

**LONDON LOCAL AUTHORITIES ACT 1991(as amended)  
STANDARD CONDITIONS**



REGULATIONS MADE BY THE LONDON BOROUGH OF ENFIELD UNDER SECTION 10(1) OF THE LONDON LOCAL AUTHORITIES ACT 1991 (as amended) PRESCRIBING STANDARD CONDITIONS FOR ANNUAL SPECIAL TREATMENT LICENCES.

**NOTES**

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
- (iii) These rules are divided into three Parts as follows: Part I – General; Part II – Rules which apply to all premises; Part III – Rules which apply to premises where massage or sauna is practised.
- (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.
- (v) It is the policy of the Council that there should be access and facilities for disabled people at premises licensed for special treatment. Licensees are therefore encouraged in the strongest possible terms to provide such facilities so as to enable the admission of disabled people. To this end, Council Officers will be pleased to discuss and advise on the best ways to achieve this.

**PART I – GENERAL**

1. 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 appropriate licensing authority.
  - '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.
  - 'Non-combustible' material means material which is deemed to be non-combustible when tested in accordance with the provisions 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 these rules.

'Officer' means any person authorised in writing by the Council. (This may include officers of the London Fire and Emergency Planning Authority).

'Public' means any person other than a member of staff admitted to the licensed premises.

'Premises' means any premises within the Council's area licensed for special treatment and includes all installations, fittings and things in connection therein.

2. (a) These rules may be dispensed with or modified by the Council in any special case. (b) 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. (c) 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 PREMISES**

3. 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.
4. The licence or a clear copy shall be prominently displayed at all times to all persons using the premises.
5. (a) 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. (b) The licensee shall at once notify the Council in writing of any change in the name or private address of the licensee or in the treatments provided or in the nature of the business carried on at the establishment. (c) The premises shall not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939, the Building Act 1984 and the Building Regulations Act 1985 or any legislation amending or replacing the same.
6. 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.
7. (a) The licensee shall maintain good order in the premises. (b) The licensee shall ensure that no part of the premises are used by prostitutes, for soliciting or any other immoral purposes. (c) 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. (d) 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 his employ engaged in the establishment to be decently and properly attired, and 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. (e) 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. (f) Except with the written consent of the Council, the licensee shall not employ at the licensed premises any person who he has been notified in writing that the Council considers unsuitable to be employed in such premises.

8. (a) Except as provided by 8(c) below, treatment shall only be given by qualified persons who have been approved by the Council. (b) 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 (c) Treatment may also be given by other persons provided: (i) the person giving treatment is under the personal supervision of a person approved by the Council; and (ii) the Council's consent in writing has first been obtained and is current at the time of treatment (d) Qualifications for all treatments must be Ofqual regulated/nationally recognised where available. Where a Ofqual regulated/nationally recognised is not available for the treatment the therapist will undergo a competency interview with an authorised Council Officer. (e) Qualifications obtained outside of the UK will not be accepted unless accompanied by a certificate of Comparability which is available through UK NARIC. The qualification must be at the equivalent level of the accepted Ofqual regulated/nationally recognised qualification in the UK.
9. (a) Unless otherwise expressly permitted by the Council when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the knee or 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. (b) No treatment shall be provided to persons under the age of sixteen without consent, in writing, from a parent or guardian.
10. 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 HSE.
11. (a) 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 treatment, the time of admittance for treatment and the real name of the person giving treatment. In the case of staff approved under

Condition 8 (c) the entry shall include both the name of the person giving treatment and of the person supervising. (b) In the case of treatment to persons under the age of sixteen records shall be as follows: (i) A signed consent form must be obtained from a parent or guardian, prior to giving treatment; (ii) The parental consent form must be in a form approved by the Council. An example is attached; (iii) In circumstances where the licensee is in some doubt reasonable steps to verify the consent shall be made and the details recorded on the consent form.

12. 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 impossible, the tariff may with the consent of the Council, be displayed in the reception area.
13. Officers of the Council, who are furnished with authorities which they will produce on request, shall be admitted immediately at all reasonable times to all parts of the premises. NB (i) The 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 the approved arrangements for the premises, the conditions of the licence, or which may present a hazard to the public. (ii) Officers of the LFEPA are authorised to inspect premises licensed for special treatment under the provisions of Section 15 (1) (b) of the London Local Authorities Act 1991.
14. 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.
15. The approved arrangements shall be maintained at all times in full working order.
16. No alterations (including temporary alterations) shall be made to the premises, without the prior consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. 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.
17. (a) All ways out of the premises shall be maintained free of trip hazards, unobstructed and available for immediate use at all times. (b) All lighting (including escape lighting, where provided) shall be maintained in full working order. (c) The escape lighting installation (where provided) shall be tested every six months by a qualified engineer and a certificate for each test retained at the premises. (d) All exit doors shall be available for immediate use, without use of a key or similar fastening the whole time the public are in the premises. (e) All fire doors shall be maintained effectively self-closing, and not be wedged open.

18. 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. 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.
19. All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. Any extinguisher discharged shall be replaced or recharged immediately. 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.
20. The Fire Brigade shall be called to any outbreak of fire, however slight. Suitable notices shall be displayed indicating how the Brigade can be summoned.
21. The licensee shall ensure that: (a) sanitary accommodation is available in the premises for the free use of both staff and public and shall ensure that in the sanitary accommodation there are suitable wash-hand basins provided with an adequate supply of hot and cold water or of hot water at a suitably controlled temperature; together with an adequate supply of soap and suitable hand drying facilities; (b) 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.
22. (a) 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. (b) Where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.
23. Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.
24. 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.
25. 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.
26. The Electrical Installation must be inspected at least every 5 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 on the premises. NB The Council normally requires that any such certificate shall 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.

27. Portable heating and gas-fired appliances shall not be used at the premises except with the prior consent of the Council.

**PART III – RULES WHICH APPLY ONLY TO THE PREMISES WHERE MASSAGE (OTHER THAN SOLELY TO THE FACE, NECK, OR LEGS BELOW THE KNEES) OR SAUNA IS PROVIDED.**

28. The licensee or some responsible person nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by any officer authorised in writing by the Council.
29. (a) Treatment shall only be given by qualified persons approved by the Council in respect of **Band A** treatment of whom two identical full-face passport size photographs taken within the 6 months preceding the application for approval have been submitted to the Council. (b) 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.
30. 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 shall correspond with that shown on any certificate displayed under Condition 8 (b).

**Special Conditions for treatments using Intense Optical Radiation (e.g. laser/IPL)  
November 2015**

**1) Non Surgical Lasers/IPL**

- a) The licence holder shall produce the 'treatment protocol' document which shall be kept on site. (*Appendix A outlines the information required in this document*). The licence holder may wish to attain the services of an Expert Medical Practitioner to complete this.

- b) The licence holder must produce suitable laser/IPL safety instructions (Local Rules). These should be read and understood by all staff that may be exposed to the risks from the equipment. Evidence of understanding should be documented. The local rules must be up to date and reflect current equipment, facilities and working practices. *An example of suitable content is given in Appendix B*
- c) The 'local rules ' shall be updated if there are any changes made to the equipment in use, changes in procedure or treatment room if these affect the safe use of the laser/IPL.
- d) The licence holder shall perform a suitable and sufficient risk assessment, with regards to the risks from optical radiation. They shall provide evidence that they have employed the services of a Certificated Laser Protection Adviser (LPA) to assist with this. The LPA should be tasked to write a report which includes written recommendations for suitable controls. Risk assessments must be reviewed at appropriate intervals or where any changes are made that may affect the risk management.

#### Training

- e) All Authorised Users must hold a qualification that meets the current National Occupational Standards (NOS) at level 3 in a relevant subject (Epilation). For all new applications from 1<sup>st</sup> January 2014 the NOS will be at VTCT Level 4 for IPL and Laser.
- f) Staff members involved in the use of the equipment or safety management shall also attend a suitable laser safety management course, e.g. Laser Core of Knowledge. Laser operators should be able to demonstrate appropriate training and competence for each type of treatment offered.
- g) A suitably qualified member of staff on the premises shall be identified as the laser protection supervisor they will have day to day to responsibility of ensuring the local rules are followed.
- h) A treatment register shall be completed every time the laser/IPLS is operated, including the following information:
  - the name of the person treated (including a second means of identification);
  - the date and time of treatment;
  - the name and signature of the laser/IPLS operator;
  - the nature of the laser/IPLS treatment given;
  - the treatment parameters;
  - any accidents or adverse effects.

#### **Laser/IPL Controlled Area**

- i) The area around working lasers/IPLS shall be controlled to protect other persons while treatment is in progress. The controlled area shall be clearly defined and not used for other purposes.

A suitable safety warning sign or light entry system which complies with current British Standards shall be in place on the door of the controlled area.

- j) All lasers/IPLS shall comply with current standards (BS EN 60601-2-22 for medical lasers and BS 60601-2-57 and shall display labels identifying them, their wavelength or range of wavelengths and the maximum output power of the radiation emitted. The labels shall be clearly visible on the front or side of the machine.
- k) The door to the controlled area shall be fitted with a suitable device which can be operated from the outside in an emergency
- l) Any windows in the controlled area shall be fitted with opaque blinds approved by the LPA .
- m) The controlled areas shall be kept clear of clutter, mirrors shall be avoided and jewellery shall not be worn.
- n) Surfaces within the controlled area shall be of a matt or eggshell finish.
- o) Protective eyewear shall be worn by everyone within the controlled area whenever there is a risk of exposure to laser/IPLS . All protective eyewear shall be marked with the wavelength range and protection offered as detailed in the local rules document. They shall be in a clean serviceable condition.
- p) The laser protection supervisor shall ensure that the key to any laser/IPLS equipment is kept in a secure and separate area when not in use and that only authorised users have access to the key.
- q) Lasers/IPLS shall be serviced in accordance with manufacturer's instructions and a record kept of servicing and repairs with the local rules document.



## **APPENDIX A**

### **Laser /IPLS Treatment Protocol Document**

A treatment protocol must be produced by an expert medical practitioner (EMP) in relation to the licence holders equipment/premises.

The treatment protocol sets out the necessary pre-treatment checks and tests, the manner in which the laser/IPLS is to be applied, the acceptable variations in the settings used, and when to abort a treatment.

The treatment protocol should be signed and dated by the EMP to confirm authorisation, should be reviewed annually and include a projected date for review.

A separate treatment protocol should be in place for each laser/IPLS in use at the licensed premises.

The treatment protocol must include the following:

- name and technical specifications of the equipment
- contraindications
- treatment technique – general
- treatment technique – hair reduction
- client consent prior to treatment
- cleanliness and infection control
- pre-treatment tests
- post-treatment care
- recognition of treatment-related problems
- emergency procedures
- permitted variation on machine variables
- procedure in the event of equipment failure

### **CONTENT OF LASER/IPLS LOCAL RULES DOCUMENT**

#### **1) Potential Hazards**

List all types of hazards including fire, skin and eye injuries, electrical etc

#### **2) Device Description**

Description of all devices including output, serial numbers etc..

**3) Treatment Protocol**

Reference to separate document produced by the Expert Medical Practitioner.

**4) Written Procedures**

Supported by reference to user manual/training manual etc

**5) Adverse Incident Procedure**

a) Details of actions that shall be taken in cases of emergency e.g eye exposure

b) Name, address and tel no of local accident and emergency department.

c) Any incidents must also be reported to Croydon Council, list of their contact details,

**6) Emergency Shutdown Procedure**

Instructions as set down in manufacturers manual or treatment protocol.

**7) Register of Authorised Users**

Details of trained personnel with signed declarations of individuals.

**8) Laser Protection Advisor**

Contact details of the LPA

**9) Laser Protection Supervisor**

a) One Authorised User shall be nominated Laser Protection Supervisor to ensure that the

register is maintained and the local rules are adhered to

b) Name of the laser protection supervisor

**10) Record of laser use**

A register shall be kept which will separately record the following information every time the IPL is operated

The name and date of birth of the person treated

- date of treatment
- the operator
- the treatment given
- any accident or adverse effects.

### **11) Laser/IPL Operator Training**

- a) All laser/IPL 'authorised users' shall hold the Core of Knowledge Training Certificate together with specific training on the use of on site equipment provided by the supplier of the Laser/IPLS.
- b) Details of all training shall be recorded in the Register of Authorised Users or a separate Training Register.

### **12) Controlled Area designation and access**

- a) The room in which the laser/IPLS is used shall be designated a 'Controlled Area' and the laser shall only be used in this area. Approved warning signs shall be fitted to the door i.e. 'Controlled Area', 'Eye Protection' etc
- b) A notice should be fixed to the laser/IPLS indicating that its use is subject to the Local rules.

### **13) Register of Authorised Users**

A register shall be kept of personnel authorised to operate the equipment.

### **14) Safe Operation of device**

- a) No more than one laser/IPL shall be switched on during the client treatment.
- b) When the laser/IPL is in operation the number of persons in the room shall be kept to a minimum.
- c) The laser/IPL shall not be enabled to fire unless it is directed towards the treatment site or a beam stop.
- d) The Authorised User shall be careful to avoid reflections of the beam from Instruments/equipment in close proximity to the beam path, matt/non reflective surfaces etc shall be provided.
- e) Whenever the device is unattended by an Authorised User, the laser shall be switched off and the key withdrawn and placed in safe custody by the Authorised User.

### **15) Operator responsibility**

- a) It is the responsibility of the equipment Authorised User to be aware of the nature of the hazard involved and to be familiar with the manufacturer's operating instructions.

- b) During the operation of the laser (or IPL) the Authorised User is responsible for the safety of all persons present, including the client and themselves.

## **16) Protective eyewear**

Protective eyewear shall be provided and clearly marked for the laser. It is important that the correct goggles are used e.g. the use of a coloured sticker or other identifier on the goggles matches a similar identifier on the laser or IPL. The Authorised User shall instruct all personnel in the Controlled Area to wear goggles suitable for the laser being used.

## **17) Application of local rules**

- a) The laser shall only be used in accordance with these local rules.
- b) Authorised Persons shall sign statements that they have read and understood these local rules.
- c) The local rules shall be kept in the treatment room/s at all times.

**Special Treatments  
Under Age Consent Form**

If you are under the age of 16 you will be required to obtain the consent of your parent or guardian before we can carry out the treatment.

**NB.** If there is doubt we will telephone the number provided to obtain verbal consent.

If you suffer from any of the following we will not consider you suitable for treatment : Haemophilia; Metal Allergies including gold or silver; Diabetes; Thyroid disorder; Keloids; Hepatitis; or Birthmarks involving the ears i.e. port wine stains (for ear piercing).

Clients suffering from the following require doctor's permission : eczema; acne; dermatitis; or psoriasis.

**Client Consent**

You have requested us to carry out the treatment. Whilst every precaution will be taken to ensure the treatment is satisfactory we cannot be responsible for your aftercare where necessary.

I the undersigned have requested that you carry out the following treatment

Name of person under 16 \_\_\_\_\_

The above named minor is in good health and is not suffering from any condition that would be detrimental to my receiving the treatment. I therefore accept all responsibility.

Name of Parent/Guardian \_\_\_\_\_

Signature of Parent/Guardian \_\_\_\_\_

Address \_\_\_\_\_

Tel. No. \_\_\_\_\_ Date \_\_\_\_\_