

PRESENT

Members of the Committee

Councillor Deborah Collinson (Chairman)
Councillor David Lindsay
Councillor Pat Mason

Others in Attendance

Ms Maureen Doran, Licensing Officer (A7)
Ms Ayesha Flemming, Transportation and Licensing Officer (A4)
Mr Colin Harry, Licensing Enforcement Officer (A7)
Mr Neil Evans, Senior Contracts and Enforcement Officer (A4)
Ms Cass Spencer, Licensing Projects Officer (A7)
Mr Jerome Treherne, Governance Administrator
Ms Cynthia Vachino, Solicitor

A1 APOLOGIES FOR ABSENCE

None were received.

A2 MEMBERS' DECLARATIONS OF INTEREST

There were none.

A3 Procedure for a Hearing of Representation against the Decision of the Council to refuse to grant or renew, revoke or vary a street trading licence

The procedure was noted.

A4 HOLLYWOOD ARMS, 45 Hollywood Road, SW10

The following interested persons were in attendance: for the applicants, Mr Bruno Skinner, Surveyor for Young & Co.'s Brewery, Mr Mark Loughborough, Operations Manager for Young & Co.'s Brewery, and Mr Giovanni Pilla, the Manager; for the objectors, Councillor Marie-Therese Rossi, on behalf of Cllr Nicholls and local residents.

The proceedings were conducted in accordance with the procedure.

An email from Mr Hunjan, sent on 5 February 2015 to Cllr Nichols, was circulated to all parties [and a copy kept for the minute book].

Mr Loughborough advised the Sub-Committee of an amendment to the licence application that the applicant was now no longer applying to use tables and chairs on any Chelsea Football Club (FC) match day. He advised that the applicant now wished to extend hours of operation for tables and chairs only from Sundays to Thursdays from 11am to 9.30pm.

Therefore the applicant wished the hours permitted under the current licence of 11am to 5.30pm on Fridays to Saturdays to remain unchanged.

Mr Loughborough confirmed to Mr Evans that the premises employed two badged security guards on Fridays and Saturdays and on Chelsea FC match days to police the pavement outside the premises.

The Sub-Committee adjourned at 10.30 to consider its decision and at 10.40 reconvened in public to announce it. Having carefully considered the committee papers and submissions made by all the parties, both orally and in writing, the Sub-Committee RESOLVED –

That the licence be granted for a period of one year for three tables and five chairs between the hours of 11am and 5.30pm on Fridays and Saturdays and between 11am and 8.30pm from Sunday to Thursday, provided that;

- no tables and chairs were permitted on any Chelsea FC match days;
- the tables and chairs configuration, as shown in Appendix B2, was strictly adhered to;
- the licence conditions, set out in Appendix F, were strictly adhered to, and
- A-boards, umbrellas, patio heaters, planters or space heaters were not permitted.

A5 Standard Conditions for Special Treatment Licences

The conditions were noted.

A6 Procedure for determining applications for Special Treatment Licenses

The procedure was noted.

A7 ELEMENTS, 56 KENWAY ROAD, SW5 ORA

The following interested persons were in attendance: Mrs Hui Luo, the Director and Ms Chang Yi her daughter who was acting as interpreter.

The proceedings were conducted in accordance with the procedure.

The Sub-Committee noted the letter granting planning permission by the Planning Department dated 17 February 2015 for a change of use from A1 (retail) to Sui generis (treatment rooms) and therefore it no longer needed to consider a waiver of Planning Rule 5 [a copy of the letter was kept for the minute book.]

Mr Harry confirmed that on his re-visit to the premises on 13 February he had found all the outstanding breaches of the licence conditions had been rectified. Ms Doran reported that eight therapists were now registered with the Council.

Mr Harry read out the additional conditions to Mrs Hui and her daughter interpreting them as well. The additional conditions specified that the Licensee or named persons should be in charge of and present at the Establishment for Special Treatment during the whole time that it was open to the public. The full name, address and passport sized photograph of the named person(s) should be submitted to the Council in writing and any changes of address should be notified to the Council within seven days of the change.

Mr Harry emphasised to Mrs Hui that the named person would be responsible for the completion of consultation forms and medical records for every client. He clarified that the questionnaires were separate from the medical record forms and were required to be signed and dated and completed in English. He highlighted that if the same client visited the premises on several occasions, on each visit the records kept on that individual were required to be updated. Mrs Hui, speaking at times with her daughter's assistance, confirmed that she understood and would comply with these additional conditions and to the Council's Standard Conditions for Premises Licensed as Special Treatment Premises included in the Committee papers for the application.

In response to Cllr Lindsay's suggestion, Mr Harry agreed to visit the premises within the next day or two.

In response to the Chairman's question, Ms Vachino advised that the application included acupuncture treatment to be given by a qualified therapist in this discipline. Mrs Hui confirmed the application was for a total of five treatment rooms for therapists to use.

Ms Vachino explained to the applicant that the current licence was due to expire on 30 April 2015 and the applicant would therefore be required to submit an application for the renewal of the licence by 1 May 2015 should the variation of the licence be granted. Ms Vachino pointed out to Mrs Hui that following future officer visits, if there was a renewal of any problem concerning a breach of conditions, officers would object to the renewal of the licence.

The Sub-Committee adjourned from 11.10am to 11.27am to consider its decision and reconvened in public to announce it. Having carefully considered the committee papers and submissions made by all the parties, both orally and in writing, the Sub-Committee RESOLVED -

To grant a variation to the licence until 30 April 2015 subject to compliance with the Council's Standard Conditions for Premises Licensed as Special Treatment Premises included in the Committee papers for this application, and the other additional conditions which were that:

1. A consultation should be carried out and medical questionnaire completed in respect of every customer receiving a special treatment at the premises. This should be completed and the questionnaire signed and dated prior to commencing treatments. The person in charge of the premises at the time of consultation, should ensure that a consultation took place and a medical questionnaire was completed for every customer receiving a special treatment, that the questionnaire was signed and dated, and should ensure that treatments were not provided where contra-indications apply. These checks should be documented by the person in charge and produced to an authorised officer of the local authority and/or a Police Officer on request. This document should form part of the records and be kept at the premises, for a minimum of two weeks after the consultation. This information was required to be in English, unless previously agreed in writing by the Council.
2. Records should be maintained in respect of every person receiving a special treatment, including their name, address, date of birth, date and time of the treatment, type of treatment received and person giving the treatment. These records should be kept on the premises for a minimum of two weeks after the treatment and be produced to an authorised officer of the Council or a police officer upon request. This information was required to be in English, unless previously agreed in writing by the Council.
3. All therapists present at the premises for special treatment, were required to wear a formal uniform of tunic and trousers at all times whilst working at the premises.
4. An up to date list of therapists who were registered with the Council and who were at that time working at the premises, should be kept at the premises and available upon request to an authorised officer. This information had to be in English, unless previously agreed in writing by the Council.

And the following additional conditions:

- a. The Licensee or one of the following named persons should be in charge of and present at the Establishment for Special Treatment during the whole time that it was open to the public.
- b. The full name, address and passport sized photograph of the named person(s) specified in Condition 1 should be submitted to the Council in writing and any changes of address notified to the Council within seven days of the change.

A8 Any Other Business

There was none.

The meeting ended at 11.33am.

Chairman