

Report To:	LICENSING COMMITTEE
Date:	22ND OCTOBER 2024
Heading:	MODERNISATION OF CONDITIONS TO BE ATTACHED TO LICENCES ISSUED FOR PREMISES PROVIDING MASSAGE, SPECIAL TREATMENTS, LASER TREATMENTS, TANNING & SAUNA SERVICES
Executive Lead Member:	DEPUTY LEADER – STRATEGIC HOUSING AND CLIMATE CHANGE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To agree and adopt the attached Conditions applicable to the various licensable activities described within this report, following the close of the public consultation period.

Recommendation(s)

The Licensing Committee is recommended to:

- a) Consider any comments received relating to the draft Conditions applicable to the various licensable activities described within this report;
- a) Resolve whether any amendments to the draft Conditions are necessary in light of any comments received; and permit the Environmental Health Team Manager, in consultation with the Chair of Licensing Committee, to make any appropriate amendments; and
- b) Subject to any amendments to the draft Conditions, adopt draft Conditions to be effective from 1st January 2025.

Reasons for Recommendation(s)

The Council issues licences for the provision of Massage & Special Treatments, Laser Treatments, and the provision of Tanning & Sauna services. Across Nottinghamshire, the Council Environmental Health Teams have been working together to formulate a more modern set of conditions to be attached to any licences issued for Massage & Special Treatment activities. The legislation applicable to these licensable activities is the Nottinghamshire County Council Act 1985.

Alternative Options Considered

Do nothing: not recommended

The current conditions in place for the provision of the licensable activities described in this report have been in existence for a long period of time, and as changes in technology, practices, and society occur, there is a pressing need to ensure that the Council adopts licence conditions that promote the use of best practice by licensed premises, and ensure a more modern set of conditions to promote the safety of customers using the services provided by such premises. The proposed conditions are consistent with those adopted recently by the other District and Borough Councils in Nottinghamshire, and as such ensure for consistency across the County.

Detailed Information

Introduction

The Committee is reminded that the licensable activities contained within this report relate solely to those delegated to the Nottinghamshire District Councils under the Nottinghamshire County Council Act 1985.

The Council Environmental Health Team has continued to work with their counterparts throughout the other Nottinghamshire Councils, so that a consistent approach is taken to assist applicants for licences, and to promote a high level of safety standards for consumers.

The current conditions attached to such licences have been in need of modernisation for quite some time, and this report is the conclusion of the work undertaken by relevant Teams across all of the Nottinghamshire Authorities, to promote and update the conditions attached to such licences.

Massage & Special Treatments Licences

To assist all parties to this Committee meeting, a Massage and/or Special Treatments Licence is required under Part IV of the Nottinghamshire County Council Act 1985, by any person carrying on a business to provide the following services:

- **Full body and part Massage**
- **Electric treatment**
- **Radiant heat, light or electric vapour treatment**
- **Sauna or other baths for therapeutic treatment**
- **UV tanning equipment including sunbeds and sun showers**
- **Laser and/or Intense Pulse Light (IPL) treatment using Class 3B and Class 4 Lasers**

All Local Authorities in Nottinghamshire including Ashfield District Council have reviewed the conditions applied to Massage and Special Treatment Licences to ensure consistency across the County, and to ensure the minimum standards of safety and hygiene for clients and practitioners are promoted through the conditions attached to such licences.

The proposed draft conditions are attached at **Appendix One**, and list the proposed conditions for the provision of the following licensable activities:

- **Conditions for all Massage and Special Treatment Licences**
- **Conditions applicable to Establishments offering Sauna and/or Spa Pool Treatments**
- **Conditions applicable to Establishments offering the use of UV tanning equipment**
- **Conditions for the Use of Class 3B and Class 4 Lasers and Intense Light Systems**

Guidance notes for applicants and practitioners of the above licensable activities has also been modernised to assist the Trade, and can be found at **Appendix Two**.

Consultation on the Draft Revised License Conditions

The draft conditions received approval from the Committee on 19th June 2024, prior to commencing a formal consultation.

The consultation timetable is detailed below:

- **19th June 2024:** Licensing Committee to agree that the draft conditions be put out to consultation.
- **1st July 2024 – 18th August 2024:** Consultation with all current holders of licences relating to the activities contained within this report.
- **22nd October 2024:** any valid consultation responses will be put before the Licensing Committee for consideration; and for the Committee to instruct the Environmental Health Team Manager to make any relevant changes to the draft conditions to finalise accordingly, and for the Committee to adopt the final conditions.

Consultation Responses

All current licence holders were written to by the Environmental Health Team Manager in good time ahead of the commencement of the consultation seeking any comments as to the proposals, and the consultation was also hosted for the entire duration of the above specified period on the Council website. No responses were received to the public consultation.

Commencement of Licence Conditions

To ensure that licence holders have fair notice and opportunity to meet the new standards, the new regime will be introduced with effect on 1st January 2025.

Implications

Corporate Plan:

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Legal:

There are no legal implications contained within this report.

Finance:

There are no financial implications contained within this report. [PH 10/09/2024].

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

Human Resources:

There are no direct HR implications contained within this report. KB 10.09.2024

Environmental/Sustainability:

There are no Environmental/Sustainability implications contained within this report.

Equalities:

There no diversity or equality implications contained within this report.

Other Implications:

None

Reason(s) for Urgency

None

Reason(s) for Exemption

None

Background Papers

Appendix One: Draft Conditions

Appendix Two: Guidance Notes

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