

**COMMITTEE:**  
**Licensing Committee**  
**29 November 2017**

**REPORT OF:**  
**Principal Licensing Officer**

**LEGISLATION:**  
**London Local Authorities Act 1991**

| Agenda – Part1  | Item |
|---|------|
| <p><b>SUBJECT:</b><br/> <b>Adoption of Revised conditions for<br/>                     Massage &amp; Special Treatment Licences</b></p> <p><b>WARD:</b><br/> <b>ALL</b></p> |      |

**1. BACKGROUND INFORMATION**

1.1 Special treatment premises are licensed under the London Local Authorities Act 1991. Special treatments include the following and other treatments of a like kind:

- Massage
- Manicure, pedicure and artificial nail treatments
- Acupuncture
- Tattooing
- Cosmetic piercing
- Chiropody
- Light treatments including UV sun-beds and laser treatments
- Vapour
- Sauna.

1.2 Section 10 of Part 2 of the Act provides the council with the power to prescribe standard licence terms, conditions and restrictions. It also provides the ability to exclude or amend a specific condition on an individual licence. This section states that:

1.3 “The borough council may make regulations prescribing standard conditions applicable to all, or any class of, licences, that is to say terms, conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them.

1.4 Where the borough council have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended.”

1.5 Since the introduction of this legislation this council has applied a set of standard general conditions to special treatments licences and supplemented these with additional conditions specific to Laser/IPL treatments.

1.6 The current standard conditions for special treatment premises have been in force for several years in Enfield and now require updating to reflect changes in

legislation and industry practices.

- 1.7 This report presents proposed revised standard licence conditions which, if adopted, will apply to all special treatment licensed premises within the borough. A copy of the revised conditions can be seen in Appendix A, and all revisions have been highlighted.
- 1.8 The revised conditions are based on the recommended standard conditions for special treatment premises by the London Special Treatment Working Group, of which Enfield Council is a participating member, and are considered as best practice.

## **2. KEY ISSUES FOR CONSIDERATION**

- 2.1 Over recent years there has been a considerable increase in both the types of treatment being offered and the numbers of premises offering treatments. There has also been changes in those bodies required to regulate these treatments, placing more responsibility on local authorities.
- 2.2 Examples of changes to the types of treatments on offer over this period include high risk areas such as laser treatments. Non-surgical lasers/intense pulse light systems used for hair removal was previously regulated by the Care Quality Commission but now is the responsibility of the licensing authority.
- 2.3 The London special treatment working group lists 87 licensable treatments that are controlled by the licensing authority. This list increases every year. A list of these special treatments is provided in Appendix B for reference.

## **3. REVISED CONDITIONS**

- 3.1 The conditions are to address general health and safety and underage concerns for all premises.
- 3.2 The main changes in the revised conditions are:
  - The revision of the Councils General Licensing Conditions for Special Treatment Licensing
  - The inclusion of Specific Treatment conditions for the most common treatments
  - The introduction of a Think 25 policy for treatments such as piercing, tattooing, UV tanning etc.
  - The imposition of minimum standards of qualifications and experience of technicians for various treatment types.
- 3.3 These revised conditions are recommended as the basic minimum standards for management of special treatments establishments. As has been mentioned, these conditions can be adjusted or new conditions added to reflect local priorities and situations that may not be London-wide. These conditions will be supplemented by best practice guidance relevant to the treatment types at the time of application.

#### **4. CONSULTATION**

- 4.1 There is no requirement for consultation for standard conditions under the London Local Authorities Act 1991.
- 4.2 The council's health and safety team have been consulted with and contributed to the drafting of the proposed standard licensing conditions for premises offering special treatment.

#### **5. POLICY IMPLICATIONS**

- 5.1 These standard licence conditions are intended to help ensure the health, safety and wellbeing of the staff working in licensed special treatments establishments and the customers who use them. They provide the minimum standards considered necessary to ensure that special treatments are provided in safe and hygienic manner.

#### **6. COMMUNITY IMPACT STATEMENT**

- 6.1 Through the licensing process it is intended to encourage a wide and diverse range of special treatments, in which customers may have confidence that they are provided to good standards. This will be supported through advice and support for responsible operators and effective enforcement action against irresponsible operators.
- 6.2 The standard conditions also promote minimum qualification levels for operatives. This approach not only ensures that treatments provided are safe and hygienic but that operatives are suitably trained and have acquired a skills base for their future careers.
- 6.3 Current licence holders will be written to and informed of the changes in writing at the time of renewal (1 month Prior to renewal) and on the issuing of new, renewed, amended or transferred licenses at the time of issuing.

#### **7. RESOURCE IMPLICATIONS**

- 7.1 There are no new resource implications introduced by this report.

#### **8. RECOMMENDATION**

- 8.1 That the licensing committee approves the revised standard conditions for licensed special treatments establishments and the Special conditions attached as Appendix C to H with this report.

**Background Papers:**

**None other than any identified within the report.**

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