other than those which have been approved by the Council.
- (D) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.
- (E) The licensee shall not do, or permit in the establishment, any act of an indecent or disorderly character and shall take all necessary steps to exclude from the establishment a customer or any other person who has committed such an act in the establishment. The licensee shall not employ or permit or suffer to be in or upon the establishment any person who has been convicted of an offence under the Sexual Offences Acts 1956 to 1985 or the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 and shall cause all persons in his employ engaged in the establishment to be decently and properly attired, and he shall not permit the door of any room or place in the establishment for the time being in use for the giving of massage or special treatment to be locked during the period that the client is therein.
- (F) The licensee shall ensure that with the exception of those persons receiving treatment in accordance with the conditions of the licence all clients present in any part of the establishment shall be decently and properly attired and separate changing accommodation for males and females shall be provided.
- (G) Except with the written consent of the Council, the licensee shall not employ in the conduct of the establishment any person (a) whose licence has been revoked or to whom a licence has been refused on the ground that such person is unsuitable to hold a licence to carry on an establishment for massage or special treatment; or (b) who is unsuitable to be so employed on the ground that misconduct in connection with the employment of such person in an establishment for massage or special treatment had been proved to the satisfaction of the Council; and except with such consent, the licensee shall not allow or permit any such person to be directly or indirectly interested in the business carried on at the establishment.
- (H) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

Persons who can give Treatment

8. (A) Except as provided by 8 (c) below, treatment shall only be given by qualified persons who have been approved by the Council and in respect of whom two identical full face passport size photographs taken within the 12 months preceding the application for approval have been submitted to the Council.
- (B) Any certificate of qualification (or a true reproduction) of such approved persons together with a recent full face photograph shall be displayed in the reception area so that all persons who wish to receive treatment may easily examine them: and
- (C) Treatment may also be given by other person provided:
- (i) the person giving treatment is under the personal supervision of a person approved by the Council: and

- (II) the Council's consent in writing has first been obtained and is current at the time of treatment.

Restriction on Treatment

9. Unless otherwise expressly permitted by the Council, when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the Knee or hands and arms is not being so given by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to the persons of the same sex as the person giving the treatment, and persons of the opposite sex shall not be present.

Moles

10. Moles shall be treated only in accordance with directions given by a registered medical practitioner with reference to each person to whom treatment is given. A record shall be kept by the licensee of every instance of treatment of moles, such record shall include the name and address of the medical practitioner by whom such treatment was prescribed, the names of the persons giving and receiving such treatment and the date of such treatment: such record shall be produced on the demand of an inspector appointed by the Council.

Eye Protection

11. The licensee shall provide suitable and sufficient eye protection to persons receiving sun tanning treatment.

Ultra-violet Radiation Equipment

12. The licensee shall ensure that all ultra-violet radiation equipment installed in the licensed establishment is used and operated in accordance with the Health and Safety Executives guidance note GS18 Commercial Ultra-Violet Tanning Equipment.

Identification of Staff

13. All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council. The name shown shall correspond with that shown on any certificate displayed under Condition 8 (b).

Records

14. Records shall be kept at the premises in a form approved by the Council of persons receiving treatment. The record shall include the name of the person receiving treatment, the time of admittance for treatment and the real name of the person giving treatment. In case of staff approved under Condition 8 (c) the entry shall include both the name of the person giving treatment and of the person supervising.

Tariff

15. All licensable treatment provided at the premise shall be clearly listed in a priced tariff. This tariff shall also clearly show the cost of any additional services provided at the premises together with VAT thereon if applicable. A copy of the tariff shall be supplied on request to an authorised officer of the Council.

Display of Tariff

16. There shall be prominently and legibly displayed a comprehensive tariff of charges which shall where necessary be illuminated and be placed in such a position that it can easily and conveniently be read by persons before entering the premises. Where this is impossible, the tariff may with the consent of the Council be displayed in the reception area.

Noise and Vibration

17. The licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which give rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.

Admission of Council's Officers

18. Officers of the Council, who are furnished with authorities which they will produce on request, shall be admitted immediately at all reasonable times to all parts of the premises.

NOTES

(I) The officers of the Council are authorised to inspect on behalf of the Council. These officers can give written notification to licensees or their responsible representatives of matters noted during inspection which are not in accordance with the approved arrangements for the premises, the conditions of the licence, or which may present a hazard to the public.

(II) Officers of the LFEPA are authorised to inspect premises licensed for special treatment under the provisions of Section 15 (1) (b) of the London Local Authorities Act 1991.

Overcrowding

19. Overcrowding shall not be allowed in any part of the premises.

Change of Use

20. No change of use of any portion of the premises from that approved by the Council's consents has been obtained thereto.

Maintenance

21. The approved arrangements shall be maintained at all times in good order, repair and condition.

Alterations

22. Alterations or additions, whether permanent or temporary, to the approved arrangements including the means of lighting, sanitation or ventilation or to the structure or layout of the premises, shall not be made except with the prior consent of the Council. Provided that this condition shall not require notice to be given to the Council of any work which is necessary for the efficient maintenance of the approved arrangements and which are carried out in accordance with these conditions.

Notice in writing shall be given to the Council of any alteration or addition proposed to be made, and such notice shall be accompanied by full details and, if necessary, by drawings (in duplicate). The work shall not be started until the consent of the Council has been obtained. Notice in writing shall be given to the Council of any intention to carry out work necessitating the use of internal or external scaffolding, cradles or plant. If the Council so require the premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant have been removed.

NOTE: Any consent under this condition does not relieve the licensee of any necessity to seek a variation in the terms of the licence e.g. changes in the parts of the premises to be licensed and if required by the Council of advertising that application.

Notice of re-opening

- 23.** In the event of any premises being closed for the purpose of effecting alterations, additions, repairs or decorating they shall not be reopened to the public unless and until the consent of the Council shall have been obtained. At least fourteen days notice in writing to the Council shall be given by the licensee of his intention to reopen the premises, and in order that necessary inspections and tests may be made at the premises by the Council's officers, a clear interval of at least 48 hours (not including Sundays and Bank Holidays) shall elapse between the completion of the building and its equipment in accordance with the requirements of the Council and the date of the proposed reopening of the premises.

ENTRANCES, EXITS, GANGWAYS, FASTENINGS AND NOTICES

Maintenance

- 24.** (a) The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements. Except with the consent of the Council, bars, wire guards or the like shall not be fitted to windows, nor shall the windows be likewise obstructed in a manner likely to render them unavailable for the purposes of exit in case of emergency.
- (b) Any mirrors, pictures, notices or advertisements which may be permitted by the Council shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line i.e. 2 metres above the floor.
- (c) Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned. Notice in writing of any proposal to rail off a portion of such premises for the accommodation of such boards or easels shall be given to the Council and the Council's prior consent obtained in the manner prescribed by regulation 21.
- (d) All fire-resisting and smoke stop doors shall be maintained self-closing and shall not be secured open

Maintenance of Exits

- 25.** All exit doors shall be available for egress during the whole time that the public are on the premises..

Door Fastenings

26. (a) Exit doors and gates shall not be secured closed while the public are on the premises by means of any fastenings other than panic bolts.
- (b) Locking bars, hasps, staples, screw eyes and other fastenings not approved by the Council shall not be fitted on exit doors.

NOTE: In smaller premises, the Council may agree to the provision of simple fastenings.

Removable Fastenings

27. Any removable fastenings permitted by the Council for securing exit doors when the public are not on the premises shall be removed before the public are admitted to the premises and shall not be replaced while the public are on the premises. If a keyboard is required by the Council, it shall be provided in an approved position and before the admission of the public the removable fastenings shall be hung on such board, each in an allotted position, and shall remain on the board during the whole time the public are on the premises.

Non-slippery Surfaces

28. All gangways and exitways and the treads of steps and stairways shall be maintained with non-slippery and even surfaces.

Edges of Steps

29. The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

Floor Coverings

30. All floor coverings shall be so secured and maintained that they will not be likely to ruck, or to be in any way a source of danger. Any mats shall be fitted into matwells so as to be flush with the surface of the floor. Each treatment room shall be provided with suitable floor coverings which shall be maintained in a clean condition.

Curtains, Decorations etc.

31. (a) Any curtains which may be permitted by the Council to be hung over doorways, or in or across corridors or gangways, shall be of inherently non-flammable or durably flameproof material, shall not conceal notices and shall be hung so that they can be readily drawn aside and so as not to touch the floor. Any other hangings, curtains or decorations which may be permitted by the Council shall be non-combustible, inherently non flammable or durably flameproof material, or where specified by the Council of material rendered non flammable to the Council's satisfaction.
- (b) Temporary decorations shall not be used except with the consent of the Council.
- (c) Decorations, curtains and hangings shall be flameproof to the satisfaction of the Council. Application for consent shall be made to the Council in writing together with details including documentary evidence as to the fire proof qualities of the materials to the relevant British Standard and accompanied by full details including adequate samples of the materials proposed to be used and, in the case of temporary decorations, a statement as to the period for which it is desired to retain decorations.

Fire Appliances

- 32.** (a) Fire appliances and equipment approved by the Council shall be efficiently maintained in satisfactory working order and kept available for instant use.
- (b) Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti freeze agent shall be examined and re-charged in compliance with manufacturer's instructions.
- (c) Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.
- (d) All testing of fire appliances and equipment shall be at the expense of the licensee.

Fire Warning Arrangements

- 33.** (a) Where a fire alarm system has been installed and approved by the Council it shall be efficiently maintained in satisfactory working order. The system shall be maintained and serviced in accordance with BS 5839 and tested regularly in accordance with conditions imposed by the Council. All checks, tests and defects shall be recorded in a log book.

When a fire alarm system becomes defective the licensee shall notify the Council and take immediate steps to rectify the fault to the satisfaction of the Council.

- (b) All testing of automatic/manual fire alarm systems shall be at the expense of the licensee.

Outbreak of Fire

- 34.** The Fire Brigade shall be called to any outbreak of fire, however slight. Suitable notices shall be displayed indicating how the Brigade can be summoned.

Sanitation

- 35** The licensee shall ensure that adequate sanitary accommodation is available in the premises for the use of both staff and public and in particular shall:

- (a) Maintain each sanitary convenience in clean and efficient order.
- (b) Ensure that any room which contains a sanitary convenience is suitable and sufficiently illuminated and ventilated and is kept clean.
- (c) Ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot water at a suitable controlled temperature, together with an adequate supply of soap and suitable hand drying facilities.
- (d) Ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes, etc so that satisfactory sanitation can be maintained.
- (e) Where appropriate the sanitary accommodation shall be adequately indicated.

Sanitary Conditions of Premises

- 36.** All parts of the premises and any yard of such premises shall be kept in a clean condition to the satisfaction of the Council.

Treatment Room

- 37.** Each treatment room shall:
- (a) be maintained in a clean and structurally sound condition
 - (b) Be adequately illuminated and ventilated
 - (c) Be provided with suitable wash-hand basin or basins with a suitable supply of hot and cold water, together with soap, a nailbrush and either a supply of disposable towels or a clean towel at all times.
 - (d) Suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained.
 - (e) Where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

Cleanliness

- 38.** Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.

Refuse Storage

- 39.** A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises; and all accumulation or collections of such rubbish, dust and refuse, unless immediately removed from the premises or destroyed; shall be placed in such receptacles and kept there until so removed or destroyed; provided that hot ashes, cinders or any other substance which, when in contact with flammable material, are likely to cause smoke or fire shall not be placed in the same receptacle as flammable rubbish or refuse.

Such rubbish, dust and refuse shall be removed regularly from the premises.

The receptacles shall be maintained in a clean and wholesome condition to the satisfaction of the Council and shall be kept in positions approved by the Council

Lighting

- 40.** The owner, occupier or any other person concerned in the conduct or management of the premises licensed for special treatment shall ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which public and staff have access and is in operation continuously during the whole time the premises are open to the public.

- 41.** The general lighting shall be maintained alight and the lighting to “EXIT” or “WAY OUT” notices shall not be in any circumstances be extinguished or dimmed while clients are on the premises, provided that so long as there is sufficient daylight in any part of the premises artificial light need not be used in that part.

Electrical Installation

- 42.** The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition, as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Electrical Certificates

- 43.** Unless the Council decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for Electrical Installations issued by the Institute of Electrical Engineers, for the premises licensed for special treatment and any equipment used therein shall be submitted to the Council at least annually or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

NOTE: Certificates submitted under this regulation are retained by the Council.

The Council normally requires that any such certificates shall be signed by a Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or by a suitable qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

Lampholders

- 44.** All generally accessible lampholders shall be kept fitted with lamps.

Heating

- 45.** All parts of the premises regularly occupied by public or employees shall be heated to the satisfaction of the Council.

Portable Heating Appliances

- 46.** Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

Gas Cylinders

- 47.** Appliances utilising cylinders or containers of gas under pressure (apart from CO₂ cylinders and hand held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

NOTE: The use of liquid petroleum gas in cylinders is unlikely to be approved.

Guards

48. Any open fireplace and all space heating apparatus of which the surface temperature is liable to exceed 66 degrees Celsius and such other apparatus as the Council may determine, shall be suitable guarded. The guards shall be so constructed and arranged as to enable the apparatus to be cleaned and adjusted.

Gas Installations

49. The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984.

Gas Fired Heating Appliances

50. All piping of the consumer gas installation shall be of rigid hard metal and shall be securely fixed away from electrical wiring and apparatus and shall, where required by the Council be efficiently protected against corrosion.

NOTE:

- (I) Any necessary flexible piping shall be of the reinforced type to resist crushing and withstand the maximum internal pressure to which it may be subjected.
- (II) Attention is drawn to the British Standard Code of Practice 331 Part 3 regarding the installation of gas pipes.
- (III) Gas consuming devices shall be installed to the Council's satisfaction so as to minimise the risk of leakage.

Gas Meter and Electrical Intake Enclosures

51. Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not shall be kept clear and unobstructed.

Ventilation

52. The licensee shall ensure that the premises are adequately ventilated to all areas to which the staff and clients have access. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720: 1979. The system shall be capable of full operation during the whole of the time the public are on the premises.

NOTE: Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort.

PART III

CONDITIONS APPLYING ONLY WHERE THE COUNCIL SO PRESCRIBES

Escape Lighting

- 53.** (a) Two independent systems of lighting shall be provided to the satisfaction of the Council. The degree of illumination from each system shall be sufficient for illumination of the exit notices (if these are not of the self-luminous type) and to enable the public to see Their way out of the premises at any time.

In all portions of the premises to which the public have access, good normal lighting shall be provided during the whole time that the public are on the premises.

- (b) Where permitted by the Council a non-maintained system of escape lighting may be used (i.e. a system in which the lights are energised only when the normal lighting fails).

NOTE:

The licensee may, with the consent of the Council, provide such additional lighting for decorative or other purposes as they may think fit.

Second Batteries

- 54.** In relation to any storage battery which may be accepted by the Council in connection with escape lighting.

- (a) It shall be fully charged before the first admission of the public on any day:
- (b) The approved "load" connected to the battery shall not be altered unless the consent of the Council is previously obtained:
- (c) A diagram of the connection of the battery and the accepted circuits connected there to shall be exhibited in the battery control room.
- (d) The battery shall be under the regular maintenance of a firm of battery manufacturers or, with the approval of the Council, other persons deemed competent, who shall arrange for a thorough examination at least once in every six months, when the battery shall be discharged by taking its full load for one half its rated discharge period of for one hour (whichever is the less). In addition, any automatic switching devices shall be frequently tested.
- (e) At least once in every six months a properly certified report as to the condition of the battery, including details of the examination and where appropriate, battery tests shall be submitted to the Council..

NOTE:

The battery voltage (measured at the battery terminals with the battery connected to its load) at the end of the discharge test should be stated in the report. Where self-contained battery powered escape lighting units are installed, the certificate shall state that each unit has been energised by its battery for the requisite period.

- 30 (f) In the event of the failure of the normal system of lighting, (I) where the escape lighting has a 1 hour capacity the public required to leave the building within a maximum period of minutes and (II) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

Diagram of Wiring

55. Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits and sub circuits, the position of the distribution boards and sizes of the cables shall be provided and kept in an accessible position on the premises.

Installation for Unlicensed Portion of Premises

56. In cases in which the premises form part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the premises, except with the consent of the Council and in accordance with any conditions of such consent.

APPENDIX 3

LONDON BOROUGH OF TOWER HAMLETS

MASSAGE AND SPECIAL TREATMENT LICENCE CONDITIONS

The COUNCIL of the LONDON BOROUGH OF TOWER HAMLETS, under the provisions of LONDON LOCAL AUTHORITIES ACT 1991, hereby authorise the person(s) or company named in the schedule to carry on, up to and including **15/01/20** an establishment for the giving of massage or special treatment specified in the schedule at the address and in the trade name or style or title so specified subject to the following conditions:-

1. The establishment shall be carried on only for the treatment or business and in the trade name or style or title specified in this licence and at the address mentioned herein.
2. All notices and advertisements issued by or on behalf of the establishment shall bear the trade name or style or title aforesaid and the name of individual assistants shall not be given in such notices and advertisements.
3. The licensee shall at once notify the Council in writing addressed to the Head of Environmental Health and Trading Standards, John Onslow House, 1 Ewart Place, London E3 5EQ, of any change in the name or private address of the licensee or in the treatment afforded or the nature of the business carried on at the establishment.
4. Except with the written consent of the Council, the licensee shall not employ in the conduct of the establishment any person (a) whose licence has been revoked or to whom a licence has been refused on the ground that such person is unsuitable to hold a licence to carry on an establishment for massage or special treatment, or (b) who is unsuitable to be so employed on the ground that misconduct in connection with the employment of such person in an establishment for massage or special treatment has been proved to the satisfaction of the Council; and, except with such consent, the licensee shall not allow or permit any such person to be directly or indirectly interested in the business carried on at the establishment.
5. The licensee, if a company within the meaning of the companies Act, 1948, or any Act amending the same shall forthwith notify the Council in writing of any change in the constitution of the directorate of such company during the currency of this licence
6. All treatments shall be given only by persons approved by the Council or, provided that the written consent of the Council has been obtained, under the personal supervision of a person approved by the Council.
7. The following treatments shall, unless the consent of the Council in writing has otherwise been obtained, only be permitted by a qualified physiotherapist in accordance with the directions of a registered medical practitioner with specific reference to the client to whom the treatment is to be given:-
Massage for curative purposes, long and short wave diathermy; ultra-sonic treatments; treatment of moles, ultra-violet ray treatment and electro-sleep therapy

8. No instrument, apparatus or equipment shall be used in the establishment without the prior written consent of the Council.
9. The licensee shall at all times take reasonable precautions to ensure the safety of their clients when on the establishment.
10. The Licensee shall ensure that with exception of those persons receiving treatment in accordance with the conditions of this licence all clients present in any part of the establishment shall be decently and properly attired and separate changing accommodation for males and females shall be provided.
11.
 - (i) The walls and ceilings of any treatment room or waiting room shall be maintained in a sound structural and clean condition and the surfaces shall be such as to facilitate easy cleansing.
 - (ii) There shall be provided in every treatment room suitable floor covering which shall be such as to facilitate easy cleansing.
 - (iii) There shall be adequate light and ventilation to any treatment or waiting room either by natural or artificial means.
 - (iv) There shall be provided in every treatment room a suitable wash-hand basin or basins provided with an adequate supply of hot and cold water.
 - (v) There shall be provided, in respect of a wash-hand basin, soap, a nailbrush and a supply of disposable towels or a clean towel available at all times.
 - (vi) There shall be provided in every treatment and waiting room suitable and sufficient means for heating and a reasonable room temperature shall be maintained.
 - (vii) Where it is intended that more than one person shall be treated in a room, suitable screening shall be provided to maintain privacy.
 - (viii) There shall be provided in respect of every establishment sanitary accommodation to the standard laid down in regulations made under the relevant registration such sanitary accommodation to be available to and readily accessible for clients.
 - (ix) There shall be provided proper means for securing the cleanliness of all instruments, towels and materials and equipment used in connection with the establishment.

Further condition to be included in appropriate cases:-

12. Unless otherwise expressly permitted by the Council when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the knee or hands and arms and is not being so given by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to persons of the same sex as the person giving the treatment and persons of the opposite sex shall not be present.

N.B.

- (I) The licence is not transferable either as regards the person to whom, to the premises in respect of which, it is granted.
- (II) The licensees shall on application for renewal of their licence submit to the Council a certificate signed by a competent electrician certifying the safety of all electrical equipment and apparatus used within the terms of the licence.

SCHEDULE

Name, trade name, style Or title and address	Full name of licensee	Treatments authorised
Healthcare 21 Wentworth Street London, E1 7TB	Sunflower London Limited	Massage Acupuncture

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APPENDIX 4

TO **Licensing and Safety Team**

FROM **Charlotte Basten**

REFERENCE: **Healthcare**

DATE **21 January 2019**

Re: Sunflower London Ltd trading as Healthcare, 21 Wentworth Street, London, E1 7TB

Reference is made to the Special Treatment License for the above premises. Currently the business holds a premises special treatments licence to carry out massage acupuncture. The premises made an application to renew their licence which was received by the council on the 7th January 2020. **See CHB.HC.1** for the application form and supporting documents.

1. The Licensing and Safety Team has evidence of the premises being improperly conducted. (The London Local Authorities Act 1991, Section 8 (e)) . In December 2019 the Licensing and Safety team received a complaint via email from a member of the public alleging that services of a carnal nature had been offered to them when they went to Healthcare for a massage. Please see the email attached as **CHB.HC.2**
2. The business has been investigated and found to be offering services of a sexual nature to customers. Evidence of this is attached in the form of a witness statement from a test purchase operative from a company hired by the council to carry out the visit. This was conducted on the 10th of January 2020. The operative wrote that during the massage, a female massage therapist called Cindy had asked him to take off his underwear, which he declined. The therapist had then bent down close to his ear and whispered to ask if he wanted something extra. The operative asked what she meant and the therapist made a movement with her hand in a manner indicating masturbating. She then said £20-£30 for a hand job and also £50-£60 for a hand job with no clothes on. The operative declined saying he didn't have enough money, but was told he could pay by card, which he declined as well. This was a clear offering of a sexual service in addition to the massage. The operatives witness statement and notes are attached as **CHB.HC.3** and **CHB.HC.4**.
3. During an inspection of the premises on the 21st of January 2020, it was established that Cindy the therapist who offered the services to the operative, was also known as Ms Liyan Guan. She was not listed as one of the therapists working at Healthcare and therefore had not been approved by the Council to provide massage services at the premises. This was a breach of Condition 6 of their Special Treatment Licence which states that "all treatments shall be given only by persons approved by the Council or, provided that the written consent of the Council has been obtained, under the personal supervision of a person approved by the Council" (Refer to Licence Conditions in Exhibit **Appendix 3**)

APPENDIX 4

4. Sunflower London Limited has previously been prosecuted for a similar offence. The company pleaded guilty to 2 charges of breach of special treatment license under (Section 14(2) of the London Local Authorities Act 1991) by providing services of a sexual nature on the 19th of April 2019. Refer to the email sent by Legal services in Exhibit **CHB.HC.5**. It is evident that these breaches have continued. Section 8 (l) of the London Local Authorities Act 1991 asserts that renewal of a special treatment licence can be refused if the applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act.
5. The director of the company, Sunflower London Ltd is Xiao Qin Song. She was also the director when the company pleaded guilty to breaching the conditions of their special treatment license by providing services of a sexual nature in April 2019. See the list of appointed officers for the company in Exhibit **CHB.HC.6**. On the licence renewal application form, Ms Song identifies herself as the person responsible for the management of the establishment, refer to Exhibit **CHB.HC.1**. Ms Song could be reasonably regarded as not being a fit and proper person to hold such a licence. (The London Local Authorities Act 1991, Section 8 (c)) (as they were in control of the business at the time of the previous conviction and test purchase.

Official Use Only	
Fee	£354.00
On-Line Receipt No.	
C&D Receipt No.	
Licence No.	

TRADING STANDARDS &

- 7 JAN 2020

ENVIRONMENTAL HEALTH

Customer Use
On-line Receipt No.
CRRV-W94Y-DJNV

ESTABLISHMENTS FOR SPECIAL TREATMENTS

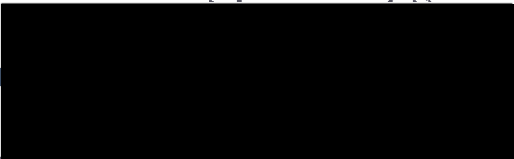
This form should be completed and forwarded to London Borough of Tower Hamlets Environmental Health Department, with a cheque or postal order for the fee due made payable to the London Borough of Tower Hamlets and crossed.

Copies of this application will be sent by us to:-

- (a) Commissioner of Police
- (b) The London Fire and Emergency Planning Authority,

Renewal licence for the premises named at 2 below.

<p>1. Full names and private address of applicants. If the application is made by a limited liability company please give the address of the registered office, and complete the separate sheet which seeks details of the company.</p>	<p>Name: <u>Sunflower London Limited</u> Maiden name (if applicable): Address (private): <u>21 Wentworth Street</u> <u>London</u> <u>E1 7TB</u> Date of birth: Telephone No: Passport No: OR NI No:</p>
<p>2. Trade name and address of premises</p>	<p>Name: <u>Healthcare</u> Address: <u>21 Wentworth Street</u> <u>London</u> <u>E1 7TB</u> Telephone No: [REDACTED] Email: [REDACTED] Opening hours (proposed) <u>10am - 10pm</u></p>
<p>3. Please supply details of person responsible for the management of the establishment if other than the applicant.</p> <p>Please enclose 2 passport-sized photographs of applicant</p>	<p>Full Name: <u>XiaoQin Song</u> Address (private): [REDACTED] Date of birth: [REDACTED] Telephone No: [REDACTED] Passport No: [REDACTED] OR NI No:</p> <p><input checked="" type="checkbox"/> Enclosed (tick if applicable)</p>

4.	(a) Is it proposed to employ staff at the establishment? (b) If so state numbers	(a) YES/NO ✓ (b) 3
5.	(a) What is the legal title of the applicant(s) to occupy the premises (e.g. freehold, leasehold etc.) (b) If leasehold please give details of the name and address of the landlord.	(a) leasehold  (b)
6.	What parts of the building is it proposed to use under the licence (e.g. basement, ground floor) ?	basement & ground floor
7.	State precisely <u>all</u> the treatments for which the licence is intended e.g. massage, manicure, acupuncture, ear or cosmetic piercing, tattooing, chiropody, light electric or other special treatments.	massage
8.	State whether it is desired to give treatment to both sexes or to men or women only?	Both
9.	State whether exemption from condition 12 is required (see note J) for massage purpose only.	N/A
10.	Address of any other massage etc., establishment in which applicant or any director of an applicant company is or has been interested and the nature and extent of such interest as (a) Owner or director of owning company; or (b) employee	Address: N/A N/A (a) (b)
11.	(a) Does applicant propose to carry on a visiting massage service either from these premises or elsewhere? (b) If elsewhere, please state address(es) concerned. (c) Will the masseuses employed on this service also give treatment on the licensed premises?	(a) N/A N/A (b) (c)

12. Please indicate whether the following are enclosed with your application. (A licence cannot be issued without them. These must be provided at every renewal application)

If you have already submitted current qualifications for each operative and they are still employed at your premises you will not need to supply these documents again.

☒ Electrical inspection certificate for portable appliances, as requested under the Electricity at Work Regulations 1989

☒ Two passport-sized photographs of applicant and operators

☒ Copies of each operator's current qualifications under the conditions of licence

☒ A copy of the customer vetting/history card

☒ Copies of the current treatment list and price list

☒ Third-party insurance

☒ Cheque/PO for £354.00 / £570.00(for IPL with or without other treatments) made payable to the London Borough of Tower Hamlets (cheques must not be drawn on third parties). If you have paid using the Council's online payment facility, please enter the payment reference number in the box on the front of the application form.

13. DETAILS OF PREVIOUS CONVICTIONS, DISQUALIFICATION ETC.

In respect of the persons or bodies whose names are given in response to Questions 1 and 3 give details of their previous convictions (with exception of traffic offences).

SURNAME	FORMER NAME	DATE OF CONVICTION	PLACE OF CONVICTION	NATURE OF OFFENCE	PENALTY IMPOSED
YAO	YAO				

14. Please list all people who will be giving treatment, the treatment they will be giving and their qualifications to give that treatment (See Notes H, I and J).

NAME	TREATMENT(S)	QUALIFICATIONS AND COLLEGE ATTENDED (enclose certificates)	HOME ADDRESS	DATE OF BIRTH	PLACE OF BIRTH
Dan Xu	Full Body Massage, Reflexology	Essex Beauty Training School	[REDACTED]	[REDACTED]	China
Diana Elena Leonte	Swedish, Thai, deep tissue massage	level 3 award in massage therapy, oplex careers	[REDACTED]	[REDACTED]	Russia Targoviste
Liyan Guan	chinese massage, Reflex Swedish massage	VTCT, Anatomical and physiological of Body systems	[REDACTED]	[REDACTED]	China
Xiao Qin Song	Releption	No	[REDACTED]	[REDACTED]	China

Where application is made on behalf of a limited liability company the secretary or a director should sign. In the case of a partnership, each partner should sign. In signing on behalf of applicant, please state in what capacity you are acting.

Signature of applicant(s) [REDACTED]
or applicants solicitor or other duly authorised agent.

Date 03/01/2020 Telephone No [REDACTED]

Note: Payment cheques must not be drawn on a third party

Address to which licence application or correspondence should be sent:
Mr D Tolley
Environmental Health and Trading Standards - Health and Safety Team
John Onslow House
1 Ewart Place
London
E3 5EQ

DATA PROTECTION

This fair obtaining statement advises the applicant /person completing this form that it may be necessary to divulge the information contained to third parties or other statutory consultees at the permission of the Council.

PART 4

**TO BE COMPLETED IN RESPECT OF A LIMITED COMPANY BY A
NOMINATED DIRECTOR**

Full name of Limited Company	Sunflower London Limited
Registered Office address of Limited Company	21 Wentworth Street London E1 7TB
Telephone number	[REDACTED]
Registered Company number	09826110
Names of all Directors and position. Are any of the Directors involved with other companies that hold a Special Treatments Licence? Please detail.	Xiao Qin Song (Director) NO
Does the Limited Company have licensed premises elsewhere? If so, please detail.	NO

This form has been completed by

Xiao Qin Song(name)
Director(position)
[REDACTED](signature)
03/01/2020(date)

LONDON BOROUGH OF TOWER HAMLETS

COMMERCIAL TEAM

SPECIAL TREATMENT LICENCES

EXHIBITION OF A NOTICE AT PREMISES

On the date of which application is made for a licence, renewal or transfer the applicant is required to put up a notice at the premises in a place where it can easily be seen and read by persons in the street or adjoining public place. The notice must be kept exhibited for 28 days.

A copy of the notice is attached.

The notice must be dated to show the day it was first exhibited.

Please complete the form below and return it to the address stated with the date the notice was first displayed.

Environmental Health and Trading Standards– Health and Safety Team
London Borough of Tower Hamlets
John Onslow House
1 Ewart Place
London
E3 5EQ

The prescribed notice of the application for a licence for the above premises was first exhibited in the position it now occupies on


Date 12 / 12 / 2019

Name of Premises Healthcare

Address 21 Wentworth Street, London. E1 7TB

The notice will be displayed for 28 days from the date

Date 12 / 12 / 2019

Signed 



VTCT

Liyan Guan

has achieved the following unit

Unit reference	Unit title	Level	Credit(s)
A/600/7462	Provide body massage treatments	3	10

Alan Woods OBE
Chief Executive

Qualification Number: | Awarded: 26/11/2017 | Learner Number: 1265265

Registration Number: 0-11-13-01-V68M 173/001

Essex Beauty Training School

Certificate

This certifies that

Dan Xu

Has successfully completed the required course
of study accredited by Professional Beauty
Direct, and is therefore awarded this

Full Body Massage Diploma

15th January 2019

N Donovan

Nancy Donovan - Tutor

ACCREDITED BY
PROFESSIONAL
beautydirect 

INDEPENDENT PROFESSIONAL
THERAPISTS
INTERNATIONAL
RETFORD : ENGLAND
Certifies that

Dan Xu

has undertaken professional training to standards
acceptable to examination boards in the
United Kingdom and/or other National or State
Authorities and is thereby accepted into membership



Director-General

Nicola Condy

Executive Secretary

Full Member

23372 14th

September 2019

Membership Grade

Membership Number

Date

This is to certify that

Diana Elena Leonte

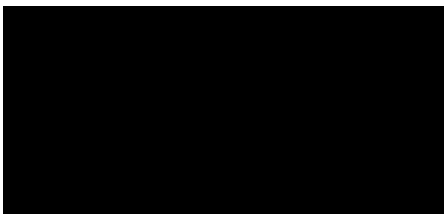
has successfully completed the

Level 3 Award in

Massage Therapy

achieving a Distinction on

4th March 2019



Academic Registrar



15517966393843

*The content of this course conforms to universally accepted
Continuous Professional Development (CPD) guidelines*

PORTABLE APPLIANCE TESTING CERTIFICATE

Certificate Date: 18/02/2019

No: PAT000033PAT/

CLIENT DETAILS				SITE ADDRESS				DETAILS OF THE CONTRACTOR											
Name/Company: Sunflower London Ltd Address: 21 Wentworth Street LONDON Postcode: E1 7TB Tel: N/A				Name/Company: Sunflower London LTD Address: 21 Wentworth Street London Postcode: E1 7TB Tel: N/A Email: winnie810@gmail.com				Name/Company: PROTECH Address: 59 A IMPERIAL WAY CROYDON UK Postcode: CRO 4RR Tel: 02086035568 Testing Engineer: A Miller (electrician)											

Test Date	Serial Num	Description	Location	Retest pe	Asset no	Rated Load	Voltage	Class	Fuse rating	Visual	Bond Contin	Insulation	Measured	Leakage c	Polarity	Portable R	Retest date	Notes	Pass/Fail
17/02/2019	N/A	Fish tank	Front desk	12	16	0.2	230	1	3	Pass	>20	N/A	N/A	N/A	Pass	Pass	17/02/2020		Pass
18/02/2019	N/A	Extension lead	Front desk	12	17	N/A	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	18/02/2020		Pass
18/02/2019	N/A	amplifier	N/A	12	18	N/A	230	1	N/A	Fail	>20	>200	N/A	N/A	Pass	Pass	18/02/2020	N/A	Pass
18/02/2019	N/A	Extension lead	Back	12	19	N/A	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	18/02/2020		Pass
18/02/2019	N/A	Cash machine	Back	12	20	N/A	230	1	10	Pass	>20	>200	N/A	N/A	Pass	Pass	18/02/2020	N/A	Pass
18/02/2019	N/A	extension	N/A	12	21	N/A	230	1	13	Pass	>20	>200	N/A	N/A	Fail	N/A	18/02/2020	N/A	Pass
18/02/2019	N/A	Card machine	N/A	12	22		230	1	13	Pass	>20	>200	N/A	N/A	Fail	Pass	18/02/2020		Pass
18/02/2019	N/A	lead	N/A	12	23	13	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	18/02/2020		Pass
18/02/2019	N/A	Washing machine	Small room	12	24	N/A	230	1	13	Pass	>200	>200	N/A	N/A	Pass	Pass	18/02/2020		Pass
18/02/2019	N/A	Tumble dryer	Small office	12	25	N/A	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	18/02/2020		Pass

DECLARATION OF COMPLETION	
I confirm that all of the above work described on this form has been satisfactorily completed in accordance with the current regulations, industry standards and procedures.	
Engineer's Signature: 	Engineer's Name: AUDLEY MILLER Date: 18/02/2019

PORTABLE APPLIANCE TESTING CERTIFICATE

Certificate Date: 18/02/2019

No: PAT000033PAT/

CLIENT DETAILS				SITE ADDRESS				DETAILS OF THE CONTRACTOR											
Name/Company: Sunflower London Ltd Address: 21 Wentworth Street LONDON Postcode: E1 7TB Tel: N/A				Name/Company: Sunflower London LTD Address: 21 Wentworth Street London Postcode: E1 7TB Tel: N/A Email: wntred510@gmail.com				Name/Company: PROTECH Address: 59 A IMPERIAL WAY CROYDON UK Postcode: CR0 4RR Tel: 02088035585 Testing Engineer: A Miller (electrician)											

Test Date	Serial Num	Description	Location	Re-test pt	Asset no	Rated Load	Voltage	Class	Fuse rating	Visual	Bond Contin	Insulation	Measured	Leakage c	Polarity	Portable R	Re-test date	Notes	Pass/Fail
17/02/2019	N/A	HEATER	ROOM1	12	01	2.5KW	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Fail	17/02/2020		Pass
17/02/2019	N/A	LAMP	ROOM1	12	02	5 A	230	1	5 A	Pass	>20	>200	200	N/A	Pass	Pass	17/02/2020	N/A	Pass
17/02/2019	N/A	HEATER	ROOM2	12	03	2.5 KW	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020		Pass
17/02/2019	N/A	LAMP	ROOM 4	12	04	0.5KW	230	1	5A	Fail	>20	>200	N/A	N/A	Pass	Pass	17/02/2020		Fail
17/02/2019	N/A	EXT LEAD	PASSAGE	12	05	N/A	230	1	10	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020		Pass
17/02/2019	N/A	PLUGIN LIGHTS	PASSAGE	12	06	N/A	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020	N/A	Pass
17/02/2019	N/A	HEATER	ROOM 4	12	07	2.5KW	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020		Pass
17/02/2019	N/A	HEATER	ROOM5	12	08	2.5	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020		Pass
17/02/2019	N/A	HEATER	ROOM3	12	09	2.5	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020	N/A	Pass
17/02/2019	N/A	HEATER		12	10	2.5	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020		Pass
17/02/2019	N/A	KETTLE	KITCHEN	12	11	0.5	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020	N/A	Pass
17/02/2019	N/A	MICROWAVE	N/A	12	12	0.5KW	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020	N/A	Pass
17/02/2019	N/A	DRYER	SMALL	12	13	2.5	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020		Pass
17/02/2019	N/A	HEATER	N/A	12	14	2.5 KW	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Fail	17/02/2020		Pass
17/02/2019	N/A	CANDLE LIGHTS	N/A	12	15	0.54KW	230	1	13	Pass	>20	7200	N/A	N/A	Pass	Pass	17/02/2020		Pass
17/02/2019	N/A	HEATER	N/A	12	14	2.5KW	230	1	13	Pass	>20	>200	N/A	N/A	Pass	Fail	17/02/2020		Pass
17/02/2019	N/A	CANDLE LIGHTS	FRONT	12	15	N/A	230	1	13 A	Pass	>20	>200	N/A	N/A	Pass	Pass	17/02/2020		Pass

DECLARATION OF COMPLETION	
I confirm that all of the above work described on this form has been satisfactorily completed in accordance with the current regulations, industry standards and procedures.	
Engineer's Signature: 	Engineer's Name: AUDLEY MILLER Date: 18/02/2019

Sunflower London Ltd t/a Healthcare
21
Wentworth Street
London
E1 7TB

11 December 2019

Dear Ms Xiao Qin Song,

Insured: Sunflower London Ltd t/a Healthcare, 21, Wentworth Street, London, , E1 7TB
Policy No: [REDACTED]
Period of Insurance: 10 January 2020 to 09 January 2021

We now enclose your policy schedule, statement of facts, acceptance form and invoice.

The complete policy form should be downloaded from:
www.directbusinessinsurance.com/hiscoxhairbeautywording.pdf

Please note that in order to view the policy wording you will require PDF software, such as Adobe Reader. Adobe Reader is freely available on <http://get.adobe.com/reader/>

If you do not have access to a computer, please contact us and we will send you a printed copy free of charge.

Unless we hear from you on the contrary we will of course assume that you have downloaded the full policy, which should be read and checked by yourself.

Please read the document and check that it meets with your requirements. Particularly, please check that the sums insured and covered sections are correct and that you are complying with the policy conditions. Conditions and Exclusions as standard for all policy holders are as stated in the policy document itself. These are shown separately within each section of the policy document and any additional Special Conditions or Exclusions for your particular policy included in the Schedule.

Examples of conditions that we particularly wish to bring to your attention are those relating to minimum security standards (required locks etc.) security protections (such as alarms, if applicable to your risk) deep fat frying and extraction conditions (requirements for cleaning and inspection). Please note that failure to comply with any policy condition or warranty can invalidate your claims and the policy.

PLEASE CHECK THE POLICY SCHEDULE ATTACHED FOR "SPECIAL CONDITIONS OR SPECIAL EXCLUSIONS" SUCH AS THEFT OF FLOOD. IF NO SPECIAL CONDITION EXCLUSION IS ADDED THEN THE ONLY CONDITIONS OR EXCLUSIONS APPLYING ARE THOSE IN THE BODY OF THE POLICY DOCUMENT.

Regarding sums insured, please check that they are adequate. In the event of a claim your settlement could be subject to 'average' if there is under insurance (e.g. buildings must be insured for cost of re-instatement and contents for new replacement value).

Lastly, may we remind you of your obligation of disclosure of material facts relating to your risk. This obligation of disclosure continues after cover is initiated and examples of matters that would need to be disclosed are changes in business activity, location, processes carried out and construction. Non-disclosure of a material fact either before or after the granting of cover could invalidate a claim. Please discuss with us this important aspect of your insurance arrangements if you are in doubt as to whether a matter is material or not.

If you wish to discuss these matters or others relating to the policy document please do not hesitate to contact us.

Yours sincerely,

Administration Department

CERTIFICATE OF EMPLOYERS' LIABILITY INSURANCE

Policy: [REDACTED]



CERTIFICATE OF EMPLOYERS' LIABILITY INSURANCE (a)

(Where required by regulation 5 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (the Regulations), one or more copies of this certificate must be displayed at each place of business at which the policy holder employs persons covered by the policy)

1.	Policy number	[REDACTED]
	Name of policyholder	Sunflower London Ltd t/a Healthcare
2.	Date of commencement of Insurance policy	10 January 2020
3.	Date of expiry of Insurance policy	09 January 2021
		Both days inclusive

We hereby certify that subject to paragraph 2:

- 1 The policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Jersey, the Island of Guernsey, the Island of Alderney (b); and
- 2 the minimum amount of cover provided by the policy is no less than £5 million (c).

Signed on behalf of Hiscox Insurance Company Ltd

[REDACTED]

Notes:

- (a) Where the employer is a company to which regulation 3(2) of the regulations applies, the certificate shall state in a prominent place, either that the policy covers the holding company and all its subsidiaries, or that the policy covers the holding company and all its subsidiaries except any specifically excluded by name, or that the policy covers the holding company and only the named subsidiaries.
- (b) Specify applicable law as provided for in regulation 4(6) of the Regulations.
- (c) See regulation 3(1) of the Regulations and delete whichever of paragraphs 2(a) or 2(b) does not apply. Where 2(b) is applicable, specify the amount of cover provided by the relevant policy.

About the insurer

Insurer	Hiscox Insurance Company Limited
Registered Address	1 Great St Helens, London, EC3A 6HX, United Kingdom
Company registration	Registered in England number 00070234
Status	Hiscox Insurance Company Ltd is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and Prudential Regulation Authority

Hiscox is a member of ELTO and must collect certain information about the entities insured for UK Employers' liability insurance under your policy.

Information we hold for your policy

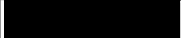
Policy Number:



Insured:

Sunflower London Ltd t/a Healthcare

We hold the following information for your policy. Please check it and notify us (or your insurance intermediary if you have one) if anything is incorrect.

Employer / registered company name	Main / registered address	Postcode	HMRC Employer Reference Number (ERN)	ERN not applicable reason
Sunflower London Ltd t/a Healthcare	21 Wentworth Street London	E1 7TB		

Please refer to your policy schedule for details of our obligations, your rights and how your information may be used.

Mandatory information - what is required?

Below is a summary of the information we must collect from you to help you provide the correct information.

For the main policyholder and each additional employer or subsidiary company in the UK insured under the policy, the following is required:

1. Employer name
2. Full address of employer including postcode
3. HMRC Employer Reference Number (ERN)

Entities which do not have an HMRC ERN

If any entity insured does not have an ERN, a reason must be supplied to us from the following:

- All employees below PAYE threshold
- Business registered outside England, Scotland, Wales or NI
- The business does not have any employees



Price List

Chinese Massage	30mins	£35
	45mins	£50
	60mins	£55
Swedish Massage	30mins	£30
	45mins	£45
	60mins	£50
Thai Massage	30mins	£35
	45mins	£50
	60mins	£55
Deep Tissue Massage	30mins	£40
	45mins	£55
	60mins	£60
Shiatsu Massage session £40		
Neck and Shoulder	10mins	£15
	15mins	£20
Reflexology	30mins	£40
	45mins	£55
	60mins	£65
<p>21 Wentworth Street London E1 7TB Mob:07895087802</p>		

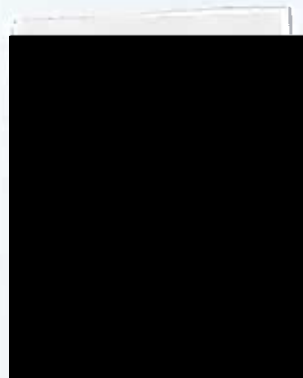
Xiao Qin Song
11/12/19
Sunflower



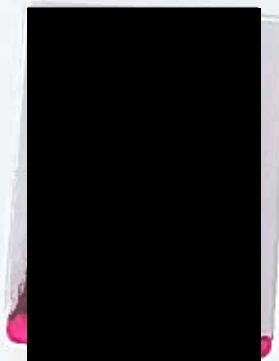
Dan Xu
04/12/19
Sunflower



Diana Elena
Leonte
10/12/2019
Sunflower



Li Yan Guan
02/01/20
Sunflower



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Charlotte Basten

Subject: FW: Massage place 21 Wentworth Street

From: [REDACTED] **On Behalf Of** Trading Standards
Sent: 02 January 2020 10:54
To: Health and Safety
Subject: Massage place 21 Wentworth Street

From: [REDACTED]
Sent: 29 December 2019 19:25
To: Trading Standards
Subject: Massage place 21 Wentworth Street

Good evening,

I attended a massage place and got asked if I would be requiring any further services. It was clarified to me that these were of a carnal nature.

Needless to say I was shocked and left.

In fact it's quite embarrassing even trying to report the matter as I've never been to massage parlour before and will be sticking to doctors and recommended professionals for my muscle skeletal issues.

I have no idea what can be done if anything but I thought it be best to report and bring this to your attention.

Regards

A very embarrassed person.

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Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

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Statement of:

[REDACTED]

Age if under 18 (if over insert "over 18"): over 18

Occupation: Surveillance Operative

This statement (consisting of	Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it
knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.	

Name / Signature:

[REDACTED]

Date: 09/01/2020

Tick if witness evidence is visually recorded: ☐ (Supply witness details on last page)

Statement

1. I am [REDACTED] and I am employed by [REDACTED], [REDACTED].
2. I was instructed by [REDACTED] to attend Healthcare, 21 Wentworth Street, London, E1 7TB, in order to conduct a test purchase task on behalf of the London Borough of Tower Hamlets.
3. At approximately 13:58 hrs on the 09/01/2020, I visited Healthcare, 21 Wentworth Street, London, E1 7TB, in order to conduct a test purchase task.
4. Upon entering the premises, I was greeted by an adult female who appeared to be in her mid-twenties and of Asian descent. This female was sat behind a small sized reception desk. She then asked me what I would like and I replied by asking if they had any available space for a 30-minute massage.
5. The female subsequently told me "yes" and asked me if I would like a relaxing or a deep tissue massage. I then opted for a relaxing massage and I was told that this would cost £30; to which I paid in cash.
6. After paying, I was shown into one of the treatment rooms that I had previously passed by upon entering the premises. I was then asked to get ready within the room and as the door was closed, I began to undress. In this treatment room there was a massage bed situated up against the left side of the wall, with shelving and candles in the left corner and a heater. On the right side of the room there was a shower and a sink on the wall.
7. As I was almost undressed, another adult female entered into the room. This female also appeared to be in her mid-twenties and of Asian descent. She wore a red dress, with 'Chinese' styled patterns displayed across it, with dark coloured tights.

Name / Signature:

[REDACTED]

[REDACTED]

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

8. *As the aforementioned adult female entered into the room, she asked me if it was my first time visiting them; to which I told her, yes it was. As I finished getting undressed, she asked me to lay face-down onto the massage bed.*
9. *The massage began as she stroked my back and legs. At this time, she asked me if I wanted to remove my boxers; I politely declined this offer. She continued the massage on my shoulders and back, using oil, before proceeding to massage my arms, hands and neck.*
10. *As the massage continued on the back of my thighs and calves, the female asked me again if I would like to remove my boxers, to which I again politely declined. Further time was spent massaging my legs, prior to continuing on my lower back and then onto my buttocks. It was at this point that the female masseuse climbed up onto the massage bed and she positioned herself between my legs.*
11. *The female masseuse subsequently climbed down from the treatment bed and she continued the massage on my upper back and shoulders. At this point the masseuse bent down close to my ear and she whispered to me if I wanted "something extra". I then faced her and I asked her what she meant; to which she made a hand gesture that I know meant 'masturbating'.*
12. *She continued by stating that it was £20 to £30 for a hand job and also £50 to £60 for a hand job whilst she had no clothes on. I declined and I said that I didn't have enough money. I was subsequently told that I could also pay by card, but I again declined this offer. She then said "ok no problem, maybe next time".*
13. *I was subsequently wiped down with a towel and I was told that the massage was finished. I said "thank you" and I asked her what was her name, to which she replied "Cindy". The female masseuse then left the room, leaving me to dress.*
14. *Once I had re-dressed, I departed the treatment room and I said "thank you" to the adult female previously seen in the reception, before exiting the premises at approximately 14:37 hrs.*
15. *During this visit I was offered, without any previous suggestion by myself, services of an apparent sexual nature.*
16. *I declined all offers of such services.*
17. *Following my visit, I immediately returned to my vehicle and wrote notes on the details of the event within a document on my work-issued smart-phone on 09/01/2020. I exhibit these as NB.004.*
18. *I believe the facts stated in this witness statement are true.*

Name / Signature: _____

Witness Details

Home Address: _____ Post Code: _____
 Home Tel No: _____ Work Tel No: _____ Mobile Tel No: _____
 Email Address: _____ Preferred means of contact: email
 Best time of contact: Weekdays
 Sex: Male Date & Place of Birth: _____ UK Former Name: _____
 Ethnicity Code (16+1): _____ Religion / Belief: _____
 Dates of Witness Non-Availability: _____

Witness Care (please tick or type in box provided)

Yes No

- a) Is the witness willing to attend court? (If no, include reason(s) on form MG6) ☐ ☐
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (If Yes, submit MG2 with file) ☐ ☐
- d) Does the witness have any particular needs? ☐ ☐
- If Yes, what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent - For Witness Completion(please tick)

Yes No N / A

- a) The Victim Personal Statement scheme (victims only) has been explained to me: ☐ ☐
- b) I have been given the Victim Personal Statement leaflet: ☐ ☐
- c) I have been given the leaflet "Giving A Witness Statement to the Police – What Happens Next?": ☐ ☐
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) ☐ ☐ ☐
- e) I consent to my medical record in relation to this matter being disclosed to the defence: ☐ ☐ ☐
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable: (eg. Child care proceedings, CICA) ☐ ☐
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services: ☐

Witness Signature: _____ Print Name: _____
 Parent/Guardian/appropriate adult Signature: _____ Print Name: _____
 Address and telephone number if different from above: _____

Statement Taken By (print name): _____ Station: _____
 Time and Place Statement Taken: _____

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

URN:				
Crown Court No:				

at

Witnesses (1) _____ (4) _____
 *Insert No.: (2) _____ () _____
 (3) _____ () _____

*Mark dates when Investigators and other witnesses are NOT available. Codes for non-availability
 R = Rest day L = Leave C = Course N = Night duty S = Sickness O = Other*

Date	Month	Witness number	Date	Month	Witness number	Date	Month	Witness number	Date	Month	Witness number	Date	Month	Witness number	Date	Month	Witness number
1			1			1			1			1			1		
2			2			2			2			2			2		
3			3			3			3			3			3		
4			4			4			4			4			4		
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31			31			31			31			31			31		

'O', 'C' and 'S' codes — give full details:

 Name of person submitting form and date

Name / Signature: _____

OPERATIVES NOTES

LOCATION: Healthcare, 21 Wentworth Street, London, E1 7TB

DATE: 9th January 2020

OP: [REDACTED]

ARRIVAL: 13:58 hrs (APPROX)

EXIT: 14:37 hrs (APPROX)

On arriving at Healthcare, once in the door, I turned left and walked straight down a small corridor past 2 closed doors on my right and I was greeted by an Asian lady who I believe to be in her mid-20s, sitting behind a small reception desk.

I was asked what I would like and I replied, have they got any space for a 30 minutes massage. I was then told, yes, would I like a relaxing massage or deep tissue; I chose a relaxing massage, I was told it would be £30 and I paid cash.

I was then shown into one of the rooms I had passed on entering, I was asked to get ready and the door was then closed and I began to undress. There was a massage bed up against the left-hand wall with a heater on my left by the door, there was a shower and sink on the right-hand wall, with some corner shelving in the far-left hand corner of the room with some candles on.

I was almost undressed when a second Asian lady in her mid-20s wearing a red dress with Chinese patterns on and dark tights entered, she asked if it was my first time visiting them to which I replied yes it was, I finished getting undressed and was asked to lay face down on the bed.

The massage began with my back and legs being stroked and the massage lady asking if I wanted to remove my boxers, to which I politely declined, she then started using oil and massaging my shoulders and back before also massaging my arms, hands and neck.

The massage then moved to the backs of my thighs and calves and I was again asked if I would like to remove my boxers, I again politely declined, some more time was spent on my legs and was then moved to my lower back and onto my buttocks at this point the lady climbed on to the bed in between my legs to do this.

The lady then climbed down from the bed and continued again on my upper back and shoulders, at this point the massage lady bent down close to my ear and whispered to ask if I wanted something extra, I then faced her and asked what she meant; the lady then made a movement with her hand which I know means masturbating, she then said £20-£30 for a hand job and also £50-£60 for a hand job with no clothes on, I declined and said I didn't have enough money I was then told I could pay by card also, I again declined to which she said ok no problem maybe next time.

I was then wiped down with a towel and told the massage was finished.

I said thank you and asked her name and was told her name was Cindy who then left the room leaving me to dress.

Once dressed, I left the room saying thank you to the receptionist that greeted me and left the premises.

Charlotte Basten

Subject: FW: Sunflower London Limited (21 Wentworth Street) (File 3) - Breach of special treatment licence (CEHCRS.2538)
Attachments: Court Attendance Note TMC 10.4.19.doc

From: [REDACTED]
Sent: 10 April 2019 13:36
To: [REDACTED]
Subject: Sunflower London Limited (21 Wentworth Street) (File 3) - Breach of special treatment licence (CEHCRS.2538)

Dear all

Please find attached my court attendance note from today's hearing in the Thames Magistrates Court.

In summary, Sunflower London Limited pleaded guilty to two charges of breaching its special treatment licence. It was sentenced as follows:

Fine: £500
Victim surcharge: £50
Costs: £2,500
The total £3,050 is payable within 28 days.

The file in legal services will now be closed. There were no fees or disbursements in this case, such as Counsel fees. Legal Services will retain the documents on its electronic file which will now be marked as closed. You will be written to separately by our Business Support Team who will give details about storage.

If you have any questions, please do not hesitate to contact me.

Kind regards

[REDACTED]
Enforcement and Litigation
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 2BG
[REDACTED]

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Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

SUNFLOWER LONDON LIMITED

Company number **09826110**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/09826110/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/09826110/persons-with-significant-control)

Filter officers

☐

Current officers

Apply filter

2 officers / 1 resignation

SONG, Xiaoqin

Correspondence address **21 Wentworth Street, London, England, E1 7TB**

Role Active **Director**

Date of birth **February 1972**

Appointed on **2 October 2017**

Nationality **Chinese**

Country of residence **England**

Occupation **Director**

WANG, Dan

Correspondence address **12 Saxon Road, London, England, N22 5EB**

Role Resigned **Director**

Date of birth **August 1993**

Appointed on **15 October 2015**

Resigned on **2 October 2017**

Nationality **Chinese**

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<p>Non-Executive Report of the:</p> <p>Licensing Committee</p>	 <p>TOWER HAMLETS</p>
<p>Report of: David Tolley Head of Environmental Health and Trading Standards Directorate of Place</p>	<p>Classification: Unrestricted</p>
<p><u>Alcohol Licensing – temporary off-sales permissions</u></p>	

<p>Originating Officer(s)</p>	<p>Tom Lewis Team Leader of Licensing and Safety</p>
<p>Wards affected</p>	<p>All wards</p>

Summary

The Business and Planning Act 2020 came into force on Wednesday 22nd July 2020. As well as the new pavement licensing provisions, businesses that have a premises licence to sell alcohol for consumption on the premises are now permitted to have an automatic temporary permission to sell alcohol as an off sale, i.e. for consumption off the premises. Furthermore, for those premises whose licence already permits off sales as well as on sales of alcohol this Act has the effect of temporarily suspending certain conditions that might restrict their off sales.

The Act has been developed to make it easier for businesses to make use of outdoor space for dining and the sale of alcohol, helping the hospitality sector get back on its feet again through the busy summer months. In essence the Act has temporarily modified the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences that only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises. It also suspends /existing licence conditions where these are inconsistent with the new off-sale permission.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a **cut off time of 11pm** or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission.

Recommendations

The Licensing Committee is asked to:

1. Note changes in relation to the alcohol licensing regime made by this act.

1. REASONS FOR THE DECISIONS

- 1.1 To update Committee Members as to changes in the licensing regime.

2. ALTERNATIVE OPTIONS

- 2.1 This is a noting report.

3. DETAILS OF REPORT

- 3.1 This report provides members with an update on how this Act will effect the licensing regime so that they are briefed on the changes.

The temporary off sale permission will apply to all licensed premises that are permitted to sell alcohol for consumption on the premises. However premises that have had following action in the last 3 years preceding 22 July 2020 will not be eligible:

- a) a premises licence application where permission for off sales was refused;
- b) a variation of a premises licence seeking permission for off sales refused
- c) a variation seeking to exclude off sales permission granted
- d) a premises licence varied or modified by a review hearing to exclude off sales.

The Act also excludes Club Premises Certificate from this temporary permission.

The automatic temporary permission will end on 30th September 2021 unless the legislation is changed by the Secretary of State.

As mentioned as well as providing an automatic temporary permission for premises with a licence for on sales of alcohol to sell alcohol as an off sale it also suspends certain conditions, which are:

- a) Any condition that restricts the time for when off sales are permitted where different to the licensable hours for sale of alcohol.
- b) Any condition that prevents off sales being sold in open containers.
- c) Any conditions that prevents off sale for deliveries, providing that they are to buildings used for residential or work purposes.

Unfortunately, there is no requirement for licensed premises to inform the Council that they intend to use this temporary permission. However the Government Guidance does state that premises should inform Councils and we have made arrangements to record this temporary condition where we have been informed and have made it clear on our website the premises should inform the Licensing Team.

Despite not legally having to inform the Council, licensed premises do have to complete a statement that off-sales are authorised under section 172F(2) of the Business and Planning Act 2020 and must display this statement with the Licence Summary at the premises.

Failure to comply with this requirement without reasonable excuse is an offence.

3.2 Enforcement

The Act does provide the ability to review this entitlement where there is evidence that are problems with off-sales made under the new permission that are undermining one or more of the licensing objectives responsible authorities can apply for a summary off-sales review.

The grounds must relate to changes made by the temporary conditions. So, for example, if the hours for off-sales were extended from 10 to 11pm by the temporary condition, grounds for the off-sales review would have to relate only to problems occurring in that additional hour.

The process for reviewing this temporary permission will be a summary review process so that it can be done quickly. However this summary review can be made by any responsible authority and can relate to the undermining of one or more of any of the licensing objectives.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no material financial implications emanating from this report which provides detail of a temporary amendment to the Licensing Act 2003, allowing off premise sale permission to all Licensed Premises that are permitted to sell alcohol for consumption on the premises.
- 4.2 No additional income will be received for this temporary change to the license, it will form a part of the annual license fee. Any additional enforcement resulting from off premise sales will be absorbed within existing budgetary provisions.

5. LEGAL COMMENTS

- 5.1 This Business & Planning Act 2020 (“the Act”) was introduced to provide urgent measures to assist businesses, because of the Covid-19 pandemic. This became law on the 22nd July 2020 and almost all the measures introduced are temporary in nature.
- 5.2 Part 1 of the Act, provides measures designed to support businesses selling food, and drink such as cafes, pubs and restaurants by introducing a temporary fast -track process for those businesses to obtain permission from the local council for the placement of furniture, such as tables and chairs on the pavement outside their premises.
- 5.3 Section 11 of the Act also temporarily modifies the Licensing Act 2003 by inserting new sections S172F to 172L to authorise off-sales to licensed premises, which previously were not available under the Licensing Act 2003, in a streamlined way.
- 5.4 S172F(2) of the Act allows for premises licenses to allow for off-sales for a limited period. Therefore, eligible holders of an on- sales licence are given an automatic grant of the off-sale permission temporarily. This means they can sell off-sales without a formal application to the Licensing Team.
- 5.5 The permissions and any conditions attached to licensed premises related to off sales are temporary and will lapse on 30th September 2021 unless extended by the Government. These are referenced above in 3.1 of this report.
- 5.6 S172F(8) of the Act provides the exception to the automatic entitlement. Therefore, if in the last three years from 22nd July 2020 a licensed premises had an application for off-sales refused either as a new or variation application or a premises had previously applied to exclude off-sales from their premises licence, they would not be entitled to the automatic entitlement. Accordingly, these licensed premises will not be allowed to sell off-sales automatically.
- 5.7 S172(G) of the Act provides for off-sale reviews to take place on grounds which are relevant to the licensing objectives as set out in s4(2) of the Licensing Act.
- 5.8 As a result, an off -sale review can take place if there are problems relating to crime and disorder, public nuisance, public safety or the protection of children associated with the new permissions or its associated conditions.
- 5.9 S172(I) of the Act relates to off- sales review of premises licence following a review application. If this takes place formal review hearing is required and the licence holder can make representations before the committee.

- 5.10 In carrying out its functions, the Council must comply with the public sector equality duty set out in section 149 Equality Act 2010, namely it must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and to foster good relations between persons who share a protected characteristics. Therefore, in exercising its duties in the administration of the automatic entitlements, care must be taken by the council to comply with the above. Equally, if there are reviews of licence conditions, the Council must ensure equality, fairness and good practice.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 These late night inspections will ensure:
- That Tower Hamlets remains a safe and cohesive Community and a great place to live by dealing accordingly with offending premises and ensuring compliance.
 - It ensures it's a fair and prosperous community by ensuring unlicensed premises are dealt with accordingly and that licensed premises prosper within their permissions granted.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 This work will ensure that licence fees that are due to the Council under the Licensing Act 2003 are received. Those businesses that do not submit their licensing fees will have their licences suspended.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no adverse impacts identified.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The Council will be at risk of legal challenge if its decision making process on formal action is not transparent and evidentially based in relation to non-compliance of licence conditions.
- 9.2 The impact of business operating without a licence has a potential impact on the local community.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 The enforcement of licence conditions and prosecution of offending businesses both licensed and unlicensed. The assists with the reduction of anti-social behaviour and controls the inappropriate use of

alcohol sales and consumption, in addition to identifying localised disturbances around late night refreshment premises.

Linked Reports, Appendices and Background Documents

Linked Report

- Full Council Report 20th September 2017:
Determination of Late Night Levy (Adoption of the Levy).
<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?Cld=309&MID=7668#AI77863>

Appendices

None.

Local Government Act, 1972 Section 100D (As amended)


List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE.

Officer contact details for documents:

- N/A

<p>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>8th September 2020</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Corporate Director - Governance</p>	<p>Classification: Unrestricted</p>
<p>Update in relation to Prosecutions and Appeals – Quarters 3-4 2019/2020 Quarters 1-2 2020/2021</p>	

Originating Officer(s)	Agnes Adrien- Head of Litigation
Wards affected	All wards

Summary

- 1.1 At its meeting on 4th June 2013, the Licensing Committee requested that regular reports should be prepared for the Licensing Committee giving details of licensing enforcement activity and specifically as to outcomes of prosecutions and appeals.
- 1.2 This report provides details of completed licensing related prosecutions and appeals for **Quarters 3-4 2019 to 2020 (October to December and January to March 2020 and Quarters 1 – 2, 2020(April to June 2020 and July to September 2020).**

Recommendations:

The Licensing Committee is recommended to:

1. Consider and comment upon the information provided in the report.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required.

2. ALTERNATIVE OPTIONS

- 2.1 N/A

3. DETAILS OF REPORT

- 3.1 The London Borough of Tower Hamlets is a Licensing Authority and amongst its functions it is required to ensure compliance with conditions imposed on Premises Licences; take action against unlicensed premises; and act as a respondent on Appeals against decisions of the Licensing Sub-committee in respect of applications that come before it.
- 3.2 Where the Licensing Authority takes enforcement action to ensure compliance with conditions etc. then it does so in accordance with the Council's Enforcement Policy. The Enforcement Policy provides that the Council's approach to enforcement is founded on firm but fair regulation, around the principles of:
- raising awareness of the law and its requirements
 - proportionality in applying the law and securing compliance
 - consistency of approach
 - transparency about the actions of the Council and its officers
 - targeting of enforcement action.
- 3.3 Further, as a Licensing Authority the Council has a duty under section 4 of the Licensing Act 2003 to carry out its Licensing functions with a view to promoting the Licensing Objectives and in carrying out such functions must also have regard to its own statement of licensing policy and the Licensing Guidance issued pursuant to section 182 of the Licensing Act 2003.

Prosecutions

- 3.4 During **Quarters 3-4 2019/2020 and Quarters 1-2 2020/2021** the following prosecutions were concluded:

	Quarter 3	Outcome:
		There were no licensing prosecutions concluded in this period. Many previous prosecutions were concluded in the preceding quarters.
	Quarter 4	Outcome:
1	Muhammed Farooq Qureshi/Food Giant Express S136 Licensing Act 2003 Breach of licensing activity Date of Hearing: 14.1.20 Thames MC	Fine £500 Costs £1654 Victim Surcharge £50

2	UDDIN, Shams (Monsoon Restaurant) Breach of licence conditions -Touting S136 Licensing Act 2003 Date of Hearing: 31.1.20 Thames MC	No case to answer Defence Cost Order to pay £4100.
	Quarter 1 20/21	No licensing proceedings concluded in this period. This can be partly attributed to the Covid-19 pandemic.
	Quarter 2 20/21	No licensing proceedings concluded in this period. This can fully be attributed to the Covid-19 pandemic.

Appeals

During Quarter 3 2019/20, no appeals were concluded.

During Quarter 4 2019/20 two (2) appeals were concluded

During Quarters 1 & 2 20/21, no appeals were concluded

The outcome of the appeals are set out as follows:

No	Case Details	Outcome
	Quarter 3 2019/20	No proceedings concluded
	Quarter 4 2019/20	Outcome
1	Tanim Superstore 542 Commercial Road, London E1 0HY Appeal against licensing revocation S18 Licensing Act Date of Hearing 21.1.20 Thames MC	Appeal dismissed Costs £2790

2	Sushanta Gupta Venue 82, 82A Commercial Street Appeal against licensing decision (refusal to vary premises licence) S35 Licensing Act Date of Hearing 21.1.20 Thames MC	Appeal dismissed Costs £2970
	Quarter 1 20/21	Outcome: No proceedings concluded. This can partly be attributed to the Covid-19 pandemic.
	Quarter 2 20/21	Outcome: No proceedings concluded. This can fully be attributed to the Covid-19 pandemic.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report describes the Council's licensing enforcement activity and the outcomes of prosecutions and appeals for Quarters 3 and 4 of 2019/20 and Quarters 1 and 2 of 2020/21.
- 4.2 The revenue realised from the imposition of costs by the court is received by the Council in order to offset the costs incurred in bringing and defending prosecutions. However, it should be noted that costs are at the discretion of the court and full cost recovery orders may not always be made.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.
- 5.2 The Coronavirus pandemic has had a significant impact on the court process.
- 5.3 Most court hearings relating to licensing issues are not being heard and/or being listed. This was very apparent in the 1st and 2nd Quarter of 2020, when most court hearings were adjourned administratively. This has led to licensing prosecutions and appeals being significantly delayed and listed for hearings months ahead.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Enforcement action that complies with the five principles expressed in the Council's enforcement policy should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.
- 6.2 The enforcement policy should enhance Council efforts to align its enforcement action with its overall objectives disclosed in the Community

Plan and other key documents such as the local area agreement and the Local Development Framework. For example, one of the key Community Plan themes is A Great Place to Live. Within this theme there are objectives such as reducing graffiti and litter. The enforcement policy makes clear the need to target enforcement action towards such perceived problems. At the same time, the enforcement policy should discourage enforcement action that is inconsistent with the Council's objectives.

6.3 The exercise of the Council's various enforcement functions consistent with the enforcement policy and its principles should also help achieve the following key Community Plan themes-

- A Safe and Cohesive Community. This means a safer place where feel safer, get on better together and difference is not seen as a threat but a core strength of the borough.
- A Great Place to Live. This reflects the aspiration that Tower Hamlets will be a place where people live in quality affordable housing, located in clean and safe neighbourhoods served by well-connected and easy to access services and community facilities.
- A Prosperous Community. This encompasses the objective that Tower Hamlets will be a place where everyone, regardless of their background and circumstances, has the aspiration and opportunity to achieve their full potential.

6.4 An equality analysis was conducted prior to approval of the revised enforcement policy by Cabinet on 3 October 2012. A further equality analysis was done on 16th September 2011 in relation to touting prosecutions. It is recognised that Enforcement action may lead to indirect discrimination in limited circumstances but prior to taking any proceedings, an assessment as to whether the case meets the two stages in the Code for Crown Prosecutors is undertaken so that there is both a realistic prospect of a conviction and that it is in the public interest to prosecute. Further, proceedings are kept under review once initiated.

7. BEST VALUE (BV) IMPLICATIONS

7.1 There are no specific best value implications arising from this noting report

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 The enforcement policy seeks to target the Council's enforcement action in accordance with the Community Plan. The Community Plan contains the Council's sustainable community strategy for promoting or improving the economic, social and environmental well-being of Tower Hamlets and contributing to the achievement of sustainable development in the United Kingdom. To the extent that the enforcement policy aligns enforcement action with the Community Plan it will tend to promote sustainable action for a greener environment. [

9. RISK MANAGEMENT IMPLICATIONS

9.1 Enforcement action carries with it a variety of inherent risks, including the potential for allegations of over- or under-enforcement, discrimination, adverse costs orders and damage to the Council's reputation. It is considered that proper adherence to the Council's policies, the Licensing Objectives, the Council's Statement of Licensing Policy and the section 182 guidance will ensure that risks are properly managed.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 One (1) of the four (4) Licensing Objectives is Crime and Disorder and enforcement promotes that Licensing Objective. Enforcement will also play its part in helping to drive down crime and which in turn will reduce fear of crime and ASB levels helping to promote a healthier, happier and more cohesive community. This will have efficiency benefits for adult social care and public health costs by keeping people healthier and more active for longer.

Linked Reports, Appendices and Background Documents

Linked Report

- **None**

Appendices

- **None**
- **None**

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