

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF REGULATORY SERVICES  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**24 OCTOBER 2018**  
**ALL WARDS**

**ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS**  
**CHANGE TO STANDARD CONDITIONS**  
**BIRMINGHAM CITY COUNCIL ACT 1990**

1. Summary
  - 1.1 Under the Birmingham City Council Act 1990 establishments providing massage and/or special treatments are required to be licensed.
  - 1.2 Each Licence is granted subject to standard conditions.
  - 1.3 It is proposed to amend standard condition 8 to appendix A which relates specifically to sunbeds and solaria to come into line with the current European Standards.
2. Recommendation
  - 2.1 That the Committee approves the proposed amendment to the standard conditions outlined in Section 4 of this report to take effect with all new or renewed licences immediately.

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### 3. Background

- 3.1 The Birmingham City Council Act 1990 provides powers to regulate premises that offer treatments consisting of body massage (e.g. aromatherapy, reflexology etc) Solaria (sun beds, tanning rooms etc), Sauna, Therapeutic Baths, Spas and other similar treatments.
- 3.2 The Licensing team have been requested to review this Act to determine whether there was a need for it or whether it now duplicates legislation which had not been in place when it was implemented.
- 3.3 This report does not form part of that general review of the Birmingham City Council Act; it merely seeks to amend one condition attached to licences that are issued.
- 3.4 The conditions to the licenses were last reviewed and amended in 2007 and since then the European Standards and the HSE Guidance on the use of sunbeds has been revised.
- 3.5 The City Council is now seeing an increase in exemption requests specifically from Appendix A Condition 8 so that businesses can fall into line with the new standards and the HSE Guidance.
- 3.6 It would be expedient therefore to amend this condition for all licences going forward rather than bring numerous separate individual applications for exemptions to committee.

### 4. Conditions

- 4.1 The current Solaria specific conditions are attached at Appendix 1 and the proposed new condition is attached at appendix 2.
- 4.2 This removes the nominal number of sessions and period in between them from 20 per year with 48 hours in between to an exposure limit for each individual of 15 kilojoules per annum.
- 4.3 The effect of this change will be to that a person's individual exposure time will be more closely monitored for their specific skin type, rather than allowing a number of sessions, of undefined length with undefined exposure.
- 4.3 It will be the responsibility of the premises to keep records of their customers and advise them if they are nearing their limit of exposure for the year.

### 5. Consultation

- 5.1 As part of an application for exemption to the current condition 8 the Health and Safety team from Regulation and Enforcement were asked to comment and they provided the following response;

*“There are no specific health and safety regulations regarding tanning times and number of sessions...”*

- 5.2 The proposed change to Condition 8 brings our conditions into line with established European Standards and the recommendations of the industry body The Sunbed Association; as such formal consultation with the trade was not considered necessary.

- 6. Implications for Resources

- 6.1 This work will be undertaken within the resources available from within those funds generated by the licence fee structure.

- 7. Implications for Policy Priorities

- 7.1 The contents of this report are consistent with the Regulation and Enforcement Mission Statement - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

- 7. Implications for Equality and Diversity

- 7.1 No specific implications have been identified.

## **DIRECTOR OF REGULATORY SERVICES**

Background Papers: nil

## **Appendix 1 – Current Conditions**

### **SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA**

Each premises licensed to provide facilities of ultra violet tanning equipment, sun beds and tanning booths shall ensure compliance with the following conditions:

1. The Licensee shall draw up a schedule of maximum exposure times based on the information supplied by the manufacturer and the operator shall advise clients of suitable exposure levels to avoid over-exposure particularly during initial sessions.

#### **Notice**

2. Warning notices and guidance notes issued by the Health and Safety Executive shall be clearly displayed near the machine informing users of the equipment of the danger of over-exposure.

#### **Safety Equipment**

3. Suitable goggles for the protection of the eyes of users of the equipment must be provided and each user must be advised of the dangers of failing to properly protect the eyes from ultra violet light. No user of the equipment should be allowed to undertake treatment without such protection.
4. A suitable readily identified emergency device shall be fitted within easy reach of a person using the equipment. The device, when operated, should switch off ultra violet lamps and summon assistance.
5. Equipment must be situated in a suitable room or cubicle and so positioned that adequate ventilation and cooling is provided. The operation of the equipment must not result in the temperature in the treatment room becoming unreasonable.

#### **Cleaning**

6. The licensee must have procedures in place to ensure that the surface of the bed is cleansed, between each client use, with a suitable cleanser as recommended by the manufacturer of the appliance.

#### **Safety of Users**

7. The Licensee must have procedures in place to ensure that prospective users of sun beds are made aware, on each visit, that certain medical conditions or medicines that are combined with exposure to UV light can have an adverse effect on the health and safety of the user.
8. The Licensee must have procedures in place to ensure that prospective users of sun beds are provided with clear and concise information for:-
  - Guidelines on how to identify individual skin types
  - Safe limits for using a sun bed without burning, to include an understanding that there must be 48 hours between tanning sessions and not to exceed more than 20 tanning sessions per year
  - Informing users whenever the lamps have been changed in the previous 2 weeks, thus making the sun bed more powerful.

## **Appendix 2 – proposed Condition 8**

- 8 The European Standard BS EN 60335-2-27: 2013 is based upon an exposure limit of 15 kilojoules per square metre per person per annum.

As guidance, customers appropriate to tan (following a screening including skin-typing) should receive a timed exposure to bring them up to their MED (Minimum Erythema Dose, i.e. the point at which the skin goes slightly red some 8 - 24 hours following exposure to UV).

For Skin Type 2 (which is a typical Caucasian UK skin type) an individual MED is equivalent to around 250 joules per square metre, thus, based on an annual exposure limit of 15,000 joules, this equates to around 60 sessions per person per year (15,000 divided by 250).

The Licensee must have procedures in place to ensure that prospective users of sun beds are;

- a. Aware of their own skin type
- b. Made aware of the session limit applicable to their skin type and the equipment being used
- c. Made aware of the maximum exposure limits allowed in the European Standard
- d. All sunbeds must be compliant with a maximum UV output as specified in BS EN 60335-2-27 of 0.3W/m<sup>2</sup>.