

REPORT TO:	LICENSING COMMITTEE 13 June 2012
AGENDA ITEM:	7
SUBJECT:	LONDON LOCAL AUTHORITIES ACT 1991 ADOPTION OF THE RECOMMENDED LIST OF LICENCE EXEMPTIONS & ADOPTION OF THE LIST OF SPECIAL TREATMENTS
LEAD OFFICER:	Executive Director , Planning & Environment Department
CABINET MEMBER:	Cllr Simon Hoar, Cabinet Member for Community Safety & Public Protection
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: This report is specific to this subject matter and has no implications on the Council's Corporate Policies	
FINANCIAL SUMMARY: This is being processed as part of normal duties carried out by the Department with no additional costs involved.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

For general release

1. RECOMMENDATIONS

- 1.1 The Committee are requested to note and comment on the adoption of the list of special treatments shown at Appendix 1 which will be presented to Cabinet for approval.
- 1.2 The Committee are requested to note and comment on the adoption of the list of recommended licence exemptions shown at Appendix 2 which be presented to Cabinet for consideration and approval.
- 1.3 The Committee are requested to note and comment on the proposal to request that Cabinet delegate authority, to the Head of Regulatory Services to update the lists attached as Appendices 1 & 2 should Cabinet be minded to approve recommendations 1.1 and 1.2 above.

2. EXECUTIVE SUMMARY

- 2.1 This report concerns a proposal to formally adopt the list of special treatments shown at Appendix 1 and the list of the list of recommended special treatment licence exemptions shown at Appendix 2.
- 2.2 This report also concerns a proposal to request the delegation, to the Head of Regulatory Services, of the authority to update the lists as set out in appendices 1 & 2 and ascertain whether members would wish to receive a report (quarterly/ annually) to the Licensing Committee on the exercise of this delegated function.

3. DETAIL

List of Special Treatments

- 3.1 The London Local Authorities Act 1991 (“the Act”) came into force in 1991 giving powers to the 32 London Boroughs to require premises offering a range of beauty treatments to apply for a ‘special treatment licence’ to operate their business.
- 3.2 The purpose of the special treatment licence regime is to ensure that the necessary health and safety standards are in place for special treatments, including by providing for the imposition of conditions to the special treatment licence. The Council is responsible for ensuring that any beauty treatments which fall within the ambit of “special treatments” are appropriately licensed and that there is compliance with the licence conditions.
- 3.3 The Act outlines the categories of treatments that may be licensed which are as follows: massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths.
- 3.4 In order to facilitate a uniform approach across London to special treatments and their licensing, representatives from across all 32 London Authorities formed a specialist advisory forum. The forum meets on a quarterly basis to discuss issues surrounding special treatment licensing and to formulate recommendations for consideration and adoption by their respective Councils.
- 3.5 In line with the categories specified in the Act, the advisory forum have produced a list of treatments which can be regarded as “special treatments” within the meaning of the Act. This list is attached at appendix 1 and the Committee is asked to note and comment on this list which will be presented to Cabinet for approval.

Licence Exemptions

- 3.6 Under the Act, the Authority is able to agree that if certain statutory criteria are met, then an exemption may be given in respect of special treatment licensing. Any such exemption is sought by the relevant professional bodies on behalf of the health practitioners they represent. The criteria specified within the Act for any exemption are that the Professional Body in question:
- Has a register of members
 - Requires its members to have appropriate training for, and experience of, the therapy concerned

- Requires its members to hold professional indemnity insurance;
 - Subjects its members to a code of conduct and ethics, including a prohibition of immoral conduct in the course of their practice; and
 - provides procedures for disciplinary proceedings in respect of its members;
- 3.7 As part of the London wide approach to special treatments, the advisory forum considers whether the professional body meets the statutory criteria and if the advisory forum is satisfied that the body does meet the criteria then the advisory forum will propose that its members recommend to their Authority that the professional body in question receives an exemption from the special treatment licensing requirements.
- 3.8 The current list of recommendations from the advisory forum for exemption from the requirements from the special treatment licence requirements are set out at Appendix 2.
- 3.9 Members should be aware that whilst the advisory forum does not have any legal standing to make decisions on behalf of the authority or make recommendations directly to the authorities, the Council's officers have reviewed and considered the list of proposed exemptions and consider that the statutory requirements for exemption have been met in respect of the organisations listed at Appendix 2. Accordingly, and by way of this report, Members are asked to consider and comment on the proposed exemptions in advance of consideration by Cabinet.

Delegated Powers

- 3.10 As Members will appreciate, the area of special treatments is a quickly evolving area, with new treatments being introduced on a regular basis. In order to keep pace with developments in this area, Members are asked to note that Cabinet will be asked to delegate the authority to the Head of Regulatory Services to update the lists which appear at Appendix 1 and 2 in line with statutory requirements.
- 3.11 Members are requested to indicate whether they wish to receive an update on the use of this delegated authority and if so, whether they wish to receive this update quarterly, annually or on a more regular basis.

4. CONSULTATION

None

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 The effect of the decision

There are no direct financial implications as a result of this report.

5.2 The effect of the decision

The decision to adopt the recommendation will have no financial impact on the Council.

5.3. Risks

There are no perceived financial risks involved in this decision.

5.4 Options

There are no other options arising from this report

5.5. Future savings/efficiencies

None identified.

(Approved by: Dianne Ellender, Head of Finance – Planning & Environment & Central Departments)

6. LEGAL CONSIDERATIONS

6.1 The Solicitor to the Council comments that the proposals in the report are designed to support the Council's functions under the London Local Authorities Act 1991 in respect to of special treatment licensing.

6.2 (Approved by: Jessica Stockton, for and on behalf of the Council Solicitor, Director of Democratic and Legal Services and Monitoring Officer)

7. HUMAN RESOURCES IMPACT

7.1 There are no perceived negative human resources implications associated with this report. All work in this report has been done within existing staffing levels.

7.2 (Approved by: Pam Parkes, Director of Workforce and Community Relations)

8. CUSTOMER IMPACT

8.1 There are no specific customer services issues relating to this application

9. EQUALITIES IMPACT ASSESSMENT (EIA)

9.1 An initial assessment has been carried out and there are no perceived inequalities associated with the proposals this report

10. ENVIRONMENTAL AND DESIGN IMPACT

10.1 There are no perceived environmental and design impacts relating to this matter.

11. CRIME AND DISORDER REDUCTION IMPACT

11.1 There are no perceived crime and disorder impacts relating to this matter.

12. HUMAN RIGHTS IMPACT

12.1 The Act does not list bodies of health practitioners which are exempt but sets out a list of objective criteria which must be met. If these objective criteria are met, then the body will be entitled to exemption and inclusion on the exemption list by virtue of the legislative provisions. As such, there are no direct human rights considerations associated with this report but there would be with regard to any future licence applications that the authority may receive. When determining applications under the Act, it will be necessary to ensure that, as far as possible,

the Council's procedures are compliant with the principles in Article 6 of the Convention – the right to a fair trial. In addition, local authorities must take into account any rights existing operators may have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to the peaceful enjoyment of their possessions)

13. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

- 13.1 The report and the appendices if approved will be accessible under the Freedom of Information Act 2000 as part of the Council's Publication Scheme. Information requested under that Act about the specific licences, will be accessible subject to legal advice as to its commercial confidentiality, or other applicable exemption, and whether or not it is in the public interest to do so

CONTACT OFFICER: Wendy Shepherd, Safety/Licensing Officer, Planning & Environment Department, ext. 62457

BACKGROUND DOCUMENTS: None

LIST OF SPECIAL TREATMENTS

Part II section 4 of the London Local Authorities Act 1991 defines a special treatment as follows:

Massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric, vapour, sauna or other baths or treatments of a like kind.

TREATMENT	CATEGORY
ACUPRESSURE	Massage
ACUPUNCTURE	Acupuncture
AROMATHERAPY	Massage
AURICULAR ACUPUNCTURE	Acupuncture
BEADING	Cosmetic Piercing
BIO SKIN JETTING	Cosmetic Piercing
BODY MASSAGE	Massage
BODY PIERCING	Cosmetic Piercing
BODY TALK	Massage
BOWEN TECHNIQUE	Massage
CHAMPISSAGE (Indian Head Massage)	Massage

CHIROPODY /Podiatry	Chiropody
CHIROPRACTIC	Chiropody
COLOUR THERAPY (Chromatherapy)	Light
DERMAL ANCHORS	Cosmetic Piercing
DETOX BOX	Sauna
DRY NEEDLING	Acupuncture
ELECTROLYSIS	Cosmetic Piercing
ADVANCED ELECTROLYSIS (Moles , Warts, Skin Tags)	Cosmetic Piercing
(EFT) EMOTIONAL FREEDOM TECHNIQUE	Massage
ENDERMOLOGIE	Electric
FACIAL STEAMERS	Vapour
FAIRBANE METHOD/TANGENT METHOD	Massage
FARADISM	Electric
FISH PEDICURES	Baths
FLOATATION TANK	Baths

FOOT DETOX	Electric/Baths
FREEWAY - CER	Massage
GALVANISM	Electric
GRINBERG METHOD	Massage
GYRATORY MASSAGE	Massage
HALOTHERAPY /SPELIOTHERAPY	Vapour
HIGH FREQUENCY	Electric
HOLISTIC MASSAGE	Massage
HOT AIR MASSAGE	Massage
HYDROTHERAPY	Baths
INDIAN HEAD MASSAGE	Massage
INFRA RED	Light
KEN EYERMAN TECHNIQUE	Massage
KIRILIAN PHOTOGRAPHY	Electric
KOREAN HAND THERAPY	Acupuncture
LASERS/INTENSE PULSE LIGHT	Light

LIPO LASER	Light
LUMI LIFT/LUMI FACIALS	Electric / Light
MANICURES	Manicures
MANUAL LYMPHATIC DRAINAGE	Massage
MARMA THERAPY	Massage
META AROMATHERAPY	Massage
METAMORPHIC TECHNIQUE	Massage
MICRO CURRENT THERAPY / non surgical face lifts)	Electric
MICRODERMAL ANCHORS	Cosmetic Piercing
MICROPIGMENTATION (semi-permanent make up)	Tattooing
MOXIBUSTION	Acupuncture
N.A.E.T (Namripad Allergy Elimination Technique)	Acupuncture
NAIL EXTENSIONS	Manicures
OSTEOMYOLOGY	Massage/Acupuncture
OXYGEN THERAPY – (Oxygen Bars only)	Vapour

PEDICURE	Manicures like kind
POLARITY THERAPY	Massage
REFLEXOLOGY	Massage
REMEDIAL MASSAGE	Massage
ROLFING	Massage
SAUNA	Sauna
SCENAR THERAPY	Electric
SEMI PERMANENT MAKE UP	Tattooing
SHIATSU	Massage
SPA	Baths
SPORTS/REMEDIAL MASSAGE	Massage
STEAM ROOM/BATH	Vapour/Bath
HOT STONE THERAPY	Massage
(TAT) TAPAS ACUPRESSURE TECHNIQUE	Massage
TATTOO REMOVAL	Cosmetic Piercing/ Tattooing
TATTOOING	Tattooing

TEMPTOOING	Tattooing
THAI MASSAGE	Massage
THALASSATHERAPY	Baths
THERAPEUTIC/HOLISTIC MASSAGE	Massage
TUI – NA	Massage
ULTRA SONIC	Electric
ULTRA VIOLET TANNING	Light

LONDON LOCAL AUTHORITIES ACT 1991/2000

LIST OF BODIES OF HEALTH PRACTITIONERS GRANTED EXEMPTION UNDER
SECTION 4

* This list is for recommendation only, individual authorities may if they wish still require members of these organisations to apply for a licence in their Borough.

Name and Address	Date Granted	Treatments	Tel No	Fax	E-mail	Internet
ACUPUNCTURE						
1. The British Acupuncture Council 63 Jeddo Road London W12 9HQ		Acupuncture Moxibustion Cupping Acupressure Tui Na Auricular Acupuncture Electro Acupuncture	020 8735 0400	0202 8735 0404	info@acupuncture.org.uk	acupuncture.org.uk
2. The Acupuncture Society, 27 Cavendish Drive Edgware Middlesex HA8 7NR		Acupuncture Acupressure inc (Chinese massage, Tui na, Korean Hand massage, Qi Gong) Moxibustion Cupping Auricular Acupuncture Electro Acupuncture	0773 4668 402		secretary@acupuncture.societyuk@yahoo.co.uk	acupuncture.societyuk.org.uk

Name and Address	Date Granted	Treatments	Tel No	Fax	E-mail	Internet
<p>3. The Acupuncture Association of Chartered Physiotherapists Secretariat Portcullis Southgate House Southgate Park Bakewell Road Orton Southgate Peterborough Cambridgeshire PE2 6YS</p>		<p>Acupuncture Physiotherapy Acupressure Moxibustion Auricular Acupuncture</p>	<p>01733 390007</p>	<p>01733 390057</p>	<p>sec@aacp.uk. com</p>	<p>aacp.uk.com</p>
<p>4. Association of Traditional Chinese Medicine & Acupuncture Uk inc Zhong Shan Chinese Medicine & Acupuncture Association 5a Grosvenor House 1 High Street Edgware London HA8 7TA</p>	<p>21.7.05</p>	<p>Acupuncture Qi Gong Tui Na</p>	<p>8951 3030</p>	<p>8951 3030</p>	<p>info@atcm.co. uk</p>	<p>www.atcm.co.uk</p>
<p>5. Federation of Traditional Chinese Medicine Practitioners (also known as General Council of TCM) 21 Devon Road Cheam Surrey SM2 7PE</p>	<p>20.4.2010 suspended 30.11.2010</p>	<p>Acupuncture Tui Na Reflexology</p>	<p>8 770 0018</p>	<p>8770 0018</p>	<p>collegexpct@ yahoo.co.uk</p>	<p>www.ftcmp.co.uk</p>

Name and Address	Date Granted	Treatments	Tel No	Fax	E-mail	Internet
6. Chinese Medical Institute & Register	10.3.2011	Acupuncture Tui Na	0207 388 6704	0207 387 8081	don@acumedi c.com	cmir.com
7. British Medical Acupuncture Society 60 Great Ormond St London WC1N 3HR	8.12.2011	Acupuncture	0207 713 9437	0207 713 6286	bmaslondon@ aol.com	medical- acupuncture.co.uk
AROMATHERAPY						
8. International Federation of Professional Aromatherapists (inc the Register of Qualified Aromatherapists, The International Society of Professional Aromatherapists & Int Federation of Aromatherapists) 82 Ashby Road Hinckley Leicestershire LE10 1SN	9.5.1994 re examined 23.5.2007	Aromatherapy Massage	01455 637987	01455 890956	admin@ifparo ma.org	ifparoma.org
9. Aromatherapy & Allied Practitioners Association 14 Orleans Road Upper Norwood SE18 3TA	28.7.1999 re examined 4.10.2007	Aromatherapy Massage Reflexology	0208 653 9152	020 8653 9152	aapa@gmx.co m	aapa.org.uk

Name and Address	Date Granted	Treatments	Tel No	Fax	E-mail	Internet
AYURVEDIC MEDICINE						
10. The British Association of Accredited Ayurvedic Practitioners 5 Blenheim Road North Harrow HA2 7AQ	12.9.2002	Ayurvedic Medicine Indian head, remedial massage	0208 455 6598	0208 455 6598	eladevishah@ aol.com	Britayurpractitioners.com
11. Ayurvedic Practitioners Association (APA) 23 Green Ridge Brighton East Sussex BN1 5LT	22.4.2008	Ayurvedic Massage, Ayurvedic Medicine	01273 500492		info@apa.uk.c om	apa.uk.com
BOWEN THERAPY						
12. The Bowen Therapists European Register PO Box 2920 Stratford Upon Avon CV37 9ZL	27.6.2002	Bowen Therapy	07986 008384	0871 7335501	Info@bter.org	bowentherapists.com
EAR PIERCING						
14. Royal Pharmaceutical Society of GB (ear piercing only) 1 Lambeth High Street London SE1 7JN		Ear Piercing	020 7735 9141	020 7735 7629	enquiries@rps gb.org	rpsgb.org.uk

Name and Address	Date Granted	Treatments	Tel No	Fax	E-mail	Internet
MANUAL LYMPHATIC DRAINAGE						
15. Manual Lymphatic Drainage Uk P.O.Box 14491 Glenrothes Fife KY6 3YE	27.6.2002	Manual Lymphatic Drainage	01592 840799	01592 748008	admin@mlduk.org.uk	mlduk.org.uk
REFLEXOLOGY						
16. British Reflexology Association Monks Orchard Whitbourne Worcester WR6 5RB	Re examined 22.7.2008	Reflexology	01886 821207	01886 822017	bra@britreflex.co.uk	britreflex.co.uk
17. Association of Reflexologists inc the International Institute of Reflexology 5 Fore Street Taunton Somerset TA1 1HX	Re examined 22.11.2007	Reflexology	0870 567 3320	01823 336646	info@aor.org.uk	aor.org.uk
18. International Federation of Reflexologists 8-9 Talbot Court London EC3V 0BP	Re examined 3.11.2009	Reflexology	0870 879 3562	0870 879 3298	info@IntFedReflexologists.org	ntfedreflexologists.org

Name and Address	Date Granted	Treatments	Tel No	Fax	E-mail	Internet
SHIATSU						
19. Shiatsu International Maulak Chambers The Centre High Street Halstead Essex CO9 2AJ	16.10.2000	Shiatsu	01787 880005	01787 220373	admin@shiatsu- international.com	shiatsu- international.com
20. Shiatsu Society UK Eastlands Court St Peter's Road Rugby Warwickshire CV21 3QP	16.10.2000	Shiatsu	0845 1304560	01788 555052		shiatsu.org
21. Zen Shiatsu Society 1 st Floor 68 Great Eastern St London EC2A 3JT	22.7.2008	Shiatsu	0207 739 9916	0207 739 9916	zenshiatusociety@ yahoo.co.uk	Zen-shiatsu- society.co.uk
SPORTS MASSAGE						
22. Sports Massage Association 86 Nelson Road London SW19 IHX	4.2.2003	Sports Massage	0870 0052678	0870 0052679	info@thesma. org	www.sportsmassageass- ociation.org
23. Institute of Sports & Remedial Massage Cottage 2c TGEC Town Hall Approach Rd London N15 4RX	14.9.2006	Sports & Remedial Massage	0208 375 3517	0208 375 3517	mel@theismr. com	www.theismr.com

Name and Address	Date Granted	Treatments	Tel No	Fax	E-mail	Internet
24. BASRAT – British Association of Sport Rehabilitator’s and Trainers. Angela Cumine c/o St Marys University College Strawberry Hill, Twickenham YW1 4SX	5.2.2008	Sports Massage	0208 240 4184	0208 240 4124	cuminea@smuc.ac.uk	Basrat.org
TRICHOLOGY						
25. Institute of Trichologists 24 Longroyd Road London SW17 7PL		Trichology Head Massage	08706 070602	0115 938 4303	admin@trichologists.org.uk	trichologists.org.uk
MISCELLANEOUS						
26. Association of Naturopathic Practitioners Coombe Hurst Coombe Hill Road East Grinstead West Sussex RH19 4LZ	1/4/2004	Acupuncture Holistic Massage	01342 303269	01342 410909	info@naturopathy-anp.com	naturopathy-anp.com
27. Complementary Medical Association Three Corners 49 Albany Road St Leonards on Sea East Sussex TN38 0LJ	22.4.2008	Acupressure Aromatherapy Ayurvedia Colour Therapy Qi Gong Reflexology Shiatsu Indian Head Massage	01424 423505	001727 2318379	jayney@the-cma.org.uk	The-cma.org.uk

Name and Address	Date Granted	Treatments	Tel No	Fax	E-mail	Internet
28. Complementary & Natural Healthcare Council 83 Victoria Street London SW1H OHW	16.6.2011	Aromatherapy Bowen Technique, Reflexology, Shiatsu, Sports and Remedial Massage,	0203 170 8338		info@cnhc.org .uk	cnhc.org.uk
29. Complementary Therapists Association PO Box 6955 Towcester NN12 6WZ	1.4.2004	Aromatherapy Bowen Therapy Manual Lymphatic Reflexology Shiatsu Sports, therapeutic & holistic massage	0845 202 2941	0844 779 8898	info@comple mentary.assoc .org.uk	complementary.assoc.or g.uk/
30. Federation of Holistic Therapists 18 Shakespeare Business Centre Hathaway Close Eastleigh Hampshire S050 9XG	4.2.2003	Acupressure Aromatherapy Bowen Therapy ML Drainage , Advanced MLD Reflexology Shiatsu ,Sports & Remedial massage Moxibustion Thai Massage & Foot massage, Qi Gong, Tui Na, Auricular Acupuncture, Colour Therapy, EFT, Metamorphic Technique, Polarity Therapy. Stone Therapy	0870 420 2022	02380 62439	info@fht.org.u k	fht.org.uk

Name and Address	Date Granted	Treatments	Tel No	Fax	E-mail	Internet
31. Institute for Complementary & Natural Medicine, incorporating the British Register of Complementary Practitioners. Can-Mezzanine 32-36 Loman Street London SE1 0EH	21.3.1996 Reassessed 16.11.2006	Acupuncture Acupressure Aromatherapy Bowen Technique M L Drainage Remedial, Sports, Holistic and Indian Head Massage Reflexology Shiatsu Tui Na Qi Gong	020 7922 7980	020 7922 7981	clive.teal@i-c-m.org.uk	i-c-m.org.uk
32. British Complementary Medicine Association PO Box 5122 Bournemouth Dorset BH8 OWG	21.7.05	Acupuncture Polarity Therapy Indian Head Massage Manual Lymphatic Drainage Aromatherapy	01293 851760	01293 851760	chair@bcma.co.uk	www.bcma.co.uk
33. Association of Physical and Natural Therapists 27 Old Gloucester Street London WC1N 3XX	1/4/2004	Therapeutic & sports massage Reflexology Aromatherapy Acupressure	0845 3452345		APNT@tbeanz.com	apnt.org.uk
34. LCSP Register of Remedial Masseurs & Manipulative Therapists 330 Lytham Road Blackpool Lancs FY4 1DW	Reviewed 18.5.2006	Remedial Massage	01253 408443	01253 401329	admin.lcsp@ic24.net	Lcsp.uk.com

Name and Address	Date Granted	Treatments	Tel No	Fax	E-mail	Internet
35. Health Professionals Council (Members are automatically exempted by Section 4c of the LLA 1991 as State Registered)		Chiropody Physiotherapy				
36. Independent Professional Therapists International PO Box 106 Retford DN22 7WN	17/3/05	Aromatherapy Bowen Technique Holistic, Therapeutic & Remedial Massage Lymphatic Drainage Shiatsu, Sports Massage, Acupressure Thermo Auricular Therapy, Metamorphic Technique, Polarity Therapy, Reflexology, Moxibustion, Rolfing	01777 703177	01777 869429	martyn@iptiuk.com	lptiuk.com
37. Massage Training Institute PO Box 44603 London N16 0XQ	22.7.2008	Remedial & Therapeutic Massage	0207 254 7227		mti@massage training.co.uk	massagetraining.co.uk