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| Meeting: | Cabinet |
| Date: | 19 th April 2007 |
| Subject: | Review of Fees Structure for Special Treatment Licensing |
| Key Decision: (Executive-side only) | Yes – Affects all Wards |
| Responsible Officer: | Andrew Trehern, Executive Director (Urban Living) |
| Portfolio Holder: | Councillor Hall, Environment |
| Exempt: | No |
| Enclosures: | Appendix A - List of Special Treatments Appendix B – Fee comparison with other authorities. |

SECTION 1 – SUMMARY AND RECOMMENDATIONS

This report informs Cabinet of the existing circumstances with regard to Special Treatment Licensing and makes proposals to review the Licensing fees structure for this area of work to enable the development of the Service to better support Special Treatments Practitioners and those accessing the treatment provided.

RECOMMENDATIONS:

1. To agree to implement the new fee structure from January 2008 as proposed in section 4.0 of the report.

SECTION 2 - REPORT

2.0 Brief History

- 2.1 Prior to 1st April 1992 the Council licensed or registered persons and premises for the carrying out of certain treatments under the provisions of either the Middlesex County Council Act 1944 or The Greater London Council (General Powers) Acts 1981 depending on the type of licence or registration. Licences were annually renewable but registrations ran for the length of time the person and business existed in the premises.
- 2.2 The London Local Authorities Act 1991, when enacted, contained new provisions for the control of premises offering special treatments. The Act is adoptive and Councils can choose whether or not to adopt and use provisions within the Act. This Council chose to adopt the provisions relating to special treatments and the adoption of the Act and provisions became effective from the 1st April 1992.
- 2.3 These provisions require that specified special treatments may only be carried out within establishments if the premises are licensed. The license is renewable annually. A full list of special treatments is given in **Appendix A**.
- 2.4 Within the provisions of the Act a power is given for the Council to prescribe regulations governing the details to be supplied by the applicant, the means of determining the application and the placing of conditions or restrictions upon any licence granted.
- 2.5 It was considered that Harrow Council would set two tiers of fees structure according to risk element. The first low risk reduced fee was for Ear Piercing only and the second tier was for the remaining treatments.

3.0 The Case for Change

- 3.1 Licenses were previously issued for one year from 1st April and were renewable on 31st March every year. As a result premises that applied later in the year did not benefit from the full 12 months period as licenses had to be renewed on 31 March. As a result the license date was changed to start the licence from the date of application for a 12 months period with the renewal falling on the anniversary of the license.
- 3.2 The London Local Authorities Act 1991 (LAA 1991) was amended in the year 2000 with a limited number of amendments regarding the exemptions, renewals and transfer of licences with the majority of clauses remaining unaffected. However since the enactment of LLA 1991, the beauty industry has made vast advances with new technologies and new treatments being introduced at a rapid rate. This has impacted on the cost of the licensing enforcement regime as officers are required to research these new technologies and treatments with a view to public health and safety. There are also increasing numbers of enquiries from members of public, as well as from existing and potential new businesses.

- 3.3 Due to the complexity of the new treatments the risk to customers has increased e.g. in artificial nail extension some chemicals used can severely damage the natural nails, the electrical filing process may pose a risk to the natural nails, and in addition dust and vapours can adversely affect nail technicians if ventilation and personal protective equipment are not adequate. In tattooing premises some pigments used for tattooing may be harmful to skin, and tattooists may illegally use anaesthetics prior to tattooing. In body piercing premises infections caused by poor hygiene conditions and cross contamination are becoming increasingly common and a significant cause of concern.
- 3.4 There are no prescribed qualifications for tattooists and body piercers so officers are required to give new operators a provisional license as a trainee for 3 months and then undertake a follow up interview to judge their knowledge and experience in order to issue a full license. The number of enquiries and complaints related to these treatments has also increased in recent years e.g. tattoos performed on under age children, complications after nail extension treatments etc. The officers are required to investigate these complaints, research new technologies to identify the cause and suitable controls in order to advise concerned parties accordingly.
- 3.5 There is an identified direct need for training for beauty therapists in Health and Safety, Infection Control and the current legislation relating to their business. It is therefore proposed that this Section would hold free seminars for beauty therapists twice a year covering training in Health & Safety, Infection Control and the Council's policies and procedures for issuing a special treatments license. This would not only benefit the Special Treatments Practitioners and businesses but also serve to protect those using these services.
- 3.6 The current fees structure does not reflect these changes, as it has remained the same for the past 15 years with only minimal increase at the rate of inflation. Appendix B shows the fee comparison with neighbouring authorities. However, these fees are likely to change as they all are in the process of reviewing their fee structure to reflect the new types of inspection regime and cost recovery. Our current fee level falls well short of cost recovery and the new proposed level will not only address some of these matters but also would enable us to raise standards of training to the industry through free seminars and competency assessment schemes.

4.0 Proposed Fee Structure

- 4.1 In order to support the costs of service delivery and enforcement activities and to enable the enhanced service provision and training the following fee structure is proposed:

Band A (£150) - Ear piercing only.

These premises are mostly ancillary premises to Hairdressing, Chemists or Accessory shops. Most chemists are exempted from licensing as they come under professions supplementary to medicines. (LLA 1991 Part II [3.004] 4 (b) & (c). However some chemists shop assistants carry out the piercing and therefore need to be trained in ear piercing and the use of sterile pre packed jewellery. These operators are not members of exempted bodies they require a licence. The Council inspects the premises for Health & Safety, infection control and personal hygiene of the operators and premises Qualifications, equipment and customer record cards are also inspected.

Band B (£300)

Aromatherapy, body massage, bleaching, Champissage (Indian Head massage), eyebrow/eyelash tinting & shaping, Fairbairn therapy/Tangent therapy, facials (basic only), Thermo auricular therapy (Hopi ear candles), holistic/remedial/therapeutic massage, Infra red, manicure (NOT NAIL EXTENSION), Marma therapy, Metamorphic Technique, pedicure ,Polarity therapy, Qi Gong, Reiki, Reflexology, Shiatsu, Sports massage, Thai massage and waxing.

These premises are mostly small scale self employed individuals undertaking a business at a low volume, often within their own residence. Although the treatments are generally low risks if managed properly and given by qualified technicians and increasing number of applications for licence are being received from therapists who are either newly qualified or with overseas qualifications. The individuals often do not understand the statutory requirements of running a business i.e. planning permission, registering their business, health & safety, fire precautions and indemnity insurance. This has a significant impact on the cost element of licensing, as Officers must invest time explaining and advising on these requirements and checking compatibility in case of overseas qualifications.

Band C (£450)

Acupressure, Acupuncture, Anthroposophical Medicine, Ayurvedic Medicine, Body Wraps, Bowen Technique, Colour therapy, Electrolysis, Advance electrolysis, Endermologie, Faradism, Foot Detox, Galvanism, Gyrotory Massage – G5, High Frequency, Korean Hand Therapy, Manual lymphatic drainage, Micro current therapy (non surgical face lifts), Micropigmentation (Semi Permanent Makeup), Moxabustion, Nail extensions, NAET, Rolfing, Sclerotherapy, Spray tanning, Stone therapy, Trichology, Tui – na, Ultra sonic & including Band A & B except D.

These premises are mostly High Street based commercial premises with high volume passing trade. The Environmental Health service receives a growing number of enquiries and complaints and the introduction of new treatments has a major impact on Officers' time to research and investigate these complaints and enquiries.

It is also recommended that where appropriate samples are collected and sent to the public analyst to support inspection and investigation with resultant direct costs. The proposed increase in fees will enable us to investigate complaints and send samples of chemicals used to Public Analyst's Laboratory to analyse and test as standard procedure.

BAND D (£600) - (Where a premises holds a registration with Health Care Commission, a reduction of 50% of the fee will be applicable provided the inspection by the Health Care Commission includes the whole premises and all treatments offered.)

Body piercing, beading, Bio Skin Jetting, Botox, Chiropody & Chiropractic (if state registered a license is not required) Collagen Implants (Cosmetic fillers (by medical practitioner only), Osteopathy, Physiotherapy (if state registered a license is not required) Tattooing, Tattoo removal, Steam & Sauna Baths, Spa, Jacuzzi, Floatation tank, Hydrotherapy, Thalassotherapy & Ultra violet Tanning (Sun beds).

These premises require extra officer's time as in tattooing premises some pigments used for tattooing may be harmful to skin, some tattooist use anaesthetics prior to tattooing that is illegal. In body piercing premises infections caused by poor hygiene conditions are becoming increasingly cause of concern. Cross contamination between clients and body piercers is another risk that if not been managed properly may cause dangerous illness. There are no prescribed qualifications yet for tattooist and body piercers so Officers have to give new recruits provisional license as trainee for 3 months and then interview them to judge their knowledge and experience in order to include them on the license. The number of enquiries and complaints for these sorts of premises has also increased e.g. parents complaining about tattoos performed on their under age children and complications after nail extension treatments etc. Officers have to investigate these complaints and research into new technologies to find the cause of the problem and advise concerned parties accordingly.

5.0 Consultation

- 5.1 All business affected will be informed of the proposed changes to the Fee Structure and will be given 8 months notification of the fee increases due to the licensing annual cycle. All businesses will also be invited for a free seminar in August 2007 to outline the fee increases and the additional benefits and services to be provided in the future years.

6.0 Financial Implications

- 6.1 The additional income generated has been built into the medium term budget strategy agreed at Council in February 2007 based on the following assumptions:

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| Band A | 5 x 150 = £ 750 |
| Band B | 28 x 300 = £ 8400 |
| Band C | 72 x 450 = £32400 less 2250 for dual registration |
| Band D | 21 x 600 = £12600 |
| <u>Total</u> | <u>£ 51900</u> |

It is predicted that predicted income level will be maintained in 2008/09 and year on year thereafter subject to unforeseeable changes in the number of premises requiring licensing. It is likely that with improved regulation and enforcement some growth will be obtained as previously unlicensed operators are brought into the regime but this cannot be built into budget predictions with confidence at this time.

- 6.2 If the proposed fee increases are not approved the income will not be achieved and a compensatory saving will be required within the service budget. This may adversely affect the service delivery of the licensing service at a time of implementing new legislation and projects i.e. Gambling Act 2005, Smoke free public places, Review of the Licensing Policy and Town Centre Stress Zone.

7.0 Legal Implications

The London Local Authorities Act 1991 requires applicants for the grant, renewal or transfer of a special treatment licence to pay a reasonable fee determined by the council. The power to determine fees for such applications is an Executive function. Before adopting the proposed fee structure, the Executive must be satisfied on the material put forward that the proposed fees are reasonable.

8.0 Equalities Impact

- 8.1 The proposed service and licensing regime will be applied equally to everyone and will provide direct support to small and medium sized businesses and those seeking to start in business providing equal access to all.
- 8.2 The proposed regime will also provide a better understanding of and direct guidance to qualifications and experiences gained outside the UK as well as providing direct access to training and advise. Hence it will be an improvement in the way this service deals with minority communities and their expectations.

9.0 Section 17 Crime and Disorder Act 1998 Considerations

9.1 These measures support existing crime and disorder initiatives and would improve proactive enforcement of unlicensed establishments. It also has the potential to further integrate the work of police and community support staff with local authority enforcement.

SECTION 3 - STATUTORY OFFICER CLEARANCE

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| Chief Finance Officer | <input type="checkbox"/> | Name: Carol Maduka |
| | | Date:3 April 2007..... |
| Monitoring Officer | <input type="checkbox"/> | Name: David Galpin..... |
| | | Date: 3 April 2007. |

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact:

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Background Papers:

List of Special Treatments

IF APPROPRIATE, does the report include the following considerations?

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| 1. | Consultation | Yes |
| 2. | Corporate Priorities | Yes |
| 3. | Manifesto Pledge Reference Number | A5; B2; D3; D5; |