

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ASSISTANT DIRECTOR OF REGULATION AND
ENFORCEMENT TO LICENSING SUB-COMMITTEE A**

24 JUNE 2019
BORDESLEY & HIGHGATE

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

ROHDEA HEALTH & WELLNESS CLUB, 65A LOWER ESSEX STREET,
BIRMINGHAM B5 6SN

GRANT OF LICENCE

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 Each premises is subject to an inspection by a Licensing Enforcement Officer and there is consultation with the West Midlands Police concerning the suitability of applicants.
- 1.3 An application has been received for the grant of a licence for the provision of massage at Rohdea Health & Wellness Club, 65a Lower Essex Street, Birmingham, B5 6SN.
- 1.4 Paragraph 5 of this report outlines the criteria for consideration of a Massage and Special Treatment Licence.

2. Recommendations

- 2.1 The Licensing Sub-Committee is requested to consider and determine the application for the grant of a Massage & Special Treatment licence in accordance with the provisions of Birmingham City Council Act 1990 and 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 HJ 688 Limited t/a Rohdea Health & Wellness Club, 65a Lower Essex Street, Birmingham, B5 6SN applied for the grant of a Massage and Special Treatment Licence to permit the provision of massage at the premises between the hours of 8:00am and 11:30pm Monday to Sunday. A copy of the application, including supporting documents, is attached at Appendix 1.
- 3.2 Objections have been received from members of the public, which are attached at Appendices 2 and 3.
- 3.3 Representatives of West Midlands Police Licensing Team and Birmingham City Council's Licensing Enforcement Team have confirmed that they have no objections to the grant of a licence. Copies of the responses are attached at Appendices 4 and 5 respectively.
- 3.4 A copy of Birmingham City Council's standard conditions relating to Massage & Special Treatment Licences is attached at Appendix 6.
- 3.5 Site location plans are attached at Appendix 7.
- 3.6 The applicant has been invited to attend the meeting in support of her application and to respond to any questions members may have.
- 3.7 The objectors have also been invited to attend the meeting in support of their objection and to 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.

5. Matters for Consideration

5.1 The Licensing Sub-Committee is advised that the Birmingham City Council Act specifies the following grounds for refusal of an application for the grant of a licence in the case of:

- a) any person under the age of 21;
- b) any person who has been convicted of an offence under the Sexual Offences Acts 1956 to 1976 or the Street Offences Act 1959 or who may be otherwise unsuitable to hold such a licence;
- c) any premises which are unsuitable for the purposes of an establishment for massage or special treatment or in which the accommodation or provision for such treatment is not reasonably adequate or suitable;
- d) any establishment which has been or is being improperly conducted;
- e) any establishment in which adequate professional, technical or other staff is not available for the administration of such massage or special treatment as may there be provided; or
- f) any establishment which is being carried on in contravention of the provisions of this Act or any byelaw made there under.

5.2 Having considered the application, the objection notices received and having heard from all parties present at the hearing the Licensing Sub-Committee is required to determine the application for the grant of a Massage and Special Treatment Licence.

6. Options Available

6.1 The Licensing Sub-Committee may:

- 6.1.1 Grant the licence subject to compliance with the standard conditions of licence.
- 6.1.2 Grant the licence subject to compliance with the standard conditions of licence and / or the imposition of other terms, conditions or restrictions as the Committee may consider appropriate.
- 6.1.3 Refuse the licence. The Licensing Sub-Committee may not refuse the application without first giving the applicant an opportunity of appearing before and being heard by a Sub-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, renewal or transfer of a licence has a right of appeal against decisions to refuse to grant, renew or transfer a licence to the Magistrates Court.
- 7.2 The Act also provides that any applicant 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.
- 7.3 Any such appeals to be lodged within 21 days beginning with the date on which they are notified of the decision in writing.

8. Implications for Resources

- 8.1 A fee of £161 is payable for the grant of a Massage and Special Treatment Licence to permit the provision of massage.
- 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.

ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background papers: nil

MST 1/25

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:
 HJ 688 T/A Rohdea Health & Wellness Club
 Address of Business: 65 A Lower Essex Street, Birmingham
 B5 6SN
 Tel No.

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

INDIVIDUAL APPLICANT'S DETAILS

3. Full name of the Applicant.....
 (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 2 APPLICATION
 REGISTRATION NO.
 DATE RECEIVED
 REF NO. NO FEE
 INITIALS 0009461/000513
 £161

COMPANY/PARTNERSHIP APPLICATION DETAILS

4. Name of Company and company registration number (where applicable).....
 Address: 65A Lower Essex Street, Birmingham (First floor)
 B5 6SN

Company No: 11860606

HJ 688 Limited T/A

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
Xue Yue Jiang		Director

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: Monday to Sunday
ii) Hours of the day: from 8 am to 11:30 pm

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?

The First floor will to be used for the purposes.

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

The Ground Floor remain as a Ware house

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:

Hong Pringle - Lw (Landholder)

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

HJ 688 Limited T/A Rohdea Health & Wellness
 65A Lower Essex Street, Birmingham Club
 B5 6SN

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
Xue Yue	Jiang			

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

Full Name	Address
Xue Yue Jiang	
Xue Hua Jiang	
Zhong Huang	

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: 16 / 03 / 2019

Name (PLEASE PRINT) Xue Yue Jiang

Job Title Director

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) HONG PRINGLE - LUO

Organisation

Relationship to Applicant (eg Solicitor, Employer) The Leaseholder of 65 Lower Essex Street

Signature Hong Pringle - Luo Date 16 / 03 / 2019

Completed Applications should be returned to:

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

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

- | | |
|---|-------------------------------------|
| Enclose cheque/payment | <input 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"/> |



Appendix 1 continued – Applicants supporting documents

From: Xue Rohdea <
Sent: 20 May 2019 10:53
To: Licensing
Cc: Gary Callaghan
Subject: 65 Lower Essex Street, Birmingham B5 6SN

Dear Licensing Committee Members

In consideration of the proposed Massage & Special Treatment license for the **Rohdea Health & Wellness Club, 65 Lower Essex Street, Birmingham, B5 6SN** we would like to make the licensing committee aware of the following facts:

Proposed Therapy

It is the intention of the applicant to provide Traditional Chinese massage therapy known as Tui Na which is one of the four branches of traditional Chinese medicine, the other three branches being acupuncture, herbal medicine, and medical qi gong.

The applicant is aware that Tui Na is comparatively unknown within the United Kingdom but it is, in fact, an ancient form of therapy and is provided throughout the public health system within the People's Republic of China. Tui Na is considered to be one of the oldest forms of massage and bodywork that exist today and employs the same methods and principles of diagnosis as acupuncture.

While acupoints by way of needles are used in acupuncture the Tui Na practitioner uses the pressure of their fingers/thumbs/elbows to help ease and heal issues within selected groups of points and zones with particular ranges of influence on the body's functions and are activated by specific manipulations in accordance with the condition being treated.

Tui Na used primarily for the treatment of conditions of an internal nature including but not limited to:

- digestive disorders,
- menstrual irregularities,
- headaches,
- insomnia,
- chronic fatigue,

- backache,
- stiff neck, sciatica,
- tendonitis,
- frozen shoulder,

Tui Na can be used alongside acupuncture and traditional Chinese medicine or on its own. Paediatric Tui Na is a specialist branch of Tui Na and a highly effective treatment modality for babies and young children, however, at this stage, we do not intend to offer pediatric treatment.

As with acupuncture, Tui Na treatment can use specialist therapies such as moxibustion – the warming of acupoints or other areas on the body with a smoldering herb known as moxa; cupping – the application of glass suction cups to the surface of the skin; and gua sha – the gentle abrasion of the skin with a smooth scraper.

The Tui Na massage itself is performed through clothing, but part of the clothing may need to be removed if the practitioner uses any of these related therapies or applies a therapeutic massage medium.

The south side has a large Chinese population and while we would like to provide therapy for our large Chinese student community and the Chinese population as a whole, who are already aware of the benefits of Chinese massage therapy, we would also like to introduce it to the wider population which we believe will benefit from the excellent addition to existing therapy options.

Issues with particular self-interested parties.

The leaseholder obtained the lease several years ago and the property was used as a factory, however, in recent months, the freeholder has not disguised their desire to buy back the lease. This they have discussed on several occasions that this will be through any means.

As the leaseholder, who purchased the long lease, we do not wish to be intimidated to sell back our lease and feel the current environment is close to coercion, both from the existing freeholder and the leaseholder of an adjacent property who would, we believe, be in a more financially advantageous position if we were forced to sell our lease. It should be noted that we originally purchased the lease from the very same leaseholder of the adjacent property.

Historical situation

We understand that a situation arose under the previous sub-tenants in terms of employment practices. However, it should be clear and understood that these individuals were a 3rd party and have now been

removed. The indiscretions of this 3rd party should not in any way hold any bearing on this decision as they have no connection to the proposed new business or the current lease, and no longer have any connection with 65 Lower Essex Street. We believe that any discussion of these individuals in relation to this application is more based on racial profiling and the desire to force the sale of the lease rather than any rational argument.

None related matters discussed

It is also noted that there has been a discussion of issues in relation to massage parlors historically which have zero relation to our proposed therapy center, or location, and especially ownership and obviously have nothing to do with the proposed therapy center. This is not only insulting but highly inflammatory and frankly, we believe potentially again the use of racist ideology.

Summary

As you will see from the above description of the services we wish to provide, this is a professional therapy service, a service which will inevitably relieve numerous conditions for our potential customers and significantly benefit the community. In fact, we would love for the licensing committee to come to the center after opening to experience for themselves the health benefits of traditional Chinese therapy so that they can share our enthusiasm for this branch of traditional Chinese therapy.

Planning, we would also like it noted that planning permission has been granted for the change of use, and the associated documents are attached.

Lastly, even on the basis of refusal, we will progress the business with head, neck, and feet only therapy, however, this will not provide the full benefits that the applicant wishes to provide, which as mentioned above tend to be carried out over clothing and more often than not above the shoulder. We implore you to provide the full license so that the applicant, as a therapy provider can provide unencumbered health benefits which have been delivered in China and Asia for millennia to the local community as well as providing jobs and the associated economic benefits.

Key Person

Mr. Charles. Gillett: acting on behalf of "Gooch Estate" who has approached the leaseholder myself offering to purchase the lease of 65 Lower Essex Street but has rejected on several occasions.

Mr. Peter Wall: Chairman of W G Eaton Ltd who sold his own lease of 63-64 Lower Essex Street to "Gooch Estate" again has suggested on many occasions that we should accept the offer from Mr. Charles Gillett re the sale of 65 Lower Essex Street.

Kind regards

Hong Pringle-Luo

the Leaseholder of 65 Lower Essex Street, Birmingham B5 6SN

DECISION DOCUMENT**APPLICATION NUMBER: 2019/01499/PA****TOWN AND COUNTRY PLANNING ACT 1990**

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Change off use from offices (Use Class B1) to massage treatment rooms (Sui Generis); New doors to front elevation

at

65 Lower Essex Street, Birmingham, B5 6SN

Conditions that affect this development or use

- 1 Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on the following drawing numbers ('approved plans'):
 - o Location Plan 1:1250;
 - o Site Plan 1:500;
 - o Proposed change of use plans, offices to Chinese massage rooms; and;
 - o Proposed change of use elevations, offices to Chinese massage rooms.Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework 2019.
- 2 Footway Crossing to be Reinstated
Prior to the first use, the redundant vehicular crossing shall be reinstated to full height kerb at the applicant's expense.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, and the National Planning Policy Framework 2019.
- 3 Implement within 3 years (Full)
The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

Date: Friday 17th May 2019



Waheed Nazir, Director of Inclusive Growth

P.O. BOX 28, Birmingham B1 1TU

**Please note
This is not a building regulation approval**

INFORMATIVE NOTE(S) (if any)

In arriving at this decision, Birmingham City Council has endeavoured to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

APPROVED

APPENDIX 2

From: >
Sent: 23 April 2019 12:05
To: Licensing
Subject: 65 Lower Essex Street - application for a Massage & Special Treatment Licence (MST) on 2nd April 2019 [PENNY-DMS.FID124427]

We act on behalf of the 'Gooch Estate', freehold owners of the above property as well as the rest of the property in this island block bordered by Lower Essex Street, Kent Street, Gooch Street North and Wrentham Street (apart from a small piece of land on the corner with Sherlock Street) and the owners of all the properties in the block opposite, between Lower Essex Street and Hurst Street (apart from the 'Medusa' premises).

The long leaseholders over whom we have little control, having regard to the nature of the ground lease that governs the occupation of the premises, have shown themselves to have been involved in unsatisfactory business practises in the past and bearing in mind the nature of the type of business that requires a licence under the Birmingham City Council Act 1990 our client has every reason to be concerned over the future use of these premises. However, the business may be entirely legitimate. As long as the law is upheld and it is closed down if the practises are not in accordance with the Act then that is fine but we are concerned about illegal conduct and the impact it will have on other occupiers in the vicinity. The Gooch Estate have experience of licenced premises being used for erotic massages in direct contravention of the Act and nothing being done to close down the establishment or to prosecute the business owners. We are therefore concerned a similar situation will arise here with a lack of Local Authority resource to properly administer and ensure the licence is not breached and to prosecute if it is. As a consequence we do not consider this application appropriate for these premises.



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From:
Sent: 04 April 2019 14:24
To: Licensing
Cc:
Subject: Massage License Application-- Birmingham City Council Act 1990--65A Lower Essex Street B5 6SN --HJ 688 Ltd

Dear Sirs—I am Chairman of W.G.Eaton Ltd , a long established family owned manufacturing Business based at 61/63 Lower Essex Street , B5 6SN which is next door to the premises mentioned above which are subject to the License Application in the name of HJ 688 Ltd --a copy of the handwritten Application dated 31st March 2019 was posted on their premises on 2nd April .

Our objections , on behalf of both our shareholders and Employees , are based on the following points :

1. HJ 688 Ltd is a newly formed company with no shareholders or officers yet registered at Companies House . It is not an established and reputational Massage Business with any sort of trading record .
2. As you will see from your records that we contacted you on 9th February this year when a similar Notice appeared on these premises purporting to be a similar Application from a different company—HQHY Ltd .
3. We are aware that Planning Permission (Ref 2019/01499/PA) has been lodged with B'ham City Council for a Change of Use at 65 Lower Essex Street and the details filed indicated a Right of Way over our Driveway
at No 61/63 which is completely untrue .
4. Our Employees were very unsettled by 2 Raids on No 65 last year by the Home Office Immigration Enforcement team and we were informed by the Officer in charge (Paul Mackinnon) that
“ we found 6 Adults living on the top floor (65A) in poor conditions in what are understood to be commercial /industrial premises ... a number of arrests were made ... ”
5. We understand from the Freeholders that the lease of No 65 Lower Essex St is still owned by the same people who were responsible for the activities there last year .
6. We do not consider that Massage Parlours and associated activities are appropriate in area designated for top quality retail and residential purposes and so close to the City Centre .

Please confirm Receipt of this Email—Copied to interested parties .

Yours Faithfully—

W G Eaton Ltd , 61/63 Lower Essex Street —

From: bw licensing
Sent: 24 April 2019 08:03
To: Parminder Dhillon
Subject: RE: HJ 688 T/A ROHDEA HEALTH & WELLNESS CLUB, 65 LOWER ESSEX STREET, BIRMINGHAM, B5 6SN

Morning Parm,

No objection to this app

Regards

Chris Jones 55410
Birmingham Central Licensing Team

West Midlands Police HQ
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

(Sat nav postcode B4 6AT)

Contact us on 999 in an emergency or for all other matters please visit [WMPolice Online](http://www.west-midlands.police.uk)



From: Parminder Dhillon
Sent: 23 April 2019 10:07
To: bw licensing
Subject: FW: HJ 688 T/A ROHDEA HEALTH & WELLNESS CLUB, 65 LOWER ESSEX STREET, BIRMINGHAM, B5 6SN

Dear Sirs,

Please see email below.

Kindest Regards

Parminder

From: Parminder Dhillon
Sent: Thursday, April 04, 2019 11:16 AM
To: bw licensing
Subject: HJ 688 T/A ROHDEA HEALTH & WELLNESS CLUB, 65 LOWER ESSEX STREET, BIRMINGHAM, B5 6SN

Dear Sirs,

Birmingham City Council Act 1990
Application for a Massage and/or Special Treatment Licence

We have received an application from the above premises for the GRANT of a Massage and/or Special Treatments Licence.

I enclose a copy of an application by **Xue Jiang** in respect of **HJ 688 T/A ROHDEA HEALTH & WELLNESS CLUB, 65 LOWER ESSEX STREET, BIRMINGHAM, B5 6SN.**

I should be pleased to receive any comments you wish to make concerning this application by completing the section below and returning it to Licensing by the **19 April 2019.**

Type of Licence: **Massage and Special Treatments**

Please tick one box

- ☐ No Objection
- ☐ No Objection subject to recommendations (give details on a separate sheet)
- ☐ Objection to licence application (give full details on a separate sheet)

Name of Officer: Station:

Contact telephone No: Date:



Worksheet/Job Number: WK/ 9326912.

To: Licensing Enforcement Team

Date: 9/5/19.

From: Licensing Section

Property Details: ROTHEA HEALTH & WELLNESS CLUB
65 LOWER ESSEX ST, BS 6 6SN.
Licence Type: **Massage and Special Treatments Licence**

Attached is a copy of the application for a licence in respect of the above.

I should be pleased to receive any comments you wish to make concerning this application within 21 days of the date of this memo by completing the detachable return slip below. If we do not receive your comments by the end of the consultation period then we shall assume that you have no objections to the licence being issued.

Parminder Dhillon
Licensing Section (General)

Property Details: ROTHEA HEALTH - WELLNESS CLUB
65 LOWER ESSEX ST, BS 6 6SN

Please tick one box

- ☒ No objection subject to standard conditions.
- ☐ No objection subject to additional conditions being attached. (Give details on separate memo as additional conditions will need to be referred to Licensing Committee).
- ☐ I object to the issue of a licence. (Give grounds for objection on separate memo as application will need to be referred to Licensing Committee).

Inspected by: Date: 9/5/19.

Full Name: GUEST NA McWright Time taken: 1 hour 40 mins.

Position: Enforcement Officer Contact number:



Regulation and Enforcement
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES

General Licensing
Telephone: 0121 303 9896
Email: licensing@birmingham.gov.uk
Web: www.birmingham.gov.uk/licensing

THE PLACE DIRECTORATE

BIRMINGHAM CITY COUNCIL ACT 1990
CONDITIONS OF LICENCE
MASSAGE 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.

APPENDIX A - 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

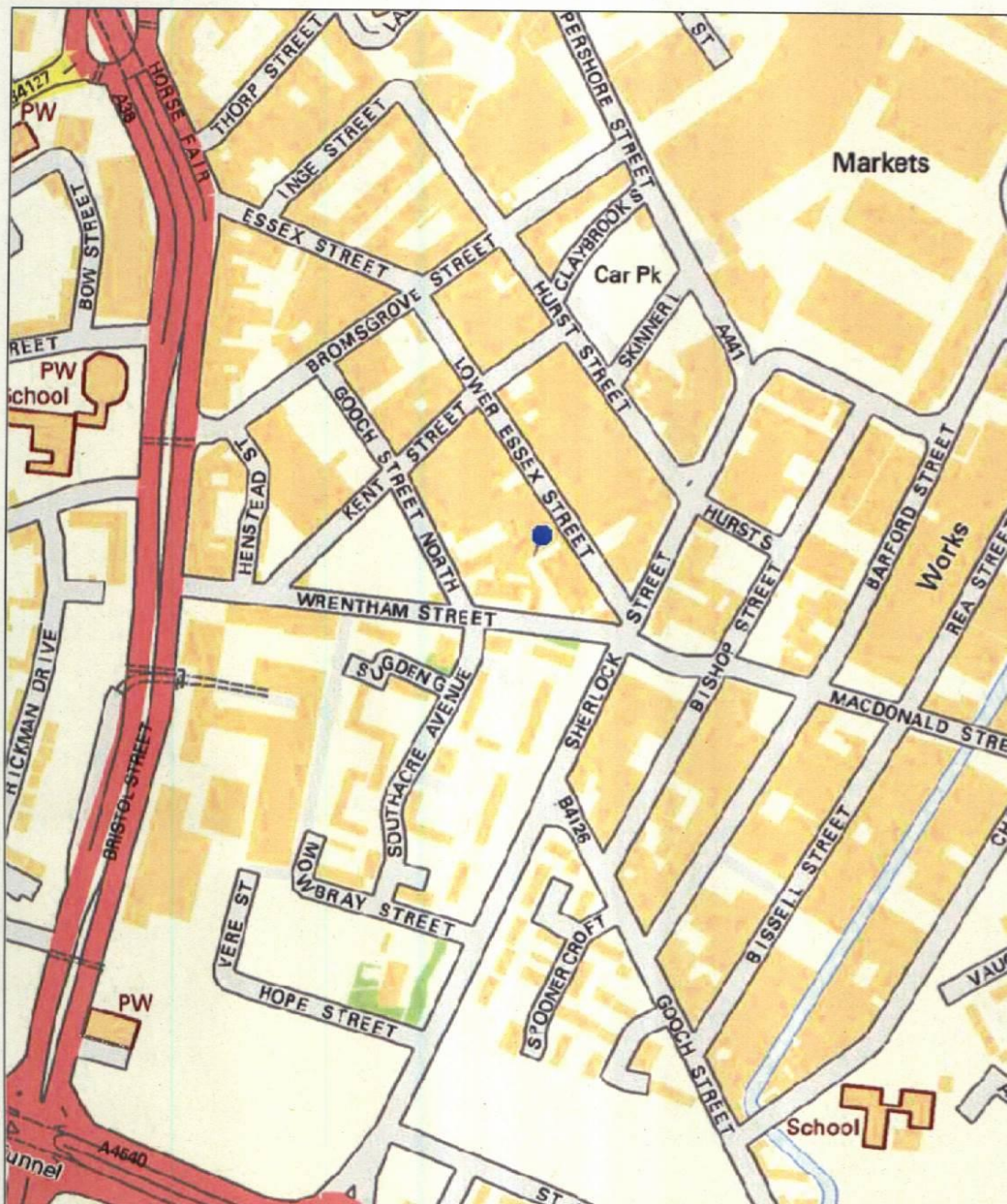
7. The Licensee must have procedures in place to ensure that prospective users of sun beds are made aware, on each visit, that certain medical conditions or medicines that are combined with exposure to UV light can have an adverse effect on the health and safety of the user.
8. The European Standard 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 Erythral 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/m².



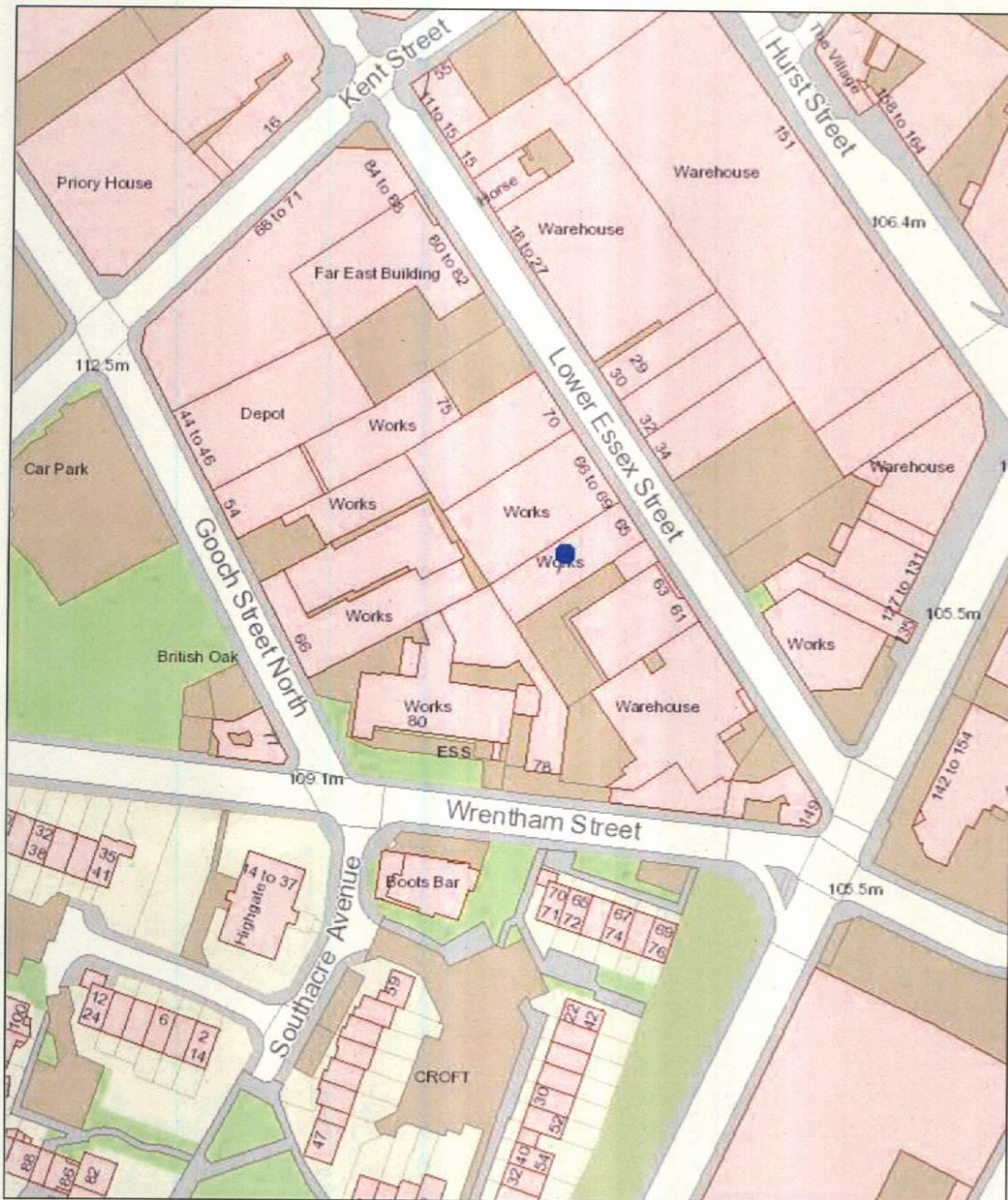
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Scale:
1:4,000



Birmingham City Council

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Scale:
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