



HILLINGDON
LONDON

Special Treatments Regulations

Licence Conditions

London Local Authorities Act 1991 (Amended)

London Local Authorities Act 1991, as amended by the London Local Authorities Act 2000

Regulations made by the London Borough of Hillingdon under Section 10(1) of the London Local Authorities Act 1991, prescribing standard conditions applicable to all Special Treatment premises located in the London Borough of Hillingdon

Interpretation:

- 'Approval of the Council' or 'Consent of the Council' means the approval or consent of the council as licensing authority in writing;
- 'Borough Council' means London Borough Of Hillingdon as the appropriate licensing authority;
- 'Establishment for Special Treatment' has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended);
- 'Licence' means a Special Treatment Licence granted under section 6 of the London Local Authorities Act 1991 (as amended);
- 'Officer' means any person authorised by the Borough Council in writing;
- 'Premises' means any premise within the Councils area licensable for special treatments and includes all installations, fittings and other items connected with the business;
- 'The Act' means the London Local Authorities Act 1991 (as amended)

1. Licence Conditions

1.1 TERMS OF LICENCE

Licences are granted for a term of twelve months.

1.2. LICENCE

- a) The licence is personal to its holder. The licence cannot be transferred by the licence holder to any other person unless the licence holder makes an application for transfer to the Council;
- b) The licence is only valid in respect of the premises named on the licence. The licence cannot be transferred by the licence holder to any other premises unless the licence holder makes an application for transfer to the Council;
- c) The establishment specified in the licence may only carry out treatments that are specified on the licence.

1.3. LICENCE HOLDER

The licence holder must be 18 years or over.

1.4. LICENCE CHANGES

- a) 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;
- b) Application for transfer of the licence to a different premise must be made to the Council accompanied by the appropriate amendment fee;
- c) 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;
- d) 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;
- e) 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.

1.5. NAME AND TRADING OF PREMISES

- a) The establishment shall practice only the special treatments (falling within the scope of this Act) for which the licence is issued;
- b) The establishment shall additionally be operated only in accordance with the details documented on the licence application form;

1.6. LICENCE DISPLAY

The current licence must be prominently displayed in the licensed premises at all times.

1.7. SCALE OF FEES

A scale of fees for treatments must be prominently displayed in the licensed premises at all times.

1.8. NOTICES AND ADVERTISEMENTS

- a) All notices and advertisements issued by or on behalf of the establishment shall bear the trade name, style or title specified in the licence;

- b) The licensee shall keep at the premises, arranged or filed in order of date, a copy of each advertisement or circular issued by the licensee or on behalf of the licensee for a period of six months from the date of issue of the advertisement. The copies shall be open to inspection by an officer and are to be produced on request;
- c) The licensee shall not advertise in a public convenience or conveyance or in any other place in which the public assemble any massage or special treatments carried on at the establishments;
- d) (This will not apply to an advertisement in or on the premises of the establishment or to any advertisement in any newspaper or periodical which may be exposed for sale in any public place in which the public assemble);
- e) The licensee shall not publish or allow to be published on their behalf any advertising in words or pictures in publications of an erotic nature, or in any publication or other media which in themselves suggest that there is an erotic element in any treatment provided;
- f) A notice shall be displayed 21 days prior to the opening of any new premises to allow for any objections to be made. This notice must be displayed in a conspicuous part of the premises where it can be read by people on the streets at all times and must be displayed continuously for the 21 days.

1.9. COMPETENCE AND QUALIFICATION

- a) No person shall give any treatment unless they are qualified and the treatment to be administered is detailed on the current licence; The Council will seek to verify all certificates as evidence of competence. Where verification is not possible, or the qualification claimed is not appropriate, the person concerned may be required to undergo assessment by an independent organization, acceptable to the Council, to establish competence. All costs arising in this matter will be borne by the applicant. In exceptional circumstances, where national occupational standards are not available, an assessment will be carried out on an individual basis, and further training required as deemed appropriate;
- b) Where a therapist is exempt under the Act, then current details of their membership of the relevant body shall be kept at the premises. A copy of membership details will be submitted to the council at the time of application and a certificate of registration issued to the applicant;
- c) For the purposes of training, trainees can administer treatments under the direct supervision of their trainer only.

1.10. HEALTH & SAFETY

The requirements of the Health and Safety at Work Etc Act 1974, and any regulations made under it must be complied with.

1.11. FIRE SAFETY

The establishment must comply with any requirements of the Council or Fire Authority in respect of fire, including means of proper escape in case of fire and fire-fighting equipment. A fire risk assessment must be carried out in accordance with the Regulatory Reform (Fire Safety) order 2005 and the Management of Health and Safety at Work Regulations 1998.

1.12. NUISANCE

There must be no nuisance arising from any activities carried out at the premises by either the staff or clients using the premises.

1.13. OPERATING TIMES

The licensee must ensure that any restrictions on opening hours or days imposed on the premises by the Council or specified in the licence application are adhered to.

1.14. CONDUCT OF PERSONS AT PREMISES

- a) All persons concerned in the conduct of the premises used for special treatments must be regarded as fit and proper persons to hold such a licence. In respect of this, the licensee must:
 - i. Ensure that no indecent and/or sexual acts are carried out at the premises;
 - ii. Exclude any persons who have committed such an act on the premises;
 - iii. Ensure all persons in the premises are decently attired;
 - iv. Ensure that no persons under the influence of drink or drugs are allowed on the premises;
 - v. The licensee shall not permit or suffer the door of any room or place in the premises to be locked whilst any person is within it;
 - vi. The licensee shall not cause to be published any advertising in words or pictures suggesting that there is an erotic element in the treatment provided.

- b) Unless prior written consent from the Council has been given, the licence holder shall not employ anyone to be involved in, or have an interest in, the running of the business:
 - i. Whose licence has been revoked, or to whom a licence has been refused on the grounds that such a person is unsuitable to hold a special treatments licence;
 - ii. Who has had an application for a licence under other legislation concerning treatment of the public refused or revoked;
 - iii. Who is not a fit and proper person.

1.15. CRIMINAL HISTORY

- a) There must be no criminal convictions in the 5 years prior to application;
- b) The applicant has a duty to inform the council of any criminal convictions obtained during the licensing period.

1.16. PROOF OF IDENTITY

For applicants and all persons offering treatments, the following proof of identity must be kept on the premise and made available for inspection at all times:

- a) Photographic ID showing date of birth, e.g. passport, driving licence;
- b) Proof of address such as utilities bill.

1.17. PLANNING CONSENT

All applicants must contact the Council's Planning department to check whether planning permission is required. The issue of a special treatment licence does not indicate that planning consent has been granted by the Council for the premises to be used for such treatments. It is the applicant's responsibility to obtain planning consent separately.

1.18. INSURANCE

- a) The licensee shall arrange for suitable Employer's Liability, Public Liability and Professional Indemnity insurance covering the range of special treatments offered;
- b) The appropriate insurances must be kept on the premises and be available for inspection by visiting officers.

1.19. CODES OF PRACTICE

All applicants must abide by the codes of practice laid down by Hillingdon council for each treatment they offer:

Code of Practice – 1 Nail Treatments

Code of Practice – 2 U V Light Treatments

Code of Practice – 3 Saunas and Steam Rooms

Code of Practice – 4 Spa Pools

Code of Practice – 5 Acupuncture

Code of Practice – 6 Cosmetic Piercing

Code of Practice – 7 Body Piercing

Code of Practice – 8 Tattooing

Code of Practice – 9 Massage

Code of Practice – 10 Foot Healthcare

Code of Practice – 11 Electrolysis

Code of Practice – 12 Facials

Code of Practice – 13 Laser and Intense Light Systems

2. Premises Rules

2.1. ELECTRICAL SAFETY

- a) The electrical installation for the premises shall be inspected, tested and maintained in accordance with the British Standard 7671. A Periodic Inspection Report shall be obtained from a “competent person” at the appropriate intervals (e.g. up to a maximum of five years or a shorter period as specified on the Report) and submitted to the Council;
- b) The inspection certificate shall be signed by a person who shall be one of the following:
 - i. a professionally qualified Electrical Engineer;
 - ii. a member of the Electrical Contractors' Association;
 - iii. an approved contractor of the National Inspection Council for Electrical Installation Contracting, or
 - iv. a qualified person acting on behalf of one of the above (in which event it shall be stated for whom he/she is acting).

2.2. ELECTRICAL APPLIANCES

- a) An inspection and test shall be carried out on all portable electrical appliances within the premises in order to comply with the Electricity at Work Regulations 1989. The inspection shall also include fixed appliances used for treatment of the public. The tests shall ensure that the electrical appliances comply with these Regulations and the relevant parts of British Standard 7671;
- b) A certificate shall be submitted to the Council at the time of application (i.e. at 12 monthly intervals) by a person described in Condition 16 (2.1b) above. Guidance about maintenance can be obtained from the Health & Safety Executive, Memorandum of Guidance HS(R)25.

2.3. GAS APPLIANCES AND INSTALLATIONS

- a) All gas appliances and installations at the premises shall be inspected for safety at intervals not exceeding 12 months by a Gas Safe registered engineer. (<http://www.gassaferegister.co.uk/>);
- b) The inspection certificate shall be kept at the premises and made available for inspecting officers of the council.

2.4. PRESSURE SYSTEMS

Any equipment operating under pressure shall be inspected for safety by a competent person. All pressure systems shall be operated in accordance with the current version of the Pressure Systems (Safety) Regulations.

2.5. STRUCTURE

The layout, design, construction and size of the establishment and all equipment shall:

- a) Permit adequate cleaning and/or disinfection;
- b) Be such as to protect against the accumulation of dirt and contact with toxic materials, and the formation of condensation or undesirable mold on surfaces;
- c) Be robust, durable and maintained in a sound condition.

2.6. VENTILATION

- a) There must be suitable and sufficient means of natural or mechanical ventilation, and wherever practicable this should be direct to the external air;

- b) Ventilation systems must be constructed to enable all parts requiring cleaning, or replacement to be readily accessible;
- c) Extract units must be positioned so as not to cause noise or other nuisance to neighbouring properties.

2.7. LIGHTING

Lighting must be suitable and sufficient to ensure safe operation of the premises.

2.8. HEATING

The licensee must ensure that suitable and sufficient heating is provided and maintained throughout the premises.

2.9. PRIVACY OF CLIENTS

Separate male and female changing facilities shall be provided where both sexes are treated.

2.10. W.C.S

- a) Sanitary conveniences must be available for clients and staff;
- b) All conveniences must be ventilated (see above);
- c) There must be an intervening ventilated space between WCs and treatment rooms.

2.11. WASH BASINS

- a) An adequate number of wash-hand basins must be available and suitably located in every treatment room or adjoining room and toilet facility;
- b) A separate wash-hand basin must be available for the toilet facility;
- c) Wash-hand basins must be properly drained and provided with hot and cold mains water.

2.12. SINKS

Provision for the cleaning of equipment must be made where necessary separate to the requirement for wash-hand basins.

2.13. SHOWERS

In premises providing body treatments involving the application of heat by saunas, solarium, steam bath or other baths suitable and sufficient showering facilities shall be provided (or appropriately mixed) running water.

Procedural Rules

3. Record Keeping

3.1 THERAPIST RECORDS

It shall be the responsibility of the licensee to keep therapist / practitioner / operator records for all persons administering treatments. This will include the following:

- a) Full names;
- b) Dates of birth;
- c) Home addresses;
- d) Qualification certificates (to the level defined in the relevant code of practice);
- e) List of treatments offered by the therapist;
- f) Copy of professional insurance for all treatments offered and all therapists;
- g) Photographic proof of identity;
- h) Proof of address

3.2. CLIENT RECORDS

A licensee shall keep client records obtained by means of a client consultation before each treatment and the following details recorded:

- a) Name and address of all persons receiving treatments;
- b) The type of treatment given;
- c) The name of the person giving the treatment;
- d) Date the treatment was given;
- e) Assessment of any contra-indications;
- f) Informed consent of the client – client signature.

3.3. GENERAL RECORD KEEPING

- a) Records must be kept on the premises and available for inspection for two years;
- b) Suitable and sufficient, written and verbal aftercare advice must be given to all clients for all treatments administered;

c) A record of consigned controlled waste shall be retained at the premises.

4. Hygiene and Cleaning

4.1 PERSONAL HYGIENE

Any person carrying out a treatment must ensure that:

- a) His/her hands are kept clean and washed immediately prior to carrying out any treatment;
- b) Maintain a high degree of personal cleanliness and shall wear suitable, clean and appropriate protective clothing;
- c) No person shall be permitted to administer treatments while afflicted by either a known or suspected ailment, or being a carrier of a disease likely to be transmitted during treatment (e.g. infected wounds, skin infections, sores, etc.);
- d) He/she does not smoke or consume food or drink during the course of the treatment;
- e) Any open sores, cuts boils or other open wounds on the practitioners must be effectively covered with a waterproof impermeable dressing.

4.2. STRUCTURE AND CLEANLINESS

- a) All internal walls, doors, windows, partitions, floors and floor coverings and ceilings in any part of the premises used by the client and operator must be kept clean and maintained in good repair and condition;
- b) All hand wash stations and shower facilities must be provided with materials for the hygienic washing and drying of hands;
- c) Animals are prohibited in the treatment rooms.

4. 3. CLEANLINESS OF FURNITURE AND FITTINGS

- a) All furniture and fittings in the treatment area shall be kept clean and in such good repair as to enable them to be cleaned effectively;
- b) All tables, couches and seats used by clients in the treatment area and any surface on which equipment is placed immediately prior to treatment shall have a smooth impervious surface that is wiped down regularly with a suitable disinfectant;
- c) Where tables or couches are used, they shall be covered by a disposable paper sheet /towel or similar which shall be changed for each client.

4.4. CLEANLINESS OF EQUIPMENT

- a) A documented cleaning schedule shall be provided by the licensee and retained at the premises for inspection;
- b) Where necessary, adequate facilities must be provided for the:
 - i. cleaning, disinfecting and sterilization of work tools, equipment, protective clothing, gowns, towels etc.;
 - ii. these facilities must be easy to clean and have an adequate supply of hot and cold water, where appropriate;
 - iii. adequate storage for all items must be provided so as to avoid, as far as possible the risk of contamination.
- c) A licensee shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:
 - i. Is clean and in good repair, and, so far as is appropriate, is sterile;
 - ii. Has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilized.
- d) A licensee shall ensure that any needle, metal instrument, or other item of equipment used in treatment or for handling instruments and needles used in treatment so far as is appropriate, is in a sterile condition and kept sterile until it is used.

4.5. INFECTION CONTROL

- a) Procedures for the decontamination, disinfection and sterilisation of equipment shall be provided at the premises;
- b) Glass bead sterilisers; UV light boxes; hot air ovens and water boilers must not be used for sterilisation purposes;
- c) Glutaraldehyde must not be used for sterilisation purposes;
- d) Autoclaves must be used for sterilisation where necessary. This must be strictly in accordance with manufacturers instruction and with the current version of Medical Devices Agency MDA DB2002 (6) MDA DB9804. Checking and maintenance in accordance with HTM 2010.

5. Control of Waste

5.1. GENERAL WASTE

- a) Waste and other refuse must not be allowed to accumulate in the premises, except so far as is unavoidable for the proper functioning of the business;
- b) Adequate provision must be made for the removal and storage of waste and other refuse;
- c) Closable, pedal operated containers must be provided for this purpose, which are appropriately constructed, kept in sound condition, and where necessary easy to clean and disinfect.

5.2. CONTROLLED WASTE

- a) Controlled waste must be disposed of appropriately & not placed within the ordinary refuse;
- b) Licensees must ensure that risks from it are properly controlled by developing suitable systems of handling, storage and disposal of controlled waste.

6. Use of Anaesthetics

- 6.1 No prescription only medicines (POM's) must be administered by therapists. All injected anaesthetics are POM therefore no anaesthetic injections can be administered by therapists.
- 6.2 Cream/spray based prescription (P) products e.g. Lignocaine-based and Ametop gel can be legally used as a topical anaesthetic by the purchaser e.g. body piercer or tattooist. These can only be used where a detailed consultation assessing contra-indications has been carried out.
- 6.3 Spray forms of topical anaesthetics e.g. xylocaine are not licensed for use on the tongue and are therefore prohibited.