

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE A - 10 JUNE 2019

**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE A HELD
ON MONDAY 10 JUNE 2019
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Sharpe in the Chair;

Councillors Bob Beauchamp and Adam Higgs.

ALSO PRESENT:

Chris Arundel/ Shaid Yasser – Licensing Section
Parminder Bhomra – Legal Services
Katy Townshend – Committee Services.

NOTICE OF RECORDING

- 1/100619 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

- 2/100619 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/100619 No apologies were submitted.

APPOINTMENT OF THE SUB-COMMITTEE

- 4/100619 Members noted the appointment by the City Council of the Committee and Chairman for the Municipal Year 2019/20.

Members were reminded that they may nominate another Member of their respective Party Group on the Licensing and Public Protection Committee to attend in their place.

Any Member nominated must have had formal training as set out in Paragraph 6.1 of the Licensing Committee Code of Practice for Councilors and Officers.

5/100619 **MINUTES**

The Public part of the Minutes of Meeting held on 18 February 2019 were noted.

The Public part of the Minutes of Meeting held on 4 March 2019 were noted.

The Public part of the Minutes of Meeting held on 1 April 2019 were noted.

The Public part of the Minutes of Meeting held on 4 April 2019 were noted.

6/100619 **DELEGATIONS OF THE SUB-COMMITTEE**

The delegations to the Sub-Committee were noted as follows:-

To determine matters relating to the Licensing Act 2003, the Gambling Act 2005, Hackney Carriage Licences, Private Hire Licences and such business as may be referred by the Assistant Director of Regulation and Enforcement.

EXCLUSION OF THE PUBLIC

7/100619 **RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
(Paragraphs 3 & 4)

BIRMINGHAM CITY COUNCIL ACT 1990 ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS - ASPIRE TAN AND BEAUTY, 602 BRISTOL ROAD, SELLY OAK, BIRMINHGAM.

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the Applicant

Claire Smith – Director

Those Making Representations

Teresa Wilding – Licensing Enforcement Officer

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Following introductions by the Chairman, Shaïd Yasser, Licensing Section, made introductory comments relating to the report.

Ms Claire Smith, on behalf of the applicant made the following points:-

- a) That she bought the shop a year ago off a friend who had been operating for 10 years. She did everything she thought she should have, like contacted the insurance company but she was not aware she needed a licence.
- b) That she had implemented massive changes, including training on the sunbeds and yearly refresher training.
- c) That basically the shop was a beauty/tanning shop.
- d) That they were sometimes very busy and sometimes quiet.
- e) That they worked really hard.
- f) That she was genuine.
- g) That they always carried out consultations prior to people using the sunbeds. They would refuse clients if they were not suitable.
- h) That she wasn't in the shop when the girls came in whom subsequently made complaints. The girls said they had used the sunbeds before and had done 12 minutes, the staff advised that 6 minutes would be appropriate. However, the staff member let them on for 12 minutes and said if it gets too hot get out of the sunbed.
- i) That she had never before had problems with people burning on the sunbeds.
- j) That she contacted Sue who previously owned the shop who had also never had issues with burns.
- k) That she was mortified and tried to work with the mother.
- l) That she genuinely wasn't aware she needed a licence for sunbeds.

- m) That they had a full training programme, information manual, and 2 section checking system.
- n) That they would not be allowing any customers to use sunbeds if they were skin type 1 or 2.
- o) That they used the Bliss training and salon tracker system which would go through everything including skin types, max exposure and she would also do 1:1's with the team.
- p) They had questionnaires to make sure staff understood the training.
- q) That they currently had 2 people working for them and didn't plan on having any others working for them.
- r) That her daughter was ill that's why she wasn't in the shop that day.
- s) That they never had one person in the shop on their own.
- t) That she had inherited sunbeds and they were about 10 years old and were in good working order, regularly serviced and maintained.
- u) That the previous owner of the shop was not licensed either, she was unaware it was a requirement.
- v) That it would never happen again and she had put lots of time and money into the shop.

Mrs Teresa Wilding, Licensing Enforcement Officer, made the following points:-

- a) That their concern was staff training and measures to ensure it would not happen again.
- b) That she had recommended further training, tested the tubes in sunbeds and environmental health had carried out an inspection with no issues.
- c) That to ensure the ongoing safety she would like the mandatory and additional conditions attached to the licence, as outlined below, to ensure the safeguarding of future customers/ the public.

Additional conditions regarding sunbed facilities

All member of staff employed at the premises will undertake comprehensive training regarding how to screen customers and provide all relevant information regarding the safe use of the sunbed facilities.

Staff training must cover the following but this is not an exhaustive list:-

- *Age verification checks to ensure no one under the age of 18 is permitted to use the sunbed facilities;*

- *The importance of providing customers with all relevant information regarding safe use of sunbed facilities;*
- *How to determine a customer's skin type;*
- *The schedule of maximum exposure times for each skin type;*
- *The importance of completing and maintaining the customer record/declaration cards;*
- *The importance of issuing eye protection to every customer;*
- *The requirement there must be 48 hours between tanning sessions;*
- *The salons refusal policy to ensure customers who are not suitable for tanning sessions are refused treatments.*

This training must be documented and each member of staff must sign and date their training records.

Recorded refresher training must be conducted every 12 months and include any new guidance issued.

The staff training records must be maintained at the premises and made available for inspection by any Authorised Officer of Birmingham City Council on request.

- d) That they had added conditions regarding age checks, the importance of providing customers with all relevant information in relation to the safety implications of sunbeds.
- e) There were conditions regarding skin types, training, maintaining client records, eye protection, 48 hours between sessions, salon refusal policy, training documentation, 12 month renewal on staff training, in order to address concerns.
- f) That following their visit the applicant had followed the recommendations and implemented them, and applied for a licence.
- g) That they couldn't ignore the complaint that was received, which is why they had requested the conditions.
- h) That the information and maximum exposure was as recommended by the sunbed association and the industry itself.
- i) That clients would have to provide information sign and date it in order to keep client records.

In summing up Teresa Wilding, LEO, made the following points:-

- That the conditions would mitigate their concerns, training was important and needed yearly refreshers.
- That training would address the new guidance that would come out and what the licence does was address the 4 safety implications, the salons go beyond that and are promoted by the sunbed association.

In summing up, Claire Smith made the following points:-

- That she apologised and was an experienced hair and makeup professional.
- That she was grateful that the authorities had checked and were happy she was complaint.
- That they had genuinely addressed the issues.

At 1219 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1226 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

8/100619 **RESOLVED:-**

That the application by Claire Smith for a Massage and Special Treatment Licence in respect of Aspire Tan & Beauty, 602 Bristol Road, Selly Oak, Birmingham B29 6BQ

BE GRANTED SUBJECT TO THE AGREED CONDITIONS WITH LICENSING ENFORCEMENT AUTHORITY.

The reasons for the Sub committee's decision are related to the representations and submissions made by both the applicant and licensing enforcement officer in respect of the provision of sunbed treatments at the premises following on from a complaint as outlined in the Licensing Enforcement Report.

Members heard the applicant implemented new policies and a documented training package for all members of staff in relation to the health and safety usage of sunbeds on receipt of information and advice from the Licensing Enforcement authority. Further, that applicant was agreeable to the Licensing Enforcement officer's proposed additional conditions requiring mandatory staff training and refresher training regarding the provision of sunbed treatments being attached to the licence.

The Sub-committee carefully considered the recommendations of the Licensing Enforcement officer and the fact that the applicant had already implemented the requirements of the proposed additional conditions in practice with a view to promoting the protection, safety and welfare of those wishing to use the sunbed facilities.

The Sub-Committee were therefore satisfied to impose the additional conditions which were reasonable and proportionate to address the initial complaint and concerns regarding the provision of sunbed treatments at the premises.

All parties are reminded that under the provisions contained within Birmingham City Council Act 1990, any applicant for the grant or renewal of a licence who is aggrieved by the terms, conditions or restrictions on or subject to which the licence is granted or renewed has a right of appeal to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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ANY OTHER URGENT BUSINESS

There were no matters of urgent business.
