

MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Committee
14 October 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Health and Social Care Act 2008
London Local Authorities Act 1991.

Agenda - Part	Item
SUBJECT : Adoption of conditions for Special Treatments Licences	
PREMISES : All	
WARD : All	

1. SUMMARY

1.1 This report sets out the additional licensing conditions proposed to apply to operators wishing to offer laser and/or intense pulse light treatments (IPL) (Optical Radiation), on their premises' special treatments licence issued under the London Local Authorities Act 1991.

2. RECOMMENDATIONS

2.1 The Committee is requested to consider and approve the proposed conditions for premises offering laser / IPL treatments.

3. BACKGROUND

3.1 In April 2002 the Care Standards Act 2000 came into effect. Under this legislation all establishments offering laser and intense pulse light treatments had to be registered with the National Care Standard Commission (NCSC) in England (or equivalent body in Scotland, Wales or Northern Ireland). Later the Health & Social Care Act 2003 amended the Care Standards Act 2000 and the Care Quality Commission (CQC) became the enforcement authority for registering and monitoring establishments offering laser and intense pulse light treatments.

3.2 Under the CQC registration regime, establishments offering laser and intense pulse light treatments are required to implement and comply with the national minimum standards as set out by them.

4. CURRENT SITUATION

4.1 Relevant parts of the Care Standards Act 2000 relating to registration of establishments offering laser and/or intense pulse light treatments have ceased to have effect from 30th September 2010, being repealed by the Health and Social Care Act 2008. From 1st October 2010 operators of laser and intense pulse lights used for non-surgical cosmetic aesthetic purposes such as hair removal by a health care or non-health care professional are not be required to register with the CQC under the

Health and Social Care Act 2008. The regulation of the use of lasers and intense pulse light in the beauty industry has reverted back to the local authority.

4.2 In Enfield, as in most other London local authorities, beauty treatments are regulated by requiring the proprietor to apply to the local authority for a Special Treatments Licence under the London Local Authorities Act 1991. Special treatments licensing regulate the provision of a wide range of treatments including massage, body piercing, tattooing, sun beds etc.

4.3 The London Local Authorities Act 1991 defines what an 'establishment for special treatment' is, and includes those where treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths takes place or is intended to take place. From 1st October 2010, it also covered treatments administered using Class 3B or Class 4 Lasers or Intense Pulse Light (IPL) for non-surgical cosmetic aesthetic purposes as these are treatments involving the use of light.

5. WHY A CHANGE IS NEEDED

5.1 From 1st October 2010, the local authority has been responsible for regulating laser and intense pulse light treatments for non-surgical cosmetic aesthetic purposes. Lasers and intense pulse lights are hazardous devices that can easily burn or blind operators or to members of the public receiving treatment or those in the immediate vicinity. However, when they are used with care, by properly trained operators and in carefully designed environments; they can deliver a range of useful cosmetic treatments for hair removal, skin resurfacing, tattoo and pigmentation removal etc. Because of the potential for harm, it is important that the local authority ensure that appropriate standards (by way of licence conditions) are implemented to regulate the use and operation of laser and intense pulse light treatments.

5.2 The proposed conditions will apply to premises offering laser / IPL treatments. There will be no change in the current licensing conditions for licensed premises offering special treatment other than laser / IPL. The proposed conditions are based on the national minimum standards that premises offering laser / IPL treatments were required to adhere to under the CQC's registration regime.

5.3 There are currently 139 Licensed Massage and Special Treatment premises within the borough 30 of which offer IPL/Laser treatments. The number of salons wishing to provide IPL/Laser treatments is increasing exponentially to meet consumer demand. We therefore expect to receive many more applications that include IPL/Laser treatments in the near future.

6. RISK MANAGEMENT IMPLICATIONS

6.1 Lasers and intense pulse lights are hazardous devices and if used incorrectly or in an unsuitable environment, can cause significant harm to the operator or others. Failing to regulate the use of laser / intense pulse lights for non-surgical cosmetic aesthetic purposes could result in poor standards and procedures in premises offering such treatments and increases the risk of harm to members of the public and persons working in this industry.

7. INTRODUCTION OF THE MODEL CONDITIONS

7.1 Based on national guidance and a consistent approach across London, the Licensing Authority have issued the revised conditions on all licences however these now need formal adoption by the full Licensing Committee.

7.2 The list of proposed conditions can be seen in Annex 1.

8. DECISION

8.1 The licensing committee may be minded to:

- Adopt the proposed conditions in full as the standard licensing conditions for operators offering treatments involving the use of laser and/or intense pulse light;
- Propose modifications to the proposed licensing conditions for operators offering laser and/or intense pulse light treatments;
- Reject the adoption of the proposed licensing conditions for operators offering treatments involving the use of laser or intense pulse light, but this will mean that such providers are subject only to the current standard conditions on special treatments licences;

Background Papers :
None other than any identified within the report.

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