

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

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

**NOTES**

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
- (iii) These rules are divided into two Parts as follows:  
Part I – General Conditions relating to the management and conduct of the premises;  
Part II – General Conditions that apply to all premises;  
Appendices
- (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

**Health and Safety at Work**

While these standard conditions are applied to a licence for any special treatment, they do not in any way replace or reduce any of the underlying statutory duties of employers to comply with the requirements of the Health and Safety at Work etc Act 1974 and any associated Regulations and Codes of Practice. The requirements to manage health and safety are wide ranging in nature and may overlap, to some extent, with some of the conditions listed below. Employers and self-employed persons are required by the Management of the Health and Safety at Work Regulations 1999 to assess and manage the risks to their workers and any others (i.e. clients), who may be affected by their business so as to identify what measures are needed to avoid or control the risks.

**Regulatory Reform (Fire Safety) Order 2005**

All licensed premises are required to carry out a fire risk assessment to identify the general fire precautions measures needed to prevent fires and keep people safe, including the provision of means of escape, emergency lighting, fire detection, fire-fighting equipment etc. The risk assessment must be recorded and reviewed regularly. The licence holder shall ensure that means of escape are maintained and kept free from obstruction at all times, and that fire-fighting equipment is suitably maintained. This is enforced by the Fire Authority.

## DEFINITIONS

1. In these rules, unless the context otherwise requires :
  - 'Approval of the Council' or 'Consent of the Council' means the approval or consent of the Council as Licensing Authority in writing.
  - 'Approved', 'accepted' or 'permitted' means approved, accepted or permitted by the Council in writing.
  - 'Approved arrangements' means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.
  - 'Council' means the appropriate licensing authority.
  - 'Escape lighting' (safety lighting) means lighting, obtained from a source independent of the general supply for the building, provided to assist the public and staff to leave the premises without the aid of normal lighting.
  - 'Establishment for Special Treatment' has the meaning set out in Section 4 of the London Local Authorities Act 1991.
  - 'Licence' means a special treatment licence granted under Section 6 of the London Local Authorities Act 1991.
  - 'Licensee' means the person or corporate body licensed under Section 6 of the London Local Authorities Act 1991.
  - 'Non-combustible' material means material which is deemed to be non-combustible when tested in accordance with the provisions of the current edition of British Standard 476: Part 4, or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of these rules.
  - 'Officer' means any person authorised in writing by the Council. (This may include officers of the London Fire and Emergency Planning Authority).
  - 'Public' means any person other than a member of staff admitted to the licensed premises.
  - 'Premises' means any premises within the Council's area licensed for special treatment and includes all installations, fittings and things in connection therein.
2. (a) These rules may be dispensed with or modified by the Council in any special case.
  - (b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.

- (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

## **PART I – GENERAL CONDITIONS RELATING TO THE MANAGEMENT AND CONDUCT OF THE PREMISES**

### **1. Exhibition of Licence**

The licence or a clear copy shall always be prominently displayed, in a position where it can be easily read by clients and staff

### **2. Person in charge of Licensed Premises and General Responsibilities**

- (a) The licence holder shall be in charge of the premises at all reasonable times. The licence holder may authorise in writing a premises manager to deputise for him. If he does so, this written authorisation must be kept on the premises and be readily available for inspection by any Authorised Officer.
- (b) The licence holder shall ensure that 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 conduct a full consultation with the client. This includes obtaining and discussing client details such as relevant medical history, possible contraindications and providing suitable and sufficient aftercare advice.
- (c) The licence holder shall ensure that valid public liability insurance with an appropriate level of cover is held in respect of the premises and all special treatments provided. The insurance must cover all practitioners providing the treatments, unless they have his own appropriate insurance to the same minimum level of cover.
- (d) The licence holder shall ensure professional indemnity insurance is in place for all treatments offered at the premises.
- (e) Insurance documents shall be available at the premises for inspection by an Authorised Officer at all reasonable times and shall be submitted to the Council on request.
- (f) The premises shall not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939, the Building Act 1984 and the Building Regulations Act 1985 or any legislation amending or replacing the same

### **3. Conduct of the Premises**

- (a) The licensee shall maintain good order in the premises at all times.
- (b) The license holder shall ensure that no part of the premises is used for soliciting or indecent behaviour including providing/offering sexual services of any kind.
- (c) Except with the written consent of the Council, the licensee shall not employ at the licensed premises any person who he has been notified in writing that the Council considers unsuitable to be employed in such premises.
- (d) The licence holder shall not seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.
- (e) Special treatments not listed on the licence shall not be advertised or offered
- (f) The licence holder shall not permit for the door of any room or place in the establishment for the time being in use for providing a special treatment to be locked, unless there is a means of unlocking the door from the outside without the use of a key, in the event of an emergency
- (g) The licence holder shall ensure that, with the exception of those persons receiving treatment in accordance with the conditions of the licence, all clients present in any part of the establishment shall be decently and properly attired and separate changing accommodation for males and females shall be provided.
- (h) The licence holder must take action to ensure that there is no modern slavery and/or human trafficking in the premises.

### **4. Display of Tariff**

A price list of all the treatments offered, including VAT, shall be provided prior to treatment, in a prominent position in reception where it is clearly visible to the public at all times. Where the charge for treatments is on 'an hourly basis', for example tattooing, then this list shall show the hourly rate to be charged including VAT.

### **5. Alterations**

No alterations, including any temporary alterations, shall be made to the premises without the prior consent of the Council. This condition shall not require to be given in respect of routine maintenance work

## **PART II GENERAL CONDITIONS THAT APPLY TO ALL PREMISES**

### **1. Persons who can give treatment**

- (a) Licensable treatments shall only be provided by a practitioner named on the licence to provide those treatments listed, except in circumstances detailed in condition 1 (b).
- (b) Licensable treatments may be provided by guest practitioners that are named on a Temporary Authorisation, which forms part of the licence. The maximum duration permitted on a Temporary Authorisation is 14 consecutive days per guest practitioner. A maximum of 4 Temporary Authorisations are permitted per licence per year.
- (c) The temporary authorisation must be displayed alongside the Special Treatment Licence for the duration of the authorised period
- (d) All treatments provided by guest practitioners must be under the personal supervision of a person named on the licence for the treatment that they are supervising.
- (e) All consultation forms relating to clients that intend to receive treatment from a guest artist must be checked and countersigned by the person named on the licence that will be supervising the treatment.
- (f) Apprentice/trainee practitioners shall not carry out special treatments without the written consent of the Council. Apprentice/trainee practitioners shall only carry out these special treatments under the direct supervision of a suitably experienced special treatment practitioner who are approved by the Council and named on the licence
- (g) All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council.

### **2. Qualifications**

- (j) All practitioners must be suitably qualified for each treatment that they wish to provide.
- (k) All qualifications must be Ofqual regulated, where a regulated qualification is available for the treatment to be provided. A list of all regulated qualifications can be found on the Ofqual register <https://register.ofqual.gov.uk/>
- (l) Where an Ofqual regulated qualification is not available for the treatment to be provided, the Licence holder must demonstrate that the therapist has received a suitable level of training, to the satisfaction of the council. The therapist may undergo a competency interview with an authorised Council Officer or be required to complete additional training to the satisfaction of the Council

- (m) Qualifications obtained outside of the UK will not be accepted unless accompanied by a certificate of Comparability which is available through UK NARIC. The qualification must be at the equivalent level of the accepted Ofqual regulated qualification accepted by the council.
- (n) Any practitioner may be required to successfully complete an infection control course, to be specified by the Council. Failure to successfully complete this course may lead to the practitioner being removed from the licence
- (o) Any practitioner may be required to re-take an infection control course, to be specified by the Council, periodically, at a time interval to be set by the Council, to ensure knowledge is refreshed.
- (p) Copies of relevant qualifications for all staff named on the licence shall be kept on the premises. These must be available to both Clients and Authorised Officers on request

### **3. Age Restrictions**

- (a) No treatment shall be provided to persons under the age of sixteen without written consent from a parent or guardian.
- (b) Where legal or age restrictions are in place as part of the Standard Conditions for certain treatments, the business must have an age verification policy in place at the premises
- (c) The age verification policy operated at the premises shall be 'Challenge 25'. This means that whilst an age-restricted service may be made available to persons aged over the minimum age limit, any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. The only forms of ID that may be accepted shall be:
  - i) Proof of age card bearing the PASS hologram logo;
  - ii) Passport;
  - iii) UK photo driving licence
- (d) Notices advertising that the premises operate a 'Challenge 25' scheme shall be displayed in a clear and prominent position, so that clients are made aware that they may be challenged about their age if they look under 25.
- (e) Where an age challenge is made, it must be recorded, and the form of ID provided must be noted on the client record card or in a book, or other form of record. Where the record is kept other than on a client record card, the date, time and circumstances of any challenge made in accordance with the 'Challenge 25' scheme shall be recorded. These records shall be kept on the premises at all times they are open and shall be made available for inspection immediately upon demand by any Authorised Officer

#### **4. Client Records**

- (a) The client records shall include the name of the person receiving treatment, including walk-ins/one offs, the time of admittance for treatment and the real name of the practitioner providing that treatment. In the case of persons being treated by an apprentice/trainee, the entry shall include both - the name of the person giving treatment and that of the person supervising.
- (b) In the case of treatments to persons under 16, in addition to the Challenge 25 requirements above, the records shall include a signed consent form from a parent or guardian, prior to giving treatment.
- (c) All client records must be kept for a minimum of 3 years

#### **5. Client Consultation**

- (a) A full client consultation must be carried out at the time of the initial visit and prior to any treatment.
- (b) The consultation must include a thorough medical history in relation to the treatment being requested and a full explanation of any possible contra-indications and risks
- (c) Where any medical conditions exist, the client must confirm to the practitioner that they have taken advice from their GP regarding the treatment before any treatment can be commenced

#### **6. Use of Topical Anaesthetics**

- (a) Topical anaesthetics shall not be obtained and applied by the practitioner. Such products may be obtained and applied by the client and the client shall be advised to read the full instructions and contra-indications prior to use

#### **7. Hygiene and infection control**

- (a) Internal walls, doors, windows, partitions, floors or floor coverings and work surfaces in all parts of the premises used by the client and practitioner shall be constructed of smooth impervious materials which are easy to clean and must be maintained in good repair and condition.
- (b) There must be suitable and sufficient means of natural or mechanical ventilation in each treatment room, and wherever practicable this should be direct to the external air.
- (c) A wash hand basin must be easily and permanently accessible to practitioners to permit washing of hands immediately prior to and during any treatment

- (d) Wash hand basins must be located to reduce the likelihood of re-contamination of hands after washing i.e. the practitioner must not make hand contact with any potentially contaminated surfaces, such as door handles after hand washing.
- (e) A sink must be provided for the cleaning of equipment. It must be of a size that the largest piece of equipment that needs cleaning could fit within it and be capable of being washed effectively, underneath the water level where necessary for infection control. This sink must be separate to any wash hand basin(s). Equipment must not be washed in the wash hand basins.
- (f) 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
- (g) 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.

## **6. Trade/Clinical Waste**

Evidence of trade waste and clinical waste contracts and records/invoices to demonstrate the correct disposal of all types of waste shall be available on the premises for inspection at all reasonable times by an Authorised Officer and shall be submitted to the Council on request.



