
TO **Licensing and Safety Team**

FROM **Natalie Thompson**

REFERENCE: **China Five Elements**

DATE **5th October 2018**

Re: China Five Elements Ltd
T/A China Five Elements, 35 Artillery Lane, London, E1 7LP

Reference is made to the Special Treatment License for the above premises. Currently the business holds a premises special treatments licence to carry out massage, tui-na, reflexology and acupuncture. The premises made an application to renew their licence which was received by the council on the 19th September 2018. See **NAT.CFE.1** for the application form and supporting documents.

An objection to the renewal of the special treatment licence is being made for the following reasons;

1. The Licensing and Safety Team has evidence of the premises being improperly conducted. *London Local Authorities Act 1991, Section 8 (e)*. The business *China Five Elements* has been investigated and found to be offering services of a sexual nature to customers. Evidence of this is attached in the form of a witness statement from a test purchaser from a company hired by the council to carry out these visits. This is included as **NAT.CFE.2**. An internet search of the company was carried out which revealed that there had been reviews in the past which also detailed services of a sexual nature were offered to customers. See **NAT.CFE.3** for these reviews. The matter has been brought to the courts for prosecution by the council. The Single Justice Procedure Notice shows the charges that were made against the company in relation to the business at the premises of China Five Elements, 35 Artillery Lane, London, E1 7LP. See Appendix **NAT.CFE.4**.
2. The matter was heard in court on the 27th September 2018. The applicant pleaded guilty. The applicant was fined £500 and ordered to pay costs of £1286.50 and a victim surcharge of £50.
3. The director of the company, China Five Elements Ltd is Mr. Wei Lin. See the list of directors from companies House as **NAT.CFE.5**. Mr. Wei Lin is the applicant on the special treatment licence renewal application and has also identified himself as the person responsible for the management of the premises. See **NAT.CFE.1** for a copy of the application form and supporting documents such as qualifications. Mr Wei Lin was also the applicant of the special treatment licence and responsible for management at the time of the test purchase. See **NAT.CFE.6** for the previous renewal application form. As Mr Wei Lin is responsible for the management of the business and pleaded guilty to the prosecution charges, the persons concerned in the conduct and management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence. (Section 8c).

4. I conducted an inspection of the premises on the 12th October 2018. At the time of my inspection a male customer entered the premises for a massage treatment. The customer asked if the therapist was '*Chinese or European*' and Mr Lin answered with '*European*'. Mr Lin informed me that it was because certain therapists give certain massages- Swedish or Tui-Na for example. However I consider this to be further evidence that the premises is being improperly conducted as the nationality of the therapist does not have bearing on the type of massage given. It is also a contravention of condition 12 of the standard licensing conditions for a female therapist to give a full body massage to a man.
5. Of the eight therapists listed in the application form only 2 have provided evidence that they have the level of qualification required to carry out massage treatments in special treatment premises in Tower Hamlets. Of the others, one has a certificate from Romania which has been translated and certified. However there was no statement of comparability from UK NARIC* which is required for non UK qualifications. Two therapists have a membership with the Association of Chinese Medicine Practitioners (ACMP). This is not sufficient evidence of the correct level of training required to carry out massage services. Three therapists have submitted membership with the Chinese Tui Na and Reflexology Therapists Association UK (CTNRTA) rather than recognised qualifications. The qualifications are included as the supporting documents in **NAT.CFE.1**. Therefore many of the persons giving the treatments may not be suitably qualified. This is grounds for not renewing the licence. (Section 8d)
6. Under The London Local Authorities Act 1991 the Council may refuse to renew a licence held by a person for grounds mentioned in Section 8 of the Act which include the licence holder not being a fit and proper person to hold a licence (c) the persons giving the treatment not being suitably qualified (d) the premises being improperly conducted (e).

Natalie Thompson
Principal Environmental Health Officer
Licensing and Safety

List of Appendices

NAT.CFE.1 = Special treatment licence renewal application

NAT.CFE.2 = Witness statement of test purchase conducted on the 13/04/2018

NAT.CFE.3 = Internet searches.

NAT.CFE.4 = Single Justice Procedure Notice

NAT.CFE.5 = List of directors from Companies House

NAT.CFE.6 = Special treatment licence renewal application regarding licence in place at the time of the test purchase.

***UK NARIC is the designated United Kingdom national agency for the recognition and comparison of international qualifications and skills. It performs this official function on behalf of the UK Government.**