


Non-Executive Report of the: Licensing Committee 4th October 2022	 TOWER HAMLETS
Report of: David Tolley, Head of Environmental Health and Trading Standards	Classification: Unrestricted
London Local Authorities Act 1991 Hearing to consider refusal to grant a special treatment licence for Primo Remedy, London E1 7TB	

Originating Officer(s)	Kamal Miah, Environmental Health Officer, Licensing and Safety
Wards affected	Spitalfields and Bangla Town

1. **EXECUTIVE SUMMARY**

Proposed licence holder:	Min Zhang
Name and Address of Premises:	Primo Remedy 24 Wentworth Street, London E1 7TB
Licence sought:	Special Treatment Licence under The London Local Authorities Act 1991
Applicant:	Kamal Miah, 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 application for the grant of a new special treatment licence for Min Zhang, Primo Remedy, 24 Wentworth Street, London E1 7TB.

- 3.2 The reason for the objection is that the premises has a history of offering services of a sexual nature. A test purchase was carried out on the 29th of October 2021. During the massage the person carrying out the test purchased indicated he was offered sexual services.
- 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.

4. Legislative provisions

- 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 blank copy of the standard conditions is exhibited as **Appendix 1**.
- 4.3 Under section 8 of the London Local Authorities Act 1991 the Council may refuse to grant 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.

5. Licence Refusal Request

5.1 Licensing and Safety Team, of the Environmental Health and Trading Standards Service have objected to the application for this new special treatment licence. The grounds for the objection are that the premises have been improperly conducted, and the applicant is not fit and proper to hold a licence. Please see the representation from the Licensing and Safety Team in **Appendix 2**. Below is a summary of the reasons why the Licensing and Safety Team believe that the application should be refused:

- a) On the 29th of October 2021, services of a sexual nature were offered during a test purchase.

6. Recommendations

6.1 Members are asked to consider the objection to the granting of this new special treatment licence when concluding to a decision.

7. EQUALITIES IMPLICATIONS

8.1 There are no equalities implications.

9. OTHER STATUTORY IMPLICATIONS

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

9.2 Environmental considerations: There are no environmental implications.

9.3 Crime reduction: One of the key licensing objectives of the Council is to ensure 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.

9.4 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.

9.5 Risk Management: The Council will be at risk of legal challenge if its processes are not transparent and evidentially based.

10. COMMENTS OF THE CHIEF FINANCE OFFICER

10.1 There are no material financial implications emanating from the decision to not grant a special treatment license for Primo Remedy. The Council will forego the license income, however this will be managed within existing budget provision.

11. COMMENTS OF LEGAL SERVICES

11.1 Section 6 of the London Local Authorities Act 1991 ("the Act) requires that any premises to be used for special treatments is licensed ("a special treatment licence") by the Council. Special treatment covers a wide range of activities including body piercing, tattooing, acupuncture, massage, and sauna.

11.2 The application process for a special treatment licence is not prescribed in statute and may be (but need not be) the subject of regulations made by the Authority under s.7(4) of the Act. The application must be sent to the Commissioner of Police and to the London Fire Brigade, both of whom may object within 28 days. The Act expressly allows for late representations to be considered, at the Authority's discretion. Any other person may nonetheless object to the application.

11.3 As set out in paragraph 4 above, there are a number of statutory reasons upon which the Authority may refuse to grant a special treatment licence. These reasons include that:

the persons concerned or intended to be concerned in the management of the premises could be reasonably regarded as not being fit and proper persons to hold such a licence (s.8(c));

the premises have been or are being improperly conducted (s.8(e));

the applicant has, within the five years immediately preceding the application, been convicted of an offence under Part II of the Act (s.8(l)).

11.4 S.10 gives an Authority power to make regulations providing for standard conditions that will be deemed to apply to all licences granted under the Act, unless expressly amended or excluded. This power is in addition to the general power to impose appropriate conditions to individual licences under s.6.

11.5 Section 149 of the Equality Act 2010 requires the authority, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act, to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between those who share a relevant protected characteristic and those who do not. The relevant protected characteristics are age; disability

gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. Members are required to have regards to the Act when making their decision.

12. **APPENDICES**

Appendix 1	Copy of Standards Conditions
Appendix 2	Objection Report from the Environmental Health and Trading Standards Department – Licencing and Safety Team

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:

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