

**MEETING**

**LICENSING SUB-COMMITTEE**

**DATE AND TIME**

**THURSDAY 25TH MAY, 2017**

**AT 10.30 AM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG**

**TO: MEMBERS OF LICENSING SUB-COMMITTEE (Quorum 3)**

Councillor Alison Cornelius  
Councillor Wendy Prentice  
Councillor Claire Farrier

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: Governance Service [governance.service@barnet.gov.uk](mailto:governance.service@barnet.gov.uk)

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Appointment of Chairman	
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Licensing Sub-Committee Hearing Procedure	5 - 8
5.	Special Treatment Licence Renewal- Linh Nail Salon, 18A Vivian Avenue, Hendon, London NW4 3XP	9 - 68
6.	Motion to exclude the Press and Public	
7.	Deliberation by the Sub-Committee in Private Session	
8.	Re-admission of the Press and Public: Announcement of the decision of the Sub-Committee	
9.	Any other Item(s) the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Governance Service [governance.service@barnet.gov.uk](mailto:governance.service@barnet.gov.uk). People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some

distance away and await further instructions.

Do not re-enter the building until told to do so.

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# LONDON BOROUGH OF BARNET

## LICENSING SUB COMMITTEE

### HEARINGS PROCEDURE

### AGENDA ITEM 4

#### *General points*

The following procedure is based on Regulations made by the Secretary of State under the Licensing Act 2003 ("the Hearings Regulations") which may be viewed or downloaded from the website of the Department for Culture, Media and Sport by following links from [www.culture.gov.uk](http://www.culture.gov.uk)

The procedure is intended as a general framework to ensure natural justice and a fair hearing. The conduct of individual hearings may vary slightly according to circumstances and the discretion of the Chairman. In all cases, however, this general framework will be followed.

The procedure allows each party a maximum period of 5 minutes in which to present their case (Regulations 16 & 24). At the end of the time allowed, the Chairman will terminate the presentation and the hearing will proceed in the form of a discussion led by the authority to explore points of dispute. The discussion will not be timed.

The procedure is subject to periodic review and amendment to reflect best practice and relevant legislative changes. An updated version of this procedure is published as soon as possible following any such amendments.

#### **Governance Officer**

- To seek nominations for Chairman
- Elect Chairman
- Hand over to the Chairman

#### **Chairman**

- Introduces him/herself and Members of the Committee, and outlines their roles.
- Introduces Licensing, Legal and Governance Officer.
- Explains that Legal and Governance Officers will be present during the Committee's deliberations to advise only, and that the Licensing Officer will be excluded from deliberations.
- Asks parties present to introduce themselves.
- Outlines procedure to be followed.
- Asks all parties to confirm their understanding of the procedure.
- Clarifies any aspect(s) of the procedure where any parties are uncertain or asks Legal or Governance Officer as appropriate to clarify.

#### **Governance Officer**

- Informs Committee of absent parties.
- Details persons whom a party is seeking permission to represent them at hearing.
- Panel confer regarding permission.
- Chairman announces decision regarding permission.

### **Licensing Officer presents the report to the Committee**

- Is a statement of the facts including details of the application and operating schedule, relevant policy details, detail representations made, a chronology of events and highlights the points on which the Authority requires clarification.

### **Applicant**

- Presents opening submissions and clarifies points raised by Authority in notice of hearing. Time allowed 5 mins.

### **Other parties**

- Presents opening submissions either in person or by spokes person Time allowed 5 mins per interested party.

### **Note regarding use of video evidence**

Video evidence must be in DVD format and will form part of the relevant party's five minutes opening submission. Any party wishing to use video evidence must submit a copy to the Authority along with sufficient, identical extra copies to serve on all the opposing parties – i.e. if the applicant is submitting it, there must be enough copies for all parties making representations and if a party making representations is submitting it there must be a copy for the applicant. The recording must be edited down to the highlights, containing only relevant matter which relates to the written representation previously submitted. In addition, a description of how, when and where the video was recorded and what it contains must be submitted. These must be supplied to the Authority at least five working days before the hearing.

### **Members question Licensing Officer on Policy**

### **Discussion**

#### **Chairman leads a discussion concentrating on points of dispute:**

Chairman asks Applicant what he disputes in other parties' submissions, and asks other parties to comment.

Chairman proceeds through all objectors dealing with all matters of contention.

When Chairman feels all matters have been thoroughly discussed and all parties have been given a fair and equal opportunity to comment and make representations, she/he closes discussion.

### **Determination**

There are two procedures depending on whether or not determination is to be made at the end of the Hearing or within five working days of the Hearing. This later announcement of determination is permitted in terms of the Legislation for certain types of applications.

### **Chairman informs all present that the Committee will deliberate, that Legal and Governance Officer will remain to advise but will not be part of decision-making process, and that all others must leave (under Regulation 14).**

- Parties, apart from Legal and Governance Officer, leave the room.
- The Committee deliberates, with advice as required from Legal and Governance Officer, and reaches a conclusion. The Legal officer may assist, as required, in formulating the wording of the determination.
- Parties return.
- Chairman reads out determination, and advises it will be sent in<sup>6</sup>

writing to all parties.

- Opportunity for determination to be clarified by any interested party who is unclear.
- Chairman gives advice about appealing against the determination.
- Chairman thanks all for attending and closes the meeting.

**...Within five working days of the hearing**

- Chairman explains requirement to determine the Hearing within five working days, and advises that the Committee will proceed to deliberate and announce the determination within that time.
- During deliberations, Legal and Governance Officers remain to advise on law and procedure as required. The Legal Officer may assist, as required, in formulating the wording of the determination. The Licensing Officer plays no part in the determination and withdraws for this part of the proceedings.
- Chairman advises all parties that they will receive written notification of the determination within five working days of the Hearing date, together with general information on how to appeal against the determination.
- Chairman thanks all parties for attending and invites the applicant, objector(s), other party(ies) and the Licensing Officer to leave.

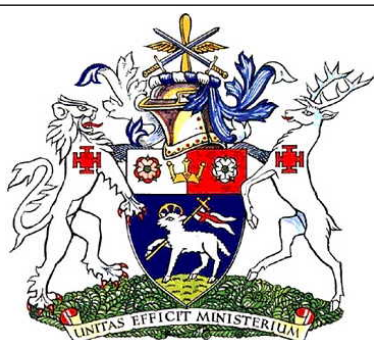
**Information on Appealing against the decision**

You may at any time before the expiration of a period of 21 days from notification appeal to Willesden Magistrates' Court, 448 High Road London England NW10 2DZ (Telephone 020 8955 0555, DX 110850 Willesden 2) by way of Complaint for an Order. The Court may either dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the Licensing Authority or remit the case to the Licensing Authority to dispose of it in accordance with the directions of the court, and can make such order as to costs as it thinks fit.

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## AGENDA ITEM 5



## Licensing Sub-Committee

Thursday 25<sup>th</sup> May 2017

<b>Title</b>	<b>Special Treatment Licence Renewal- Linh Nail Salon, 18A Vivian Avenue, Hendon, London NW4 3XP</b>
<b>Report of</b>	Food Health and Safety Manager
<b>Wards</b>	West Hendon
<b>Status</b>	Public
<b>Enclosures</b>	Appendix 1 – Renewal Application Form Appendix 2 – Police Objection Appendix 3 – Standard Conditions attached to Special Treatment Licences Appendix 4 – London Local Authorities Act 1991 – Part II
<b>Officer Contact Details</b>	Sharon Hofer 020 8359 7431 sharon.hofer@barnet.gov.uk

### Summary

This report asks the Sub-Committee to determine an application for the renewal of a Special Treatment Licence under the London Local Authorities Act 1991 – Part II following an objection from the police in relation to Linh Nail Salon, 18A Vivian Avenue, Hendon, London, NW4 3XP.

### Recommendations

1. The following options are open to members:

- (a) To grant the application in full, subject to standard conditions;
- (b) To grant the application subject to additional conditions;
- (c) To refuse the application

#### 1. WHY THIS REPORT IS NEEDED

- 1.1 Where an objection is submitted under Section 7(3) of the London Local Authorities Act 1991 – Part II (and not withdrawn), the authority must hold a

hearing to consider it, unless the applicant or any party or responsible authority who has made (and not withdrawn) a valid representation agree, or where the authority considers that the representations are frivolous, vexatious or will certainly not influence the authority's determination of the application.

- 1.2 The licensing authority, having received a valid objection from the Metropolitan Police against the renewal of the special treatment licence.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 Applications for renewal are generally dealt with under officer's delegated authority. However, where there is a proposal to refuse a renewal, the decision must be made by the licensing sub-committee (under powers delegated to it by the Licensing Committee)

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 N/A

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The decision will have immediate effect.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 Members are referred to the Council's Licensing Policy for consideration.

- 5.1.2 Timely and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a "successful London Borough" by ensuring that only legal, well regulated licensable activities occur within the Borough.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 N/A

### **5.3 Legal and Constitutional References**

- 5.3.1 The London Local Authorities Act 1991 Part II sets out how applications for special treatment licences should be dealt with where valid representations have been submitted.

Under the terms of London Local Authorities Act 1991 the Council may only refuse to grant, renew or transfer a licence on the following grounds:-

- a) the premises is not structurally suitable for the purpose

- b) there is likelihood of nuisance being caused by reason of the conduct, or management of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;
- c) the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence;
- d) the persons giving the special treatment are not suitably qualified;
- e) the premises have been or are being improperly conducted;
- f) the premises are not provided with a satisfactory means of lighting, sanitation and ventilation;
- g) the means of heating the premises are not safe;
- h) proper precautions against fire on the premises are not being taken;
- i) they are not satisfied as to the safety of the equipment used for special treatment or as to the manner in which the treatment is to be given;
- j) they are not satisfied as to the safety of the special treatment to be given;
- k) satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises;
- l) the applicant has, within the period of 5 years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act; or
- m) the applicant has failed to comply with the application requirements of the Act.

5.3.2 Under the Constitution, responsibility for Functions (Annex A), the London Local Authorities Act 1991 – Part II and associated regulations, as delegated to it by the Licensing Committee, including the determination of review licence applications.

5.3.3 The available options in respect of this application are highlighted in paragraph 1 of this report.

5.3.4 The applicant for renewal is entitled to appeal a refused application to the Magistrates Court. The decision of the Magistrates Court may be subsequently appealed to the Crown Court.

## **5.4 Risk Management**

5.4.1 N/A

## **5.5 Equalities and Diversity**

5.5.1 Licence applications are dealt with according to the provisions of the London Local Authorities Act 1991 – Part II and associated Regulations which allow both applications and representations to applications to be made by all sectors of the community.

## **5.6 Consultation and Engagement**

5.6.1 The statutory consultation process has been followed in accordance with the London Local Authorities Act 1991 – Part II.

## **6. BACKGROUND PAPERS**

- 6.1 The application and report of the Licensing Officer and appendices are attached to this report.



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## Renewal Special Treatment Licence Application

Ref: HSLIC/STBANA/16/52958

Please complete in BLOCK CAPITALS using **black** ink, continuing on separate sheets if necessary

### SECTION 1 – THE PREMISES FOR WHICH THE LICENCE IS SOUGHT

Trader Name and address at which the establishment is to be carried on:

Linh Nail Salon  
18A Vivian Avenue, London, NW4 3XP

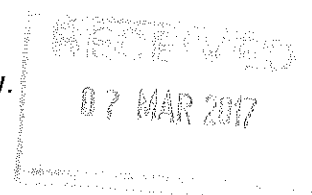
The licence holder will be fully responsible for making sure all licence conditions are complied with, and could be subject to penalties if the conditions are breached.

The new licence will be issued to:

<sup>VUONG</sup>  
Mr Ngoc Quyen & Ms Linh My Pham

If this is not correct, please delete and enter correct details below.

I want the new licence to be issued to:



Trading Name:	LINH NAIL SPA
Address:	18A Vivian Avenue Hendon NW4 3XP
Telephone Number:	0208 2030339
Email Address:	beoleocay@yahoo.co.uk
Business or domestic premises:	

## SECTION 2 – PRACTITIONERS

The treatments and practitioners on your existing licence are listed below. Delete any that you do not want on your new licence.

Ms Van Nguyen:- Manicure / Pedicure / Nail Extensions / ✓/s  
 Ms Linh My Pham:- Pedicure / Manicure / Nail Extensions /  
 Mr Ngoc Quyen Vuong:- Manicure / Pedicure / Nail Extensions /

If you want any additional special treatments or practitioners on your new licence, please give the full name and relevant technical qualification of every new practitioner in the table below, say which special treatment(s) each person will give. Please send copies of the relevant qualification certificates with the application. Please continue on a separate sheet if necessary.

Full name: (Mr, Mrs, Ms)	Trung Thanh Vu
Treatments to be provided:	Manicure , Pedicure , gel nail ,
Qualifications:	NVQ level 2 in Nail Service

Full name: (Mr, Mrs, Ms)	
Treatments to be provided:	
Qualifications:	

Full name: (Mr, Mrs, Ms)	
Treatments to be provided:	
Qualifications:	



## MANAGEMENT

**Please complete, even if the details are the same as your previous application**

*The person who will be responsible for the day to day management*

Full name of the manager: (Mr, Mrs, Ms)	NGOC QUYEN VUONG
Date of birth:	20-11-1987
Place of birth:	VIETNAM
Private address:	66 BECKTON ROAD LONDON, E16 1PY
Daytime telephone number:	0208 2030339

Full name of the manager: (Mr, Mrs, Ms)	LINH MY PHAM
Date of birth:	01-02-1986
Place of birth:	VIETNAM
Private address:	66 BECKTON ROAD LONDON, E16 1PY
Daytime telephone number:	0208 2030339

## OTHER ESTABLISHMENT

*Only complete this section if the applicant is, or has been, employed/ self-employed/ Interested in any other special treatment premises in the last five years.*

Address of premises:	
Nature of interest:	

Will clients be male, female or both?

.....

### SECTION 3 – INTERESTED PARTIES

**APPLICANT(S)** Please complete, even if the details are the same as your previous application

Full name of the applicant: (Mr, Mrs, Ms)	
Date of birth:	
Place of birth:	
Private address:	
Daytime telephone number:	

Full name of the applicant: (Mr, Mrs, Ms)	
Date of birth:	
Place of birth:	
Private address:	
Daytime telephone number:	

### COMPANY / SOCIETY / BODY / ASSOCIATION

*Only complete this section if the application is made by or on behalf of a Company, Society, Body or association*

Full name:	
The address of the registered or principal office:	
Private address of applicant:	
Daytime telephone number:	

Full name:	
The address of the registered or principal office:	
Private address of applicant:	
Daytime telephone number:	

# **Fees 1<sup>st</sup> April 2016**

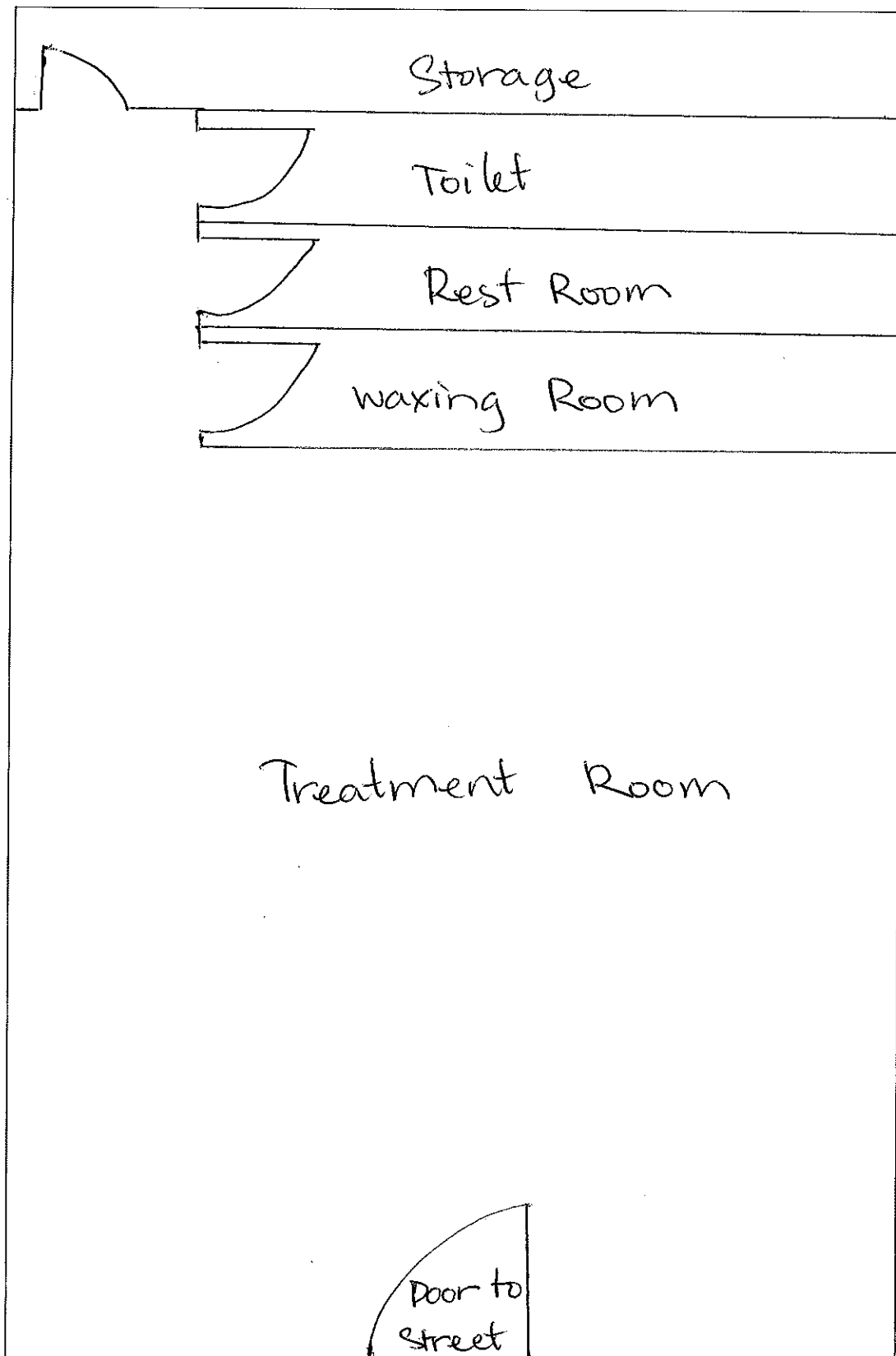
Treatment	Licence Fee	Licence Renewal	Variation *	Transfer **
<b>Band A</b> - low risk and non-invasive treatments, including manicure, nail extensions, pedicure, ear & nose piercing using a single pierce gun designed for the purpose, steam facials and facials combined with a facial massage. Thermal Auricular Therapy (Hopi Ear Candles) if carried out with a facial massage.	£237	£190	£60	£60
<b>Band B</b> – medium risk non-invasive treatments, including electrical treatments (high frequency, faradism, micro-current, ultra-sonic), light treatments (Infra red), head, neck & below the knee massage (Indian head massage, reflexology).	£321	£273	£76	£76
<b>Band C</b> - higher risk or invasive treatments, including body massage (sports/remedial massage, aromatherapy, holistic massage, shiatsu, thai, stone therapy) other than described in Band B, electrolysis, acupuncture, moxibustion, spas, saunas, steam rooms, tattooing, tattoo removal, semi-permanent make-up, body piercing, sunbeds and laser/intense light pulse light treatments	£426	£385	£93.50	£93.50
Additional fee for laser and intense pulsed light (IPL) treatments	£70	£70		

**(Please note that this list is not exclusive of all treatments)**

Please make cheques payable to London Borough of Barnet.

If in doubt about the correct fee, please contact us for assistance.

PREMISES PLAN



18A Vivian Avenue, Hendon, London  
NW4 3XP

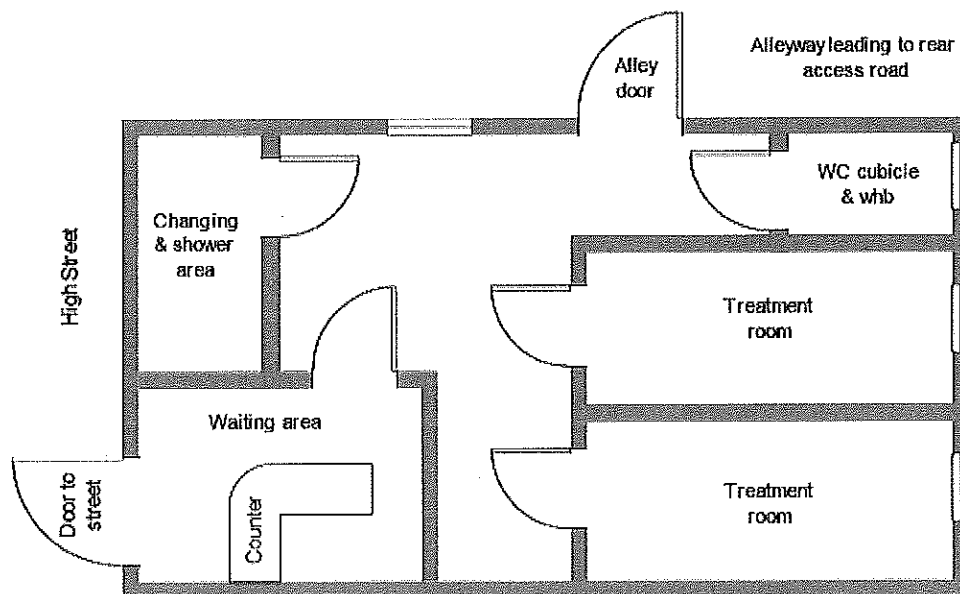
What changes have been made to that layout of the premises since the last licence was issued? If none, please state 'none' below. If changes have been made then please complete a line scale drawing of the premises on the following page.

.....

Please include:

- Doorways and openings;
- Entrance and exits;
- All stairways;
- External and separating walls;
- Internal walls and columns;
- Any steps and number of steps or ramps at a change of floor level
- Description of room e.g. waiting room, treatment room etc.

### EXAMPLE



SCALE = 1:100    DATE: 31/12/1999    ADDRESS : 123 HIGH STREET, SOMEWHERE, LONDON

## SECTION 4 – FIRE SAFETY

To comply with the London Local Authorities Act 1991, we must send a copy of this application to the Fire Authority.

Please answer the following questions:

1) Does the premises have a basement?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
2) Does the proposed shop or workspace have stairs to another floor within the building?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3) If 'yes' to question 2, does it have a door separating the workspace from the stairs?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4) If 'yes' to question 2, what are the other floors in the building used for?	
5) Does the shop or workspace have an alternative means of escape to a place of safety that is separate from the usual entrance to the shop or workspace?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6) Is the shop or workspace provided with a fire extinguisher?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7) If 'yes' to question 6, what type of fire extinguisher?	Morgan Foam
8) If 'yes' to question 6, when was it last serviced?	07 / 2016
9) Have you carried out a written Fire Risk Assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
10) Have you prepared an Emergency Plan in accordance with the Regulatory Reform (Fire Safety) Order 2005?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

If you would like more information on questions 9 and 10 please visit the following website:

<http://www.london-fire.gov.uk/YourSafety.asp>

**If there is more than one treatment, the treatment that falls in the highest band determines the fee.** Only one fee is payable however many different treatments are offered, unless Laser or IPL treatments are included, in which case the Laser/IPL fee, i.e. £69 is added to the Band C fee. If *only* laser/IPL treatment is offered, then Band C together with the Laser/IPL fee will apply.

If at a later date you wish to offer other special treatments, employ other practitioners, or make any material change to the premises or the way in which the treatments are given, you will need to apply for a licence variation before doing so.

- **A variation is any single material change, such as an additional treatment, a new practitioner or a significant change to the premises layout. A variation fee is charged for each separate variation.**
- In addition to the basic variation fee(s), if the variation is to a higher band, for example from Band B to Band C, an additional fee will be payable. This is calculated as follows:

Take the difference between the licence fees for the two bands, multiply by the number of complete months still to run on the existing licence, and divide by 12.

For example, adding a Laser/IPL (Band C) to a licence for electrical treatments (Band B) 9 months before expiry.

Band C (£426) minus Band B (£321) = £105. Multiply by 9 = £945  
Divide by 12 = £78.75.

Add to the Band B variation fee (£76) = £154.75

Plus additional fee for Laser/IPL (£70)

The variation fee in this example is £224.75.

**\*\*A transfer is a change to a different licence holder, with no other material change.**

If there are other changes, variation fee(s) will be charged in addition to the transfer. If there are a number of changes, we may deem the licence to be a new one, for which the single new licence fee is charged.

If you have any queries please contact Environmental Health on 020 8359 7995.





## SECTION 6 – DOCUMENTS TO BE ENCLOSED

Copies of qualification certificates for each new practitioner	<input checked="" type="checkbox"/>
Payment for the application	<input checked="" type="checkbox"/>

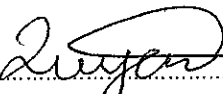
I/we enclose a cheque for £.....190.00.....(see fees list for correct amount)

**I/We declare that the above particulars are true in every respect**

The Council may revoke or refuse to grant any licence where the applicant has knowingly given false information or omitted relevant details on their application form.

Signature (or signatures in case of a partnership)

Signature.......... PRINT NAME.....LINH MY PHAM  
Date.....01-03-2017

Signature.......... PRINT NAME.....NGOC QUYEN VUONG  
Date.....01-03-2017

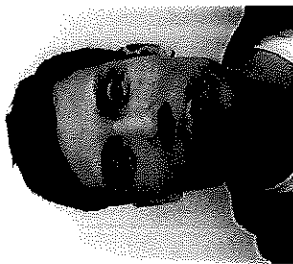
Signature..... PRINT NAME.....  
Date.....

In the case of a limited liability company, the managing director or secretary should sign.

Please return the fully completed application to Environmental Health, Barnet House,  
1255 High Road, London, N20 0EJ

LI\_STRAPF





*Enterprise@Enfield*

Enfield  
College

*This is to certify that*

*Trung Thanh Vu*

*attended and successfully completed the NVQ Level 2 in Nail Services at Enfield College  
and has been awarded a Vocational Training Charitable Trust (VTCT) certificate.*

Date: 28<sup>th</sup> August 2015

VTCT Certificate Number: 8965554

David Palfreman  
Head of Enterprise Services







# London Local Authorities Act 1991

## CHAPTER xiii ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

##### Section

1. Short title.
2. Interpretation.
3. Appointed day.

### PART II

#### SPECIAL TREATMENT PREMISES

4. Interpretation of Part II.
5. Application of Part II.
6. Licensing under Part II.
7. Applications under Part II.
8. Refusal of licence.
9. Transmission and cancellation of licence.

## Section

10. Power to prescribe standard terms, conditions and restrictions.
11. Provisional grant of licences.
12. Variation of licences.
13. Part II appeals.
14. Enforcement of Part II.
15. Powers of entry.
16. Application to existing special treatment premises.
17. Repeal.

## PART III

## ENTERTAINMENT

18. Amendment of Theatres Act 1968.
19. Amendment of Cinemas Act 1985.
20. Amendment of Private Places of Entertainment (Licensing) Act 1967.
21. Fees for entertainment licences.

## PART IV

## MISCELLANEOUS

22. Distribution containers.
23. Audible intruder alarms.
24. Scaffolding licences.

## PART V

## GENERAL

25. Liability of directors, etc.

SCHEDULE:—Local enactments repealed in Greater London in relation to special treatment premises.

**ELIZABETH II**



**1991 CHAPTER xiii**

**An Act to confer further powers upon local authorities in London; and for other purposes. [25th July 1991]**

**W**HEREAS—

(1) It is expedient that further and better provision should be made for the improvement and development of local government services in London and for the benefit of persons residing therein and that the powers of London borough councils should be extended and amended as provided in this Act:

(2) It is expedient that London borough councils should have improved power to license and control premises for massage and special treatment:

(3) It is expedient that the other provisions contained in this Act should be enacted:

(4) The purposes of this Act cannot be effected without the authority of Parliament:

(5) In relation to the promotion of the Bill for this Act the Westminster City Council have complied with the requirements of section 239 of the Local Government Act 1972 and the other participating councils have complied with the requirements of section 87 of the Local Government Act 1985:

1972 c. 70.

1985 c. 51.

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

## PART I

### PRELIMINARY

- Short title. 1. This Act may be cited as the London Local Authorities Act 1991.
- Interpretation. 2. In this Act, except as otherwise expressly provided or unless the context otherwise requires—
- “authorised officer” means an officer of a borough council authorised by the council in writing to act in relation to the relevant provision of this Act;
- “borough council” means London borough council but does not include the Common Council of the City of London; and “borough” shall be construed accordingly; and
- “Commissioner of Police” means the Commissioner of Police of the Metropolis.
- Appointed day. 3.—(1) In this Act “the appointed day” means such day as may be fixed in relation to a borough by resolution of the borough council, subject to and in accordance with the provisions of this section and “the second appointed day” shall be construed accordingly.
- (2) Different days may be fixed under this section for the purpose of the application of different provisions of this Act to a borough.
- (3) The borough council shall cause to be published in a local newspaper circulating in the borough notice—
- (a) of the passing of any such resolution and of the day fixed thereby; and
- (b) of the general effect of the provisions of this Act coming into operation as from that day;
- and the day so fixed shall not be earlier than the expiration of three months from the publication of the said notice.
- (4) Either a photostatic or other reproduction certified by the officer appointed for that purpose by the borough council to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice, and of the date of publication.



## PART II

## SPECIAL TREATMENT PREMISES

## 4. In this Part of this Act unless the context otherwise requires —

Interpretation of  
Part II.

“establishment for special treatment” means any premises in the borough used, intended to be used or represented as being used for the reception or 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 but does not include —

- (a) any premises which are not used for gain or reward;
- (b) any premises where the special treatment is carried out by or under the supervision of —
  - (i) a medical practitioner duly registered by the General Medical Council; or
  - (ii) any bona fide member of a body of health practitioners which has given notice in writing to the borough council that it —
    - (A) has a register of members;
    - (B) requires as qualification for membership qualifications by way of training for, and experience of, the therapy concerned;
    - (C) requires its members to hold professional indemnity insurance;
    - (D) subjects its members to a code of conduct and ethics, including a prohibition of immoral conduct in the course of their practice; and
    - (E) provides procedures for disciplinary proceedings in respect of its members;
- and has supported that notice with satisfactory documentary evidence, if required by the council; or
- (iii) in the case of acupuncture, a dentist registered under the Dentists Act 1984;
- (c) any premises which are used by a person who is registered by a board under the Professions Supplementary to Medicine Act 1960 —
  - (i) solely for the practice of the profession in respect of which he is so registered; or
  - (ii) for the practice of the profession in respect of which he is so registered and for the conduct by him of any business ancillary to such practice and no other purpose;
- (d) any hospital provided by the Secretary of State or by a National Health Service Trust established under the National Health Service and Community Care Act 1990 or by a charity which is registered under section 4 of the Charities Act 1960 or is exempted from registration by subsection (4) of that section; or
- (e) any nursing home which is for the time being registered under Part II of the Registered Homes Act 1984 or exempted from registration under that Part of that Act;

1984 c. 24.

1960 c. 66.

1990 c. 19.

1960 c. 58.

1984 c. 23.

“licence” means a special treatment licence granted under section 6 (Licensing under Part II) of this Act.

PART II  
—cont.

Application of  
Part II.  
Licensing under  
Part II.

5. This Part of this Act applies to a borough as from the appointed day.

6.—(1) No premises shall be used in the borough as an establishment for special treatment except under and in accordance with a special treatment licence granted under this section by the borough council.

(2) The borough council may grant to an applicant and from time to time renew or transfer a licence on such terms and conditions and subject to such restrictions as may be specified.

(3) Without prejudice to the generality of subsection (2) above, such conditions may relate to—

- (a) the maintenance of public order and safety;
- (b) the number of persons who may be allowed to be on the premises at any time;
- (c) the qualifications of the persons giving the special treatment;
- (d) the taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, means for fighting fire and means of lighting, sanitation and ventilation of the premises;
- (e) the maintenance in safe condition of means of heating the premises;
- (f) the hours of opening and closing the establishment for special treatment;
- (g) the safety of any equipment used in connection with the special treatment and the way in which the treatment is given;
- (h) the cleanliness and hygiene of the premises and equipment;
- (i) the manner in which the establishment is operated and the way it is advertised.

(4) Provided it has not been cancelled or revoked the licence shall remain in force for 18 months or such shorter period specified in the licence as the borough council may think fit.

Applications  
under Part II.

7.—(1) An applicant for the grant, renewal or transfer of a licence shall not later than the day the application is made send a copy to the Commissioner of Police and a copy to the London Fire and Civil Defence Authority and, subject to subsection (2) below, no such application shall be considered by the council unless the applicant complies with this subsection.

(2) The borough council may in such cases as they think fit, after consulting with the Commissioner of Police and the London Fire and Civil Defence Authority, consider an application for the grant, renewal or transfer of a licence notwithstanding that the applicant has failed to comply with subsection (1) above.

(3) In considering any application for the grant, renewal or transfer of a licence the borough council shall have regard to any observations submitted to them by the Commissioner of Police and the London Fire and Civil Defence Authority within 28 days of the making of the application and may have regard to any observations submitted by them thereafter.

(4) An applicant for the grant, renewal, transfer or variation of a licence shall furnish such particulars and give such other notices, including the public advertisement of the application, as the borough council may by regulation prescribe.

(5) Regulations under subsection (4) above may, inter alia, prescribe the procedure for determining applications.

PART II  
—cont.

(6) An applicant for the grant, renewal or transfer of a licence shall pay a reasonable fee determined by the council.

(7) Where, before the date of expiry of a licence, an application has been made for its renewal or transfer, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications until the determination of the application by the borough council or the withdrawal of the application.

8. The borough council may refuse to grant, renew or transfer a licence on any of the following grounds: —

Refusal of  
licence.

- (a) the premises are not structurally suitable for the purpose;
- (b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;
- (c) the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence;
- (d) the persons giving the special treatment are not suitably qualified;
- (e) the premises have been or are being improperly conducted;
- (f) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
- (g) the means of heating the premises are not safe;
- (h) proper precautions against fire on the premises are not being taken;
- (i) they are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given;
- (j) they are not satisfied as to the safety of the special treatment to be given;
- (k) satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises;
- (l) the applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act; or
- (m) the applicant has failed to comply with the requirements of subsection (4) or (6) of section 7 (Applications under Part II) of this Act.

9. —(1) Subject to subsection (2) of this section, in the event of the death of the holder of a licence, the person carrying on at the place in respect of which the licence was granted the function to which the licence relates shall be deemed to be the holder of the licence unless and until the licence is transferred to some other person.

Transmission and  
cancellation of  
licence.

(2) The borough council may revoke a licence held by a person by virtue of subsection (1) above for any of the grounds mentioned in section 8 (Refusal of licence) of this Act.

(3) The borough council may, at the written request of the holder, cancel the licence.

PART II  
—cont.

Power to  
prescribe  
standard terms,  
conditions and  
restrictions.

10.—(1) The borough council may make regulations prescribing standard conditions applicable to all, or any class of, licences, that is to say terms, conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them.

(2) Where the borough council have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended.

Provisional grant  
of licences.

11.—(1) Where application is made to the borough council for the grant of a licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the borough council are satisfied that the premises would, if completed in accordance with the requirements of the borough council, be such that they would grant the licence, the borough council may grant the licence subject to a condition that it shall be of no effect until confirmed by them.

(2) The borough council shall, on application being made for the appropriate variation of the licence, confirm any licence granted by virtue of subsection (1) above if and when they are satisfied that the premises have been completed in accordance with the requirements of the borough council.

Variation of  
licences.

12.—(1) The holder of a licence may at any time apply to the borough council for a variation in the terms, conditions or restrictions on or subject to which the licence is held.

(2) The person making an application for such a variation of a licence shall on making the application pay to the borough council a reasonable fee determined by the council.

(3) The borough council may —

- (a) make the variation specified in the application;
- (b) make that variation together with such further variation consequent thereon as the council may determine; or
- (c) refuse the application.

Part II appeals.

13.—(1) Any of the following persons, that is to say: —

- (a) an applicant for the grant, renewal or transfer of a licence whose application is refused;
- (b) an applicant for the grant, renewal or transfer of a licence who is aggrieved by any term, condition or restriction on or subject to which the licence is granted, renewed or transferred;
- (c) an applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held whose application is refused;
- (d) an applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held who is aggrieved by any term, condition or restriction contained in a further variation made consequent on the variation applied for;
- (e) the holder of a licence which is revoked under section 9 (Transmission and cancellation of licence) or section 14 (Enforcement of Part II) of this Act;

may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the petty sessions area in which the premises are situated by way of complaint for an order.

PART II  
—cont.

(2) In this section "the relevant date" means the date on which the person in question is notified in writing of the refusal of his application, the imposition of the terms, conditions or restrictions by which he is aggrieved or the revocation of his licence, as the case may be.

(3) An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.

(4) On an appeal to the magistrates' court or to the Crown Court under this section the court may make such order as it thinks fit and it shall be the duty of the borough council to give effect to such order.

(5) Where any licence is revoked under section 14 (Enforcement of Part II) of this Act or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force—

- (a) until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and
- (b) where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the borough council.

(6) Where any licence is renewed under section 6 (Licensing under Part II) of this Act and the borough council specify any term, condition or restriction which was not previously specified in relation to that licence, the licence shall be deemed to be free of it until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(7) Where the holder of a licence makes an application under section 12 (Variation of licences) of this Act and the borough council make the variation applied for together with a further variation, then the licence shall continue as it was before the application—

- (a) until the time for bringing an appeal under this section against any term, condition or restriction contained in the further variation has expired; and
- (b) where any such appeal is brought, until the determination or abandonment of the appeal.

14.—(1) If any occupier or other person concerned in the conduct or management of premises in the borough uses them as an establishment for special treatment or represents them as being so used or permits the premises to be so used he shall, unless the premises are currently licensed by the borough council under this Part of this Act, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Enforcement of  
Part II.

(2) If any premises in respect of which a licence is in force are used as an establishment for special treatment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then the holder of the licence or other person concerned in the conduct or management of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

PART II  
—cont.

(3) Subject to section 13 (Part II appeals) of this Act, the borough council may revoke a licence if its holder is convicted of an offence under subsection (2) above.

Powers of entry.

15.—(1) Any duly authorised officer or duly authorised officer of the London Fire and Civil Defence Authority (on production, if so required, of a duly authenticated document showing his authorisation) or any constable, may at all reasonable times enter upon, inspect and examine any premises which are, or which he has reasonable cause to believe are—

- (a) used, represented as being used, or intended to be used as an establishment for special treatment without the requisite licence; or
- (b) used in contravention of the terms, conditions or restrictions on or subject to which a licence is granted;

and may do all things reasonably necessary for the purpose of ascertaining whether an offence has been committed.

1936 c. 49.

(2) Subsections (2), (3) and (4) of section 287 of the Public Health Act 1936 shall apply in respect of entry to premises for the purposes of this section as they apply to entry to premises for the purposes of subsection (1) of that section.

(3) Any person who intentionally obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Application to  
existing special  
treatment  
premises.

16.—(1) In respect of premises licensed or registered under an enactment specified in the Schedule to this Act on the date this Part of this Act comes into force in the borough in which the premises are situated, section 6 (Licensing under Part II) of this Act shall not apply until the expiry of the licence or registration granted under that enactment.

(2) If, on an application for a licence duly made under this Part of this Act in respect of any such premises as are referred to in subsection (1) above—

- (a) the application is refused; or
- (b) the licence is granted subject to a term, condition or restriction additional to those attached to the licence or registration under the earlier enactment;

then in a case falling within paragraph (a) above this Part of this Act shall have effect as though the applicant held a licence on and subject to the same terms, conditions and restrictions as under the previous licence or registration and the application had been for the renewal thereof, and in a case falling within paragraph (b) above this Part of this Act shall have effect as though the applicant held such a licence which had been renewed with a term, condition or restriction not previously specified in relation to the licence.

(3) Where premises to which subsection (1) above does not apply are lawfully being used as an establishment for special treatment immediately before the date on which this Part of this Act comes into force in the borough in which the premises are situated, and an application for the grant of a licence is duly made before that date in respect of the premises, this Part of this Act shall have effect as though the applicant held a licence free of any terms, conditions or restrictions and the application had been for the renewal thereof.

17. Subject to section 16 (Application to existing special treatment premises) of this Act, the enactments specified in column (2) of the Schedule to this Act, so far as they relate to any part of Greater London, and bye-laws made thereunder, shall cease to have effect in a borough on the day which the council of that borough resolve to be the appointed day for the purposes of this Part of this Act.

PART II  
—cont.  
Repeal.

### PART III

#### ENTERTAINMENT

18.—(1) This section applies in a borough as from the appointed day.

(2) In section 18 (1) of the Theatres Act 1968, which defines expressions used in that Act, in the definition of “public performance”, after “Public Order Act 1936” there shall be added, “any performance which is not open for the public but which is promoted for private gain”.

Amendment of  
Theatres Act  
1968.  
1968 c. 54.  
1936 c. 6  
(1 Edw. 8 &  
1 Geo. 6).

(3) In the Theatres Act 1968, after section 18, there shall be added —

“Meaning of  
promotion for  
private gain.”

18A.—(1) For the purposes of this Act a performance is promoted for private gain if, and only if —

- (a) any proceeds from the performance, that is to say, any sum paid for admission to the performance; or
- (b) any other sums (whenever paid) which, having regard to all the circumstances, can reasonably be regarded as paid wholly or partly for admission to the performance; or
- (c) where the performance is advertised (whether to the public or otherwise), any sums not falling within paragraph (b) above which are paid for facilities or services provided for persons admitted to the performance;

are applied wholly or partly for purposes of private gain.

(2) If in proceedings for an offence under section 13 (1) above any question arises whether a performance was promoted for private gain and it is proved —

- (a) that any sums were paid for admission to the performance or to the premises at which it was given and that the performance was advertised to the public; or
- (b) that any sums were paid for facilities or services provided for persons admitted to the performance and that the performance was advertised (whether to the public or otherwise); or
- (c) that the amount of any payment falling to be made in connection with the promotion of the performance was determined wholly or partly by reference to the proceeds of the performance or any facilities or services provided for persons admitted to it;

the performance shall be deemed to have been promoted for private gain unless the contrary is shown.

(3) Where a performance is promoted by a society which is established and conducted wholly for purposes other than purposes of any commercial undertaking and sums falling within

PART III  
—cont.

subsection (1) above are applied for any purpose calculated to benefit the society as a whole, the performance shall not be held to be promoted for private gain by reason only that the application of those sums for that purpose results in benefit to any person as an individual.

(4) In subsection (3) above 'society' includes any club, institution, organisation or association of persons, by whatever name called."

Amendment of  
Cinemas Act  
1985.  
1985 c. 13.

**19.—**(1) This section applies in a borough as from the appointed day.

(2) In section 3 of the Cinemas Act 1985, which provides for the grant, renewal and transfer of a licence under that Act, after subsection (1) there shall be inserted —

"(1A) An applicant for the grant, transfer, renewal or variation of an annual licence shall furnish such particulars and give such other notices as the licensing authority may by regulation prescribe:

Provided that no regulation made under this section shall require the public advertisement of an application for —

(a) renewal or transfer of a licence; or

(b) a variation of a licence where that variation relates to a single period of not more than 24 hours and where that licence has not been previously varied more than 12 times within the 12 months preceding the day on which the application is made."

Amendment of  
Private Places of  
Entertainment  
(Licensing) Act  
1967.  
1967 c. 19.

**20.—**(1) This section applies in a borough as from the appointed day.

(2) In the Private Places of Entertainment (Licensing) Act 1967 there shall be inserted after section 4 —

"Powers of  
entry for  
inspection etc.

**4A.—**(1) Any duly authorised officer of the council (on production, if so required, of a duly authenticated document showing his authorisation) or any constable may at all reasonable times enter upon, inspect and examine any premises used, or which he has reasonable cause to believe are used for entertainment (or intended to be so used) without the requisite licence and may do all things necessary for the purpose of ascertaining whether such an offence has been committed.

(2) Any person who wilfully obstructs any person acting in the exercise of his powers under this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(3) An authorised officer or a constable may exercise powers under subsection (1) above only if he has been granted a warrant by a justice of the peace. A justice may grant a warrant under this section only if he is satisfied either —

(i) that notice of intention to apply for a warrant has been given to the occupier of the premises; or

(ii) that the case is one of urgency or that the premises are unoccupied or the occupier is temporarily absent, or that the giving of notice of intention to apply for a warrant would defeat the object of entry.



A warrant under this section shall authorise entry, if need be by force, but shall have effect only for seven days or until the power conferred by this section in accordance with the warrant has been exercised, whichever is the shorter.”.

PART III  
—cont.

(3) In the Private Places of Entertainment (Licensing) Act 1967, there shall be inserted after section 5— 1967 c. 19.

“Meaning of  
promotion for  
private gain.

**5A.—**(1) For the purposes of this Act entertainment is promoted for private gain if, and only if—

- (a) any proceeds of the entertainment, that is to say, any sums paid for admission to the entertainment; or
- (b) any other sums (whenever paid) which, having regard to all the circumstances, can reasonably be regarded as paid wholly or partly for admission to the entertainment; or
- (c) where the entertainment is advertised (whether to the public or otherwise), any sums not falling within paragraph (b) above which are paid for facilities or services provided for persons admitted to the entertainment;

are applied wholly or partly for purposes of private gain.

(2) If in proceedings for an offence under section 4 (1) above any question arises whether an entertainment was promoted for private gain and it is proved—

- (a) that any sums were paid for admission to the entertainment or to the premises at which it was given and that the entertainment was advertised to the public; or
- (b) that any sums were paid for facilities or services provided for persons admitted to the entertainment and that the entertainment was advertised (whether to the public or otherwise); or
- (c) that the amount of any payment falling to be made in connection with the promotion of the entertainment was determined wholly or partly by reference to the proceeds of the entertainment or any facilities or services provided for persons admitted to it;

the entertainment shall be deemed to have been promoted for private gain unless the contrary is shown.

(3) Where an entertainment is promoted by a society which is established and conducted wholly for purposes other than purposes of any commercial undertaking and sums falling within subsection (1) above are applied for any purpose calculated to benefit the society as a whole, the entertainment shall not be held to be promoted for private gain by reason only that the application of those sums for that purpose results in benefit to any person or an individual.

(4) In subsection (3) above ‘society’ includes any club, institution, organisation or association of persons, by whatever name called.”.

PART III  
—cont.

Fees for  
entertainment  
licences.  
1967 c. 19.

21.—(1) This section applies in a borough as from the appointed day.

(2) In section 3 (4) of the Private Places of Entertainment (Licensing) Act 1967 (which provides for the grant, duration and transfer of licences under that Act) for “a fee of five pounds” there shall be substituted “such reasonable fee as the licensing authority may determine”.

(3) In the Private Places of Entertainment (Licensing) Act 1967, after section 3 there shall be inserted—

“Variation of  
licences.

3A.—(1) The holder of a licence may at any time apply to the licensing authority for a variation in the terms, conditions or restrictions on or subject to which the licence is held.

(2) The person making an application for such a variation of licence shall on making the application pay to the licensing authority such reasonable fee as the licensing authority may determine.

(3) The licensing authority may—

- (a) make the variation specified in the application;
- (b) make that variation together with such further variation consequent thereon as the council may determine; or
- (c) refuse the application.”.

(4) In section 5 of the Private Places of Entertainment (Licensing) Act 1967, in subsection (1) there shall be inserted, after paragraph (b)—

“(c) the holder of any such licence as aforesaid who is aggrieved by a variation of his licence or by a refusal to vary his licence,”.

1968 c. 54.

(5) In Schedule 1 to the Theatres Act 1968 (which makes provision with respect to licences under that Act)—

- (a) in paragraph 7, before the beginning of the paragraph, there shall be inserted “(1)”; and
- (b) after paragraph 7 there shall be inserted—

“(2) The person making an application for such a variation of licence shall, on making the application, pay to the licensing authority such reasonable fee as the licensing authority may determine.”.

PART IV

MISCELLANEOUS

Distribution  
containers.  
1980 c. 66.

22.—(1) Without prejudice to the provisions of sections 143 and 149 of the Highways Act 1980 (which relate to the removal of structures erected or things deposited on a highway) if a borough council consider that for the good management of a highway or for the purpose of performing any of their functions a distribution container which has been deposited on the highway ought to be removed or repositioned, they may—

- (a) require the owner of the container to remove or reposition it; or
- (b) themselves remove or reposition the container or cause it to be removed or repositioned.

(2) Where a borough council remove or reposition a distribution container under subsection (1) above they shall, where practicable, notify the owner, but if the owner cannot be traced, or if within the period

specified in any such notice (not being less than one month from the date of the notice) he has not recovered the container, they may dispose of the container and its contents.

PART IV  
—cont.

(3) Where a borough council acting under this section —

- (a) exercise powers in relation to a container other than the power of disposal, they may recover their expenses in so doing (including any storage expenses) as if they were expenses recoverable under section 149 (3) (a) of the Highways Act 1980;
- (b) exercise their powers in relation to a container including the power of disposal, they may recover their expenses in so doing (including any storage expenses) as if they were expenses recoverable under section 149 (4) or, where material, (5) of the said Act in a case where an order authorising removal and disposal of the container has been made on a complaint by them under the said section 149 (4);

1980 c. 66.

and in a case falling within paragraph (b) above where they recover their expenses in the manner provided by the said section 149 (4) they shall apply any balance of the proceeds of disposal in the manner so provided.

(4) In this section “distribution container” means any unattended container deposited in the highway for the free distribution of its contents to, or collection of its contents by, the public.

23.—(1) As from the appointed day in a borough —

Audible intruder  
alarms.

- (a) the owner or occupier of premises in the borough who installs an audible intruder alarm for use on or in those premises, shall —
  - (i) ensure that the alarm is fitted with a device as specified in subsection (3) below;
  - (ii) notify the police of the names and addresses of nominated key-holders;
  - (iii) within 48 hours of the installation of the audible intruder alarm notify the council of the installation; and
  - (iv) inform the council of the address of the police station to which notification has been given under paragraph (ii) above.
- (b) a person who becomes the owner or occupier of premises in the borough in which there is installed an audible intruder alarm for use on or in those premises, shall not permit the operation of the alarm unless —
  - (i) it is fitted with a device as specified in subsection (3) below;
  - (ii) he has notified the police of the names and addresses of nominated key-holders; and
  - (iii) he has informed the council of the address of the police station to which notification has been given under paragraph (ii) above.

(2) As from the second appointed day in a borough, the occupier of premises on or in which an audible intruder alarm has been installed shall not permit the operation of the alarm —

- (a) unless it is fitted with a device as specified in subsection (3) below; and
- (b) unless the police have been notified of the names and addresses of nominated key-holders.

PART IV  
—cont.

(3) A device required by subsections (1) and (2) above is a device of such specifications as the council may reasonably determine to prevent the alarm operating audibly to persons living or working near the premises for more than 20 minutes after it is activated.

(4) Where one of the nominated key-holders whose names and addresses were notified to the police under subsection (1) or (2) above or this subsection ceases to hold keys sufficient to obtain access to the premises, the occupier shall notify the police of the name and address of another nominated key-holder.

(5) The requirement to notify the police under this section shall be satisfied if notice in writing is given to the police at any local police station in the borough.

(6) A person who without reasonable excuse contravenes subsection (1), (2) or (4) above shall be guilty of an offence and liable on summary conviction in the case of a contravention of subsection (1) (a) (i) or (2) (a), to a fine not exceeding level 5 on the standard scale, in the case of a contravention of subsection (1) (b) (i), to a fine not exceeding level 4 on the standard scale and in any other case to a fine not exceeding level 2 on the standard scale.

(7) If it is shown to the satisfaction of a justice of the peace in respect of premises in a borough —

- (a) that an audible intruder alarm is operating more than one hour after it was activated; and
- (b) that steps have been taken to obtain access to the premises with the assistance of the persons whose names and addresses have been notified under subsection (1), (2) or (4) above and access has not been obtained, or that no such persons have been notified under those subsections; and
- (c) that the operation of the audible intruder alarm is causing annoyance to persons living or working near the premises;

the justice may by warrant authorise an authorised officer to enter the premises if need be by force and taking with him such other persons and such equipment as may be necessary to de-activate the alarm.

(8) An authorised officer shall not enter premises under this section unless he is accompanied by a constable.

(9) An authorised officer who enters premises under this section shall not cause more than the minimum amount of damage and disturbance necessary to effect an entry and to de-activate the alarm.

(10) An authorised officer who has de-activated an alarm under this section shall —

- (a) if reasonably practicable, re-set the alarm; and
- (b) leave the premises in other respects, so far as reasonably practicable, as effectively secured against trespassers as he found them.

(11) A warrant issued in pursuance of this section shall continue in force until the purpose for which the entry is required has been satisfied.

(12) In this section, where premises comprise a building which is being erected, constructed, altered, improved, maintained, cleaned or repaired, the occupier does not include a person whose occupancy is in connection with the erection, construction, alteration, improvement, maintenance, cleaning or repair and whose occupancy is by virtue of a licence for less than four weeks.

(13) Nothing in this section applies to an audible intruder alarm installed in a motor vehicle.

PART IV  
—cont.

(14) In this section the second appointed day in any borough shall not be less than six months after the day appointed by the council of that borough under subsection (1) above.

(15) In this section “nominated key-holders” means either—

- (a) two persons, other than the occupier, who hold keys sufficient to obtain access to the premises in question; or
- (b) a company whose business consists of or includes the service of holding keys for the occupiers of premises, which is available to be contacted at any time and which holds keys sufficient to obtain access to the premises in question.

24.—(1) Without prejudice to the generality of subsection (1) of section 169 of the Highways Act 1980 (which provides for licensing of scaffolding on or over highways), where a highway authority (being a borough council) grant a licence under that section they may include among the terms contained in the licence requirements to take such measures as may be therein specified—

Scaffolding  
licences.  
1980 c. 66.

- (a) to prevent unauthorised persons from having access to the scaffolding or climbing it; and
- (b) to protect the security of the building in respect of which the scaffolding is required, or any adjacent building.

(2) A breach of a condition under this section shall not affect liability in civil proceedings.

#### PART V

##### GENERAL

25.—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

Liability of  
directors, etc.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## SCHEDULE

Sections 16 and 17.

## LOCAL ENACTMENTS REPEALED IN GREATER LONDON IN RELATION TO SPECIAL TREATMENT PREMISES

Chapter (1)	Short title (2)	Extent of repeal (3)
10 & 11 Geo. 5 c. lxxxix.	London County Council (General Powers) Act 1920.	Part IV.
21 & 22 Geo. 5 c. ci.	Surrey County Council Act 1931.	Part IV.
23 & 24 Geo. 5 c. xlv.	Essex County Council Act 1933.	Part IV.
7 & 8 Geo. 6 c. xxi.	Middlesex County Council Act 1944.	Part XII.
1981 c. xvii.	Greater London Council (General Powers) Act 1981.	Section 19.
1984 c. xxvii.	Greater London Council (General Powers) Act 1984.	Section 40 and Schedules 2 and 3.



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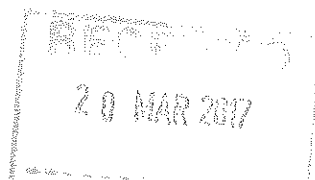
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**METROPOLITAN  
POLICE**

**TOTAL POLICING**



Sharon Hofer  
Health and Safety Officer  
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Whetstone, London  
N20 0EJ

**BARNET POLICE STATION**

**Please post to:**  
**Licensing Office @SA**  
**Colindale Police Station**  
**GRAHAM PARK WAY**  
**LONDON**  
**NW9 5TW**

**Telephone: 020 8733 4195**

**Email: [barnet.licensing@met.police.uk](mailto:barnet.licensing@met.police.uk)**  
**Date: 13<sup>th</sup> March 2017**

Ref: HSLIC/STBAN  
Our ref: STL/033/17

CC: London Borough of Barnet

**Police objection to a new premises licence**

Application Type: **Special Treatment Licence - Renewal**

Licensing Act 2003

Notice Received: 8<sup>th</sup> March 2017

From: Mr Ngoc Quyen VUONG & Ms Linh My PHAM

Premises: Linh Nail Salon, 18A Vivian Avenue, London, NW4 3XP

**Grounds for the objection: The person concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence.**

On 10<sup>th</sup> November 2016 both Mr Vuong and Ms Pham were arrested at their given home address for the following offences.

- Being knowingly concerned in fraudulent evasion of VAT
- Possessing controlled drug with intent to supply

This investigation is still ongoing. Vuong and Pham have been bailed pending further lines of enquiry and forensic analysis of the substances found. They are due to return to police on 9<sup>th</sup> April 2017.

Yours Sincerely,

Vicky Wilcock  
Licensing Office  
Barnet Borough Police.

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## **Regulations and licence conditions**

The Council has made regulations that deal with the licence application process and the way in which applications are determined, and set certain conditions that the licence holder must comply with. It is an offence not to do so.

**Regulations made by the Barnet London Borough Council under section 7(4) and section 10(1) of the London Local Authorities Act 1991 prescribing standard conditions for special treatment licences.**

### **PART I**

#### **GENERAL**

#### **Definitions**

1. In these regulations, unless the context otherwise requires:

**`Approval of the Council's 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.

**`Authorised officer'** means any person authorised in writing by the Council and officers of the Police and Fire Authority.

**`Council'** means the Council of the London Borough of Barnet.

**`Duty Manager'** means the person in charge of the premises whilst the premises are open for the purposes of the licence. This person may either be the licensee or a person appointed by him in writing.

**`Escape lighting'** (safety lighting) means lighting, obtained from a source independent of the general supply for the building which, in the event of a failure of the normal supply, will assist the public and staff to leave the premises.

**‘Establishment for Special Treatment’** has the meaning set out in Section 4 of the London Local Authorities Act 1991.

**‘Fire Authority’** means the London Fire and Civil Defence Authority.

**‘Licence’** means a special treatment licence granted and defined in Section 4 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.

**‘Normal Lighting’** means all lighting, other than escape lighting, permanently installed in those parts of the premises to which the public have access.

**‘Officer’** means any person authorised in writing by the Council. This may include an authorised officer by the London Fire and Civil Defence Authority and the Metropolitan Police Force.

**‘Premises’** includes any part of the premises licensed by the Council, any associated areas, equipment and fittings.

**‘Public’** means any person other than an employee or the applicant of the licensed premises.

**‘Special Treatment’** means massage, manicure, acupuncture, tattooing, cosmetic piercing, light, electric or other treatment of a like kind or vapour, sauna or other baths.

## NOTES

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these regulations shall be constructed 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 regulations are divided into three parts as follows:

Part I General and regulations for application for and determination of licences.

Part II Conditions which apply to all premises.

Part III Conditions which apply to specific premises where there are special circumstances (e.g. ultra violet treatment).

- (iv) In these regulations all references to a British Standard (BS) shall be deemed to refer to the current standard.

### **Disabled People**

It is the policy of the Council that there should be access to 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.

### **Health and Safety at Work**

It should be recognised that while these standard conditions are applied to a licence for special treatment their application does not in any way replace or reduce the underlying statutory duty of employers to comply with the Health and Safety at Work etc Act 1974 and any associated regulations and codes of practice.

The management of health and safety is wide-ranging in nature and may overlap, to some extent, with these conditions. Employers and self-employed persons are required by the Management of Health and Safety at Work Regulations to assess the risks to their workers and any others (i.e. patrons) that may be affected by their business so as to identify what measures are needed to avoid or control the risks. The assessment should be considered with these conditions to manage health and safety at the premises.

### **Dispensation or modification or rules**

2. (a) These regulations may be dispensed with or modified by the Council in any special case.
- (b) The Council may in giving consent under these regulations impose such conditions and as it shall specify in writing.
- (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 requires the application must be advertised.

### **REGULATIONS FOR APPLICATION FOR THE GRANT, RENEWAL TRANSFER OR VARIATION OF LICENCES**

3. The applicant for a new Special Treatment Licence must exhibit a notice , which will be provided by the Council, outside of the premises concerned for not less than 28 days. The notice must include brief particulars of the application and how to object.
4. A copy of the applicant(s) application for the grant, renewal or transfer of a license will be sent to both the Metropolitan Police (Local Station) and the Fire Authority.
5. The applicant for the grant, renewal, transfer or variation of a license must include the following particulars on the application form:
  - (i) Particulars of the applicant; full name and maiden name if applicable, date of birth, place of birth, private address and telephone number, previous names and addresses of other establishments for special treatment in which the applicant has been or has a) an interest, stating nature of interest b) employed.
  - (ii) Particulars of all persons carrying out treatment; full name, list of qualifications and details of the treatments to be provided.
  - (iii) Particulars of the establishment; address and telephone number of premises.
  - (iv) Details of the person who will be responsible for the day to day management of the premises, full name, date and place of birth, private address and telephone number.

6. The applicant for grant, renewal, transfer or variation of a license, must with the application submit copies of certificates of relevant qualifications for persons carrying out any special treatment. In the case of a renewal, transfer or variation of a licence, particulars are required only for any new persons offering treatment. These requirements may be waived by the Council where such copies of certificates of qualifications have been submitted on previous applications.
7. The application for grant, renewal, transfer or variation of a licence must be accompanied by the appropriate fee.

### **RULES FOR THE DETERMINATION OF APPLICATIONS**

8. The Council shall consider every properly made application for a special treatment licence taking into account comments received from the Police and Fire Authority and any objectors.
9. Any person may object to the grant, renewal, transfer or variation of a licence. The objection must be made in writing to the Council by either the time limit specified in the window advertisement or in the case of renewal the date the existing licence expires. The notice of objection must contain reasons for the objections. Provided the objection is in order the Head of Environmental Health shall take it into account when considering the application.
10. Where the Council proposes to refuse to grant, renew or transfer a licence or to revoke a licence the following procedure will be adopted:

The Council shall give to the person applying or holding the licence not less than seven days previous written notice that refusal or revocation is proposed. The notice shall include the date and time when the Council Committee panel will determine the application or confirm the revocation. The panel must afford to the applicant or licensee the opportunity of being heard.

If the Council then refuse to grant, renew or transfer the licence or revoke the licence they shall if required by the applicant or licensee send or deliver to him within 7 days of receipt of such requirement, particulars in writing of the ground or grounds.

## **PART II**

### **CONDITIONS WHICH APPLY TO ALL PREMISES**

#### **Type of Business**

11. The licence is personal, is not transferable without application to the Council and is only valid in respect of the premises named thereon.

#### **Exhibition of Licence**

12. The licence 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 or defacement.

#### **Responsibility of Licensee**

13. (a) The licensee shall take all reasonable precautions for the safety of the public and employees using the premises.  
  
(b) The licensee shall at once notify the council in writing of any proposed 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. The alteration must not be put into effect until the licence has been endorsed.
14. The licensee shall arrange for suitable Employer's Liability and Public Liability insurance covering the range of special treatments offered. The appropriate insurances must be kept on the premises and be available for inspection by visiting officers.

#### **Persons in charge of licensed premises**

15. (a) The licensee or a duty manager 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. The duty manager shall not be engaged in any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision.

- (b) The duty manager shall be familiar with all licence conditions including these rules which shall be kept on the premises.
- (c) The licensee or duty manager shall at all reasonable times admit to the premises any police officer or officer of the Fire Authority, or any authorised officer of the Council (whose written authority will be provided on request).

### **Conduct of Premises**

- 16. (a) The licensee/duty manager shall maintain good order and moral conduct in the premises.
- (b) The licensee/duty manager shall ensure that no part of the premises is used by prostitutes, for soliciting or any other immoral purposes.
- (c) The licensee/duty manager 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/duty manager 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. The licensee shall not employ or permit or suffer to be in or upon the establishment any person who is of known immoral character and shall cause all persons in his employ engaged in the establishment to be decently and properly attired.
- (e) The licensee/duty manager shall not permit or suffer the door of any room or place in the establishment for the time being in use for the giving of special treatment to be locked during the period that the client is therein.

However, where a special treatment is being performed without a therapist in attendance (such as in the use of sunbeds or tanning booths) such booths or cubicles may be locked from the inside notwithstanding Regulation 15 (e), provided that the staff have the means of opening the booth/cubicle in the event of an emergency.

Where laser or Intense Pulse Light treatments are being offered, treatment rooms should be kept locked to prevent unauthorised access with a trip system on the door to enable the door to be opened from the outside in the event of an emergency.

Warning/"No Entry" signs should be placed on the front of the door and used only when the treatment is in process

- (g) The licensee/duty manager shall ensure that with the exception of those persons receiving treatment in accordance with the conditions of this licence all clients present in any part of the establishment shall 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 in the conduct of the establishment any person (a) whose licence has been revoked or to whom a licence has been refused on the ground that such person is unsuitable to hold a licence to carry on an establishment for massage or special treatment; or (b) who is unsuitable to be so employed on the ground that misconduct in connection with the employment of such person in an establishment for massage or special treatment has been proved to the satisfaction of the Council; and except with such consent, the licensee shall not allow or permit any such person to be directly or indirectly interested in the business carried on at the establishment.

### **Persons who can give treatment**

- 17. (a) Treatment shall only be given by persons who have been approved by the Council.
- (b) Treatment may also be given by other persons provided
  - (i) the person giving the treatment is under the **direct** personal supervision of a person approved by the Council and has provided details of the treatments to be provided.
- (d) Any certification of qualification (or a true reproduction) of such approved persons together with a recent full face photograph shall be kept on the premises so that all persons who wish to receive treatment may easily examine them.



### **Language**

18. At least one person shall be present in the premises at all times who has an acceptable level of spoken and written English in order to satisfactorily discuss client records, aftercare advice etc.

### **Records**

19. Records shall be kept available at the premises, in a form approved by the Council, of all persons receiving special treatment. The record shall include the name, address, age and type of treatment received and the name of the person giving the treatment. Any contra-indications e.g. heart conditions, diabetes, epilepsy etc for each treatment will be discussed with the client and recorded prior to any treatment

### **Tariff**

20. All licensable treatment provided at the premises shall be clearly listed in a priced tariff. This tariff shall also clearly show the cost of any additional services 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.

### **Display of tariff**

21. There shall be prominently and legibly displayed a comprehensive tariff of charges and placed in such a position that it can easily and conveniently be read by persons before entering or immediately upon entering the premises.

### **Alterations**

22.
  - a) No alterations (including temporary alterations) shall be made to the premises, without the consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.
  - (b) Where the works necessitate the premises being closed for a period of time, the premises shall not re-open for the purpose of the licence without the consent of the Council.

### **Admission of Council's Officers**

23. 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.

### **NOTES**

- (i) The officers of the Council are authorised to inspect on behalf of the Council and to 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 Fire Authority and Police Service are authorised to inspect premises licensed for special treatment under the provisions of Section 15(1) (b) of the London Local Authorities Act 1991.

### **Overcrowding**

24. Overcrowding shall not be allowed in any part of premises.

### **Maintenance of means of escape**

25. (a) The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements.
- (b) All fire-resisting and smoke stop doors shall be maintained self-closing and shall not be secured open.

### **Maintenance of exits**

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

### **Door fastenings**

27. (a) Exit doors and gates shall not be secured closed while the public are on the premises by means of any fastenings other than panic bolts.
- (b) Locking bars, hasps, staples, screw eyes and other fastenings not approved by the Council shall not be fitted on exit doors.

### **Non-slippery surfaces**

28. All gangways and exit ways and the treads of steps and stairways shall be maintained with non-slippery and even surfaces.

### **Edges of steps**

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

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

30. 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.
  - (a) Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
  - (b) Curtains, where permitted across doors, shall be hung in two halves on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 25mm between the bottoms of the curtain and the floor.

### **Floor covering**

31. 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 covering which shall be maintained in a clean condition.

### **Fire Appliances**

32. (a) Fire appliances and equipment approved by the Council shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.
- (b) Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti-freeze agent shall be examined and recharged in compliance with manufacturer's instructions.
- (c) Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.
- (d) All testing of fire appliances and equipment shall be at the expense of the licensee.

### **Fire Warning Arrangements**

33. (a) Where an automatic/manual fire alarm system has been installed it shall be efficiently maintained in satisfactory working order. The system shall be maintained and services in accordance with BS 5839 and tested regularly. All checks, tests and defects shall be recorded in a log book.

When a fire alarm system becomes defective the licensee shall notify the Council and take immediate steps to rectify the fault to the satisfaction of the Council.

- (b) All testing of automatic/manual fire alarm system shall be at the expense of the licensee.

### **Outbreaks of Fire**

34. The Fire Brigade shall be called to any outbreak or suspected outbreak of fire, however slight, and details thereof shall be recorded in a log book. Suitable notices shall be displayed indicating how the Brigade can be summoned.

### **“No Smoking” Notices**

35. A “No Smoking” sign must be prominently displayed within the premises.

### **Sanitation**

36. 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:
- (a) maintain each sanitary convenience in clean and efficient order;
  - (b) ensure that any room which contains a sanitary convenience is suitable and sufficiently lighted and ventilated and is kept clean;
  - (c) 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 or of hot water at a suitably controlled temperature, together with an adequate supply of soap and suitable hand drying facilities;
  - (d) 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.

### **Sanitary condition of premises**

37. 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**

38. Each treatment room shall:
- (a) be maintained in a clean and structurally sound condition;
  - (b) be adequately lighted and ventilated;

- (c) be provided with suitable wash-hand basin or basins with a suitable supply of hot and cold water (this should be located in or in the immediate vicinity of the treatment room), together with soap, a nailbrush and either a supply of disposable towels or clean towel at all times;
- (d) suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained;
- (e) where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

### **Cleanliness**

39. 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.

### **Refuse Storage**

40. 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.

The receptacles shall be maintained in a clean and wholesome condition to the satisfaction of the Council and shall be kept in position approved by the Council.

### **Lighting**

41. 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 it is in operation continuously during the whole time the premises are open to the public.

42. 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**

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

### **Electrical Certificates**

44. Unless the Council decide otherwise an electrical installation condition report (EICR), 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 shall be submitted to the Council at least once every five years or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

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 by a suitably qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

### **Heating**

45. All parts of premises regularly occupied by public or employees shall be heated to the satisfaction of the Council. The heating system and/or appliances used within the premises shall be fully maintained in good working order for use when required,

## **Ventilation**

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

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

## **PART III**

### **CONDITIONS APPLYING ONLY WHERE THE COUNCIL SO PRESCRIBES**

## **Escape lighting**

47. (a) Two independent systems of lighting shall be provided to the satisfaction of the Council. The degree of illumination from each system shall be sufficient for illumination of the exit notices (if these are not of the self-luminous type) and to enable the public to see their way out of the premises at any time. In all portions of the premises to which the public have access, good normal lighting shall be provided during the whole time that the public are on the premises.
- (b) Where permitted by the Council a non-maintained system of escape lighting may be used (i.e. a system in which the lights are energised only when the normal lighting fails).

**NOTE:** the licensee may, with the consent of the Council, provide such additional lighting for decorative or other purposes as he may think fit.

## **Restriction on treatment**

48. 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.



### **Ultra violet radiation equipment**

49. The licensee shall ensure that all ultra violet radiation equipment installed in the licensed establishment is used and operated in accordance with the HSE Guidelines for UV Tanning equipment.

## Exemption from licence requirement

The London Local Authorities Act 1991 provides for exemption from the need for a licence in certain circumstances. The relevant section of the Act is as follows:

*4. In this Part of this Act unless the context otherwise requires—*

*‘establishment for special treatment’ means any premises in the Part II. borough used, intended to be used or represented as being used for the reception or 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 but does not include—*

*(a) any premises which are not used for gain or reward;*

*(b) any premises where the special treatment is carried out by or under the supervision of—*

*(i) a medical practitioner duly registered by the General Medical Council;*  
*or*

*(ii) any bona fide member of a body of health practitioners which has given notice in writing to the borough council that it —*

*(A) has a register of members;*

*(B) requires as qualification for membership qualifications by way of training for, and experience of, the therapy concerned;*

*(C) requires its members to hold professional indemnity insurance;*

*(D) subjects its members to a code of conduct and ethics, including a prohibition of immoral conduct in the course of their practice; and*

*(E) provides procedures for disciplinary proceedings in respect of its members;*

*and has supported that notice with satisfactory documentary evidence, if required by the council; or*

*(iii) in the case of acupuncture, a dentist registered under the Dentists Act 1984;*

*(c) any premises which are used by a person who is registered by a board under the Professions Supplementary to Medicine Act 1960—*

*(i) solely for the practice of the profession in respect of which he is so registered; or*

*(ii) for the practice of the profession in respect of which he is so registered and for the conduct by him of any business ancillary to such practice and no other purpose;*

*(d) any hospital provided by the Secretary of State or by a National Health Service Trust established under the National Health Service and Community Care Act 1990 or by a charity which is registered under section 4 of the Charities Act 1960 or is exempted from registration by subsection (4) of that section; or*

*(e) any nursing home which is for the time being registered under Part II of the Registered Homes Act 1984 or exempted from registration under that Part of that Act;*

A number of bodies of health practitioners that meet the conditions specified in the Act have been recognised. In the interests of consistency, applications from bodies that wish to confer exemption are normally considered jointly by all London boroughs. The list changes from time to time.

If you believe you may be exempt please contact Environmental Health on  
0208 359 7995.

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