



**London Borough of  
Barking and Dagenham**

**SPECIAL TREATMENT REGULATIONS**

**These Regulations are made under section 10(1) of the London Local Authorities Act 1991 Part II, to prescribe standard conditions for the grant, renewal and transfer of special treatments premises licences.**

**Standard Conditions of Licences for Premises Offering Special Treatments  
in the London Borough of Barking and Dagenham**

**In force from 1 APRIL 2019**

## **INTRODUCTION**

These Standard Conditions have been set by the Council to regulate the day to day operation of premises licensed to provide special treatments in the London Borough of Barking and Dagenham. They are designed to protect the health and safety of the public and staff at licensed premises.

These conditions are applicable to all premises, including private residential premises, offering special treatments.

Their application does not in any way replace or reduce the underlying statutory duty on employers and self-employed persons to comply with the requirements of the Health and Safety at Work etc Act 1974 or any other applicable legislation.

These Standard Conditions will remain under review and will be amended as required.

Amendments will generally be introduced to take effect at the start of a licensing year **unless** there are circumstances where immediate changes are required to ensure that equipment and/or treatments and practices are prevented from posing a risk to the health, safety or wellbeing of any person. Licensees will be notified in writing of any such amendments having immediate effect.

## **Fee Charges**

The fees for Special Treatment Licences are reviewed annually.

There are no exemptions or exceptions within the pricing structure, regardless of the status of the business operation or of the working hours of any business or individual.

The current table of fees is available on the London Borough of Barking and Dagenham website.

An application fee is payable before any application for the grant, renewal, transfer or variation of a special treatments premises licence will be considered by the Council.

The license fee, payable on approval of the application, is that for the highest risk category treatment offered at the premises. All other licensable treatments provided at the licensed premises will be permitted for this fee.

Licence fee charges are imposed in respect of the provision of Special Treatments in any of 4 risk categories

## **Special Treatments Licensing and Health & Safety Visits**

Proactive visits may be made to any licensed premises during its operating hours to ensure compliance with the terms, conditions and restrictions of the licence.

All complaints or adverse intelligence received by the Council regarding the operation of licensed premises will be investigated. Unannounced visits to premises may be made in furtherance of such investigation. Officers will assess the validity of any complaints and provide clear indication of remedial actions necessary for the licensee to take to address any concerns identified.

## **Failure to comply with any conditions of a licence may result in enforcement action by the Council including revocation of the licence and/or prosecution.**

Special Treatments Premises Licence application forms, the current table of fees and other relevant information and forms are available on the London Borough of Barking and Dagenham website at <https://www.lbbd.gov.uk/special-treatment-licences>.

## **DISPENSATION OR MODIFICATION OF STANDARD CONDITIONS**

These conditions may be dispensed with or modified by the Council in any special case.

The Council may, in granting a licence or giving written approval or consent under these Regulations, impose such additional terms, conditions, or restrictions as it shall specify in writing.

If the Licensee wishes any licence terms, conditions, or restrictions to be varied, an application must be made to the Council, and if the Council so requires, the application must be advertised at the licensed premises.

The Council may modify or amend these Regulations to reflect any changes in legislation as necessary.

## CONDITIONS APPLICABLE TO ALL PREMISES

### 1. THE LICENCE

1. The current licence, including the list of practitioners and treatments, or a clear copy of it, shall be prominently displayed at the premises at all times and in a position where it can easily be read by all persons using the premises.
2. The licence is personal to the holder and cannot be transferred to any other person unless an application for the transfer has been made, and the Council has granted the application.
3. The licence is only valid in respect of the premises named on the licence.
4. The licensing year runs from 1<sup>st</sup> April - 31<sup>st</sup> March. Licences will be granted for a maximum period of 12 months and all licences will expire on 31<sup>st</sup> March.
5. The premises specified in the licence may offer only those special treatments that are specified in the licence.
6. Licensed treatments shall only be provided by a special treatment practitioner or by a person undertaking training who is under the direct supervision of a special treatment practitioner.
7. **Only practitioners specified in the licence may carry out special treatments specified in the licence at the premises.**
8. A licence will not be issued until the required fee is received by the Council.

### 2. THE LICENCE HOLDER/LICENSEE/AUTHORISED PERSON

1. The licence holder shall notify the Council in writing of any change in their private address, principal place of business, company name, registered office, Company Registered Number, Charity Register Number or change of charity status within 28 days of such change.
2. 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.
3. The licence holder may authorise a responsible person or persons to manage the premises during opening hours.
4. Authorised persons shall be deemed by the Council to be acting on behalf of the licensee in respect of the management of the premises and compliance with the licence conditions, in the absence of the licensee; but may also themselves be held accountable for any failure to ensure compliance with those conditions arising from their conduct or management of the premises.
5. The licence holder shall ensure that all practitioners carrying out special treatments are suitably trained and/or qualified and evidence of such shall be submitted to the Council.
6. The Council may seek verification of all certificates submitted as evidence of competence. Where verification is not possible, or the qualification claimed is not accepted as appropriate, the Council may require the proposed practitioner to be assessed by an independent organisation acceptable to the Council, to establish competence. All assessment costs will be borne by the licence holder/applicant. In exceptional circumstances experience may be acceptable as an alternative to qualifications for certain treatments.
7. The licence holder shall not allow any person to operate another business from the premises if it includes the provision of any licensable treatment.
8. The licence holder must inform the Council within 28 days of any criminal convictions acquired by anyone associated with the premises.

9. The licence holder shall ensure that at least one practitioner or another competent person present in the premises has sufficient command of spoken and as necessary written English in order to satisfactorily conduct client interviews and provide aftercare advice.
10. The licence holder shall at all reasonable times allow officer(s) of the Council access to the premises and to any documentation required to be kept as a condition of the licence. Failure to do so will render the licensee liable to prosecution.

**3. CHARGE OF LICENSED PREMISES**

1. The licence holder and/or authorised person shall be familiar with all the conditions contained in this document and the licence holder will be responsible for compliance with the conditions under which the licence is held .
2. In the event of any breach of the conditions under which the licence is held the Council may initiate formal proceedings against the licence holder.
3. The licence holder shall ensure that all practitioners carrying out special treatments in the licensed premises are familiar with all relevant conditions.
4. The licence holder shall ensure that any non-licensable beauty treatments or therapies carried out at the premises are provided by suitably qualified persons whose qualifications have been checked prior to their providing any treatments.
5. If the licence holder sublets any part of the licensed premises for the provision of non-licensable treatments, it must be ensured that:
  - i. the sub-lessee's use of the premises does not affect the licence holder's own compliance with the licence conditions; and
  - ii. so far as is reasonably practicable, that the activities of the sub-lessee do not expose the licence holder's employees, or members of the public to risks to their health, safety or welfare .

**4. CONDUCT OF THE PREMISES**

1. The licence holder/authorised person shall ensure that no part of the premises is used by persons for soliciting, any act of indecency or other immoral purposes.
2. Other than as necessary by those persons receiving treatment in accordance with the conditions of the licence, all persons present in any part of the premises shall be decently and properly attired. Suitable changing accommodation shall be provided where required.
3. The licence holder/authorised person shall ensure provision for the maintenance of personal privacy. Such provision shall ensure that no person receiving treatments, who may be in a state of undress, is unwillingly or unwittingly exposed to the view of other clients or passers-by.
4. The licence holder/authorised person will ensure the ready availability of suitable gowns for the use of clients in a state of undress should an emergency arise requiring the immediate evacuation of the premises.
5. The number of clients receiving special treatments on the premises at any one time shall not exceed the number of qualified practitioners and/or the capacity of facilities available.

**5. CONDUCT OF PERSONS AT THE PREMISES**

The licensee must:

- i. Endeavour to ensure that no indecent and/or sexual acts are carried out at the premises;
- ii. Exclude any person who has committed any such act on the premises;

- iii. Ensure that no person intoxicated by drink or drugs is permitted on the premises;
- iv. Ensure, where there are internal doors which are lockable, that those doors are of a type that can be opened from the outside in an emergency;
- v. Not cause to be published any advertising in words or pictures suggestive of an erotic element to any treatment provided.

## 6. PERSONS WHO MAY GIVE TREATMENTS

1. Except as provided below, treatment shall only be given by qualified persons who have been approved by the Council and in respect of whom a full-face digital photograph taken within the twelve-month period preceding the application for approval, has been submitted to the Council.
2. Where a practitioner is exempt under the Act, or is a member, at the appropriate level, of a professional body of healthcare practitioners granted exemption by the London Special Treatments Working Group, current details of their membership of the relevant body shall be kept at the premises.
3. Treatments may be given by a trainee practitioner where that trainee is both approved by the Council and under the personal supervision of a qualified practitioner.

## 7. RECORD KEEPING

1. Records shall be kept on the premises in respect of every special treatment practitioner or trainee practitioner who provides licensed treatments on the premises.
2. Records shall include the following information:
  - i. Full name
  - ii. Home address
  - iii. Date of birth
  - iv. A photograph of the practitioner
  - v. Full list of treatments offered by that practitioner at the premises
  - vi. Details of qualification and/or training attained/completed and the awarding body, including copies of qualifications
  - vii. For a trainee the records must also indicate the name(s) of the training supervisor and list of treatments that person is supervising
3. With the exception of manicure and pedicure treatments, before any treatment is administered for the first time, the practitioner, or another competent person, shall interview the person to be treated.
4. The interview shall be conducted in a manner that is clearly understood by the person to be treated. Where this is not possible, treatment **shall not** be given.
5. During the interview the following details must be recorded:
  - i. The name and address of the person to be treated
  - ii. The age of the client (if under 18)
  - iii. The treatment to be given
  - iv. The dates on which the treatment is given
  - v. The name of the person giving the treatment
6. All records concerning special treatments shall be kept securely at the licensed premises for at least 2 years.
7. The records must be readily available for inspection by an authorised officer.

8. **INFORMED CONSENT**

1. The practitioner or another competent person, shall inform every client receiving any treatment, other than manicure or pedicure, for the first time of any possible complications and/or side effects of the treatment and any danger associated with a failure to disclose a medical condition.
2. The matters discussed shall be recorded with the clients' details. The person receiving the treatment shall sign the record to indicate that they understand what they have been told and consent to the treatment.
3. The practitioner must check before the provision of any subsequent treatments that the client's medical details remain unchanged and consider contra-indications to treatment in the event of any change. Any changes must be noted on the client record and a new consent signature obtained.
4. Specific informed consent shall be obtained where trainee/apprentices will be carrying out the treatment.

9. **PROOF OF AGE/IDENTITY**

1. Where legal or advisory age restrictions are in place for certain treatments, premises must have a policy requiring any person who appears to be under the age of 18 to show photographic identification.  
Examples of acceptable photo ID are photo driving licences, passports, and proof of age ID cards bearing the PASS hologram.
2. Staff who work in the premises must be made aware of the age verification policy.  
The fact that age has been verified must be added to the client record.
3. In any event, no treatment shall be carried out on a child under 16 years of age unless a parent or legal guardian is present and has signed a consent form.

10. **ALTERATIONS TO PREMISES**

1. Alterations or additions, whether permanent or temporary, to the structure or layout of the premises. or to the means of lighting, sanitation or ventilation, shall not be made unless an application to vary the licence has been submitted to and approved by the Council. This condition shall not require notice to be given to the Council of any work which is necessary for the efficient maintenance of the premises.  
*(Alteration to the premises may additionally require planning permission)*

11. **ANAESTHETIC**

1. No local anaesthetic administered by injection shall be given other than by a medically qualified practitioner.
2. No prescription medicines may be administered to a client by a practitioner.
3. Topical local anaesthetic creams, gels, and sprays may be purchased and administered by the client themselves prior to treatment, if so desired, but must not be supplied or administered by the practitioner. In such cases, a detailed consultation identifying any contraindications must be carried out and recorded on the client record.

12. **ANIMALS**

1. All animals, other than assistance animals, are prohibited in treatment rooms and treatment areas.

13. **STRUCTURE AND REPAIR**

1. Internal walls, doors, windows, partitions, floors or floor coverings, ceilings, lighting and ventilation in all parts of the premises used by clients and practitioners must be constructed of smooth impervious materials which are easy to clean and must be maintained in good repair and condition.

14. **CLEANLINESS OF STRUCTURE, FURNITURE AND FITTINGS**

1. All parts of the premises used by clients and practitioners must be kept clean.
2. All furniture and fittings in treatment areas must be kept clean and in such good repair as to enable them to be effectively cleaned.
3. All tables, couches and seats used in the treatment area and any surface on which equipment is placed immediately prior to treatment must have smooth impervious surface that is wiped down regularly with a suitable disinfectant.
4. Where tables or couches are used, they must be covered by disposable paper sheet/towel or similar which must be changed for each client.

15. **CLEANLINESS OF EQUIPMENT**

1. Adequate facilities and arrangements must be provided for the cleaning, disinfecting and, where required, sterilisation of work tools, equipment, protective clothing, gowns, towels etc.
2. Adequate storage for all items must be provided to avoid, as far as possible, the risk of contamination.
3. Before use in connection with a treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in the treatment must be
  - clean, in good repair and, so far as is appropriate, sterile; and
  - must not have been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as appropriate, sterilised.
4. The licence holder must ensure that any needle, metal instrument, or other item of equipment used in treatment or for handling instruments and needles used in treatment, so far as is appropriate, is in a sterile condition and kept sterile until it is used.

16. **INFECTION CONTROL**

1. Procedures for decontamination, disinfection and sterilisation of equipment shall be provided at the premises, where necessary.
2. Glass bead sterilisers, UV light boxes, hot air ovens and water boilers must not be used for sterilisation purposes.
3. Any autoclave/steam steriliser used for sterilisation shall be correctly installed and must only be used in accordance with manufacturer's instruction and with the current version of Medical Devices Agency's (MDA) [now the Medicines and Healthcare products Regulatory Agency] Device Bulletin DB2002(06). It must also be periodically maintained and tested in accordance with the manufacturer's instructions and MDA DB9804.
4. All checks, tests and maintenance performed on the autoclave/steam steriliser must be documented and the records kept on site and made available for inspection by an officer of the Council.
5. Where chemicals are used for sterilisation, the licensee must keep at the premises evidence that any chemical used is fit for purpose and is being used in accordance with the manufacturer's instructions.

6. Equipment and furniture must be cleaned, disinfected and/or sterilised to an appropriate level depending upon their use.
17. **WASH HAND BASINS**
  1. A wash hand basin must be easily accessible to practitioners to permit washing of hands immediately prior to and during treatment.  
Wash hand basins must be located to reduce the likelihood of re-contamination of hands after washing i.e. practitioners must not make hand contact with surfaces such as door handles after hand washing.
  2. All wash hand basins must be properly drained and provided with hot and cold running water. It is best practice to have a hands-free (infra-red, elbow operated, foot operated, or knee operated) mixer tap capable of delivering constant warm running water installed at the wash hand basin.
  3. Liquid hand wash and paper towels, preferably wall mounted, or a supply of single use cloth towels must be available at all times.
18. **CHEMICAL USAGE**
  1. All substances held on the premises and used for special treatments must be held in suitable containers that are properly labelled. Containers must be tightly sealed when not in use.
19. **ELECTRICAL SAFETY**
  1. The licence holder shall ensure that the fixed electrical installation, including escape lighting is periodically inspected and certified by a competent electrical engineer in accordance with the British Standard 7671 and complies with the Electricity at Work Regulations 1989.
  2. A copy of the current certificate must be kept at the licensed premises and available for inspection by an authorised officer.
  3. The licence holder shall ensure that all portable electrical appliances within the licensed premises are maintained regularly in accordance with the Electricity at Work Regulations 1989. Records of this maintenance must be available at the premises.
20. **FIRST AID**
  1. The licence holder must ensure compliance with The Health and Safety (First Aid) Regulations 1981. In particular, they must nominate an appointed person (who may be themselves) to look after first aid arrangements and equipment. There must be a suitably stocked first aid box available. The first aid provisions must reflect the known contra-indications for individual treatments.  
  
It is recommended that at least one person working in the premises is trained in first aid.
21. **GAS APPLIANCES**
  1. All gas appliances and installations at the premises shall be inspected for safety at intervals not exceeding 12 months by a Gas Safe registered engineer.
  2. A copy of the current certificate must be kept at the licensed premises and available for inspection by an authorised officer.
22. **GAS CYLINDERS**
  1. Appliances utilising cylinders or containers of gas under pressure (apart from CO<sup>2</sup>

cylinders and hand-held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

The use of liquid petroleum gas in cylinders is unlikely to be approved.

**23. HEATING**

1. All parts of the premises regularly occupied by the public or employees shall be heated to the satisfaction of the Council.
2. Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

**24. LIGHTING**

1. All lighting, including escape lighting, shall be maintained in full working order.

**25. PRESSURE SYSTEMS**

1. Any equipment operating under pressure shall be inspected for safety by competent person. All pressure systems shall be operated in accordance with the Pressure Systems (Safety) Regulations 2000.

**26. SHOWERS**

1. In premises providing body treatments involving the application of heat by sauna, solarium, steam bath or other baths, suitable and sufficient showering facilities shall be provided.

**27. VENTILATION**

1. Any mechanical ventilation system shall be maintained in correct working order and shall comply with the relevant British Standard.
2. Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort to residents living nearby.

**28. WC FACILITIES**

1. The licence holder must ensure that there are adequate WC facilities for both staff and clients and they must be:
  - maintained in good order and kept clean
  - lockable
  - suitably and sufficiently ventilated
2. Each WC must have access to a designated wash-hand basin located within the WC or just outside of the WC. The wash-hand basin must be provided with hot and cold running water (or a mixed tap that provides warm running water), liquid hand wash and paper towels, preferably in wall mounted dispensers, or a supply of single use cloth towels.

29. **WASTE MATERIAL**

1. Licence holders shall ensure that all waste is collected and disposed of by a licensed contractor.
2. A sufficient number of suitable contaminated waste containers shall be provided.
3. Used needles, blades and any other sharps for disposal shall not be placed in with general refuse but shall be placed after use in an appropriate sharps container and disposed of as clinical waste.
4. Clinical waste, swabs, dressings, coverings, wax strips, etc, contaminated by blood, body secretions or other body fluids shall be placed in an approved receptacle and collection by a licensed waste management company arranged at regular intervals .
5. A valid contract shall be in place for this service at all times between the licence holder and the licensed waste management company.
6. A copy of the contract shall be kept at the establishment and must be produced upon request by an Officer of the Council.