

London Borough Bromley Special Treatment Regulations that apply to all premises

The Law

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

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

Effective from 1 June 2010.

Definitions

1. 'Approval of the Council' or 'Consent of the Council' means the approval or consent of the council as licensing authority in writing. "Approved", "Accepted", "Permitted", means approved, accepted or permitted by the Council in writing or electronic form
2. "Council" means London Borough of Bromley as the appropriate licensing authority
3. 'Establishment for Special Treatment' has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended)
4. 'Licence' means a Special Treatment Licence granted under section 6 of the London Local Authorities Act 1991 (as amended)
5. 'Officer' means any person authorised by the Borough Council in writing. (This may include Officers of the London Fire and Civil Defence Authority)
6. 'Premises' means any premise within the Councils area licensable for special treatments and includes all installations, fittings and other items connected with the business.
7. 'The Act' means the London Local Authorities Act 1991 (as amended).
8. The Licensing of a premises for special treatment relates only to the provisions under the London Local Authorities Act (as amended) It does not convey any approval or consent which may be required under any other legislation , byelaw, order or regulation.

Modification of Regulations

1. These Regulations may be dispensed with or modified by the Council at its discretion
2. Where in these Regulations there is any reference to the consent of the Council being required, such consent may be subject to specific conditions or restrictions.
3. 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 requires, the application must be advertised.
4. In the event of any conflict between the Regulations and the conditions contained in the Licence, the conditions in the licence take precedence.

Standard Conditions

In addition to these regulations standard licensing conditions have been approved for the following treatments and should be read in conjunction with this document.

1. Massage and Reflexology
2. Body Piercing
- 3 Ear and Nose piercing
4. Nail Treatments
5. Tattooing
- 6 Tanning and UV treatments.
- 7 Sauna and Steam rooms
- 8 Spa and Jacuzzis

General licence conditions for all licensed premises

TERMS OF LICENCE

Licences are granted for a term of twelve months.

DISPLAYING THE LICENCE

The Licence shall be displayed in a prominent position within the licensed premises at all times.

OPENING TIMES

The opening and closing times shall be clearly displayed in a prominent position within the premises to which the public have access.

If the premises are closed for business then a sign to that effect must be clearly visible on it.

PRICE LIST/TARIFF

A price list of all the treatments offered, including VAT must be displayed in a prominent position within the premises. This price list must be available to an authorised officer, on request.

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. The Licensing Department of the Council will notify its Planning Department of any application for a special treatment licence that it has received.

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.

(c). The establishment specified in the licence may only carry out treatments that are specified on the licence unless a licence to vary to made to the Council.

CRIMINAL HISTORY

(b) You have a duty to inform the council of any criminal convictions obtained during the licensing period.

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.

PERSON IN CHARGE OF LICENSED PREMISES

(a) The licence holder or some responsible person nominated by them, shall be in charge and on the premises for the whole time that it is open for business to the public. This nomination shall be in writing and available for inspection by an authorised Officer of the Council at any reasonable time.

(b) The person in charge must be familiar with these regulations and a copy of them must be kept on the premises.

PERSONS ADMINISTERING TREATMENT

Only therapists approved by the London Borough of Bromley shall provide treatments. All therapists must wear a photographic ID badge issued by the London Borough of Bromley whilst working on the licensed premises in the Borough and have the certificate that is issued with the badge available at all times for inspection by an authorised officer of the Council.

LICENCE CHANGES

(a) Only treatments which are specified on the licence may be provided. 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 appropriate fee.

Amendments to a licence will include additional treatments offered and alterations to the internal layout/structure of the premises or change of premises. structural alterations must be accompanied by an updated plan of the premises.

(b). The licensee shall 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

(c). Any company (within the meaning of the Companies Act 2006) shall at once notify the council in writing of any changes to the registered companies address or acquisition.

(d). 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.

(e). Application for transfer of the licence holder must be made to the Council accompanied by the appropriate fee.

(f). The Licensee shall, on ceasing to carry on the business of special treatments, notify the Council, in writing within 7 days.

RENEWAL OF THE LICENCE

Application for renewal shall be made to the Council at least two months prior to the expiry date of the current licence. This must include the appropriate fee.

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 not advertise in a public convenience

(c). 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.

(d) No poster, sketch, painting or any form of advertisement or display shall be displayed outside or within the premises if the Council regards it as unsuitable for exhibition to the public. If the

licensee is notified in writing that the Council objects under this rule to any of items listed above, then the items must be removed from the premises or outside the premises.

ADMISSION OF COUNCIL OFFICERS

Authorised Officers of the Council may, shall be admitted to the premises at all reasonable times. This includes Officers of the London Fire and Emergency and the Planning Authority (Section 15(1) London Local Authorities Act 1991 and the Police.

CONTROL OF WASTE

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 containers must be provided for this purpose, which are appropriately constructed, kept in sound condition, and where necessary easy to clean and disinfect

CONTROLLED WASTE/CLINICAL 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.

STRUCTURE AND CLEANLINESS

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

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

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) Adequate storage for all items must be provided so as to avoid, as far as possible the risk of contamination.
- (c). 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.

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).

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 competent person described under the **Electrical Safety section**.

GAS APPLIANCES

(a). All gas appliances and installations at the premises shall be inspected for safety at intervals not exceeding 12 months by a Gas registered Gas Safe engineer.

(b). The inspection certificate shall be kept at the premises and made available for inspecting officers of the council.

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 2000.

FIRE SAFETY

The establishment must comply with any requirements of the Council or Fire Authority in respect of fire, including proper means of 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.

The means of escape in case of fire shall be maintained and free from obstruction at all times when the public or staff are present on the premises.

WC FACILITIES

The Licensee shall ensure that there are adequate WC facilities for both staff and public and they must be

(a) maintained in good order and kept clean.

(b) Each WC has easy access to washing facilities with the provision of hot and cold running water, soap and towels.

(c) There must be an intervening ventilated space between WCs and treatment rooms

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). Wash-hand basins must be properly drained and provided with hot and cold mains water. Soap and towel

SINKS

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

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

VENTILATION

There must be suitable and sufficient means of natural or mechanical ventilation in each treatment room, and wherever practicable this should be direct to the external air.

The ventilation system must be constructed to enable all parts requiring cleaning, or replacement to be readily accessible.

Extract units must be positioned so as not to cause noise or other nuisance to neighbouring properties.

LIGHTING

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

HEATING

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

INFECTION CONTROL

(a) Procedures for the decontamination, disinfection and sterilisation of equipment shall be provided at the premises where necessary

(b) Glass bead sterilisers; UV light boxes; hot air ovens and water boilers **must not** be used for sterilisation purposes

(c) 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.

PERSONAL HYGIENE

(a) Any person carrying out a treatment must ensure that: -

i) His/her hands are kept clean and washed immediately prior to carrying out any treatment

ii) Maintain a high degree of personal cleanliness and shall wear suitable, clean and appropriate protective clothing.

iii)–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

iv) Any open sores, cuts boils or other open wounds on the practitioners must be effectively covered with a waterproof impermeable dressing.)

v) He/she does not smoke or consume food or drink during the course of the treatment

PRIVACY OF CLIENTS

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

CONDUCT OF PERSONS AT PREMISES

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 therapists 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.
- vii) 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:
 - a) 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;
 - b) Who has had an application for a licence under other legislation concerning treatment of the public refused or revoked;
 - c) Who is not a fit and proper person.

RECORD KEEPING

Client records

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

- i) Name and address of all persons receiving treatments,
- ii) The type of treatment given
- iii) The name of the person giving the treatment
- iv) Date the treatment was given
- v) Assessment of any contra-indications
- vi) Informed consent of the client

Aftercare Advice

Suitable and sufficient, written and/or verbal aftercare advice must be given to all clients for all treatments administered.

General record keeping

Records must be kept on the premises and available for inspection for two years.

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