

Report for: Licensing Committee - 28 July 2025

Item number: 8

Title: Revision of functions and Fees under Massage and Special Treatment.
Revision of conditions.

Report

authorised by : Eubert Malcolm –Director – Environment

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Ward(s) affected: All

Report for Key/

Non Key Decision: Non-Key

1. Describe the issue under consideration

- 1.1 The Council's income policy requires an annual review of the level of the fees and charges levied upon service users. The aim of the review is to ensure that the income generated aligns to a full cost recovery and that charges remain in line with increases being experienced in the cost of delivering services. A 5% increase has been proposed.
- 1.2 The Committee is being asked to approve the fees and charges for 2025 - 26
- 1.3 The report also sets out the updated processing functions and revised Standard Conditions that will be applied to each licence. This report has been prepared to provide the Licensing Committee with information and an update on the reform of the Massage and Special Treatment licensing function.

2. RECOMMENDATION(S)

That Licensing Committee:

- 2.1 note the contents of the report and the Appendices
- 2.2 approve the proposed changes to the Massage and Special Treatment licensing process set out in section 4
- 2.3 exercise its power under s10(1) of the London Local Authorities Act 1991 by regulation to prescribe the revised standard conditions for licensed special treatments establishments and the revised special conditions attached with this report.
- 2.4 approve the fees and charges for this function as set out in Appendices 2 and 3.

3. BACKGROUND

- 3.1 Licensing of massage and special treatment ("MST") is a discretionary power under the London Local Authorities Act 1991. Persons and/or businesses carrying on these types of activity have required authorisation from the Council following adoption of the provisions under Act in the mid-nineties.
- 3.2 "Massage and special treatment" include any beauty treatment that involves massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light treatments, electrical treatments and other similar treatments. It also includes saunas, steam rooms and other baths. A list which details the treatments defined is attached as Appendix 1.
- 3.3 Section 10 of part 2 of the Act provides the council with the power to prescribe standard

licence terms, conditions and restrictions. It also provides the ability to exclude or amend a specific condition on an individual licence. This section states that:

“The borough council may make regulations prescribing standard conditions applicable to all, or any class of, licences, that is to say terms, conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them”

- 3.4 Where the council have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended. Since the introduction of this legislation this council has applied a set of standard general conditions to special treatments licences and supplemented these with additional conditions. The current standard and special conditions for special treatment premises have been in force for many years and now require updating to reflect changes in legislation and industry practices.

3.5 PURPOSE OF THE REVIEW

- 3.6 The Licensing Service have sought to review the MST licensing function with a view to:
- Simplifying the process for applicants by reviewing and updating the various elements of the function.
 - Updating the local regulations and guidelines
 - Updating the fee structure.
 - Making it easier to start up and grow businesses in the Borough.

4 PROPOSED APPLICATION PROCESSES

- 4.1 The new process enables officers to eliminate multiple site visits by various regulatory services areas thereby increasing overall efficiency. It will also allow officers to continue to deliver high quality services to residents and visitors alike.
- 4.2 The Licensing Service base the functions on ‘Class 1/2/3/4 activities. Essentially, ‘Class 1’ activities carry an increased risk to public safety. These are activities such as tattooing, tanning and lasers/intense pulsed light (IPL) which need increased officer involvement due to routine inspections and monitoring.
- 4.3 Class 4 activities such as manicure, pedicure and facials carry a lesser risk, however do still require inspections and monitoring.
- 4.4 The proposed streamlined application processes designed to make the application processes far less burdensome. Application requirements are outlined in the table below:

Type	Application requirements	Consultees
New premises licence	<ul style="list-style-type: none"> • Application form • 1 copy of floor plan. (Scale 1:100 or other agreed scale) • Fire Risk Assessment • Proof of a minimum £2,000,000 Public Liability Insurance • Electrical Installation Condition Report • Local Rules documentation provided by a registered Laser Protection Advisor (for activities involving laser/IPL only) 	<ul style="list-style-type: none"> • Police* • London Fire Brigade* • Environmental Health • Planning
Renewal of existing premises licence	<ul style="list-style-type: none"> • Application form • Insurance • PAT Cert • Electrical Installation Condition Report (if expired) 	<ul style="list-style-type: none"> • Police* • London Fire Brigade* • Environmental Health
Variation of existing premises licence	<ul style="list-style-type: none"> • Application form • Any additional documentation in relation to variation of treatments/activity on the premises. E.g. (Qualifications/Plans) 	<ul style="list-style-type: none"> • Police* • London Fire Brigade* • Environmental Health
Transfer of premises licence	<ul style="list-style-type: none"> • Application form • Insurance • Electrical Installation Condition Report 	<ul style="list-style-type: none"> • Police* • London Fire Brigade* • Environmental Health
Exempt premises Registration	<ul style="list-style-type: none"> • Application form • Proof of valid membership • Qualifications 	<ul style="list-style-type: none"> • Validation of membership via body
MST Practitioner Registration	<ul style="list-style-type: none"> • Application form • Declaration of Convictions • Qualifications • Right to Work • Picture of practitioner • References (tattooists and Body piercers) 	<ul style="list-style-type: none"> • Police
Exempt MST practitioner Registration	<ul style="list-style-type: none"> • Application form • Declaration of convictions • Proof of valid membership • Qualifications • Right to Work • Picture of practitioner 	<ul style="list-style-type: none"> • Validation of membership via body

MST Practitioners

- 4.5 In addition to the licensing of premises, any individual person who physically carries out any of the functions listed in Appendix 1 requires a registration. Currently, this registration will allow the practitioner to work at any premises licensed by the Council on a yearly basis.
- 4.6 The Licensing Service are proposing only minor changes to this established activity. This is mainly to clarify that a person is “registered” as a practitioner rather than “licensed” and some other minor changes to the application requirements.

Exemptions

- 4.7 Provisions under Part II, Section 4 of the Act enables members of recognised Professional Bodies to be registered to be exempted from application requirements for some forms of specified treatments. The Licensing Service has not charged any fee to persons seeking to register. However, two new fees for both exempt premises and exempt practitioners will be introduced to enable cost recovery of this activity.

5 Revised Standard Conditions

- 5.1 This report presents proposed revised standard licence conditions which, if adopted, will apply to all special treatment licensed premises within the borough. A copy of the revised standard conditions is attached at Appendix 4. This report also presents proposed revised special licence conditions, unique to the treatment offered.
- 5.2 The revised conditions are based on the recommended conditions for special treatment premises originally produced by the London Special Treatment Working Group, of which Haringey Council is a participating member, and are considered as best practice.
- 5.3 The revised conditions are to address general health and safety, infection control and underage concerns for all premises. The main changes in the revised conditions are:
- The revision of the Councils General Licensing Conditions for Special Treatment Licensing
 - The revision of Specific Treatment conditions for the most common treatments, bringing them up to date with current legislation and best practice
 - The removal of conditions that are otherwise covered by other legislation (i.e. health and safety).
 - The requirement for all practitioners to hold a Regulated Qualification for the treatments that they wish to offer, where a regulated qualification exists for that treatment.
 - The introduction of a ‘guest practitioner’, temporary amendment to the licence.
 - The requirement for licence holders to hold Public Liability and Indemnity Insurance.
- 5.4 These revised conditions are recommended as the basic minimum standards for management of special treatments establishments. These conditions can be adjusted, or new conditions added to reflect local priorities and situations that may not be London-wide. These conditions will be supplemented by best practice guidance relevant to the treatment types at the time of application. There is no requirement for consultation for standard conditions under the London Local Authorities Act 1991. The council’s Commercial and Environmental Health Team have been consulted with and contributed to the drafting of the proposed standard licensing conditions for premises offering special treatment

- 5.5 These standard licence conditions are intended to help ensure the health, safety and wellbeing of the staff working in licensed special treatments establishments and the customers who use them. They provide the minimum standards considered necessary to ensure that special treatments are provided in a safe and hygienic manner.

6. Comments of the Finance Officer

- 6.1 This report provides the Licensing Committee with an update on the fees and charges for the Massage and Special Treatment licensing function.
- 6.2 The Licensing service has reviewed and considered staff hours employed in administering each type of application. The service has proposed a fee structure intended to achieve full cost recovery for each fee category.
- 6.3 Two new fees for both exempt premises and exempt practitioners will be introduced to enable cost recovery for this activity and they are expected to generate an income of circa £2k per year. In addition, there will be new fees for change of details and duplicate document requests.
- 6.4 The total income received will be dependent on the number of license applications received; however, it is expected the service will achieve the current income target.

7. Comments of the Director Legal and Governance

- 8.1 The Director Legal and Governance has been consulted in the preparation of this report and comments as follows.
- 8.2 The London Local Authorities Act 1991 provides power to local authorities to license “establishments for special treatment”, defined in the Act 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 bath*
- 8.3 The power is discretionary – the local authority must pass a resolution to adopt the powers; Haringey has done so.
- 8.4 Sections 6 and 7 of Part II of the Act enables the Council to impose conditions when granting a Special Treatments licence (“MST Licence”) and to prescribe the processes and procedures to be followed in considering and determining any such applications made under this Act
- 8.5 Section 6(4) of the Act enables the Council to approve an MST licence for any period not exceeding 18 months before having to be renewed.
- 8.6 Under applicable and and the Council’s constitution the functions of considering and determining applications under this Act are reserved to the Licensing Committee
- 8.7 The Director Legal and Governance sees no legal reason why the Licensing Committee should not adopt the recommendations in this report.

8.3 APPENDICEES

Appendix 1 – List of Special Treatments

Appendix 2 – Current and Proposed Fee Structure

Appendix 3 – New fees

Appendix 4 - Updated Conditions

BACKGROUND PAPERS

None

APPENDIX 1 – CURRENT LIST OF SPECIAL TREATMENTS

Massage Type Treatments

Massage	Reflexology	Aromatherapy	Shiatsu
Acupressure	Body Massage	Qi Gong	Sports Massage
Tui-Na			

Electrical Treatments

Infra red	Sun beds	Lasers	Faradic
Galvanic	Sarogenics	Cathiodermy	Electrolysis
Spider veins	Sclerotherapy	Vacuum suction	Ultra high frequency
Thread vein treatment			

Water Treatments

Sauna	Floatation	Steam bath	Steam chamber
Jacuzzi	Spa bath	Fish Pedicures	

Other Treatments

Chiropody	Manicure	Acupuncture	Oxygen Therapy
Osteopathy	Pedicure	Moxibustion	Tattooing
Body piercing	Nail extension	Facials	Tattoo Removal
Beading	Micro-pigmentation	Bio Skin Jetting	

This list is not exhaustive and is updated with new treatments from time to time.

APPENDIX 2 – CURRENT /PROPOSED FEE STRUCTURE

Class	Applicants fee £	Fee for each additional person authorised to give treatment £
<u>Class 1</u> Body Massage, Aromatherapy, Steam Bath, Steam Chamber, Jacuzzi, Spar Bath, Sauna, Shiatsu, Lasers, Tattooing, Skin Colouring/ Semi Permanent makeup, Cosmetic Body Piercing, Microblading	698.00	508.00
<u>Class 2</u> Infra Red, Sun Beds, Faradic, Galvanic, Sarogenics, Cathiodermy, Acupressure, Thread Vein Treatment, Spider Veins, Sclerotherapy, Liposuction, Ultra High Frequency, Mole Removal, Facials (ONLY AS PART OF MASSAGE), Fruit Juice Treatment, Floatation, Reflexology, Wrapping/Envelopment, Moxibustion, Osteopathy, Chiropractice	698.00	131.00
<u>Class 3</u> Electro Acupuncture, Acupuncture, Electrolysis	263.00	125.00
<u>Class 4</u> Ear piercing, Nose Piercing, Manicure, Pedicure, Nail Extension	197.00	112.00

NB

1. The maximum basic applicant's fee will be £665.00 in establishments that require two or more Classes of treatment. The fee for a Variation of Licence will be the same as the additional payment per person for the Class concerned (**£508.00, £131.00, £125.00, or £112.00**).
2. Occasional Licences and Transfer of Licence fees will be 50% of the Applicant's fee for the Class concerned.
3. Duplicate Licence fee is £10.50.
4. If an annual Licence is surrendered for cancellation, a pro-rata refund will be made of the fee paid by the Licensee for each complete month of the Licence which remains unexpired after the date of surrender, subject to **£285.00 being** retained by the Council being sufficient to cover the Council's costs in dealing with the application of that Licence. The date of surrender will be deemed to be the date the Licence is returned and received by the Council.
5. If the Council's costs in dealing with the application are higher than the refund due, no refund will be made.
6. If the application for an annual Licence is withdrawn or refused, the fee paid by the applicant will be refunded subject to **£214.00 being** retained by the Council being sufficient to cover the costs in dealing with the application. If the Council's costs in dealing with the application are higher than the fee paid, no refund will be made.

APPENDIX 3 – PROPOSED ADDITIONAL FEE STRUCTURE

Application type	Licence Category	Proposed fee
MST Practitioner Registration	N/A	No Fee
Exempt Practitioner Registration	N/A	No Fee
Exempt Premises Registration	N/A	£100
Change of Details (licensee name/address etc)	N/A	£27.00