

SPECIAL TREATMENT LICENSING POLICY

LONDON BOROUGH OF BARNET

2022 - 2027

Contents

| | | |
|--------|--|----|
| 1 | Introduction | 3 |
| 2 | Context | 3 |
| 3. | Barnets Corporate Plan..... | 4 |
| 4. | Engagement | 4 |
| 5. | Arrangements for administering Special Treatment Licences..... | 5 |
| 6. | “Other special treatments of a like kind” | 5 |
| 7. | “Mixed businesses” | 5 |
| 8. | Exemptions | 5 |
| 9. | Qualifications & Competence | 6 |
| 9.2. | Trainee Therapists | 7 |
| 9.3. | Therapist exemption registration..... | 7 |
| 10. | A New Special Treatments Premises Licence | 8 |
| 10.1. | Who can apply?..... | 8 |
| 10.2. | Pre-application consultation..... | 8 |
| 10.3. | Pre-application advice | 8 |
| 10.4. | Pre-application checks | 8 |
| 10.5. | Planning permission | 9 |
| 10.6. | Refusal to grant a premises licence..... | 9 |
| 10.7. | Referral to Licensing Sub-Committee | 10 |
| 10.8. | Fees..... | 10 |
| 11. | Maintaining a licence..... | 11 |
| 11.1. | Licence conditions..... | 11 |
| 11.2. | Changes to special treatments | 11 |
| 11.3. | Variations to premises and/or licences | 11 |
| 11.4. | Changes in ownership | 12 |
| 11.5. | Changes in therapists..... | 12 |
| 11.6. | Length of licence | 13 |
| 11.7. | Renewing licences | 13 |
| 11.8. | Refusal to renew a licence | 13 |
| 11.9. | Compliance and enforcement..... | 13 |
| 11.10. | Risk-rated premises inspections..... | 14 |
| 12. | Cross-regulatory compliance/information-sharing..... | 14 |
| 13. | Revocation of licences..... | 15 |
| 14. | Complaints procedure | 15 |
| 15. | Monitoring and review | 15 |
| | Appendix 1 – Special treatment Conditions..... | 16 |

1 Introduction

1.1. Barnet Council has adopted the London Local Authorities Act 1991 ('the Act') to regulate special treatment businesses that offer:

- massage
- manicure
- pedicure
- facials
- nail extensions
- acupuncture
- tattooing
- body piercing
- cosmetic piercing
- electric light therapy
- special treatments such as sun beds, vapour, laser, sauna or other baths.
- other special treatments of a like kind

2 Context

2.1. This policy sets out how the council uses its powers under the Act to:

- Grant licences to people who are fit and proper to hold them.
- Ensure only suitably qualified people, using safe equipment, provide special treatments.
- Ensure nuisance is not caused by the provision of special treatment.
- Ensure licensed premises are safe, structurally suitable.
- Ensure licensed premises are adequately clean, lit, heated and ventilated.

2.2. Regulators' Code - The council recognises its responsibility to comply with the Regulators' Code as follows:

- *regulators should carry out their activities in a way that supports those they regulate to comply and grow* We will seek to impose the minimum burdens necessary to achieve the public protection standards referred to above.
- *regulators should provide simple and straightforward ways to engage with those they regulate and hear their views* We will seek to establish a stakeholder consultative panel as described in paragraph 4.1.
- *regulators should base their regulatory activities on risk* Our compliance and enforcement activities are based on risk and intelligence as described in paragraphs 9.4.
- *regulators should share information about compliance and risk* Information about Special Treatment Licence (STL) applicants and licence-holders will be shared internally with other council teams and Barnet Trading Standards, as well as the police and fire service who are statutory consultees.

- *regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply*
We will provide and continue to improve the information about special treatment licensing on our website, and provide advice and information both during informal advisory visits to businesses on request and during compliance visits.
- *regulators should ensure that their approach to their regulatory activities is transparent.*
- This policy sets out how we approach our licensing of special treatments in the interests of transparency.

2.3. A copy of the Regulators Code 2014 can be found using the following link from the .GOV website:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913510/14-705-regulators-code.pdf

3. Barnet's Corporate Plan

3.1. The council's Corporate Plan 2021 - 2025, entitled "The Barnet Plan" sets out the council's vision of "Working together to make a difference for the vulnerable, communities, families and businesses". The council's strategy (priorities) to deliver its vision, between now and 2025 is to make Barnet:

- **Clean, safe and well run:** a place where our streets are clean and antisocial behaviour is dealt with so residents feel safe. Providing good quality, customer friendly services in all that we do
- **Family Friendly:** creating a Family Friendly Barnet, enabling opportunities for our children and young people to achieve their best
- **Healthy:** a place with fantastic facilities for all ages, enabling people to live happy and healthy lives
- **Thriving:** a place fit for the future, where all residents, businesses and visitors benefit from improved sustainable infrastructure & opportunity.

The council's vision and the corporate priorities have been taken into account when developing the policy, particularly to make Barnet **clean safe and well run** whilst at the same time assisting in the development and maintenance of a thriving borough.

<https://www.barnet.gov.uk/media/12534>

4. Engagement

4.1. Partnership working is an important element of any licensing regime, we will seek to actively engage businesses and individuals applying to hold a special treatment licence. We will work with responsible authorities and other stakeholders to ensure a balanced approach and effective delivery.

5. Arrangements for administering Special Treatment Licences

5.1. Officers have delegated authority to:

- grant licences in accordance with this policy
- refuse applications in accordance with the Act or in accordance with this policy
- take appropriate enforcement action in relation to unlicensed special treatments
- special treatments in breach of licence conditions
- decide whether to defend appeals arising out of the refusal or revocation of a licence
- refer applications to a Licensing Sub-committee when:
 - I. an application is outside the scope of this policy; or
 - II. it is necessary to consider whether an applicant is a fit and suitable person to hold a licence; or
 - III. the applicant has confirmed they wish the application to be determined by a Licensing Sub-committee.

6. “Other special treatments of a like kind”

6.1. The Act gives the council a discretionary power to licence new treatments that appear on the market but are not specifically mentioned in the Act itself. Aromatherapy for example is not listed but a special treatment licence is required as it is a form of massage.

6.2. The council is a member of the London Special Treatment Group (LSTG) of councils that aims to promote co-operation and consistency in administering STL licensing. One aspect of that role is evaluating whether new and novel treatments appear to fit the definition of “other special treatments of a like kind”.

6.3. Barnet Council will licence new special treatments if they have been accepted as such by the LSTG and will seek the consensus view of the LSTG in the case of dispute whether a treatment ought to be licensed. If officers are unable to satisfactorily resolve the issue the question will be referred to the Council’s Licensing Committee.

7. “Mixed businesses”

7.1. We recognise that many licensed businesses may also provide treatments that are not licensable under the Act – for example, hairdressing or waxing. These businesses will still need to meet requirements under other legislation such as health and safety, fire safety, planning or environmental health. The council will provide advice and information about non-licensable activities where appropriate.

8. Exemptions

8.1. A licence is not needed if the treatments are given for the statutory reasons in the Act:

- without gain or reward – all treatments provided for free or donation

- without premises used – mobile service from a vehicle or in clients' own homes
- for treatments done by or under the supervision of medical practitioners, dentists and professions supplementary to medicine in a hospital or nursing home,
- for treatments done by or under the supervision of a person who is a member of a body of health practitioners approved for exemption by the council.

8.2. The council uses LSTG scheme to determine which bodies may be exempt from licensing. Any organisation that is not on the LSTG list may apply to the LSTG to be added.

9. Qualifications & Competence

9.1.1. Therapists carrying out licensable treatments must be able to demonstrate they have suitable knowledge and qualifications. The council publishes a list of qualifications in collaboration with the LSTG.

9.1.2. Barnet will only accept nationally recognised qualifications, i.e. City and Guilds, NVQ or equivalent. Training should meet National Occupational Standards and the awarded qualification should be regulated. See www.ukstandards.org.uk and <https://register.ofqual.gov.uk/> for details.

9.1.3. The following are the minimum qualifications that will be accepted:

- (a) BTeC National Award, Certificate or Diploma in Beauty Therapy
- (b) NVQ level 2 in Beauty Therapy
- (c) VTCT level 2 in Beauty Therapy
- (d) CIDESCO Diploma
- (e) CIBTAC Diploma

9.1.4. If you have obtained an international qualification which is not generally recognised within the UK, you must complete two stages before you can be placed on a special treatments licence:

- a) If the certificate of qualification is in a language other than English, you must obtain a full translation of the certificate into English. This must be carried out by an independent licensed translator and must be endorsed as a true translation of the certificate.
- b) Once the qualification certificate has been translated into English, you will need to obtain a comparability certificate. This will state what your qualification is equivalent to in terms of UK qualifications. A comparability certificate may be obtained from the National Academic Recognition Information Centre of the UK (UKNARIC). UK NARIC provides a service for individuals seeking information on comparability between international and UK academic qualifications. This service is intended to assist those with overseas qualification to progress towards further studies and employment in the UK. UK NARIC make a charge for this service.

- 9.1.5. Being licensed by the council does not guarantee the workmanship or competency of the practitioner, it merely shows that they are qualified to provide the treatments which have been approved.
- 9.1.6. Many beauty treatments are brand based and training is given by product specific manufacturers or suppliers. In this case we expect therapists to have nationally recognised qualifications in areas of beauty treatments as well as supplier/product training. Anatomy and physiology and contra-indications must be covered during the course.
- 9.1.7. A qualification is an indication that the individual possesses the necessary knowledge and skills appropriate for that special treatment. Competence refers to their ongoing ability to provide the special treatments to a reasonably accepted standard. Whether a therapist is competent is a matter for the licence-holder, providing they are able to observe any relevant licence conditions.

9.2. Trainee Therapists

- 9.2.1. Trainee therapists, who have not yet received a recognised qualification, will be provisionally registered which will allow them to work within licensed premises. It will be the responsibility of the licence holder to ensure trainees are supervised at all times and are competent to carry out treatments.
- 9.2.2. Trainees should complete the therapist registration application form and indicate their current training programme and expected finish time. Evidence of training, for example a letter from the college, and/or the Special Treatment Licence Holder should be sent in with the application.
- 9.2.3. Trainees will only be registered for a maximum period of one year in the first instance. After successful completion of training the therapist may apply for full registration.

9.3. Therapist exemption registration

- 9.3.1. Therapists that are members of some professional bodies and certain health practitioners are exempted from being required to provide their accredited qualifications. An up to date 'Exempt bodies and health practitioners' list can be found on the councils website at <https://www.barnet.gov.uk/licences-permits-and-registrations/trading-licences/special-treatments> . Please see this document to identify which approved association members are eligible for exemption for which treatments.
- 9.3.2. If you are exempt from needing to provide your qualifications as a therapist with Barnet you must complete a therapist exemption application.
- 9.3.3. A new exemption form will need to be submitted to the licensing authority every time their membership to the exempt body has expired.

10. A New Special Treatments Premises Licence

10.1. Who can apply?

10.1.1. Any person (an individual, partnership or limited company) may apply for a licence. The applicant or licence-holder must be and remain the person actually responsible for managing the special treatments. Licensed premises cannot be sub-let or placed in any form of management arrangement unless a new licence application has been made and granted.

10.2. Pre-application consultation

10.2.1. Applicants must by law send copies of their applications to the police, planning authority and fire service, and the council will take into account their comments. No new licence can be issued for at least 28 days unless the police, planning authority and fire service have made their observations earlier.

10.3. Pre-application advice

10.3.1. Officers are available to provide pre-application advice and support. They are available by appointment only either at the council offices or on site and can provide thirty minutes advice free of charge. Any advice in excess of thirty minutes is chargeable at the council's published hourly rate, payable in advance.

10.4. Pre-application checks

10.4.1. Applications must also be advertised on the premises for at least 14 days, so that the public are aware of the application.

10.4.2. Individual applicants (including all members of a partnership) must provide evidence of their identity and of their right to work in the UK as part of their application. The council will carry out checks with Companies House for corporate applications. The council will also check that appropriate planning permission is in place for the premises.

10.4.3. The council will take into account convictions or cautions that are not considered "spent" under the Rehabilitation of Offenders Act 1974, and enforcement notices or other action taken by the council against the applicant.

10.4.4. The council requires the documents below to be provided before a new licence can be granted. These should ideally be available at the time of the application. Applications will be refused and the authorisation fee returned if valid documents are not provided within two weeks of making the application (unless an extension is agreed with the case officer).

10.4.5. The following documents are required:

- (a) a scale-plan of the premises, showing the locations where licensable treatments will be provided, washbasins, toilets, treatment rooms, entrances and fire exits
- (b) evidence of consent to use the premises as a special treatment business (eg landlords' consent, lease, planning permission)

- (c) a current Basic Disclosure Certificate from the Disclosure and Barring Service issued within the last 3 months for any individual applicant, partner or person having day to day management of the premises
- (d) a current public liability/professional liability insurance certificate to cover risks to a minimum £2 million.

10.4.6. The council will normally arrange an inspection of the premises within five working days of receiving the valid application. The inspection will be to check that the premises are safe, and suitable, to be used for special treatments. Premises will be expected to be compliant with minimum workplace health and safety standards such as the Workplace (Health, Safety and Welfare) Regulations 1992 and the Electricity at Work Regulations 1989.

10.4.7. The initial inspection will also assess the applicant's compliance with the relevant licence conditions (see paragraph 11(1)). Officers will expect the applicant to have systems in place to ensure that all conditions can be met should a licence be issued.

10.4.8. Any remedial action will be confirmed in writing. Applicants will be given an agreed period of up to 8 weeks to make any changes. The application will be refused if the changes are not made within the agreed time.

10.5. [Planning permission](#)

As the council is also the local planning authority it will only issue licences to premises that have appropriate planning permission in place. Applicants are advised to ensure the correct planning permission is in place before submitting an application. Applications will be rejected and the authorisation fee returned if the correct planning permission has not been granted.

10.6. [Refusal to grant a premises licence](#)

10.6.1. A licence may be refused on the grounds set out in section 8 of the Act:

- (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) the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given is not satisfactory;
- (k) the safety of the special treatment to be given is not satisfactory;
- (l) satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises;
- (m) the applicant has, within the period of five years immediately preceding the application to the council, been convicted of an offence under Part II of the Act;

or

- (n) the applicant has failed to comply with the requirements of section 7(4) or 7(6) of the Act concerning the correct method of making an application.

10.6.2. Under the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541), the paragraphs relating to fire safety may no longer be enforced by the council.

10.7. Referral to Licensing Sub-Committee

10.7.1. Applications will be referred to a Licensing Sub-Committee where officers are minded to refuse a licence application or believe the applicant is not a fit and suitable person to hold a licence.

10.7.2. A Licensing sub-committee of three councillors will be convened within 20 working days of the end of the 28-day consultation period. The applicant will be given at least five working days' notice of the hearing, which may be held in public. Applicants will be entitled to present documents and bring witnesses to support their application either before the hearing or at the hearing itself.

10.8. Fees

10.8.1. The Council sets fees for special treatment licences each year. Fees are banded according to the level of risk involved, so those premises that have the potential for presenting most risk and are likely to require more involvement from officers, pay more than low-risk premises. A non-refundable application fee is payable at the time of the application. A further issuing and enforcement fee is payable once the council has decided to issue a licence. This must be paid before a licence will be physically issued to the applicant.

10.8.2. Licences may be surrendered at any time. No fees will be refunded for a surrendered licence.

11. Maintaining a licence

11.1. Licence conditions

11.1.1. Licences are subject to:

- (a) standard conditions that apply to every business or a specific type of business
- (b) special conditions that may apply to specific businesses, to control specific risks.

The standard conditions are set out at appendix 1.

11.1.2. Officers will only impose conditions relating to specific risks to further the objectives in paragraph 2.1 if they are not controlled under other legislation. Officers will advise applicants in writing when it is intended to impose a special condition, and invite any comments about the proposal. Licence holders will be given information about their right to appeal to the magistrates' court against any decision to impose conditions on a licence.

11.1.3. Licence conditions will not limit the operating hours of a business. This is a matter for the local planning authority.

11.2. Changes to special treatments

11.2.1. Only those treatments listed on the licence may be provided. There is no need to apply to remove an existing treatment from a licence, and deletions can be made free of charge when the licence is renewed.

11.2.2. Applications to add new or additional treatments may be made at any time. No new treatment may be offered or provided until the licence has been amended. Applications to vary the licence must be made on the council's form with at least 14 days' notice, accompanied with the appropriate supporting documents and fee.

11.2.3. Where necessary the council will inspect the premises.

11.2.4. Applications to add new or additional treatments made less than 28 days before the expiry date of a licence will be processed as part of the renewal of that licence.

11.3. Variations to premises and/or licences

11.3.1. The council must be notified if there is a substantial variation to the premises, such as the addition or demolition of existing rooms, spaces or walls. There is no need to notify the council about minor modifications, redecorations or refurbishments.

11.3.2. A scale plan showing the proposed variation must be submitted to the council at least 14 days before the start of the proposed works, together with the variation fee. The council may require proof that planning and building control approval has been obtained before varying the licence.

11.3.3. Applications may also be made to vary the terms, conditions or restrictions to which a licence is subject. Applications must be made on the council's form at least 14 days before the intended variation is to take effect, together with the variation fee.

11.4. Changes in ownership

11.4.1. Licences may be transferred (upon application) from one person to another, normally either:

- (a) transferring the whole business from one owner to another;
- (b) transferring the business from one owner to another but keeping the same manager in charge; or
- (c) changing the manager in charge.

11.4.2. Applications must be submitted on the council's form at least 28 days before the intended transfer is intended to take place, together with the variation fee. Officers will use this policy to consider applications in the same way as for the grant of new licences.

11.5. Changes in therapists

11.5.1. All therapists providing special treatments must be named on the licence for the business in which they are working. If a therapist is carrying out treatment and is not named on the licence (or carrying out different treatment from that listed on the licence), they will be committing an offence and both the licence-holder and the therapist may be subject to enforcement action. There are different routes to changing a therapist on a licence depending on the type of change needed and to add an additional treatment to a licence.

(a) Updating the licence with a new therapist already registered with Barnet Council:

Each therapist will also be issued with a registration card. If a therapist wishes to start working for a different premises licence-holder, they should present the registration card to the licence-holder. The licence-holder must email specialtreatments@barnet.gov.uk within 24 hours of the therapist starting work and pay the council's variation fee. A new special treatment licence will be issued within five working days, with the same expiry date as the original licence.

(b) Updating the licence with a new therapist not registered with Barnet Council

The licence-holder must submit a therapist's registration form with an application to vary the licence, together with details of their identity and qualifications and the appropriate fee. If the therapist's qualifications and identity are acceptable an amended special treatment licence will be issued within 10 working days and will expire on the same date as the original licence.

(c) Adding an additional treatment to the licence

The licence-holder must submit a variation form together with the appropriate fee. Amended licences will usually be issued within 10 working days, unless there is a need to carry out additional research into a new or unusual form of treatment. In that case the licence-

holder may also be required to supply further information to allow the council to reach a decision. Amended licences will expire on the same date as the original licence.

(d) Removing a treatment or therapist from a licence

There is no need for a therapist or treatment to be removed from a licence until that licence is renewed. Any change can then be made without any additional charge.

11.6. Length of licence

11.6.1. It is the council's policy under section 6(4) of the Act to grant licences to new applicants for a period of 12 months to ensure the licence-holder is able to properly comply with the conditions and restrictions of the licence. It is the council's policy to renew licences after that time for the maximum period of 18 months to provide more certainty for the business.

11.7. Renewing licences

11.7.1. It is the council's policy that licence-holders are responsible for renewing their licences. The council shall provide the licence holder with a reminder highlighting that the licence is about to expire.

11.7.2. Applications to renew a licence must be submitted no later than 24 hours before the current licence expires. Applications will be rejected if they are not properly completed (other than minor clerical errors), do not contain all of the required information, or are not accompanied with the correct fee. Applications received after a current licence expires will be treated as a new application, and no special treatments may be provided until a new licence has been granted. The existing licence will continue in force until the new licence is granted, unless a decision is made to refuse to renew the licence.

11.7.3. Officers will determine and arrange within five working days on a risk-assessed basis whether an inspection of the premises is needed (see paragraph 11.10 below for details of our risk-assessment process). If defects or breaches of conditions are identified during the inspection, licence-holders will be given an agreed period of up to 8 weeks in which to implement any required changes. Applications to renew a licence will be refused if the changes are not implemented within the required time.

11.8. Refusal to renew a licence

11.8.1. We may refuse to renew a licence for the reasons set out in paragraph 10.6 of this policy, and follow the procedures set out above.

11.8.2. Clear written reasons why a licence has been refused will be provided to an applicant, together with information about their right to appeal to the magistrates' court.

11.9. Compliance and enforcement

11.9.1. Risk-rated and intelligence-led enforcement

The council will proactively search for and investigate premises where it is alleged unlicensed special treatments may be carried out, within the resources available to it.

The council will proactively visit premises where it is believed special treatments may be offered, and follow up information provided to it from the public and others. The Council will use the National Intelligence Model in determining whether to investigate complaints.

11.9.2. Where unlicensed activities or therapists have been found, a graduated response will usually be used which may result in those responsible:

- (a) being given advice and information about applying for a licence. This may depend on the length of time and nature that the special treatments have been offered, and the level of knowledge on the part of those responsible for offering it;
- (b) a formal written warning where, for example the breach has been minor, occurred over a short period of time and officers are confident corrective action will be quickly taken by the licence-holder;
- (c) a formal simple caution, where the offender has admitted their guilt;
- (d) prosecution, where the criteria in the council's Public Health enforcement policy (available separately) has been met. This may for example be where the offence has occurred over a significant period of time, where previous advice or warnings have been ignored, where unqualified therapists are providing treatment, or where harm has been caused to another person due to the special treatment.

11.9.3. Enforcement action may also lead to the refusal of future licence applications and, if the licence-holder is convicted of an offence under the Act, to revocation of the licence.

11.10. Risk-rated premises inspections

11.10.1. Apart from the initial inspection on application the council will conduct inspections on a risk rated basis. This rating will take into account the following

- (a) the banding of the premises
- (b) the history of the premises including any proven complaints or non-compliance with regulatory requirements including those under the Health & Safety at Work etc Act 1974

11.10.2. Licence-holders will be provided with written records of any inspections. Copies of our inspection pro-formas are available on request.

12. Cross-regulatory compliance/information-sharing

12.1. The council will share information relating to special treatment licence applications and businesses for the purposes of preventing and detecting crime:

- (a) internally with other council departments
- (b) externally with the police, fire service, other local authorities and regulatory bodies
- (c) such as HM Revenue & Customs
- (d) other organisations when required to by law.

- 12.2. The council is also responsible for enforcing other legislation that applies to special treatment businesses, such as the Health and Safety at Work etc Act 1974, the Environmental Protection Act 1992 or the Health Act 2006. The council may use its powers where appropriate to enforce those provisions in conjunction with or separately to its powers to licence special treatments. It may, where appropriate, take account of the failure to comply with other legislation when it makes a licensing decision, for example by taking account of a failure to comply with the 1974 Act when deciding whether work equipment has been properly maintained or not.

13. Revocation of licences

- 13.1. We may decide to revoke a licence if the holder has been convicted of an offence under the Act. This decision will be taken by the Group Manager.
- 13.2. Licence-holders will be given 21 days in which to make written representations as to why their licence ought not to be revoked. If a decision is made to revoke the licence, clear written reasons will be provided together with details of the right to appeal against that decision to the magistrates' court.

14. Complaints procedure

- 14.1. Applicants and others may use the council's customer complaints procedure where we have not provided an adequate service. The complaints procedure may not be used in relation to the decision to grant, refuse or revoke a licence or to impose additional conditions on a licence. In such circumstances the appropriate route of appeal is to the magistrates' court.

15. Monitoring and review

- 15.1. We will regularly report to Members of the council's Licensing Committee on the operation of this policy, including statistical information on the number of licences applied for, granted, refused, varied, inspections and enforcement action taken.
- 15.2. The council welcomes comments and suggestions about improvements to this policy, which can be emailed to specialtreatments@barnet.gov.uk

Appendix 1 – Special treatment Conditions

PART I CONDITIONS WHICH APPLY TO ALL PREMISES

Type of Business

1. 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

2. 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

3. (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.
4. 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

5. (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

6. (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

(f) 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.

(g) 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

7. (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.

- (c) 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

8. 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

9. 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

10. 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. 8

Display of tariff

11. 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

12. (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

13. Officers of the Council, who are furnished with authorities which they will produce on request, shall be admitted immediately at all reasonable times to all parts of the premises.

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

14. Overcrowding shall not be allowed in any part of premises. 9

Maintenance of means of escape

15. (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

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

Door fastenings

17. (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

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

Edges of steps

19. 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

20. 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

21. 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

22. (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

23. (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

24. 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

25. A "No Smoking" sign must be prominently displayed within the premises.

Sanitation

26. 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

27. 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

28. 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; and

(e) where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

Cleanliness

29. 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

30. 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

31. 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.
32. 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

33. 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

34. 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.
35. A Portable Appliance Test must be carried out for all appliances within the treatment area. This Test must be carried out by all licensed premises on an annual basis.

Heating

36. 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

37. 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 II CONDITIONS APPLYING ONLY WHERE THE COUNCIL SO PRESCRIBES

Escape lighting

38. (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

39. 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

40. The licensee shall ensure that all ultra violet radiation equipment installed in the licensed establishment is used and opera