



## Licensing Committee

10<sup>th</sup> November 2021

<b>Title</b>	<b>Special Treatment Licensing Policy</b>
<b>Report of</b>	Executive Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	<b>Appendix 1</b> – Proposed Draft Policy <b>Appendix 2</b> – Summary of responses to the Consultation
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### Summary

This report relates to the outcome of the recent consultation in relation to a new policy for Special Treatments Licences which, if approved by the committee will take effect on 1<sup>st</sup> January 2022.

### Officer Recommendations

1. For the proposed policy in Appendix 1 to be approved by the Committee

## 1. 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.
  - Etc.
- 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.
- 1.6 A consultation was undertaken on whether to adopt the council's draft Special treatment licensing policy this took place between 12<sup>th</sup> August 2021 and concludes 24<sup>th</sup> September 2021.
- 1.7 No consultation responses were received therefore there were no amendments made to the Special Treatments Policy that was before the committee on 12th July 2021.

## **2 REASONS FOR RECOMMENDATIONS**

- 2.1 It is best practice to have policies for each different licensing regime to ensure consistency of approach. This ensures clarity for traders and other interested parties in both the application and enforcement processes.

## **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 Committee are being asked to adopt the Policy
- 4.2 If approved, this Policy will come into effect on 1<sup>st</sup> January 2022.

## **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. 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 are carried out by the Commercial Premises 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 all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burdens on both the Local authority and to the trade is minimised.

## **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 An equalities impact assessment has been completed.

## **5.8 Corporate Parenting**

- 5.8.1 Not relevant to this report.

## **5.9 Consultation and Engagement**

- 5.9.1 The consultation document was sent to all relevant parties and all Ward Councillors. The consultation was also published on the council's online website.
- 5.9.2 No replies have been received.

## **6 BACKGROUND PAPERS**

- 6.1 None

**Appendix 1 Proposed Licensing Policy**

**Appendix 2 Consultation responses**

The consultation process started on 12<sup>th</sup> August 2021 and will conclude on 24<sup>th</sup> September 2021. No responses were received.

<b>Consultee</b>	<b>Comments</b>	<b>Response</b>