



City of Westminster

Licensing Committee

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| Date: | 14 March 2012 |
| Classification: | For General Release |
| Title: | London Local Authorities Act 1991 (amended 2000) 'Exempted bodies' |
| Report of: | Operational Director for Premises Management |
| Wards Involved: | All |
| Policy Context: | Management of the Licensing Regime |
| Financial Summary: | No financial implications |

1. Summary

- 1.1 This report provides information on provisions of The London Local Authorities Act 1991 (as amended 2000) to licence Special Treatment Premises.

2. Recommendations

- 2.1 That the Committee note the report.

3. Background information

- 3.1 The London Local Authorities Act 1991 (as amended 2000) allows under Part II any London Authority who has adopted the provisions of the Act to licence Special Treatment Premises. Currently, only the City of London authority has not adopted the provisions of the Act.
- 3.2 Special Treatment Premises are defined in section 4 as any premises in the borough used, intended to be used or represented as being used for the reception or 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.

- 3.3 Section 4 of the Act also allows certain exemptions to the requirement for licensing. One exemption is for persons who regard themselves as Health Practitioners and are full members of an organisation that represents their therapy and complies with the requirements of section 4 (ii) to carry out special treatments without the authorisation of a licence.
- 3.4 Section 4 (ii) states that any person who is a bona fide member of a body of **health practitioners** which has given notice in writing to the borough council that it –
- (a) has a register of members;
 - (b) requires as qualification for membership qualifications by way of training for, and experience of, the therapy concerned;
 - (c) requires its members to hold professional indemnity insurance;
 - (d) subjects its members to a code of conduct and ethics, including a prohibition of immoral conduct in the course of their practice; and
 - (e) provides procedures for disciplinary proceedings in respect of its members;
- and has supported that notice with satisfactory documentary evidence, if required by the council.
- 3.5 Such persons being exempt from the requirement to obtain a special treatment licence for the premises where they work whilst being a full member of an exempt organisation.
- 3.6 A Health Practitioner is defined as ‘a person who uses his skills with a view to the curing or alleviating of bodily diseases or ailments but does not include a person whose skills are employed mainly for cosmetic alteration or decorative purposes.
- 3.7 If an organisation submits the required documentation to the local authority and that documentation is satisfactory then the local authority has no discretion other than to accept that organisation for exemption.
- 3.8 All London authorities that have adopted the ‘Act’ meet on a quarterly basis (London Special Treatment Group) to discuss such organisations and agree their standing on an approved list. The current approved list recognised by Westminster is attached in appendix 1.
- 3.9 The approved list is quite fluid in that organisations that meet the criteria for exemption request their addition to the approved list. A local authority may also have concerns about the validity of an organisation to enforce the various procedures and codes against its members following complaints etc and that LA may request suspension or removal of that organisation from the approved list.

- 3.10 The addition and removal of such organisations is carried out at officer level and this process has been formalised and recognised through the management chain. Our Strategic Executive Board member has given authorisation that Mr Steve Harrison, Operations Director be authorised to formally delegate this function to appropriate senior competent officers.
- 3.11 Following enforcement action against individual premises, the Federation of Chinese Medicine was removed from the exempt list of organisations recognised by Westminster Council. This was due to their failure to record members' personal addresses, a statutory requirement, and thus provide evidence that they could instigate disciplinary action against individual members. This failure was reported to the Special Treatment Advisory Group, who coordinates applications from organisations seeking exemptions, who duly suspended the organisation following personal submissions from their executive Dr Jia.
- 3.12 A project was then undertaken to check the remaining 35 organisations granted exempt status. All organisations were written to and requested to submit the following information, a register of their members, qualification details, their codes of conduct and ethics, disciplinary procedures and details of professional indemnity insurance. This information is required under Part II section 4 (b) (ii) of the London Local Authorities Act 1991.
- 3.13 Six organisations failed to respond to the request and have now been removed from the exempt list recognised by this authority. These organisations, listed in appendix 2, have been reported to the London Special Treatment Group with a view to suspending their exempt status until such time that they satisfactorily meet the specified requirements. The next meeting of the group is scheduled for the 1st March 2012.