

PART 1 - PUBLIC

Decision Maker: General Purposes and Licensing Committee

Date: 7 April 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **LONDON LOCAL AUTHORITIES ACT 1991 -
REVISION TO CODES OF PRACTICE FOR SPECIAL
TREATMENTS**

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Chief Officer: Nigel Davies Director of Environmental Services

Ward: All Wards

1. Reason for report

To consider updated and revised codes of practice for special treatments licences and to propose the introduction of a registration scheme for beauty therapists working in the Borough.

2. **RECOMMENDATION(S)**

Members are asked to

1. Approve the adoption of the revised Codes of Practice as attached.
2. Agree to the introduction of a registration scheme for all beauty therapists working in the Borough.
3. Agree changes in the administration process which support local businesses including .
 - a) Simplified fees structure
 - b) Removal of requirement to place newspaper advert for new applications
4. Refer the matter to the Executive and Full Council for approval and adoption.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Safer Bromley. Vibrant Thriving Town Centres
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Financial

1. Cost of proposal: Estimated cost £22k income in line with 2010 /11 budget
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: Public Protection - C K Davison
 4. Total current budget for this head: £ 3.5m
 5. Source of funding: Existing revenue bidjet
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Staff

1. Number of staff (current and additional): 62 (Licensing Service 8)
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 110 businesses, all individual therapists and their customers.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

3. COMMENTARY

SUMMARY OF LONDON LOCAL AUTHORITIES ACT 1991.

- 3.1 Premises offering special treatment (including massage, manicures, sun beds, saunas, steam rooms, tattooing, acupuncture, electrolysis and piercing etc) are required to hold a licence.
- 3.2 The Council has the power to make rules and regulations relating to these premises. Officers have reviewed the current rules and guidance notes issued as part of a Licence and consider them to be outdated. They have been in place since 1991 when the London Local Authorities Act was first adopted.
- 3.3 Officers have undertaken an extensive review of the application process, fees and licence conditions and recommend :
- a) A simplified application process.
 - b) A simplified fee structure
 - c) Revised licence conditions
 - d) Introduction of a registration scheme for therapists

3.4 Application Process

Currently an application is advertised on the premises by way of a poster and by way of a Public Notice placed in a local paper. These are the responsibility of the applicant. Officers undertake consultation with the Police. Experience has shown that for this type of licence application very few objections have ever been received from a newspaper advert. In light of this we propose to remove the requirement for an applicant to place a Public Notice of their application in a local paper saving businesses approx £200 when making an application for a new licence.

3.5 Simplified Fees Structure

Current fees for new licences are based on 5 different treatments categories. A basic fee (£262) includes 1 category but there is an additional fee (£44) for each additional category to a maximum of £438. Renewals are charged at £130 or £167 with changes to treatment category.

Officers have reviewed the costs of administering the licensing system (applications / renewals and visits to inspect & investigate complaints) and propose from April 1 2010 to have 2 fee levels for new applications and renewals.

- New applications for skin piercing procedures (body piercing, tattooing) will be charged at £400 as they are higher risk, all other treatment premises will be charged at £350.

These fees only apply to businesses applying for a new licence after 1 July 2010.

- Existing businesses are subject to an annual renewal fee which is proposed at £200 for skin piercing and £175 for all others.

We propose to reduce the fee for a variation of a licence, currently £86, to £50. This is designed to allow businesses to be flexible in adding new types of treatment to their licence whilst allowing Officers the opportunity to assess the safety or health implications and for the re-issuing of the licence document.

To facilitate short term events where a licensable activity is offered we are introducing a Temporary licence costing £50 per month.

Existing and proposed fee structure is in Appendix A

3.6 Revised Licence Conditions

To ensure that these premises are providing the treatments safely and hygienically a set of licence conditions have been developed that reflect the changes in the beauty industry in the last 18 years.

Rules relating to the application process are in Appendix B. A set of general conditions applicable to all premises has been developed (Appendix C) with specific conditions for

- Massage (Appendix D)
- Nail treatments (Appendix E)
- Tanning and UV treatments (Appendix F)
- Tattooing (Appendix G)
- Ear and nose piercing (Appendix H)
- Body piercing (Appendix I)
- Electrolysis (Appendix J)
- Sauna and steam rooms (Appendix K)
- Spa and Jacuzzis (Appendix L)

3.7 Registration scheme for Therapists

Therapists are currently named in the application form for a licence and approved to operate under the licence but there is no easy way for customers or Licensing Officers to identify that an individual therapist is the one that has been approved.

Therapists are required to have suitable qualifications and the Councils Licensing Team undertakes checks on these. To ensure that all therapists are qualified it is proposed to introduce a Therapist Registration scheme as part of the licensing process.

Therapist will be expected to demonstrate competence through appropriate externally verified qualifications and or experience

Similar schemes have been adopted by a number of other London Boroughs, and mean that anyone who works in a beauty premises in the Borough will be approved and issued with a photo ID. They will be required to wear the Photo ID whilst working.

The cost of introducing the therapist registration scheme will be incorporated into the revised licence fee for the premises. There is no cost for the individual therapist.

The registration scheme has benefits for customers by providing a visual confirmation that the therapist is trained and approved and it is hoped that this will assist local businesses when employing therapists in the future that the.

It is proposed that the new codes of practice and the therapist registration scheme will be introduced over a period of 24 months commencing July 2010

4.0 FINANCIAL IMPLICATIONS

4.1 The current level of income received for special treatment licence fees is approximately £20k per annum.

4.2 Assuming the same volume of licences, the proposed fees would generate approximately £25k in a full year. As the new fees will not be introduced until July 2010, the estimated income will be just over £22k.

5.0 LEGAL IMPLICATIONS

Section 7 of the London Local Authorities Act 1991 requires the applicant to send to the Police and the London Fire and Emergency Planning Authority a copy of the application no later than the day it is made. No application shall be considered unless this requirement is met BUT the Council, if it thinks fit, can do so if it has consulted these bodies. There is also a 28 day period within which the Council must have regard to any observation from these bodies and so an application could not be determined before that time.

Any other requirement for publicity and the requirement of a fee (including the newspaper advertisement) originate from the power granted to the Council to make regulations. It is these regulations the report is addressing.

The legal advice is that the changes to the Rules, Codes of Practice and fees should be referred to the Executive and Full Council for approval and adoption.

Non-Applicable Sections:	POLICY IMPLICATIONS PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	London Local Authorities Act 1991

Special Treatment Licence Fees

Current		Proposed	
Application fee (includes 1 treatment category) Additional category	£262 £44	Tattooing and Body piercing All other treatments (including ear & noise piercing)	£400 £350
Newspaper Advert (not a fee but a cost to the businesses)	£200	Not applicable	£0
Typical cost of a new application	£506	Typical cost of a new application	£350 - 400
Renewal Fee (no change in treatments) Renewal with changes	£130 £167	Tattooing and Body piercing All other treatments (including ear & noise piercing)	£ 200 £175
Variation to treatments	£86	Variation to treatments	£ 50
Transfer	£86	Transfer	£100
Temporary Licence	Not available	Temporary Licence	£50 per month