



## Licensing Committee

12<sup>th</sup> July 2021

<b>Title</b>	<b>Introduction of Special Treatment Licensing Policy</b>
<b>Report of</b>	Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix 1 – Draft Policy
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### Summary

This report seeks approval from Members to consult on the attached policy in relation to Special Treatment Licensing under London Local Authorities Act 1991. The attached policy will be the first Policy for this form of Licensing for London Borough of Barnet.

### Officers Recommendations

1. That Committee authorise the Licensing team to commence a 6-week consultation on the draft policy for special treatment licensing

## **WHY THIS REPORT IS NEEDED**

- 1.1 Premises where special treatments establishments are provided must be licensed under the London Local Authorities Act 1991 ('The Act')
- 1.2 Barnet Council has adopted the London Local Authorities Act 1991 ('the Act') to regulate special treatment businesses that offer:
  - massage
  - manicure
  - pedicure
  - facials
  - nail extensions
  - acupuncture
  - tattooing
  - body piercing
  - cosmetic piercing
  - electric light therapy
  - other special treatments such as sun beds, vapour, laser, sauna or other baths.
- 1.3. This policy sets out how the council uses its powers under the Act to:
  - only grant licences to people who are fit and proper to hold them
  - ensure only suitably qualified people, using safe equipment, provide special treatments
  - ensure nuisance is not caused by the provision of special treatment
  - ensure licensed premises are safe, structurally suitable
  - ensure licensed premises are adequately clean, lit, heated and ventilated
- 1.4 The Act allows the Council to make regulations prescribing the terms, conditions and restrictions on or subject to which licences, or licences of a particular class, are to be granted, renewed or transferred. Where such regulations have been made all licences granted are subject to those standard conditions unless they have been expressly excluded or amended.
- 1.5 The regulations and terms and conditions have been reviewed in the form of a new Special Treatment Policy document. In making this change the Licensing Department are ensuring that all licensing processes are dealt with in the same way.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 It is best practice to prepare, consult on and publish a policy which the Council proposes to apply when implementing regulatory regimes. This ensures clarity for traders and other interested parties in the application and enforcement processes.
- 2.2 The existing terms, conditions and restrictions have been in place for many years and provides only basic information with regards to the processes the Authority will follow when dealing with Special Treatment Licensing. The draft policy documents fully how special treatment licences are currently being processed. It is not the intention of the Licensing team to change the way in which Licences are dealt with but more that we want to provide a clear and transparent policy that documents the process as it currently stands.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Council could choose not introduce the policy on Special Treatments, however to do so would be contrary to best practice.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 The Licensing Team will commence a consultation on the policy and report back to the Licensing Committee at the November 2021 meeting.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within the corporate plan. In particular it promotes delivering “quality services and striving to continually improve the standard of services”

#### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.

#### **5.3 Legal and Constitutional References**

- 5.3.1 A good policy ensures that fair and equitable decisions are taken by the London Borough of Barnet.
- 5.3.2 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council’s Constitution states that the Licensing Committee is responsible for, “all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.”

#### **5.4 Insight**

- 5.4.1 Not relevant to this report.

#### **5.5 Social Value**

- 5.5.1 Not relevant to this report

#### **5.6 Risk Management**

- 5.6.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to special treatments in order to ensure fair trading, prevent crime and to protect consumers.

#### **5.7 Equalities and Diversity**

- 5.7.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

5.7.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority's policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

5.7.3 This report is for information only and therefore unlikely to result in any equalities implications.

## 5.8 **Corporate Parenting**

5.8.1 Not relevant to this report.

## 5.9 **Consultation and Engagement**

5.9.1 The consultation document will be sent to all relevant parties including current special treatment licence holders, responsible authorities and all ward Councillors. The consultation will also be published on the Council's online website.

## 6. **BACKGROUND PAPERS**

6.1 None