

## SPECIAL TREATMENT LICENCES

### STANDARD CONDITIONS FOR ANNUAL SPECIAL TREATMENT LICENCES PRESCRIBED BY REGULATIONS MADE UNDER SECTION 10 (1) OF THE LONDON LOCAL AUTHORITIES ACT 1991.

**NOTES:** These Rules are divided into three Parts as follows:

Part I - General

Part II - Rules which apply to all Special Treatment Premises

Part III - Rules which apply to premises where massage or sauna is practised.

In these Rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

#### People with Disabilities

It is the policy of the Council that there should be access and facilities for people with disabilities at premises licensed for special treatment. Licensees are therefore encouraged to provide such facilities so as to enable the admission of people with disabilities. To this end, Council Officers will be pleased to discuss and advise on the best ways to achieve this.

### PART I - GENERAL

#### 1. Definitions

In these Rules, unless the context otherwise requires:

**“Approval of the Council” or “Consent of the Council”** means the approval or consent of the Council as Licensing Authority in writing.

**“Approved”, “Accepted” or “permitted”** means approved, accepted or permitted by the Council in writing.

**“Approved Arrangements”** means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.

**“Council”** means the Council of the London Borough of Haringey.

**“Escape lighting”** (safety lighting) means lighting, obtained from a source independent of the general supply for the building, provided to assist the public and staff to leave the premises without the aid of normal lighting.

**“Establishment for Special Treatment”** has the meaning set out in Section 4 of the London Local Authorities Act 1991.

**“Licence”** means a special treatment licence granted under Section 6 of the London Local Authorities Act 1991.

**“Licensee”** means the person or corporate body licensed under Section 6 of the London Local Authorities Act 1991. Who is also responsible for the compliance with the standard conditions at all times that the premises are open for business.

**“Non-combustible”** material means material which is deemed to be non-combustible when tested in accordance with the provision of the current edition of British Standard 476: Part 4, or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of the Rules.

**“Officer”** means any person authorised in writing by the Council. This may include officers of the London Fire and Civil defence Authority.

**“Public”** means any person other than a member of staff admitted to the premises concerned.

## **2. Dispensation or Modification of Rules**

- (i) These rules may be dispensed with or modified by the Council in any special case.
- (ii) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (iii) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

## **PART II- RULES WHICH APPLY TO ALL SPECIAL TREATMENT PREMISES**

### **3. Licence Changes**

- (i) The establishment specified in the licence may only carry out treatments which are specified on the licence. If any alteration is required an application to vary the items, conditions or restrictions to the terms must be made to the Council and accompanied by the amendment fee. Amendments to a licence will include additional treatments offered and different or additional persons administering treatments or change of premises.
- (ii) The licensee shall at once notify the Council in writing of any change in the name or private address of the licensee(s) or any other particulars of the company
- (iii) Any company (within the meaning of the Companies Act 1985) shall at once notify the council in writing of any changes to the registered companies address or acquisition.
- (iv) Proposed changes in the name or title of the premises licensed as a special treatment establishment shall be notified to the Council and shall not be put into effect until an amended licence is issued.
- (v) Application for variation of the licence must be made to the Council accompanied by the appropriate amendment fee.

#### **4. Type of Premises**

- (i) The establishment shall be carried on only for the treatment or business and in the trade name or style specified in the licence and at the address mentioned therein.
- (ii) The establishment shall additionally be operated only in accordance with the details documented on the licence application form.
- (iii) No change of use of any portion of the premises from that approved by the Council shall be made until the Council's consent has been obtained thereto.

#### **5. Exhibition of Licence**

- (i) The licence or a clear copy shall be prominently displayed at all times to all persons using the premises.
- (ii) All therapist engaged on the premises must have valid photo ID cards displayed at all times to all persons using the premises.
- (iii) Licences are granted for maximum period of twelve months. This being the period from 1st October - 30th September of the following year.
- (iv) A licence will be issued in the name of the applicant and, for purposes specified in condition 3, will include the names of individual therapists approved by the council.

#### **6. Responsibility of Licensee**

- (i) The licensee shall take all reasonable precautions for the safety of the public and Employees and ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974.
- (ii) The premises shall not be used under the terms of the licence unless and until any necessary permission and/or consents has been obtained pursuant to the Town and Country Planning Act, the London Building Acts 1930-1939, the Building Act 1984 and the Building Regulations Act 1985 or any legislation amending or replacing the same.
- (iii) The licensee shall ensure that no nuisance arises from the business, e.g. odours, noise etc.
- (iv) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can easily be seen by customers.
- (v) All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council. The name shown should correspond with that shown on any certificate displayed.
- (vi) Training must have been provided by a recognised training body, providing written qualification of competence at the end of the training.
- (vii) Except as provided by (ix) below, treatment shall only be given by qualified persons who have been approved by the Council.

- (viii) Any certificates of qualification (or true reproductions) of such approved persons shall be displayed in the reception area so that all persons who wish to receive treatment may easily examine them; and for the purposes of training, treatment may also be given by trainees provided:
  - (a) the person giving treatment is under the personal supervision of a person approved by the Council at all times; and
  - (b) the Council's consent in writing has first been obtained and is current at the time of treatment.
- (x) For tattooing and body piercing all clients should be made aware the level of experience from the therapist carrying out the treatments and this should be reflected in the treatment being undertaken.
- (xi) No persons other than those named on the licence are permitted to carry out body piercing or tattooing.
- (xii) At least one therapist whom is present in the premises on a day to day basis carrying out special treatments is required to have an understanding of spoken and written English on order to satisfactorily discuss client records and aftercare advice.

**The licensee shall be familiar with all the conditions contained in this document and will take responsibility of any breaches of said conditions.**

## **7. Conduct of Premises**

- (i) The licensee shall maintain good order in the premises.
- (ii) The licensee shall ensure that no part of the premises is used by prostitutes, for soliciting or any other immoral purposes.
- (iii) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.
- (iv) The licensee shall not do, or permit in the establishment, any act of an indecent or disorderly character and shall take all necessary steps to exclude from the establishment a customer or any other person who has committed such an act in the establishment and shall cause all persons in her/his employ engaged in the establishment to be decently and properly attired, and she/he shall not permit the door of any room or place in the establishment for the time being in use for the giving of massage or special treatment to be locked during the period that the client is therein.
- (v) Therapist must be fully clothed at all times when carrying out treatments.
- (vi) The licensee shall ensure that with the exception of those persons receiving treatment in accordance with the conditions of the licence all clients present in any part of the establishment shall be decently and properly attired and separate changing accommodation for males and females shall be provided.

- (vii) Except with the written consent of the Council, the licensee shall not employ at the licensed premises any person who she/he has been notified in writing that the Council considers unsuitable to be employed in such premises.

#### **8. Deadline for application**

- (i) All applications must be received by this authority at least 7 days prior the expiry of the current licence

#### **9. Restrictions on Treatment**

- (i) Unless otherwise permitted by the Council, when treatment is given or is being received to any part of the body, other than the neck, head, feet and legs, below the knee, hands and arms, and is not being so given by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation, whose qualifications have been approved by the Council the treatment may be given only to persons of the same sex as the person giving the treatment, and persons of the opposite sex shall not be present.

#### **10. Authorised Officers**

- (i) Authorised Officers of the Council, will produce on request proof of identity, shall be admitted immediately at all reasonable times to all parts of the premise.
- (ii) All records must be held on the premises and available for inspection by an authorised officer.

#### **NOTES:**

- (a) Officers of the Council are authorised to inspect on behalf of the Council. These officers can give written notification to licensees or their responsible representatives of matters noted during inspection which are not in accordance with approved arrangements for the premises, the conditions of the licence, or which may present a hazard to the public.
- (b) Officers of the London Fire and Civil Defence Authority are authorised to inspect premises licensed for special treatment under provisions of Section 15(1) (b) of the London Local Authorities Act 1991.

#### **11. Records**

- (i) Records shall be kept at the premises, in a form approved by the Council, of persons receiving treatment. The record shall include the name of the person receiving the treatment, date and time of admittance for treatment and the real name of the person giving the treatment. In the case of staff approved under Rule (ix) (a) above the entry shall include both the name of the person giving the treatment and of the person supervising.
- (ii) Records kept must include steps taken to verify the age of the client. E.g. photocopy of proof of age where appropriate.
- (iii) Any contra-indications e.g. Heart conditions, diabetes, epilepsy etc for each treatment will be discussed with the client prior to any treatment, and the client shall sign a record card to say that they have been made aware of the risks involved.

- (iv) Records must be kept on the premises and available for inspection for a period of at least 3 years.
- (v) If any infection occurs as a result of an incident, it should be reported to the Local Authority by telephone or Health and Safety Executive (RIDDOR).

## **12. Consent**

- (i) Before any treatments take place, the therapist or other competent person shall fully explain the potential side effects and problems that can occur to the client.
- (ii) This informed consent must be recorded and signed by the client.
- (iii) Anyone under the age of 16 must be accompanied by a parent or guardian. The parent/guardian must sign a consent form at the time of the piercing.

## **13. Display of Tariff**

- (i) There shall be prominently and legibly displayed a comprehensive tariff of charges which shall where necessary be illuminated and be placed in such a position that it can easily and conveniently be read by persons before entering the premises. Where this is not possible, the tariff may with the consent of the Council, be displayed in the reception area.
- (ii) Maintenance of Appliances
- (iii) The approved appliances shall be maintained regularly by competent persons and records available on site for inspection at all times.
- (iv) All equipment used in connection with special treatments shall be serviced/maintained in accordance with the manufactures/suppliers recommendation.

## **14. Alterations**

- (i) No alterations (including temporary alterations) shall be made to the premises, without the prior consent of the Council. This condition shall not require to be given in respect of routine maintenance works.
- (ii) Where works necessitate the premises being closed for a period of time, the premises shall not re-open for the purpose of the licence, until the licensee has been notified in writing by the Council.

## **15. Maintenance of Mean of Escape**

- (i) All ways out of the premises shall be maintained free of trip hazards, unobstructed and available for immediate use at all times.
- (ii) All lighting (including escape lighting, where provided) shall be maintained in full working order.
- (iii) The escape lighting installation (where provided) shall be tested very six months by a qualified engineer and a certificate for each test retained at the premises.

- (iv) All exit doors shall be available for immediate use, without the use of keys or similar fastening the whole time the public are in the premises.
- (v) All fire doors shall be maintained effectively self-closing, and not wedged open.

#### **16. Curtains, Decorations etc**

- (i) Where approval is given for curtains to be used, the curtains shall be periodically re-sprayed to maintain their fire-resistance. Curtains shall be arranged so as not to obstruct EXIT notices and/or fire extinguishers or other fire fighting equipment.
- (ii) Curtains where permitted across doors shall be in two halves, on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 75mm between the bottom of the curtain and the floor.

#### **17. Fire Appliances**

- (i) All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment.
- (ii) Any extinguisher discharged shall be replaced or recharged immediately.
- (iii) Any fire alarm system shall be checked monthly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in a logbook to be retained on the premises.

#### **18. Sanitation/ Personal Hygiene**

The licensee shall ensure that:

- (i) sanitary accommodation is available in the premises for the free use of both staff and clients and shall ensure that in the sanitary accommodation there are suitable wash-hand basins provided with an adequate supply of hot and cold water at a suitably controlled temperature; together with an adequate supply of soap and suitable hand drying facilities.
- (ii) the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc. so that satisfactory sanitation can be maintained.
- (iii) Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, material and equipment used in the establishment and for their safe disposal.

Any person carrying out any special treatment must ensure that:

- (i) Any open boil, sore, cut or other open wound is effectively covered by an impermeable dressing.
- (ii) Hands are to be kept clean and are washed immediately prior to carrying out any treatment.
- (iii) Under the Controlled Waste Regulations 1992 and the Environmental Protection Act 1990 operatives/ licence holders have a duty of care to ensure

that all clinical waste i.e. used dressings, swabs etc (infected or not) and used needles are collected and disposed of by a licensed contractor. All general waste is required to be removed by a licensed waste carrier. A waste transfer document shall be available at the premises for inspection.

## **19. Treatment Room**

- (i) Each treatment room shall be provided with a suitable wash hand basin with a suitable supply of hot and cold water, together with soap, a nailbrush and either a supply of disposable towels or a clean towel at all times.
- (ii) Where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

## **20. Extraction Ventilation**

- (i) There must be suitable and sufficient means of natural or mechanical extraction of fumes /ventilation, and wherever practicable this should be direct to the external air.
- (ii) When nail extensions are carried out the extraction system must be providing suitable air filtration, to remove dust and chemicals from the air and preferably fitted at work top level.
- (iii) Suitable dust and chemical filters should be fitted and the equipment operated and maintained in good working order in accordance with manufacturers instructions.
- (iv) All products used in the premises should be stored in suitably labelled containers, specifying details of contents, supplier etc

## **21. Electrical**

- (i) The electrical installation for the premises and any appliances or equipment used therein shall be maintained in a safe working condition, and shall comply with the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers and as prescribed by the Electricity at Work Regulations 1989 or any such legislative requirements or guidance that should replace them
- (ii) The electrical installation must be inspected at least every five years and the inspection certificate for the electrical installation of the premises, as prescribed in these Regulations shall be available for inspection by the Council. The certificate shall be signed by a qualified engineer and shall be in respect of the electrical installation and apparatus used at the premises. Where apparatus or equipment is involved the certificate must identify each item of equipment/apparatus so inspected.

**NOTE:** The Council normally require that any such certificate be signed by a Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or with the prior approval of the Council, other persons deemed competent.

## **22. Refuse**

- (i) Under the Controlled Waste Regulations 1992 and the Environmental Protection Act 1990 operatives/ licence holders have a duty of care to ensure that all clinical waste i.e. used dressings, swabs etc (infected or not) and used needles are collected and disposed of by a licensed contractor. A waste transfer document shall be available at the premises for inspection.
- (ii) The clinical waste bag must be yellow and marked 'Biohazard- clinical waste' and whilst awaiting collection will be stored in a secure area.
- (iii) A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises

## **23. Criminal History**

- (i) No therapist should have any criminal convictions in the 5 years prior to application.
- (ii) You have a duty to inform the council of any criminal convictions obtained during the licensing period.

## **PART II- RULES WHICH APPLY ONLY TO THE PREMISES WHERE MASSAGE (OTHER THAN SOLELY TO THE FACE, NECK OR LEGS BELOW THE KNEE) OR SAUNA IS PROVIDED**

## **24. Person in Charge of Licensed Premises**

- (i) The licensee or some responsible person nominated by her/him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time they are open to the public. Such written nomination shall be continuously available for inspection by any officer authorised in writing by the Council.

## **25. Photographs of Qualified Persons**

- (i) Treatment shall only be given by qualified persons over the age of 18 years approved by the Council in respect of Class I to 4 treatments of whom two identical full face passport size photographs taken within the six months preceding the application for approval have been submitted to the Council.
- (ii) A recent full-face photograph of such persons shall be displayed in the reception area so that all persons who wish to receive treatment may easily examine them.

## **26. Acceptable Accredited Qualifications**

- (i) For the purposes of registration, this Council will now only accept nationally or internationally recognised qualifications. Where there are no nationally recognised qualifications for a particular special treatment, we would expect the applicant to have a nationally recognised qualification in a relevant subject. For example:
- (ii) Many beauty treatments are brand based, and training is only given by the product manufacturer or supplier. In these cases we would expect the

therapist to have a nationally recognised qualification Level 2 in the area of Beauty Treatments, as well as the supplier training for individual products.

- (iii) Some types of massage are learnt from small private colleges, which are not nationally recognised. In these cases we would expect the therapist to have a nationally recognised qualification in anatomy and physiology as well.
- (iv) Where there is no other relevant nationally recognised qualification, (for example: kenisiology, Bowen technique or other holistic therapies), and there is an exempt organisation that covers the particular Treatment, the Council will require the therapist to become a member in order to practice within the Borough. Where no exempt organisation exists, the Council will require further information concerning the training institute and may use its discretion to allow registration. However, these will be reviewed on a strictly case by case nature.

### **PART III – GENERAL ADDITIONAL CONDITIONS FOR SPECIFIC TREATMENTS**

#### **27. Ultra Violet Tanning Equipment**

- (i) No persons under the age of 18 shall be permitted to use tanning equipment.
- (ii) Prior to the use of tanning equipment a record card shall be completed & signed by the user to acknowledge that they have been made aware of and understand the contra-indications associated with ultra violet radiation, particularly with regard to drug and medical conditions. A record of the frequency of visits shall also be recorded.
- (iii) Records must be kept accurate of the hours of individual use for each machine and these records shall show any maintenance and details of when tubes are replaced. Tubes must be replaced at intervals recommended by the manufacturer, together with the Ultra Violet transmitting plastic sheet if fitted. Replacement tubes shall be compatible with those supplied by the manufacturer.
- (iv) The licensee shall ensure that all ultra-violet radiation equipment installed in the licensed establishment is used and operated in accordance with the Guidance Note GS18 issued by the Health and Safety Executive (or any similar later version of that Guidance).
- (v) Suitable goggles for the protection of the eyes for users of the equipment must be provided. All goggles must be disinfected with alcohol or washed thoroughly with soap and hot water between clients.
- (vi) Beds should be physical cleaned, cleaning is essential prior to disinfection between clients. Disinfectant should be used in accordance with manufacturer's instructions. After each use to remove soil e.g. dust, dirt and organic matter, along with a large proportion of germs. Cleaning with hot water and detergent breaks up grease and dirt on floors and surfaces with a cleanser as recommended by the manufacturer.
- (vii) An emergency stop switch must be installed to enable the user to stop the equipment in the event of an emergency, which is connected to a reception or other staff area.
- (viii) A notice providing accurate information on the health risks from exposure to Ultra Violet light must be clearly displayed near each sun bed. (Such a notice is

provided in the Health & Safety Executive document IND (G) 209 and also by ISRM).

- (ix) The poster produced by the Health and Safety Executive, provides guidance on the use of ultraviolet (UV) Tanning equipment. This should be displayed in a safe prominent position within each tanning cubicle, giving the user information prior to using the equipment.
- (x) The Health and Safety Executive recommend a maximum of 20 ultra violet tanning sessions per year; clients shall be advised when they have reached this number and made aware of this recommendation.