

REPORT FOR: **CABINET**

Date of Meeting:	14 September 2010
Subject:	New Fee Structure for Special Treatment Licences to incorporate Laser and Intense Pulse Light (IPL) Treatments
Key Decision:	Yes
Responsible Officer:	John Edwards, Divisional Director Environmental Services
Portfolio Holder:	Councillor Phillip O'Dell, Portfolio Holder for Environment and Community Safety
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	1. Current fee structure for Special Treatments Licence 2. Proposed new fee structure including Laser & IPL treatments

Section 1 – Summary and Recommendations

This report sets out the new fee structure proposed for special treatments licences issued under the London Local Authorities Act 1991, so as to include a fee band for premises wishing to offer laser and intense pulse light treatments (IPL), as the regulation of these is shortly due to revert back to local authorities.

Recommendations: Cabinet is requested to agree the proposed fee structure for special treatments licences, as set out in appendix 2.

Reason: The new fee structure sets a fee for operators seeking to carry out laser and IPL treatments, and so will cover those premises providing such treatments.

Section 2 – Report

Introductory paragraph & background

In April 2002 the Care Standards Act 2000 came into effect. Under this legislation all establishments offering laser and intense pulse light treatments had to be registered with the National Care Standard Commission (NCSC) in England (or equivalent body in Scotland, Wales or Northern Ireland). Later the Health & Social Care Act 2003 amended the Care Standards Act 2000 and the Care Quality Commission (CQC) became the enforcement authority for registering and monitoring establishments offering laser and intense pulse light treatments.

Under the CQC registration regime, establishments offering laser and intense pulse light treatments are currently required pay a registration fee of £1200.

Current situation

Relevant parts of the Care Standards Act 2000 relating to registration of establishments offering laser and intense pulse light treatments will cease to have effect on 30th September 2010, being repealed by the Health and Social Care Act 2008.

From 1st October 2010 operators of laser and intense pulse lights used for non-surgical cosmetic aesthetic purposes such as hair removal by a health care or non health care professional will not be required to register with the Care Quality Commission. As such the regulation of the use of lasers and intense pulse light in the beauty industry will revert back to the local authority.

In Harrow, as in most other London local authorities, beauty treatments are regulated by requiring the proprietor to apply to the local authority for a Special Treatments Licence for the premises under the London Local Authorities Act 1991. Special treatments licensing regulate the provision of a wide range of treatments including massage, body piercing, tattooing, sun beds etc.

The London Local Authorities Act 1991 defines what an 'establishment for special treatment' is and includes those where 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 takes place or is intended to take place.

From 1st October 2010, it will therefore also cover treatments administered using Class 3B or Class 4 Lasers or Intense Pulse Light (IPL) for non-surgical cosmetic aesthetic purposes as these are treatments involving the use of light.

Why a change is needed

From 1st October 2010, the local authority will be responsible for regulating laser and intense pulse light treatments for non-surgical cosmetic aesthetic purposes.

Lasers and intense pulse lights are hazardous devices that can easily burn or blind operators or members of the public receiving treatment or those in the immediate vicinity. However, when they are used with care, by properly trained operators and in carefully designed environments, they can deliver a range of useful cosmetic treatments for hair removal, skin resurfacing, tattoo and pigmentation removal etc. Because of the potential for harm, it is important that the local authority ensure that appropriate standards are implemented to regulate the use and operation of laser and intense pulse light treatments. Accordingly Harrow shall also be proposing conditions that should apply to all special treatments licences for beauty industry operators offering laser or intense pulse light treatments In Harrow. This will be the subject of a separate report.

For this report, it is proposed to revise the current fee structure for special treatments licences so as to include a fee for laser and intense pulse light treatments. The proposed fee for laser and intense pulse light (IPL) treatments will cover the costs incurred in the licensing and inspection of premises offering laser and IPL treatments. In addition it is proposed that the fee will cover costs of investigating and taking any necessary enforcement action against unlicensed premises offering laser or IPL treatments including pursuing legal proceedings where appropriate.

Options considered

The options considered and available are as follows:

1. To introduce a new fee structure for special treatments licences to incorporate a fee band for laser and intense pulse light treatments.

Outcome: By approving the new fee structure, the costs associated with the licensing of premises offering laser and/or intense pulse light treatments will be covered, and it will also allow for the investigation of unlicensed premises offering such treatments, to safeguard the public and licensed operators.

2. Not to introduce a new fee structure for special treatments licences, keeping the existing one which does not include a fee band for laser and/or intense pulse light treatments.

Outcome: The current fee structure would remain in place for premises offering special treatments other than laser and intense pulse light treatments. However, premises offering laser or intense pulse light

treatments will still be required to be licensed and inspected by the licensing service but the cost of this will not be covered as there is no fee band for those offering laser or intense pulse light treatments. Furthermore licensed premises currently required to pay a fee under the current fee structure may be aggrieved if other premises are being licensed without the need to pay a licence fee.

Financial Implications

It is proposed to adopt a new fee structure for special treatments licences so as to incorporate premises offering laser and/or intense pulse light (IPL) treatments. If adopted, the new fee structure will cover the costs incurred in inspecting and licensing premises offering laser and IPL treatments in addition to the anticipated increased investigations of premises offering laser or IPL treatments without a special treatments licence.

If the proposed new fee structure is not adopted the costs incurred from licensing premises offering laser or IPL treatments and the costs incurred in investigating unlicensed premises, will have to be met through the licensing service existing budget.

Performance Issues

Due to legislative changes, the regulation of beauty premises offering laser or intense pulse light (IPL) treatments will pass from the Care Quality Commission to the local authority from 1st October 2010.

The proposed new fee structure incorporates a fee band for laser and IPL treatments. Due to the high-risk nature of laser and IPL treatments, it is proposed that these treatments will attract the same fee as other high-risk special treatments such as tattooing and UV treatments.

Environmental Impact

No environmental implications identified.

Risk Management Implications

If adopted, the new fee structure will cover the costs incurred in inspecting and licensing premises offering laser and IPL treatments in addition to the anticipated increased investigations of premises offering laser or IPL treatments without a special treatments licence.

If the proposed new fee structure is not adopted the costs incurred from licensing premises offering only laser or IPL treatments and the costs incurred in investigating unlicensed premises, will have to be met through the licensing service existing budget.

Equalities implications

An Equalities Impact Assessment was not carried on this occasion due to the time constraints in implementing the legislative changes. It is proposed that an Equalities Impact Assessment will be carried out in the next financial year.

Corporate Priorities

The adoption of a fee band for premises offering laser / IPL treatments will allow the licensing service to meet the costs involved in inspecting and licensing such premises, thereby ensuring standards in addition to meeting the costs involved with conducting investigations of premises offering laser or IPL treatments without a special treatments licence. This will contribute to the corporate priority of delivering safer streets in Harrow.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
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Date: 20 August 2010

Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
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Date: 26 August 2010

Section 4 – Performance Officer Clearance

Name: Anu Singh	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership Development and Performance
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Date: 27 August 2010

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Environmental Services
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Date: 20 August 2010

Section 6 - Contact Details and Background Papers

Contact: P Sivashankar, Licensing Services Manager, 020 8736 6237

Background Papers: None

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE