

# REGULATIONS MADE BY SOUTHWARK COUNCIL UNDER SECTION 10(1) OF THE LONDON LOCAL AUTHORITIES ACT 1991

## STANDARD LICENSING CONDITIONS IN FORCE FOR PREMISES OFFERING SPECIAL TREATMENT BY LONDON BOROUGH OF SOUTHWARK

### 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 statutory requirements.
- (iii) These rules are divided into six parts as follows :
  - Part I - Definitions and General.
  - Part II - Rules which apply to all premises.
  - Part III - Rules which apply to all treatments.
  - Part IV - Rules which apply to safety and maintenance.
  - PART V - Rules applying to larger premises only where the Council so prescribes.
  - PART VI - Appendix A - Certification required to be available at the licensed premises.
- (iv) 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 access for people with disabilities should be provided at business premises licensed for special treatment. Licensees are, therefore strongly encouraged to provide such facilities so as to enable the admission of people with disabilities and are reminded of the duties imposed by the Equalities Act 2010.

## **Part I Definitions and General**

### **Definitions**

In these rules, unless the context otherwise requires:-

**Act** means Part II of the London Local Authorities Act 1991 (as amended).

**Approval of the Council or Consent of the Council** means the written 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.

**Council** means the London Borough of Southwark.

**Special Treatment** means massage, electric treatments, light treatments, water treatments, skin piercing and other treatments of a like kind.

**Establishment for Special Treatment** has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended).

**Fire Authority** means the Chief Officer and Chief Executive of the London Fire and Emergency Planning Authority (LFEPA).

**Licence Holder/Authorised Person** means a person who is responsible for compliance with the standard conditions at all times that the premises are open for business.

**Licence** means a special treatment licence granted under section 6 of the London Local Authorities Act 1991 (as amended).

**Premises** means any premises within the Council's area licensed for special treatments and includes all installations, fittings etc.

**Operative** – the person carrying out the special treatment and, for tattooing and body piercing premises, is an approved operative as named on the licence.

**Authorised Officer** means an Officer appointed by the Community Safety and Enforcement Department. (This may include officers of the London Fire and Civil Defence Authority.)

**British Standard (BS)** shall be deemed to refer to the current British Standard.

**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 therewith

### **Dispensation or Modification of Rules**

- (a) These rules may 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**

### **Type of Business**

1. Unless consent is given by the council the establishment shall be carried on only for the treatment or business and in the trade name of style specified in the licence and at the address mentioned. Only the special treatments listed on a special treatment licence in respect of a premises shall be undertaken at that premises.

### **The Licence**

2. The licence, including the list of operatives and treatments, or a clear copy, shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism and defacement.

### **Identification of Staff**

3. 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. The name badge shall be provided to staff by the premises.

### **Responsibility of Licence Holder/Authorised Person**

The licence holder may authorise a responsible person to be in charge of the premises during opening hours.

The licence holder/authorised person shall take all reasonable precautions for the safety of all persons using the premises and ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974, and other associated legislation.

The licence holder/authorised person shall be in charge of the premises at all times.

4. The licence holder shall take out employer's liability (where applicable) and public liability insurance cover.
5. The licence holder/authorised person shall ensure that all operatives carrying out 'special treatments' are suitably trained/qualified and evidence of such shall be submitted to the Council for approval.
6. The licence holder/authorised person shall ensure that no nuisance arises from the business, e.g. odours, noise etc.

### **Conduct of the Premises**

7. No poster, photograph, sketch, painting, advertisement or display shall be displayed which the council regards as unsuitable for general exhibition. If the licensee is notified that the council objects to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed.
8. The licence holder/authorised person shall ensure that no part of the premises is used by persons, for soliciting, any act of indecency or other immoral purposes.
9. The licensee shall ensure that all persons in his employ engaged in the establishment to be properly and decently attired.

## **Display of Tariff**

10. All licensable treatment provided at the premises shall be clearly listed in a priced tariff and prominently displayed. This tariff shall also clearly show the cost of any additional service provided at the premises together with VAT thereon if applicable. A copy of the tariff shall be supplied on request to an authorised officer of the Council.

## **Authorised Officers**

11. Authorised officers, on presentation of their written authorisations and proof of identity shall be admitted at all reasonable times to all parts of the premises.

## **Electricity**

12. That the electrical installation for the premises, including fixed appliances shall be inspected, tested and maintained in accordance with the British Standard 7671 , or superseding regulations should they apply. A periodic inspection report shall be obtained from a 'competent person' at the appropriate intervals and submitted to the council. A competent person would be one of the following:
  - i) A professionally qualified electrical engineer
  - ii) Member of the Electrical contractors Association (ECA)
  - iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting (NICEIC).

## **Record Keeping**

13. Records including name, address, age, date & type of treatment received shall be kept for all treatments, for a period of at least 3 years in regards to customers. See paragraph "Challenge 25" below for further details.
14. 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.
15. A record of the operative providing the treatment for each customer is to be kept.

## **Challenge 25**

16. Any person wishing to receive a licensable treatment will need to provide proof of their age if they look under 25.
17. Licensees must advertise this policy so that all clients are made aware that they may be challenged about their age if they look under 25. Signage shall be displayed at the entrance to the premise where the treatment is to be carried out to inform customers that an agecheck "Challenge 25" applies and proof of age may be required.

Acceptable forms of ID are a photo driving licence, passport or the PASS hologram proof of age card such as the Southwark Proof of Age (SPA) card.

18. Where a challenge is made, it must be recorded in a register of refused or accepted treatments in order to demonstrate effective operation of the policy. Proof of age should also be noted on the client's record card, where appropriate. The register and client record cards shall be available for inspection at the premise by Southwark Council's authorised officers.

## **Maintenance**

19. All systems i.e. fire safety equipment, boilers, etc provided in the premises shall be maintained regularly by competent persons, and records available on site for inspection.
20. All equipment used in connection with special treatments shall be serviced/ maintained in accordance with the manufacturers/suppliers recommendation, and records kept.
21. Bench top sterilisers shall be calibrated and maintained in accordance with the Manufacturers recommendations and records available on site.

## **Training**

22. All persons carrying out special treatments shall have received suitable training in the treatments being undertaken and also use of any relevant equipment.
23. All persons involved with taking bookings, reception of clients or carrying out of special treatments shall be given training on the agecheck policy, "Challenge 25"
24. Written evidence of all training (including the date of that training) shall be available on the premises for inspection.

## **Persons who can give treatment**

25. Except as provided by 26 below, treatment shall only be given by qualified persons who have been approved by the Council and in respect to whom two identical full face passport size photographs taken within the twelve month preceding the application for approval, have been submitted to the Council.
26. 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 has first been obtained in writing and is current at the time of treatment.

It must be understood that before any new treatment or new operator is provided at the premises consent from the Council must be obtained. Council Enforcement Officers or the Police can inspect the premises and any if any treatments or operatives are being provided that are not on the licence they will be required to stop immediately and enforcement action may be taken against the licence holder that can include prosecution. This may also place the special treatments licence for the premises in jeopardy.

## **PART III - RULES WHICH APPLY TO ALL TREATMENTS**

### **Restriction on Treatment**

27. 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 may not be present.

### **Personal Hygiene**

28. Any person carrying out any special treatment must ensure that:

- (i) hands are kept clean and are washed immediately prior to carrying out any treatment.
- (ii) any open boil, sore, cut or other open wound is effectively covered by an impermeable dressing
- (iii) No smoking or consuming food and drink shall be undertaken during the course of the treatment.

### **Waste Material**

29. 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. The receptacles shall be emptied whenever this becomes necessary.

### **Needles and sharps**

30. All needles and sharps used in treatment shall be placed after use in a separate, covered and leak proof container compliant with BS 7320 and UN 3291 and shall be disposed of when full as clinical waste, and proof shall be provided as to the method of disposal to the satisfaction of the Council.

### **Anaesthetic**

31. Administration of local anaesthetic injections other than by medically qualified practitioners is an offence. Under the Medicines Act 1968, local anaesthetic creams, sprays, gels etc. are prescription only medicines and pharmacy medicines which may only be sold by pharmacists for medical application on the patient only. Their use prior to a body piercing is therefore an offence.

### **Control of Substances Hazardous to Health Regulations 2002**

32. Substances which fall under the above Regulations e.g. Barbicide, bleach, nail monomers etc shall be assessed in accordance with the requirements of those Regulations and all the necessary precautions taken to ensure their safe use and storage.

### **Aftercare**

33. Each client shall be provided with written aftercare advice for each treatment they receive, and confirmation of this should be recorded on their client record card.

## **PART IV - Rules which apply to safety and maintenance**

### **Maintenance of Means of Escape**

34. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and identifiable in accordance with the approved arrangements.
35. Any mirrors, pictures, advertisements or notices which may be permitted by the Council shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line, i.e. 2 metres above the floor.
36. Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned. Notice in writing of any proposal to rail off a portion of the premises for the accommodation of such boards or easels shall be given to the Council and the Council's prior consent obtained in the manner prescribed by regulation 21.

### **Maintenance of Exits**

37. All exit doors shall be available for egress during the whole time that the public are on the premises.

### **Fire Alarms**

38. Any fire alarm system shall be checked weekly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in the log book.

### **Fire Fighting Equipment**

39. All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. In the case of hose reels and sprinkler systems the test results shall be recorded in the log book.

### **Non-Slippery Surfaces**

40. All gangways and exitways and the treads of steps and stairways shall be maintained with non slippery and even surfaces.

### **Edges of Steps**

41. The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

### **Floor Coverings**

42. All floor covering shall be so secured and maintained that they will not be likely to ruck, or to be in any way a source of danger. Any mats shall be fitted into matwells so as to be flush with the surface of the floor. Each treatment room shall be provided with suitable floor coverings which shall be maintained in a clean condition.

### **Curtains, Hangings, Upholstery Decorations etc**

43. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where

necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the Council.

## **Ventilation**

44. The licensee shall ensure that the premises are adequately ventilated to all areas of which the staff and clients have access. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720, 1979. The system shall be capable of full operation during the whole of the time the public are on the premises.

- *Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort.*

## **Sanitation**

45. The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and public and in particular shall :

- (i) maintain each sanitary convenience in clean and efficient order;
- (ii) ensure that any room which contains a sanitary convenience is suitable and sufficiently illuminated and ventilated and is kept clean;
- (iii) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is 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;
- (iv) ensure that 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;
- (v) where appropriate the sanitary accommodation shall be adequately indicated.

## **Sanitary Condition of Premises**

46. All parts of the premises and any yard of such premises shall be kept in a clean condition to the satisfaction of the Council.

## **Treatment Room**

47. Each treatment room shall :

- (i) be maintained in a clean and structurally sound condition;
- (ii) be adequately illuminated and ventilated;
- (iii) be provided with suitable wash-hand basin or basins readily accessible to each treatment room with a suitable supply of hot and cold water, together with soap and either a supply of disposable towels or a clean towel at all times.
- (iv) suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained;
- (v) where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.



## **Cleanliness**

48. 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.

## **Lighting**

49. The owner, occupier or any other person concerned in the conduct or management of the premises licensed for special treatment shall ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which public and staff have access and is in operation continuously during the whole time the premises are open to the public.
50. The general lighting shall be maintained alight and the lighting to "EXIT" or "WAY OUT" notices shall not in any circumstances be extinguished or dimmed while clients are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

## **Electrical Installation**

51. The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition, as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

## **Heating**

52. All parts of the premises regularly occupied by the public or employees shall be heated to the satisfaction of the Council.

## **Portable Heating Appliances**

53. Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

## **Gas Cylinders**

54. Appliances utilising cylinders or containers of gas under pressure (apart from CO<sup>2</sup> cylinders and hand held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

**NOTE:** the use of liquid petroleum gas in cylinders is unlikely to be approved.

## **Gas Installations**

55. The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984, or superseding regulations should they apply.

## **Gas Meter and Electrical Intake Enclosures**

56. Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not shall be kept clear and unobstructed.

## **PART V - CONDITIONS APPLYING TO LARGER PREMISES ONLY WHERE THE COUNCIL SO PRESCRIBES**

### **Electrical Certificates**

57. Unless otherwise decided by the Council an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises licensed for special treatment and any equipment used therein shall be submitted to the Council at least annually or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

**NOTE:** Certificates submitted under this regulation are retained by the Council.

58. The Council normally requires that any such certificate shall be signed by the Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or by a suitable qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

### **Escape Lighting**

59. The escape lighting installation, including its load, shall not be altered without the consent of the Council.
60. Any escape lighting battery shall be fully charged before the admission of patrons.
61. If the patrons have left the premises they shall not be re-admitted until normal lighting has been fully restored and the battery or batteries fully recharged.
62. The escape lighting installation shall be tested at least once every 6 months in accordance with BS 5266 Part I and a copy of the certificate retained on the premises.
63. In the event of the failure of the normal system of lighting, (i) where the escape lighting has a 1 hour capacity the public shall be required to leave the building within a maximum period of 30 minutes and (ii) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

### **Diagram of Wiring**

64. Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits, the position of the distribution boards and the sizes of the cables shall be provided on the premises.

### **Installation for Unlicensed Portions of Premises**

In cases in which the premises form part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the premises, except with the consent of the Council and in accordance with any conditions of such consent.

## **PART VI - CERTIFICATION REQUIRED TO BE AVAILABLE AT THE LICENSED PREMISES**

### **Electricity**

65. All applicants and licence holders are required to hold valid documentation confirming the safety of the fixed wiring throughout the premises. All works must be carried out by a competent electrical engineer in accordance with the Electricity at Work Regulations 1989. e.g. NICEIC 'Periodic Inspection Report For An Electrical Installation'.

### **Sterilisers**

66. All applicants and licence holders are required to hold valid documentation confirming the safety/calibration of all sterilisers which are used in connection with the business e.g. autoclaves, ultrasonic cleaners, ultra violet cabinets etc. All works must be carried out by a competent engineer.

### **Controlled Waste**

67. All applicants and licence holders shall hold a copy of the licence of the contractor who is removing the controlled waste.

68. Copies of transfer documents for the removal of controlled waste should also be held.

### **Insurance**

69. A copy of the employers liability (where applicable) and public liability certificates should be available for inspection.

### **Training**

70. All certificates of qualification relevant to the licensed treatments shall be available for inspection.