

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**16 NOVEMBER 2016**  
**SHELDON**

**BIRMINGHAM CITY COUNCIL ACT 1990**  
**ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS**

**SIAM MASSAGE AND SPA, 2288 COVENTRY ROAD, SHELDON, BIRMINGHAM,**  
**B26 3JR**

**GRANT OF LICENCE AND VARIATION OF STANDARD CONDITIONS**

1. Summary

- 1.1 Anyone conducting an establishment for treatment by way of massage, solaria, jacuzzi, sauna, steam treatment, aromatherapy and other similar types of treatment is required to be licensed.
- 1.2 A specific condition relating to Massage Treatments requires “all massage rooms / areas used for massage to contain a suitable massage couch, bench or table.” However, Thai massage, cannot specifically be performed on that basis.
- 1.3 An application for a new Massage/Special Treatments Licence has been received, together with a request for a variation of standard conditions to permit the provision of Thai Massage, without the use of a “suitable massage couch, bench or table”.

2. Recommendations

- 2.1 That Committee consider and determine the application in accordance with the provisions of Birmingham City Council Act 1990 for the Grant of a Massage/Special Treatments Licence.
- 2.2 If Committee is minded to grant the Licence, to consider the request for variation of the standards conditions of licence and to determine this matter having regard to the options contained in paragraph 6.1 of this report.

Contact officer: David Kennedy, Principal Licensing Officer  
Telephone: 0121 303 9896  
Email: david.kennedy@birmingham.gov.uk

### 3. Background

- 3.1 Mr John Williams t/a Siam Massage and Spa, 2288 Coventry Road, Sheldon, Birmingham, B26 3JR applied for the grant of a Massage and Special Treatment Licence to permit the provision of massage only at the premises between the hours of 11am and 8pm Monday to Saturday.
- 3.2 A Licensing Enforcement Officer conducted a site inspection during which it was identified that the applicant wishes to provide Thai Massage which the applicant has advised is best provided at a lower level and is not facilitated by the use of a couch, bench or table as required by the standard conditions.
- 3.3 A copy of the Licensing Enforcement Officers report, which contains photographs of the proposed treatment facilities, certificate relating to the provision of Thai Massage, a poster showing Thai Massage techniques, the application form and the standard conditions are on the attached appendix.
- 3.4 The Licensing Enforcement Officer has recommended that the standard conditions be varied by the inclusion of an additional condition being:

*“One of the massage rooms / areas may contain a suitable massage mat, placed upon the floor, specifically designed for the provision of Thai Massage. This room can only be used for the provision of Thai Massage, all other types of massage should be carried out in either of the other two treatment rooms.”*
- 3.5 Mr Williams and the Licensing Enforcement Officer have been invited to attend the Committee meeting in support of the request and respond to any questions members may have.

### 4. Consultation

- 4.1 The applicant was required to advertise the application by displaying a notice on or near the premises for a period of 21 days and serve notice of their application to the Chief Constable of West Midlands Police.
- 4.2 In addition, upon receipt of an application the Licensing Section consults with the relevant Local Policing Unit, the Licensing Enforcement Team and also notifies the appropriate Ward Councillors.
- 4.3 The Licensing Enforcement Officer has no objection to the Grant subject to an additional condition being attached to the grant of the licence.

5. Matters for Consideration

- 5.1 The Committee is required to determine the application for a Massage and Special Treatment Licence, and secondly, the request to vary the standard conditions being attached to the grant of the licence as outlined in the Licensing Enforcement Officers report and in respect of any subsequent renewal of the licence whilst the premises continue to offer Thai massage.

6. Options Available

- 6.1 The Committee may:

6.1.1 Grant the licence and any subsequent renewal subject to compliance with the standard conditions of licence.

6.1.2 Grant the licence and any subsequent renewal subject to compliance with the standard conditions of licence as varied by the inclusion of the proposed additional condition detailed at paragraph 3.4 of this report.

6.1.3 The Committee may not refuse the application without first giving the applicant an opportunity of appearing before and being heard by a Committee of the Council, and if so required by him, the Council shall within 7 days after their decision give him notice thereof containing a statement of the grounds on which it was based.

7. Right of Appeal

- 7.1 The Act provides that 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 the right of appeal to the Magistrates' Court within 21 days beginning with the date on which they are notified in writing.

8. Implications for Resources

- 8.1 A fee of £197 is payable for the grant of a Massage and Special Treatment Licence to permit the provision of one treatment.

- 8.2 In the event of an appeal hearing, the Magistrates power to award costs derives from Section 64 of the Magistrates Courts Act 1980 which entitles them to make such order as they think just and reasonable.

9. Implications for Policy Priorities

- 9.1 No specific implications have been identified.

10. Public Sector Equality Duty

- 10.1 No specific implications have been identified. Officers have considered the Public Sector Equality Duty in accordance with the provisions of the Equality Act 2010 and determined that there are no Equality and Diversity implications in respect of their report because of the nature of the decisions recommended.

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background papers: nil

## APPENDIX

**LICENSING ENFORCEMENT REPORT**  
**Birmingham City Council Act 1990**  
**Massage and Special Treatments Licence**

**APPLICANT: JOHN TERRENCE WILLIAMS**

<b>APPLICANT</b>	
<b>NAME</b>	<b>JOHN TERRENCE WILLIAMS</b>
<b>ADDRESS</b>	

<b>BUSINESS PREMISES</b>	
<b>NAME</b>	<b>SIAM MASSAGE AND SPA</b>
<b>ADDRESS</b>	<b>2288 COVENTRY ROAD, SHELDON, BIRMINGHAM B26 3JR</b>

Previous Known Matters:- None known against the applicant

Matter Identified:-

Application has been received for the grant of Massage and Special Treatments licence under the Birmingham City Council Act 1990 from Mr John Terrence Williams. The application relates to Siam Massage And Spa, 228 Coventry Road, Sheldon, Birmingham.

It is the intention of Mr Williams to provide the services of Thai Massage. The service of Thai Massage is provided at a lower level and is not facilitated by the use of a couch/bench/table as is the requirement of the conditions of licence.

It is proposed that initially the only person working at the salon and providing treatments will be the wife of the applicant, Mrs Kanjana Williams.

### **OFFICERS COMMENTS**

An initial inspection has been carried out by Enforcement Officers of Birmingham City Council Licensing. The Officers found that 3 treatment rooms are available at the premises, 2 of the rooms have standard massage couch/table facilities. However, the remaining room has a Thai Massage mat/matress placed upon the floor. There is also a poster displayed in the room detailing the positions of Thai Traditional Massage. The Officers did not consider that the room would be used for illegal or immoral purposes.

Continued...

### **OFFICERS RECOMMENDATIONS**

The purpose of this report is to ask that the licence be granted with an additional condition to read:

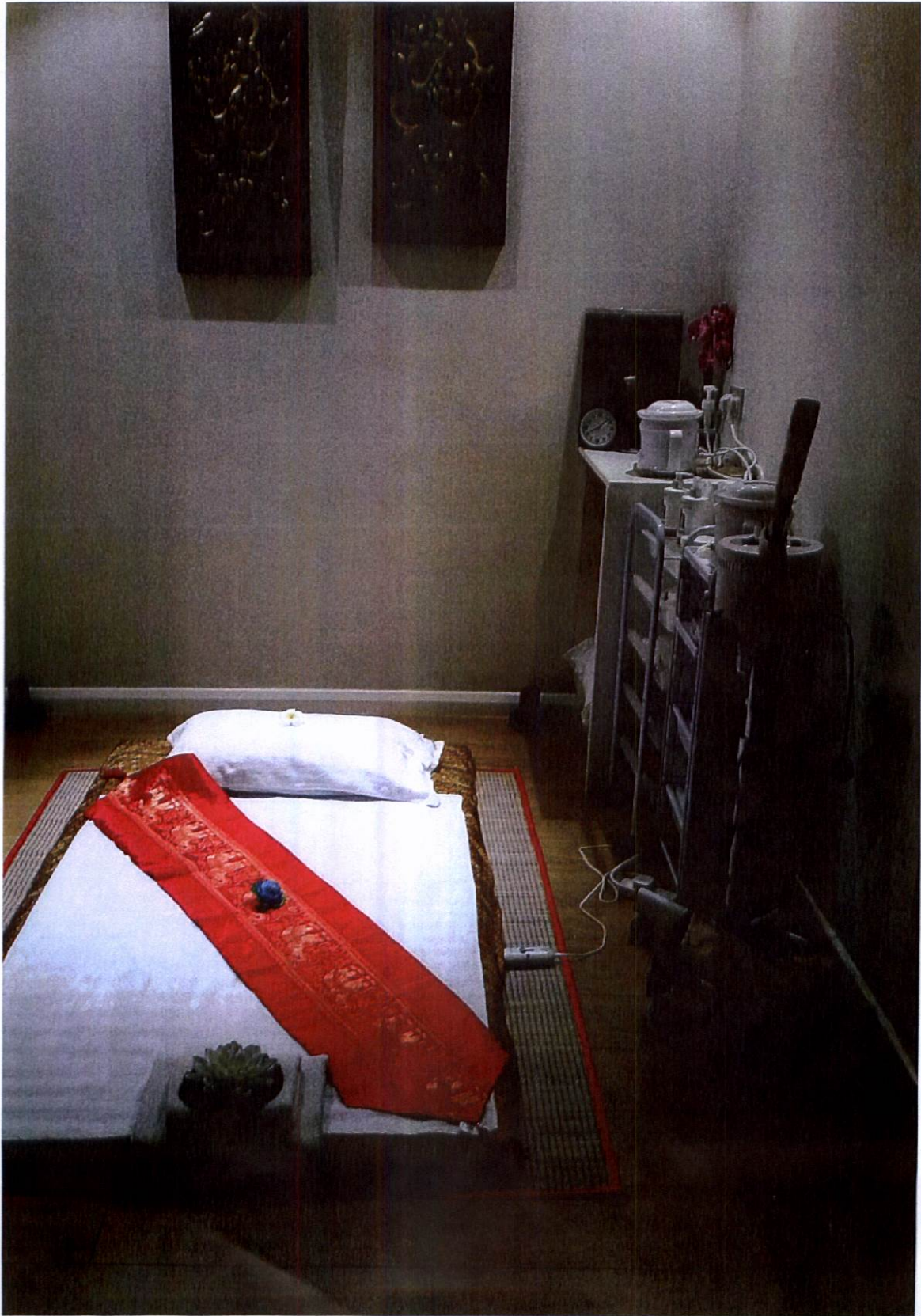
#### **SPECIFIC CONDITIONS RELATING TO MASSAGE**

One of the massage room/areas may contain a suitable massage mat, placed upon the floor, specifically designed for the provision of Thai Massage. This room can **only** be used for the provision of Thai Massage, all other types of massage should be carried out in either of the other 2 treatment rooms.

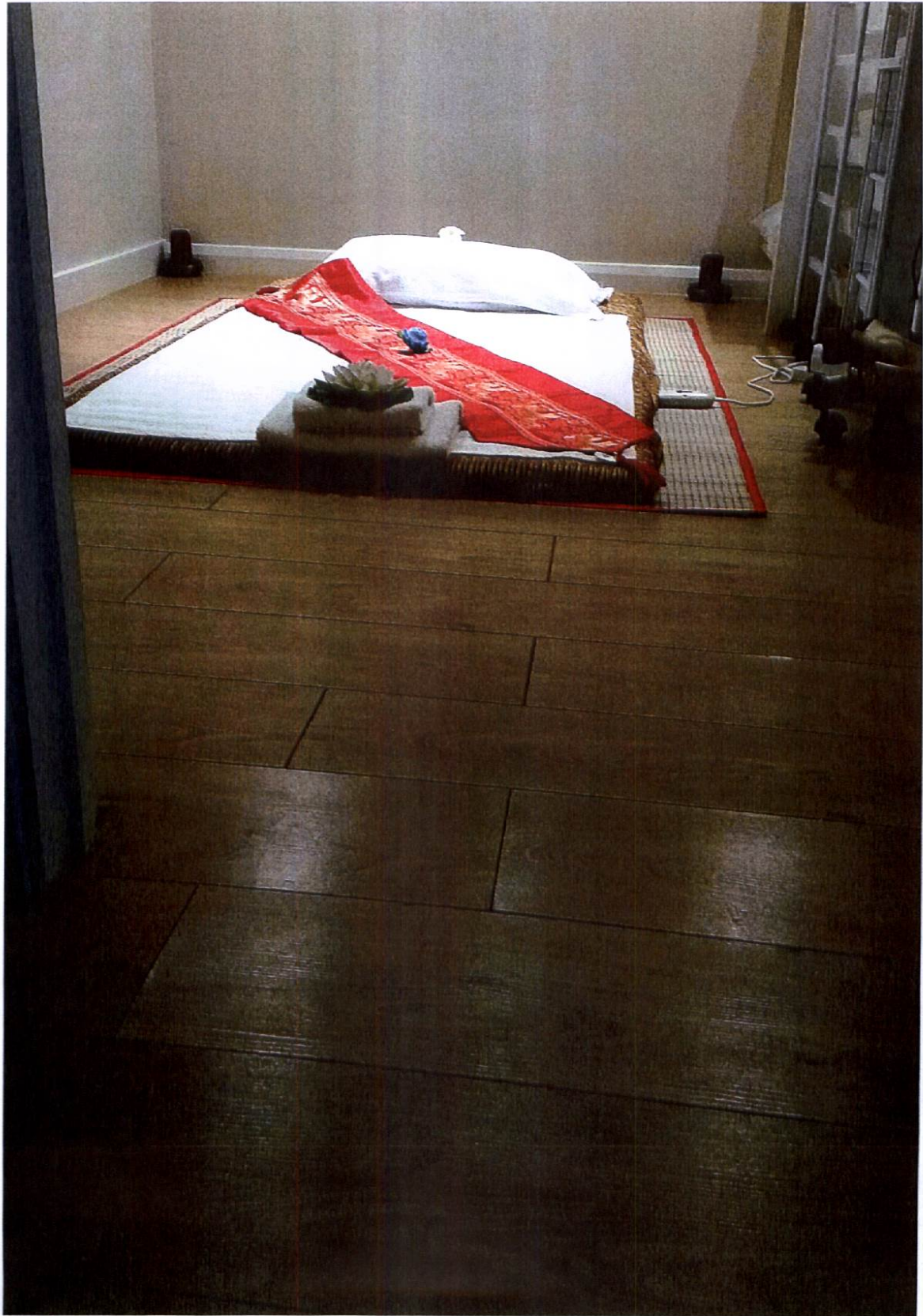
### **DOCUMENTS ATTACHED**

#### **Photographs:**

- Thai Massage room
- Certificate of achievement relating to Thai Massage
- Poster displayed in room showing Thai Massage techniques
- Copy of application form
- Conditions of licence











**Certificate Of Achievement**

This certified that

**Miss Kanjana Chungsang**

for Participation in Thai Massage Therapy Training Course ( 150 hours )

since 4<sup>th</sup> of July , 2004 to 8<sup>th</sup> of August , 2004 ( third group )

on this 8<sup>th</sup> of August , 2004

with all the rights , privileges and honors there to appertaining



*(Signature)*  
( Mr. Mana Tooppae )

Chief of Muang district public health officer





**BIRMINGHAM CITY COUNCIL ACT 1990****Application for a Licence to use any Premises as an Establishment for Massage and/or Special Treatments**

1 Trading Name of Massage/Special Treatment Business:  
SIAM MASSAGE & SPA  
 Address of Business: 2288 COVENTRY RD. SHELDON  
BIRMINGHAM B26 3UR Tel No. 0121 448 5657

2. Is the application being made by an individual: ☒ (go to Q 3)  
 or on behalf of a partnership ☐ (go to Q 4)  
 or a company? ☐ (go to Q 4)

**INDIVIDUAL APPLICANT'S DETAILS**

3. Full name of the Applicant JOHN TERENCE WILLIAMS  
 (Any former names must also be given).

Home Address of the applicant .....

Date of birth .....

National Insurance no. or the EU Member State equivalent .....

Contact tel. no (during normal office hours) .....

Address you wish any correspondence to be sent to .....

REGULATION & ENFORCEMENT  
 LICENSING SECTION  
 DATE RECEIVED

**COMPANY/PARTNERSHIP APPLICATION DETAILS**

4. Name of Company and company registration number (where applicable) .....

Address .....

REF NO 000471 197  
 INITIALS S

If the applicant is a company, complete the details below in respect of each of the directors, the company secretary or other persons responsible for the management of the company. In the case of a partnership, details of all the partners must be given.

Name	Address	Designation

**GENERAL DETAILS OF THE APPLICATION**

MST 1/25

The following questions are to be answered by all applicants

5. Is this application for a

Grant ☒ or a Renewal ☐ or a Transfer ☐ or to add further treatments ☐

If renewal give the date existing licence is due to expire: .....

6. For what activities is the licence required?

Massage ☒ Sauna ☐ Solaria/Sunbed ☐ Spa/baths etc ☐ Steam treatment ☐.

If any other treatment, please give details .....

7. Will the massage or special treatment be available specifically for:

Males: ☐ Females: ☐ Both: ☒

8. Give details of the time during which it is proposed that the premises shall be open.

i) Days of the week: ..... 6 .....

ii) Hours of the day: ..... 11am - 8pm .....

NB. Treatments shall be permitted only between 6am and 12 midnight on any day

9. Are the whole premises described above to be used for massage/special treatment?

Yes ☒ No ☐

10. If the answer to question 9, above, is 'No', please state:

i) Which part of the premises is to be used for the purposes of the licence?

.....

ii) What are the rest of the premises used for?

.....

11. Are the premises leasehold? Yes ☒ No ☐

Are the premises freehold? Yes ☐ No ☒

Please give the name and address of the landlord or of the freeholder:

ARIESVILLE ESTATES LIMITED of POB 47859  
LONDON NW11 0XU

MST 1/25

12. State the full name(s) and address(es) of the owner(s) of the massage/special treatment business, if different to the applicant.

.....

.....

.....

13. If there is to be a manager responsible for the premises in the absence of the licence holder, please supply the following details:

First Name	Surname	Former Name (if any)	Permanent Address	Date of Birth

14. Please give details of ALL persons who will be administering treatment (whether qualified or not)

Full Name	Address
Kanjana Williams	

**NB - For each person detailed above you must complete a personal details form (document ref MST 6/2) and submit all completed forms with this application**

15. Please give details of involvement with any other massage or special treatment establishment and also the nature and extent of such interest, either as:

a) owner or director of owning company: .....

.....

or

b) employee: .....

.....

16. Has the applicant or any persons named of this form any convictions/cautions? Yes ☐ No ☒

If so, please give details below (road traffic convictions/endorsements need not be stated):

**Convictions:**

First Name	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence

**Cautions:**

First Name	Surname	Former Name (if any)	Offence	Date	Where Caution Administered

(If necessary, please continue on a separate sheet)



**DECLARATION****To be completed by Applicant:**

I, declare that the information given above is true and correct to the best of my knowledge and I understand that if I provide any false information or intentionally withhold any relevant information, I am liable to prosecution.

Signed:..... Date of Application: 22.6.16

Name (PLEASE PRINT) JOHN WILLIAMS

Job Title MANAGER

NB: If the application is on behalf of a company, the Company Secretary, or Director of the company should sign the above declaration. If any person signs the declaration on behalf of an applicant, please state in what capacity you are acting.

**If completed on behalf of an Applicant please complete the following:**

I can confirm that the details given on this form are as stated by the applicant and are correct to the best of my knowledge.

Name (block capitals) .....

Organisation .....

Relationship to Applicant (eg Solicitor, Employer) .....

Signature ..... Date 1/1/16

**Completed Applications should be returned to:**

Birmingham City Council  
Licensing Section  
P.O. Box 17013  
Birmingham  
B6 9ES  
Email: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

**Checklist for Applicants****Have you remembered to:-**

- |   |                                     |
|---|-------------------------------------|
| Enclose cheque/payment                                | <input checked="" type="checkbox"/> |
| Sign application form                                 | <input checked="" type="checkbox"/> |
| Send Notice of Application to WM Police               | <input checked="" type="checkbox"/> |
| Enclose completed Personal details form               | <input checked="" type="checkbox"/> |
| for each Person listed in section 14                  | <input checked="" type="checkbox"/> |
| Display Notice of Application (grant only)            | <input checked="" type="checkbox"/> |
| Electrical Certificate (required for grant & renewal) | <input checked="" type="checkbox"/> |

**BIRMINGHAM CITY COUNCIL ACT 1990**  
**LICENSING OF MASSAGE AND SPECIAL TREATMENTS**  
**ELECTRICAL CERTIFICATE**

This is to certify that the electrical installation in respect of:-

(Premises) ..... *SIAM MASSAGE & SPA* .....

..... *2288 COLONET ROAD, SHADON, BIRMINGHAM B26 3JR.* .....

was inspected on ..... *27 MAY 2016.* ..... and I hereby confirm the safety  
of all electrical installations, equipment and electrical apparatus used within  
the establishment for the purpose of the licence.

Signed: .....

Company Name ..... *JORDAN ELECTRICAL DESIGN* .....

Company Address ..... *172 PRINCE OF WALES LANE* .....

..... *BLASTOCK BIRMINGHAM B14 4LH.* .....

**NOTE** This certificate must be signed by one of the following:-

- or (a) a Chartered Electrical Engineer
- or (b) a member of the Electrical Contractors Association
- or (c) a certificate holder of the National Inspection Council  
for electrical installation contracting
- or (d) the Electricity Supplier

Birmingham City Council  
Licensing Section  
P.O. Box 17013  
Birmingham  
B6 9ES

Tel no: 0121 303 9896

**Birmingham City Council Act 1990 – Massage and Special Treatments Licence****Personal Details Form**

<b>Trading Name and Address of Massage and/or Special Treatment Premises:</b>	SIAM MASSAGE & SPA
<b>Full name of person giving treatment (Please give former names if any):</b>	KANJANA WILLIAMS
<b>Address:</b>	
<b>Postcode:</b>	
<b>Age:</b>	
<b>National Insurance Number:</b>	
<b>Date and Place of Birth:</b>	
<b>Qualifications to give the treatment:</b>	150 hours THAI MASSAGE THERAPY TRAINING COURSE
<b>Name and Address of College/Organisation:</b>	NONHABURI PUBLIC HEALTH OFFICE

I consent to the information provided on this form being exchanged with other agencies in the interests of enforcement and protection of public funds

Signed: .....

Dated: 22-6-16

This form is to be completed for each person providing treatments under the Birmingham City Council Act 1990. It must be signed by the individual named on the form.

**Completed Forms should be sent to:**

Birmingham City Council  
Licensing Section  
P.O. Box 17013  
Birmingham  
B6 9ES

**BIRMINGHAM CITY COUNCIL ACT 1990**  
**CONDITIONS OF LICENCE**  
**MESSAGE AND SPECIAL TREATMENT ESTABLISHMENTS**

**THE LICENSEE**

1. Treatments that are covered by the Birmingham City Council Act 1990 which are not specified on the licence shall not be offered.
2. The establishment shall trade at the address specified in the licence, and in the name specified in the licence.
3. The Licensee shall notify the Council in writing, within 7 days, of any change in the name or private address of the Licensee.
4. The Licensee, if a company, shall notify the Council in writing, within 7 days, of any change in the names of directors of the company.
5. Unless the Licensee has written consent of the Council they shall not:
  - a) employ anyone at the premises whose licence has previously been revoked or who has been refused a licence where they were unsuitable to hold a licence;
  - b) employ anyone at the premises where the Council has previously considered that individual to be unsuitable because of misconduct; or
  - c) permit any such person mentioned in a) or b) above to directly or indirectly have an interest in the business carried on at the premises;
  - d) employ any person in the conduct of the establishment under the age of 17.
6. Treatment shall only be given by persons approved by the Council or under the supervision of a person approved by the Council.
7. The Licensee shall ensure that all persons approved by the Council to offer treatments shall display at the premises all certificates of recognised qualifications in respect of the services permitted by the Licence.
8. The Licensee must display, in a prominent position within the premises, the Licence issued by the Council

9. The Licensee shall at all times exhibit, in a conspicuous position, a complete scale of fees for treatments given at the premises.
10. The Licensee shall notify the Council, within 7 days, any change to the list of persons engaged in the provision of massage or special treatment at the establishment. If the change relates to the addition of a new person then notification must be by completion and submission within 7 days of Document MST6.1.
11. The Licensee shall notify the Council in writing within 7 days of any conviction received by him/her in respect of any offence of dishonesty or immorality.
12. The Licensee shall not permit the establishment to be used for any illegal or immoral purpose.

#### **THE PREMISES**

13. The premises and any treatment room or waiting room must be kept clean and maintained in good repair and condition.
14. There shall be adequate lighting and ventilation to any treatment or waiting room, either by natural or artificial means.
15. Readily accessible wash hand basins must be provided for any treatment rooms.
16. There shall be provided for each wash hand basin, hot and cold water, soap, a nail brush and clean hand drying facilities.
17. There shall be provided in every treatment and waiting room suitable and sufficient means for heating and a reasonable room temperature shall be maintained.
18. Suitable and sufficient toilet accommodation must be available for employees and clients.
19. The Licensee shall ensure compliance at all times with the relevant provisions of the Health and Safety at Work Act 1974 and shall at all times take reasonable precautions to ensure the safety of clients whilst in the premises.

#### **CUSTOMER CARE**

20. Where it is intended that more than one person shall be treated in the same room, suitable screening shall be provided to maintain privacy.

21. All instruments, towels, materials and equipment used in connection with the establishment shall be thoroughly cleansed prior to use by, or application to any client and there shall be provided proper means for securing the cleansing of all such instruments, towels, materials and equipment.
22. The Licensee shall ensure that all persons present in any part of the establishment are decently and properly dressed at all times, except for those persons receiving treatment in accordance with the conditions of this Licence.
23. Adequate changing accommodation shall be provided.

#### **RECORDS**

24. The Licensee shall keep and maintain:
  - a) A record of all persons employed for administering treatment, whether qualified or not, with details of their full name, date of birth, private address, national insurance number, signature and qualifications where applicable.
  - b) A daily register of all staff administering treatment shall be maintained; the register shall record the start and finish time of each therapist.

The above records shall be kept on the premises named on the licence at all times, and shall be immediately available for inspection, by an authorised officer, during opening hours.

No person shall make a false entry into any records required to be kept as a condition of the licence.

#### **CONDUCT OF BUSINESS**

25. The Licensee or a responsible person nominated by the Licensee, in writing to the Licensing Section, must be on the premises and in charge of the establishment and immediately contactable by an authorised officer at any time during the permitted hours of opening.
26. The Licensee must ensure that the nominated person is fully aware of the Conditions of Licence, particularly those relating to the maintaining of records.
27. The Manager or other person directly or indirectly responsible for the management of the premises shall be under the same obligation as the Licensee to comply with these conditions.



**PERMITTED HOURS**

28. The services provided by this establishment shall be permitted only between the hours of 6.00 am and 12.00 midnight on any day. (Please note that the hours permitted by this licence do not override any restrictions imposed by any planning consents for the premises.)

**SAFETY OF EQUIPMENT - ELECTRICAL CERTIFICATE**

29. The Licensee shall on application for renewal of this Licence submit to the Council a certificate signed by a competent electrician certifying the safety of all electrical installations, equipment and electrical apparatus used within the establishment for the purposes of the Licence.

**SPECIFIC CONDITIONS RELATING TO MASSAGE**

1. All massage rooms/areas shall contain a suitable massage couch/bench/table. (Four Poster beds, or beds designed for the purpose of sleeping shall not be permitted.)
2. There shall be no advertisement in words or pictures suggesting that there is an erotic element in the treatment provided.

**SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA**

1. See Appendix A attached.

### **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.