

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 17 JULY 2018

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

Members Present:

Councillor Shad Chowdhury (Vice-Chair) in the Chair
Councillor Faroque Ahmed
Councillor Sabina Akhtar
Councillor Shah Ameen
Councillor Peter Golds
Councillor Ehtasham Haque
Councillor Mohammed Ahbab Hossain
Councillor Tarik Khan
Councillor Ayas Miah
Councillor Victoria Obaze
Councillor Leema Qureshi
Councillor Dan Tomlinson
Councillor Puru Miah

Apologies:

Councillor Zenith Rahman
Councillor Even McQuillan
Councillor Shah Ameen – for lateness
Councillor Ayas Miah – for lateness

Others Present:

Syed Nahid Uddin – Member of the Public

Officers Present:

Agnes Adrien	– (Team Leader, Enforcement & Litigation, Legal Services)
Natalie Thompson	– (Environmental Health Officer)
David Tolley	– (Head of Environmental Health and Trading Standards)
Amran Ali	– Health and Safety Officer, Trading Standards
Farhana Zia	– Senior Committee Services Officer

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 15th March 2018 meeting were agreed and approved to be an accurate record of the meeting.

The minutes from the 24th May 2018 meeting were agreed and approved to be an accurate record of the meeting subject to the following amendments:

Page 16 – Councillor Ehtasham Haque stated he abstained from the vote and therefore the decision was not unanimously resolved.

The committee members agreed the minutes should state:

Accordingly, the majority of the committee RESOLVED:

Page 17 – point 4 Councillor Ehtasham Haque stated the committee agreed “no advertising that feature pictures or photographs should be displayed in the shop window...”

Members of the Licensing Committee concurred with the amendment and agreed to the deletion of the word “elsewhere” from the minute of the 24th May 2018.

3. ITEMS FOR CONSIDERATION**3.1 Special Treatment Licence under The London Local Authorities Act 1991 - Gao Medical Healthcare Ltd**

Natalie Thompson, Principal Environmental Health Officer informed members the application before them was to consider the revocation of a Special Treatment licence for Gao Medical Healthcare Ltd, 27 Skylines Village, London E14 9TS.

She stated the revocation was sought following the successful prosecution of the Licence Holder at Thames Magistrates Court on the 24th January 2018. She referred members to points 3.1, 3.2 and 3.3 of the report which gave further details of the circumstances for which a Special Treatment Licence is required. Ms Thompson also referred members to point 4.4 which listed the grounds for revocation, as per the London Local Authorities Act 1991.

Amran Ali, Health and Safety Officer provided Members with a detailed account of the investigation he had undertaken. He said the team had conducted test purchases in relation to premises with Special Treatment Licences to ensure compliance with the licence conditions.

Mr Ali said the Licensing Authority had contracted a surveillance company to undertake test purchases and the table at 8.1 showed the number of visits made in the last 24 months. Mr Ali said the first test purchase was carried out on the 20th June 2017 followed by another on the 23rd June 2017. He said the test purchasers were two different individuals who were both offered services of a sexual nature at the end of the massage.

Mr Ali stated the licence holder was prosecuted at the Thames Magistrates Court on the 24th January 2018, on which occasion the defendant pleaded guilty to breaching the conditions of the licence and was fined and together with costs had a total of £1,100 to pay.

Mr Ali stated the Licensing Authority hoped the Licence Holder would have learnt lessons from the prosecution, however when a further test purchase was conducted on the 12th March 2018, it was evident the Licence Holder continued to breach the terms of the Licence by offering services of a sexual nature.

Mr Ali said the Licence Holder, Ms Na Gao is the sole Company Director and manager of the business. The issued licence is solely in her name, she is the only therapist however Ms Gao has been running a brothel business whilst masquerading as a massage parlour. Mr Ali continued that the premise's is on the periphery of Canary Wharf and the Licensing Authority has other concerns of illegal human trafficking of vulnerable individuals, especially young women and public health concerns of sexually transmitted diseases.

Mr Ali asked Members of the Licensing Committee to revoke the Licence based on the evidence before them.

Ms Na Gao did not attend the meeting.

Members of the Licensing Committee made the following comments and asked questions in relation to the application:

- Why hasn't the Licence Holder been further prosecuted after the test purchase of 12th March 2018?
- Why was the licence renewed in September 2017, when the two test purchases showed the Licence holder was in breach of the Licence?
- In reference to points 7.2 and 7.3, why was the licence granted in the first instance.
- Was the renewal of the licence in September 2017, to allow the Licensee an opportunity to reform their behaviour?
- There must be other businesses operating in a similar way. Is this the first application for a revocation of a licence?
- When the Licence Holder was prosecuted, what mitigating circumstances did she state?
- In reference to 7.2, page 22 and the complaint received, why was no action taken at the time?
- In relation to 8.3 and the fine imposed, surely more could be claimed.

- Is there any reason why the Licence Holder cannot be further prosecuted, in light of the further evidence?

The Committee adjourned at 19:00 hours to consider the application before them.

Decision

Accordingly, the Committee unanimously

RESOLVED

That the Application for the revocation of a Special Treatment Licence, under the London Local Authorities Act 1991 for Gao Medical Healthcare Ltd, 27 Skylines Village, London E14 9TS be **REVOKED** on the following conditions that:

- i. The licence holder has been convicted and found in breach of Section 8 of the London Local Authorities Act 1991 (as per paragraph 4.4L of this report)
- (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 the Act.
- ii. Is satisfied that on 12th March 2018 the licence holder improperly conducted its business in breach of Regulation 7B (Appendix 2) and (as per paragraph 4.4E of this report)
- (E) The premises have been or are being improperly conducted.
- iii. Is satisfied that treatments being carried out by persons not approved by the Council (Condition 6, Appendix 3) and (as per paragraph 4.4C of this report)
- (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.

In addition to the above, the majority of the Committee 10 votes to 3 votes recommended

- iv. That the Licensing Authority considers bringing a further prosecution against the Licence Holder, Ms Na Gao for the breach committed on the 12th March 2018.

The meeting ended at 7.20 p.m.

Vice Chair in the Chair, Councillor Shad Uddin Chowdhury
Licensing Committee