

## GUIDANCE NOTES FOR A SPECIAL TREATMENTS LICENCE APPLICATION

### **HOW TO APPLY FOR A SPECIAL TREATMENTS LICENCE:**

#### **Who needs to apply for a Special Treatments licence in Redbridge?**

If you own or manage a premises in the Borough which offer any of the following treatments:

Massage, manicure, pedicure, nail extensions, facials, acupuncture, tattooing, body piercing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind such as sunbeds, vapour, sauna or other baths, then, unless you can claim one of the exemptions below, will need to apply for a licence for your premises:

In accordance with the London Local Authorities Act 1991 Part 11

<https://www.legislation.gov.uk/ukla/1991/13/contents/enacted>

#### **When is a licence not required:**

There are a number of exemptions from the requirement to be licensed:

No gain or reward – all treatments provided are free of charge or donation

No premises used – mobile services from a vehicle or at a client's residence

For treatments provided by or under the supervision of medical practitioners, dentists and professions supplementary to medicine in a hospital or nursing home

For treatments provided by or under the supervision of a person who is a member of a body health practitioners approved for exemption by this Council. See the current exemption list on our website.

Where a practitioner is exempt under the Act, then current details of their membership of the relevant body shall be kept at the premises.

#### **The Process**

On receipt of an application and fee, arrangements will be made for an Officer to inspect your premises in relation to hygiene protocols, infection control and health and safety etc. You may as a result, be required to undertake essential works prior to the licence being granted. This will be detailed in a report which will also include any other requirements.

All applications are subject to a 28 day public consultation. You are required to display a notice advertising that an application has been made (see Forms D below) and we will publish a summary of the application in a weekly licensing bulletin on our website.

At the end of the consultation, if no objections are received, the licence will be issued once all documents, works and payments requested have been completed.

If objections are received your application will be required for consideration by the Council Licensing Sub Committee.

Provided any objections made have been resolved the licence will be issued. The licence will be granted subject to the Council's standard conditions. Under certain circumstances it may be necessary to impose additional specific conditions.

### **Right of persons to object to an application for a licence**

The Police, Fire Authority and members of the public have the right to raise objections to an application for a licence. The council must consider any representations made within the period allowed for the receipt of objections.

Where an objection is received, it does not automatically imply that a licence will be refused. If an objection is received, the applicant will be notified of this and their comments noted. Where possible, all attempts will be made to resolve any objections by a form of conciliation.

If this is not resolvable then in most cases the refused application will be determined at a Council hearing where the applicant will have an opportunity to present a case. Should this stage be reached, full details of the process will be provided.

A record of applications appears in the Council Member's Bulletin of Licence Applications published each week at <https://www.redbridge.gov.uk/business/licensing-including-street-trading/beer-and-entertainment-licences/>

### **Appeals**

Section 8 of the London Local Authorities Act 1991 provides the Council with the power to refuse to grant, renew, transfer or vary a licence on specific grounds.

<https://www.legislation.gov.uk/ukla/1991/13/contents/enacted>

Any person who is aggrieved that either an application for a licence has been refused, or feels that that the conditions attached to the licence are unreasonable may appeal to the Magistrates Court within 21 days of the decision being notified to them by the Council. Full details regarding the procedure will be supplied to any person whose application for a licence has been refused.

## General guidance

### Health & Safety at Work

All businesses must comply with the Health & Safety at Work etc. Act 1974 and associated regulations whether a licence is required or not. See Health and Safety Made Simple pages at <https://www.hseni.gov.uk/health-and-safety-made-simple>

### Planning permission prior to applying for a licence

You must check with the Planning Department to confirm whether any planning consent or permission is required. Premises must have appropriate planning consent. Domestic premises may require a certificate of lawful development and not planning permission. For beauty salons and similar the 'Class Use' required is 'Sui Generis'. It is the applicant's responsibility to ensure that the premises have the correct planning consent. The granting of a special treatments licence does not indicate that appropriate planning consent has or will be granted by the Council. <https://www.redbridge.gov.uk/planning-and-building/planning/do-i-need-permission/>

If you are a **tenant**, you may need to tell your landlord before you practice treatments in domestic premises. If you are a Council tenant, you will require confirmation from Housing Services agreeing to this use of the premises.

### Clinical Waste Collection

Any waste produced in connection with the business, including clinical waste, must be collected in a sufficient number of suitable covered, leak proof containers and handled and disposed of to ensure full compliance with all relevant legislation.

Soft waste from body-piercing or tattooing practice can normally be assumed to present no risk of infection. However, as waste contaminated with non-infectious body fluids is capable of causing offence, it would be classed as 'offensive' waste.

Items such as used gloves, aprons, swabs, small dressings cotton wool, paper roll, and plastic protective covers (used to cover machine, cord, soap bottles, etc.), ink caps and leftover ink in caps contaminated with bodily fluid arising from special treatments is considered as offensive waste where it is generated in quantity (one bag of 7kg or more in any one collection period).

Offensive waste must be placed into a yellow and black striped bag (tiger bag) for disposal, compliant with BS EN ISO 7765:2004 and BS EN ISO 6383:2004.

Where offensive waste is generated in small quantities (under 7kg per collection) such items can be placed in general waste bags for commercial waste.

**Evidence of trade waste contract(s), waste carrier licence and/or waste transfer notes shall be available at the premises for inspection at all reasonable times.**

Needles and sharps shall be disposed of in a dedicated clinical waste sharps container and disposed of as clinical waste. The containers shall comply with relevant Standards. A waste transfer note shall be available on site for each container collected.

## Forms to be completed

- A. Premises licence Application Form (STR01)
- B. Treatments to be offered (STR06)
- C. Details of Practitioner Providing Treatment (STR02)
- D. Public Display Notice (STR34)
- E. Electrical Equipment Register (STR31)
- F. Regulations for Special Treatments and Codes of Practice (STR90)
- G. Declaration of Convictions (DOC01)

### A. APPLICATION FORM (STR01)

The application should be made by the occupier of the premises. Please provide full details of the premises intended to be used to provide the special treatments (Section 1). Where asked for the area of premises to be licensed complete in full and provide the items requested on page 7. Full details of the applicant to be included (Section 2). Alternative sections are provided for individual applicants, partnerships, companies, and other organisations. Please complete the relevant section. A checklist is provided in **Section 5** to ensure you submit a completed application. Failure to do so will delay the processing of your application. The application must be signed by the applicant or authorised representative. A copy of the application form and plan of the premises will be sent by the Council to the Fire Authority (<https://www.gov.uk/workplace-fire-safety-your-responsibilities>), Planning Department and Building Control. A copy of the application form only will be sent to the Police Licensing Officer. The applicant will be informed of any requirements.

### B. TREATMENTS TO BE OFFERED (STR06)

Complete this form by putting a cross in the box against all those categories and treatments you intend to provide

### C. DETAILS OF PRACTITIONERS PROVIDING TREATMENTS (STR02)

Please list all practitioners intending to provide licensable treatments at the premises and the individual treatment to be offered (Section 3). Please note that a copy of the practitioner's original relevant qualification must be provided. One recently, signed on the reverse by the practitioner passport sized photograph, and photo ID (copy of a valid passport or photo driving licence) must also be provided for us to process the application. Only nationally recognised qualifications are acceptable, and all certificates will be verified by the Council with the awarding organisation.

<https://register.ofqual.gov.uk/>

Practitioners who hold qualifications obtained abroad will be required to undertake a recognised course or apply for UK comparison through UK ENIC <https://www.enic.org.uk/>

In addition, we may require any product or equipment specific training by the manufacturers or producers if applicable.

#### **D. EXHIBITION OF A NOTICE AT THE PREMISES**

On the date on which an application is made for a Licence, you are required to complete and display an A4 notice (**STR34**) in a place (window/door) where it can easily be seen and read by persons in the street or adjoining public places (not to be behind shutters when premises is closed).

The notice must be displayed for a consultation period of 28 days. During this time objections may be received from members of the public, the Police, Fire Authority or other persons. Refusal of Licence: please view the London Local Authorities Act 1991 Part II Section 8 <https://www.legislation.gov.uk/ukla/1991/13/part/II/enacted>

If the Notice is found to be severely defaced, damaged or missing, a new Notice will be required to be displayed for a further 28 days.

#### **E. SPECIAL TREATMENT EQUIPMENT REGISTER**

All electrical equipment used on the premises for the purpose of providing special treatments must be listed. Invoices/receipts to be supplied for new equipment and an electrical portable appliance test certificate (PAT) if more than a year old. Form **STR31** should be completed for this purpose.

#### **F. REGULATIONS FOR SPECIAL TREATMENTS AND CODES OF PRACTICE**

Regulations made by the London Borough of Redbridge under Section 10(1) of the London Local Authorities Act 1991, prescribing standard conditions applicable to all premises located in the London Borough of Redbridge providing special treatments. It is an offence in accordance with the Act to not abide by these conditions.

See relevant code of practice for each special treatment provided and documentation requirements.

#### **G. DECLARATION OF CONVICTIONS – (DOC01)**

Checks will be carried out to ensure that the applicant, practitioners and any others involved in the operation of the premises do not have any relevant criminal conviction and to determine whether the applicant may be considered a fit and proper person to hold the licence.

Where unspent convictions are identified, the Council will consider the nature of the conviction and any consequent risk posed to the health, safety and welfare of clients. These factors will determine whether an individual may be permitted on the licence. It may be that where an individual is permitted on the licence in these circumstances, additional conditions and/or restrictions may be attached to the licence.