

	<p>Licensing Sub-Committee</p> <p>24th September 2019</p>
<p style="text-align: right;">Title</p>	<p>Special Treatment Licence Renewal- Bamboo Spa, 83 Church Road, Hendon, London NW4 4DP</p>
<p style="text-align: right;">Report of</p>	<p>Commercial Premises Group Manager</p>
<p style="text-align: right;">Wards</p>	<p>Hendon</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1 – New Application Form Appendix 2 – Police Objection Appendix 3 – Standard Conditions attached to Special Treatment Licences Appendix 4 – London Local Authorities Act 1991 – Part II</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Michelle Rudland 020 8359 7452 Michell.rudland@barnet.gov.uk</p>

Summary

This report asks the Sub-Committee to determine an application for a New Special Treatment Licence under the London Local Authorities Act 1991 – Part II following an objection from the police in relation to Bamboo Spa, 83 Church Road, Hendon, London, NW4 4DP.

Recommendations

Members are asked to determine the application for a New Special Treatment Licence (under the London Local Authorities Act 1991 – Part II) for the premises trading as Bamboo Spa, 83 Church Road, NW4 4DP, following an objection from the police.

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 observation is submitted under Section 7(3) of the London Local Authorities Act 1991 – Part II by the Police, the authority may consider such observations when determining the application. Section 10 of the councils Special Treatments Regulations and Conditions document outlines the procedure for the grant, renew, transfer or revocation of a licence.
- 1.2 The licensing authority having received an observation from the Metropolitan Police against the renewal of the special treatment licence ask that the Licensing Sub Committee consider the observation when determining the application.

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 – Article 7 Councils Constitution)

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 Special Treatment licence 'Regulations and Licence Conditions' document.
- 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 Council's 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 revocation of licence applications.

The options available to members in respect of this application are:

- To grant the application in full, subject to standard conditions;
- To grant the application subject to additional conditions;
- To refuse the application

5.3.3 An applicant seeking the grant, renewal or transfer of a licence, or the holder of a licence which is revoked, is entitled to appeal the decision to the Magistrates Court before the expiry of 21 days from written notification of the decision. 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 with the provisions of the London Local Authorities Act 1991 – Part II and the Council’s Regulations and licence Conditions document 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 A copy of the application and report of the Licensing Officer and appendices are attached to this report.

Officers Report

London Local Authorities Act 1991

Report for Licensing Sub-Committee

Licensing Officer Report

Bamboo Spa, 83 Church Road, Hendon, London NW4 3XP

The Applicants

The application was submitted by Mr Francois Awada

The Application

This application is for a New Special Treatment licence to enable the applicant to offer massage at the premises known as Bamboo Spa, 83 Church Road, Hendon, London NW4 4DP.

A Special Treatment Licence has been held by this licence holder at this address in the past, however unfortunately the applicant did not submit their renewal application before the end of the last licence period (11th June 2019) and the licence therefore lapsed.

The visit was made to the premises on 26th June 2019 to advise the licence holder of the lapse of the licence. As a result of this a letter was delivered to Mr Awada's home address on the same day advising him of his need to make a new licence application. A new application was received and made valid on 2nd August 2019.

The application seeks to allow the named practitioner to provide the following treatments:

- Elena Suarez Castilla – Full Body Massage

The new application can be found attached to this report in **Annex 1**

Observations received

An observation has been received from the Police in relation to this application. Within the Police observation they have stated that they are concerned with the following:

- (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.
- (E) the premises have been or are being improperly conducted.

The observation can be found in full in **Annex 2** of this application.

Application Inspection

An application inspection was carried out on the 27th August 2019 by the Licensing Officer. The officer has confirmed that the establishment has met all the Council's technical requirements for the granting of a licence. Should the Licensing Subcommittee be minded to grant the licence today then the Officer has confirmed that they would be adding the following conditions to remedy the minor issues identified at the time of the inspection:

- The licence holder shall ensure that a new EICR (Electrical Installation Condition Report) is provided to the Licensing Team within 2 months of the grant of the licence
- The licence holder shall ensure that the shower head is descaled/replaced within 1 month of the grant of the licence
- The licence holder shall ensure that the silicone sealant within the shower unit is replaced within 1 month of the grant of the licence

Determining an Application

Members are asked to determine the application for a New Special Treatment Licence (under the London Local Authorities Act 1991 – Part II) for the premises trading as Bamboo Spa, 83 Church Road, NW4 4DP, following an Observations made by the police.

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

A copy of the London Local Authorities Act 1991- Part II Section 8 is attached to this report in **Annex 3**.

A copy of the Councils Special Treatments Regulations and Conditions (under Section 7(3) and Section 10(1) of the London Local Authorities Act 1991- Part II) will be available at the Licensing Sub Committee are attached to this report in **Annex 4**.

A matter for decision sheet is attached at **Annex 5**.

Annex 1 – Special Treatment Application

Annex 2 - Police Observation

Annex 3 – London Local Authorities Act 1991- Part II

Annex 4 – Special treatment licences and rules

Annex 5 – Matters for Decision

Application Form



Establishment for Special Treatment

I/We hereby apply to the Council of the London Borough of Barnet for a Licence to carry on an Establishment for Special Treatment in accordance with Part II of the London Local authorities Act 1991

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

SECTION 1 – THE PREMISES FOR WHICH THE LICENCE IS SOUGHT

Trading name:	BAMBOO SPA
Address:	83 CHURCH ROAD HENDON - NW4 4DP
Telephone Number:	0208 2020101 - XXXXXXXXXXXX
E-mail Address:	BAMBOO SPA. HENDON @ HOTMAIL. COM
Business or Domestic:	BUSINESS

APPLICANT(S)**SECTION 2 – INTERESTED PARTIES**

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

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 of the applicant: (Mr, Mrs, Ms)	
The address of the registered or principal office:	
Private address of applicant:	
Daytime telephone number:	

Full name of the applicant: (Mr, Mrs, Ms)	
The address of the registered or principal office:	
Private address of applicant:	
Daytime telephone number:	

MANAGEMENT

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

Full name of the Manager: (Mr, Mrs, Ms)	GERAHOIS ALWADA
Date of birth:	[REDACTED]
Place of birth:	[REDACTED]
Private address:	[REDACTED] [REDACTED]
Daytime telephone number:	[REDACTED]

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

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:	

SECTION 3 – PRACTITIONERS

Please list the full name and relevant technical qualifications of every practitioner who will carry out special treatment, and say which treatment(s) each person will give and enclose copies of their qualification certificates. If you omit a practitioner or a treatment, they will not appear on your licence, and you may have to apply for a variation to have them added later, for which a charge will be made. Please continue on a separate sheet if necessary.

Full name:(Mr, Mrs, Miss, Ms)	GAETA ANDRIJAUSKAITĖ
Treatments to be provided:	CHINESE MASSAGE & REFLEXOLOGY
Qualifications:	ASSOCIATION OF CHINESE MEDICINE

Full name:(Mr, Mrs, Miss, Ms)	Elena Suarez Castilla
Treatments to be provided:	Full body Massage
Qualifications:	VTCT level 3.

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

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

Will clients be male, female, or will they include both?

.....
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 being 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?	FOAM EXTINGUISHER
8) if 'yes' to question 6, when was it last serviced?	MARCH 2019
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"/>

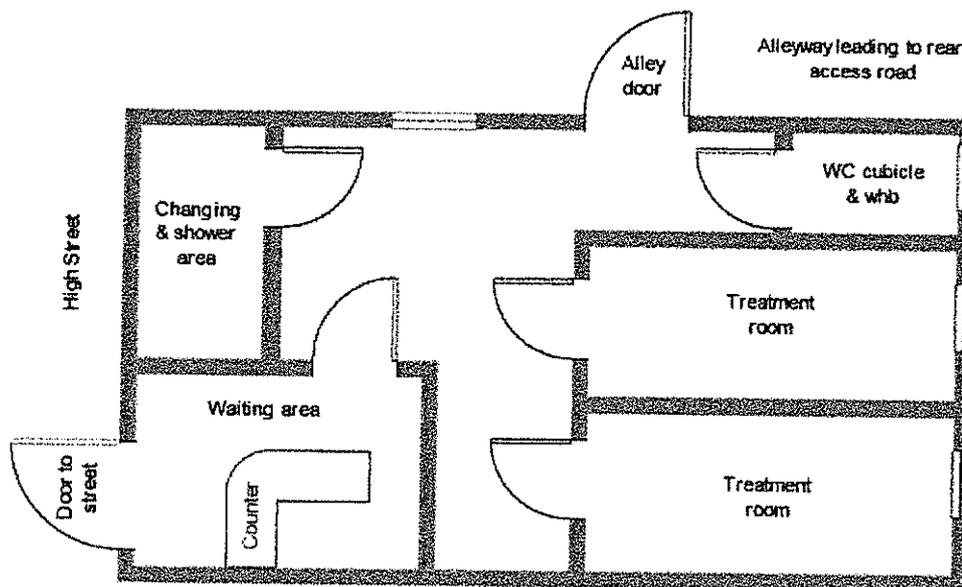
If you would like more information on questions 9 and 10 please visit the following website:

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

To help the fire authority assess the premises, please draw a simple single line scale drawing of the premises overleaf. Please include:

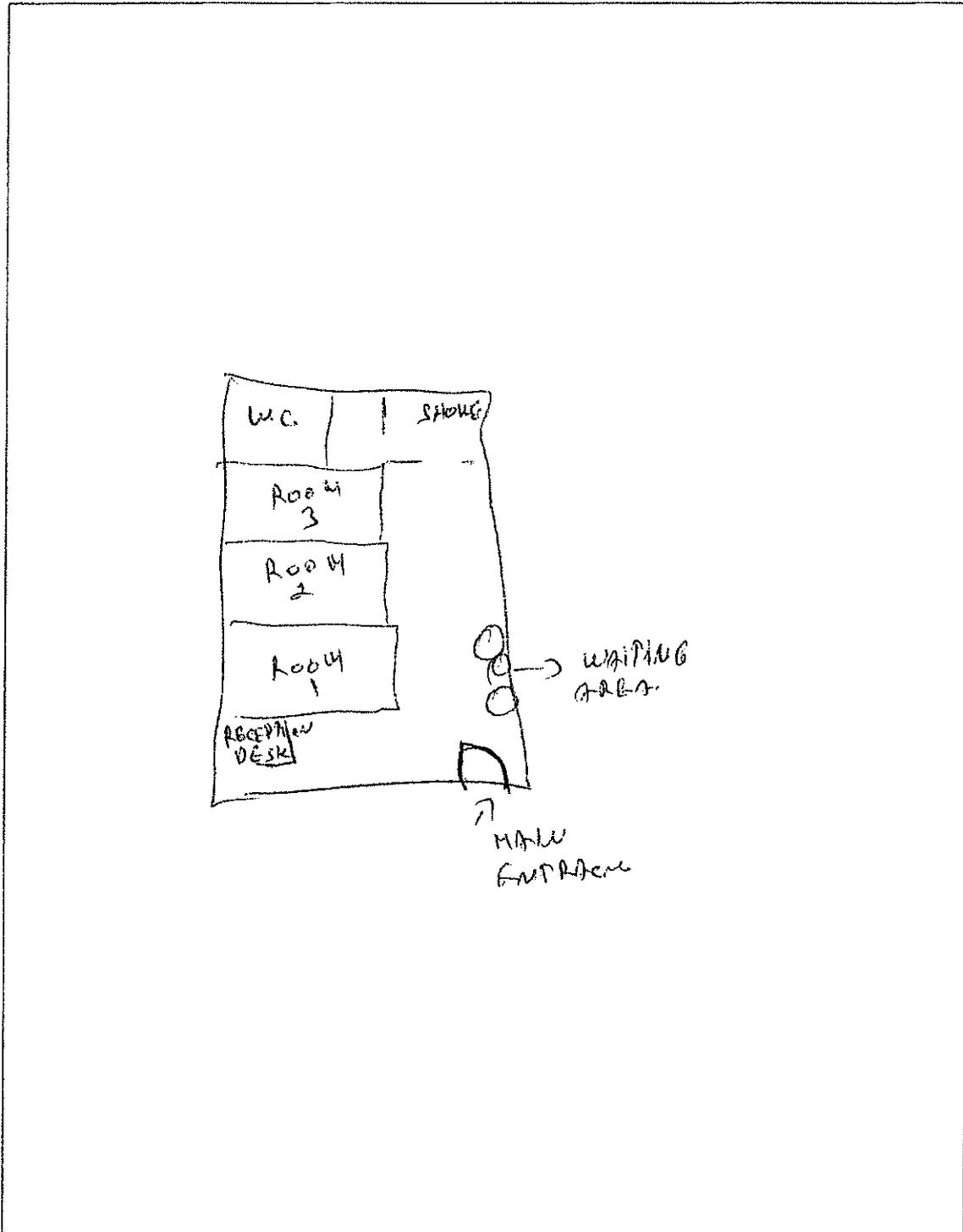
- Doorways and openings;
- Entrance and exits;
- All stairways;
- External and separating walls;
- Internal walls and columns;
- Any steps and number of steps or ramps at a change of floor level
- Description of room e.g. waiting room, treatment room etc.

EXAMPLE



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

PREMISES PLAN



SECTION 6 – DOCUMENTS TO BE ENCLOSED

Copies of qualification certificates for each practitioner	✓ <input checked="" type="checkbox"/>
Line scale drawing for the premises	<input checked="" type="checkbox"/>
Payment for the application	<input checked="" type="checkbox"/>

Please indicate payment preference:

I/we wish to make payment by debit/credit card. (You will be contacted on receipt of your application for payment to be taken).

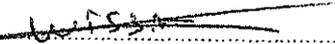
I/we enclose a cheque for £..... (see fees list for correct amount)

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

ALREADY SENT

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 FRANCOIS AWADA
 Date... 09/08/2015

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

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 Special Treatment Licensing, Barnet House, 1255 High Road, Whetstone, London, N20 0EJ.

If you have any queries please contact Special Treatment Licensing on 020 8359 7995.

This notice must be displayed in the window where clearly visible to persons outside the premises

Police Observations



**METROPOLITAN
POLICE**

TOTAL POLICING

Special Treatment Licence Dept.
London Borough of Barnet,
Barnet House,
1255 High Road,
Whetstone, London
N20 0EJ

Telephone: 020 8733-5146

Email:

NWMailbox.LicensingBarnet@met.police.uk

Date: 20/08/2019

Our ref: Special Treatment Licence Application

CC: London Borough of Barnet

Police objection to a new premises licence

Application Type: Special Treatment Licence - Renewal	Licensing Act 2003
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Notice Received: 02/08/2019
From: Mr Francois AWADA
Premises: Bamboo Spa, 83 Church Road, Hendon, NW4 4DP

Grounds for the objection:

Under London Local Authorities Act 1991, I object against the granting of the licence:

(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.

(E) the premises have been or are being improperly conducted.

Two search warrants were conducted on 26/06/19, one at the home of the applicant and the other at the Bamboo Spa premises. The Special Treatment Licence had expired two weeks earlier and no new application had been made to renew it. Therefore the premises should not have been providing special treatments. However, there were more worrying concerns over the premises activities. The purpose of the warrants were to investigate and disrupt suspected prostitution and/or voyeurism offences at the location.

These suspicions arose from a number of intelligence and crime reports, as well as social media posts over the past two years. I have enclosed a copy of one of these sources, as it is in the public domain. From the warrant searches conducted, numerous computer, hard drive, mobile phone & USB devices were seized as evidence from the venues. Also seized were an appointment book with female names and pricelists, a diary with pricelist and booking, Also found was an infrared alarm sensor that had evidence of tampering, a hole drilled to facilitate a pinhole CCTV camera. This was inside one of the treatment rooms.

Police have interviewed Mr Awada over the suspicions over what the covert camera was for, if sex was for sale on premises etc. He declined to answer any questions and simply provided a pre-prepared statement stating his name, that he had run the business from April 2017 and that he wasn't involved in sexual services and it was understood by his staff that no such activity took place there.

This contradicts findings and suspicions from multiple, unrelated sources.



As well as the ongoing investigation, the Council and Police made an emergency callout to attend after the execution of the warrant at the spa. Electrical engineer from UK Power Networks PLC stated: "Findings – A 3x phase electricity service cable was located in the rear backroom of the premises. All 3x phases were being used but only 1x phase had an electrical meter on it – the other 2x phases were therefore using free electricity and abstracting it illegally."

A business premises often requires a 3x phase service. The engineer classified it as dangerous and he was required to drill through the pavement outside the venue to cut the mains to make it safe prior to dealing with rectifying the illegal irregularities.

Some historical crime and intelligence information I can disclose in broader details only. They clearly point towards the practices of the Bamboo Spa are falling outside of the special treatment services stipulated on the application form.

- 22nd Aug 2018: Mr Awada was victim to an assault. A male suspect entered asking who had interviewed his girlfriend about a job, he struck out at a sweet bowl on the counter which struck Mr Awada in the face, causing a small cut to his chin. A scuffle ensued and the suspect ran off. Despite the assault, Mr Awada did not assist numerous attempts by police to investigate the matter further. Given the several other reports regarding the "job interviews" conducted at the premises, it is believed the suspect was angry about his girlfriend being asked to perform sexual services and came in to confront Mr Awada. Mr Awada's reluctance to help the investigation is attributed to wanting to avoid police attention and investigation around the premises and its activities.
- Sept 2018: A relative of another female informed police that in her first job interview she could make money selling sexual services. The job was advertised as £15 per hour, but was actually £7.50 per hour, the "extra" £7.50 was given if sexual services were carried out. Informant claimed girls who did not perform sexual services were sacked; also believed that the manager uses hidden CCTV to monitor what's going on in the treatment rooms.
- Oct 2018: Mobile phone numbers linked to some of the women working in the venue have been found on an adult service website stating they are offering extras in the form of sexual services.
- Jan 2019: A customer reported his suspicions about the presence of covert cameras hidden in private areas where customers are getting undressed in treatment areas, without their knowledge. Informant stated he had some knowledge about such equipment through his work. He went on to say he has been offered sexual services in the past, but declined the invitation.
- Feb 2019: A female attended for an "interview" about the advertised position of receptionist. She found herself locked in a room with him and he quickly moved on to asking her about how she felt about nudity and she could also make extra money doing happy endings, if one of his usual girls was ill. He stated they really need to cash and its easy to earn via handjobs and body to body massage.
- A social media strand of conversation (attached in this e-mail) clearly states that one customer was horrified to be offered sexual services. Various others make comment to hearing the premises is a brothel.

The police investigation is still ongoing and awaits forensic analysis of the electrical evidence seized.

We respectfully request that the special treatment licence is not granted at this time.



**METROPOLITAN
POLICE**

TOTAL POLICING

Kind Regards,

PC Gary Norton 2965NW
Barnet/Brent/Harrow Licensing
NorthWest Partnership & Prevention
[Tel:07500993899](tel:07500993899)

The boroughs of Brent, Barnet and Harrow have merged into the North West Basic Command Unit in November 2018 due to corporate restructuring. The geographical area is known as NW BCU. The service you receive from us will not change, however some recognised details such as email addresses and shoulder numbers will. For more information, visit www.met.police.uk/news/met-announces-changes-to-local-policing-294044.

Gary.L.R.Norton@met.police.uk

Enclosures:

-Photograph of electrical emergency work carried out to cut the power to premises 83 Church Road.

-Social media highlighting issues with Bamboo Spa

Bamboo Spa, SGR

Georgeh87

March 2018 in [Local discussion](#)

Had a massage at the thai place just next to Nandos a couple of months ago and it was great so decided to book in again.

They were fully booked so naively went along to the road to the 'Bamboo Spa'.

From the moment I went in I thought something was a bit dodgy but felt like perhaps I was being a bit prejudice... if that makes sense? Anyways, I wasn't, it's proper dodgy in there! Made a swift exit when it all became apparent.

Wondering if anyone else has been in or knows anything about it?

Tagged:

Comments

- [trainspotter](#)

March 2018

Yes there was a thread about this place a while back. Bit depressing.



- [Arkady](#)

March 2018

Spill the beans, what exactly brought you to the conclusion that it's 'dodgy'?

-  kreuzkav

March 2018

Bamboo, S&M, spill the beans? Bty, not my scene, but intrigued.

- Georgeh87

March 2018 edited March 2018

About 40 minutes into the (terrible) massage, I started to get the feeling the masseuse was spending a lot of time in one region... this is very hard to type by the way! Even though I thought something wasn't right, again I felt like I might just be being prejudice. I don't get massages very often so am not totally aware of the etiquette. She then started massaging my head and whispered in my ear that for £40 I could have something extra (too much for this forum). That's when I got up, grabbed my cloths and left, still getting changed halfway down the road.

- krappyrubsrif

March 2018

Sounds expensive. Is this legal? Trades descriptions act should apply.

- Scruffy

March 2018

From a pretty quick survey of Google results (including their own site, and another site which seems to review nothing but sexual services), it

seems that this is what my dad's generation would have called "a knocking shop".

- shop".



- [TescoPigeon](#)

March 2018

Thanks Scruffy. Please could you (or anyone else who has been) please confirm the opening hours and prices.

- [Scruffy](#)

March 2018 edited March 2018

I haven't been, Tesco, just a bit of (appropriately) quick and dirty web research. I believe the modern term for this style of bordello is a "rub-n'-tug".



- [TescoPigeon](#)

March 2018

Ta. Lovely. A welcome addition to SG Road. I'll revert shortly with a comprehensive review.



- [joust N4](#)

March 2018

grim

- krappyrubsrif

March 2018

In our house, we have tonight rechristened this stretch of the street 'Pat Pong Road'.

- Scruffy

March 2018

Tut! Just one one house of ill repute and suddenly SGR is a red light district?



Photograph of emergency electrical work to cut the power of Bamboo Spa, 83 Church Road, NW4, to make safe to carry out repair work.

London Local Authorities Act 1991 – Part II



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]

WHEREAS—

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

Interpretation of Part II.

1984 c. 24.

1960 c. 66.

1990 c. 19.

1960 c. 58.

1984 c. 23.

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

Special Treatments Regulations and Conditions

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

- (i) 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).

- (ii) 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 know 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.

Matters for Decision

MATTERS FOR DECISION

An application made under Section 8 Part II of the London Local Authorities Act 1991

Bomboo Spa, 83 Church Road, Hendon, London NW4 3XP

Determination

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

Section 8, Part II London Local Authorities Act 1991

The borough council may refuse to grant, renew or transfer a licence on any of 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.

Steps taken (if any)	Reason(s)