



London Local Authorities Act 1991 (as amended 2000) – Part II Special Treatment Premises

Guidance on completing the application for a Special Treatment Licence

1. What are you applying for?

This application form is for persons who are opening a new Establishment for Special Treatment. A Special Treatment Licence is issued for the **premises** where the treatments are to be given (the establishment). You do not need a licence if you only carry out treatments in clients' homes.

2. Do I need a Special Treatment licence?

Under the provisions of the London Local Authorities Act 1991 (as amended 2000) "an establishment for special treatment" means:

"any premises in the borough used, intended to be used or represented as being used for the reception or treatment of persons requiring:

massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths."

If **any** of the treatments you plan to offer fall within these broad categories, then you will need to obtain a licence, unless you can claim an exemption.

There are many different names for Special Treatments that do not necessarily reflect the category of treatment. Please check the A-Z of Special Treatments if you are unsure. Please indicate **ALL** the licensable treatments that you intend to give on the application form– the number of treatments given does not affect the cost of the licence although treatment type may. If you think you might want to do extra treatments at a later date, it may be worth adding them now to avoid the need to vary your licence in the future. If you intend to carry out a treatment that is not included in the list on the application form and are unsure whether it needs to be licensed, please include it on the application under 'other treatments'.

Exemptions

The law allows certain exemptions from the need for a licence. You do not need a licence if:

- If the premises are not being used for gain or reward
- where the Special Treatment is carried out by or under the supervision of one of the following:
 - a Medical Practitioner, registered by the General Medical Council (a Doctor);
 - a bona fide member of a body of health practitioners (only for the treatments for which they have membership - **see below**);
 - in the case of acupuncture, a dentist registered under the Dentists Act 1984;
 - in the case of osteopathy, a person registered as a fully registered osteopath or a conditionally registered osteopath under the Osteopaths Act 1993;
 - in the case of chiropractic, a person registered as a fully registered chiropractor or a conditionally registered chiropractor under the Chiropractors Act 1994.
- the premises are used by a person registered under the Health Professions Order 2001
- the treatments are carried out within the clinical setting of any public hospital
- the treatments are carried out within the clinical setting of any nursing home.

Are you a member of a body of health practitioners?

The Act does not list bodies of health practitioners. Each body needs to apply to the borough where they want their members to be exempted. In order to make this process easier, most London Boroughs agree a list of exempted bodies via the London Special Treatment Group. Merton, Richmond and Wandsworth Borough Councils have agreed to adopt this list. Please consult this list prior to making your application. If your body does not appear on this list, or you are offering treatments not covered by the body, then you will **not** be exempt.

If you are claiming exemption, you will need to provide proof of exemption status. If you need to do this, please contact the licensing section.

3 Other documents that you will need

(a) Insurance

You will need to provide proof of public indemnity insurance. This must cover all treatments given by all therapists. Please note that some general public indemnity insurance does not actually cover all treatments that you might give, e.g. treatments such as red vein removal often requires an extra premium due to the higher risk. Unless your policy specifies these types of treatments you might not be covered for them. If it is not, a licence will not be issued until this is resolved. **Your insurance documents do not need to be supplied with the application but must be available for inspection by the case officer**

(b) Electrical Safety Certificates

You must ensure that you have a current electrical safety certificate for the installation at the premises (fuse-box, wiring, lighting etc.). This is often called a Periodic Inspection Report for an Electrical Installation. If the installation is new, then you will need to ensure that you have been provided with an installation certificate. **You do not need to submit the certificate with the application, but a licence will not be issued until the certificate is seen by the case officer.** A new certificate must be obtained at 5 yearly intervals and be available on site for inspection.

Only certificates provided by properly registered engineers will be accepted. Examples of acceptable registering bodies for electricians include: IEE (Institute of Electrical Engineers), NICEIC (National Inspection Council for Electrical Installation Contracting), ELECSA and NAPIT (National Association of Professional Inspectors or Testers).

You will also need an electrical safety certificate for all portable/moveable appliances (wax pots, electrolysis/faradic machines, kettles etc.), unless they are new. These are called Portable Appliance Tests (PAT). You have a duty to ensure that your electrical appliances are maintained in a safe condition and this includes a requirement to have periodic Portable Appliance Tests. For more information please refer to HSE guidance HSG107 which can be found at hse.gov.uk. The system for ensuring that your portable electrical appliances are safe should be documented and held on site for inspection, together with ant PAT test reports.

(c) Gas Safety Certificate

If you have a gas supply to your premises you must ensure that you have a current gas safety certificate. You do not need to submit the certificate with the application, but a licence will not be issued until the certificate is seen by the case officer. The certificate must be provided by a Gas Safe engineer competent to carry out the work in a business premises. For more information go to the Health and safety Executive website at hse.gov.uk

4. Do you have planning permission to use the premises as an establishment for special treatment?

A special treatment licence will not be granted if the premises does not have the planning permission needed, as determined by the borough planner. All new applications for Special

Treatment licences are notified to the borough planner for comment. If they respond that permission is needed, then your application for a licence will be held up until such time as planning permission is granted or refused. If you have to apply for planning permission, and are then refused, your licence application will also be refused. The fee paid for the processing of the licence application will not be refunded. If you do not know whether you have the right planning permissions, you are **strongly recommended** to check the planning status of the premises **BEFORE** you make any licence application.

5. Is the premises currently under construction or alteration?

If you are currently carrying out construction or alterations to the premises, please state the date that you realistically expect to be open for business. Please note that a Special Treatment licence will not be issued until such time as the appointed licensing officer (the case officer) has inspected the **finished** premises and is satisfied that it is safe to licence. Although plans can be agreed in principle, a licence will NOT be issued until all building work is finished and inspected and a final plan has been submitted.

5b. Plans

In the case of all new applications or where alterations have been made to the premises prior to or during renewal or where a variation to the layout of the premises is sought submit a plan of the premises. The information contained in the plan must be clear and legible in all material respects and must show the extent of the boundary of the building, including any external and internal walls; all entry and exit points; the location of the areas where special treatments are to be provided; the location of all toilets; the location of all washing facilities. The Council recommends that all plans be drawn to a scale of 1:50 on a single sheet of A4 or A3 paper. Circumstances where an alternative scale may be acceptable could include where the size of the premises makes it impracticable for the premises to be adequately shown on a single sheet of A4 or A3 paper. **An application will not be accepted if a plan is not included.**

6. Who should apply for the Licence?

Essentially, the issue of a licence controls the type of premises where Special Treatments are carried out, the standards of hygiene and cleanliness within the premises, and the fitness of the person holding the licence. These standards are laid down in conditions that are attached to the licence. The person to whom the licence is issued is responsible for ensuring that the premises and persons giving treatments continue to meet the standards and comply with any requirement of conditions. In the case of **any** breach of conditions, it is the **licence holder** who would be liable for prosecution.

The licence holder must be in charge of the establishment and have control over the treatments given and the persons giving them. Therefore, the applicant for the licence must be the person, company or organisation who is in lawful control of the establishment where the treatments are to be given. This must be by way of holding the freehold, a lease or agreement to lease, a tenancy, or written agreement giving a right of occupancy. An unincorporated association is an organisation set up through an agreement between a group of people who come together for a reason other than to make a profit

The following examples will help you to decide who should apply.

If you run the business yourself, and control all aspects of it (e.g. you control the therapists and take payment from clients), then you must apply for the licence. If it is a limited company or other incorporated body, you must apply in the name of that organisation.

If you are using an area within another business premises (e.g. a room/area in a hair or beauty salon) but you operate as a separate business (i.e. you control the therapists and

take direct payment from the client and only pay the premises owner some form of rent), then you must apply for the licence yourself.

Where a premises is operating as a clinic, spa or other centre for Special Treatments you need to consider who is in overall control of the treatments being offered.

If several therapists rent different rooms in a single premises, but have no connection with each other (e.g. they all trade under separate names and/or have no common reception area), and no one person can be said to be in charge of the whole premises, then each must apply for a separate licence.

Where a number of therapists use rooms in a single premises which is being run as a centre, a clinic or other such common title, (e.g. share a receptionist, produce a common pricing list, advertising is arranged under one name) then the person in control of the premises should apply for one licence covering all therapies. However, applications of this nature are more complicated, and you are strongly recommended to check with a licensing officer before making your application.

7. Management of Establishment

Persons who manage a Special Treatment Establishment, whether on behalf of an individual, an organisation or a limited company would be expected to have experience of the type of treatments that will be given. They must have sufficient qualifications/training to take responsibility for activities within the licensed premises. Licences held by limited companies must have an appointed manager at the premises.

8. What treatments are you intending to give

The Council has decided to group licensable treatments into 8 categories and these will generally be specified on your licence when issued, rather than the specific treatments that you wish to carry out. However, in some cases it will be necessary to specify the particular treatment. The groups are:

Group 1 - tattooing including micro pigmentation (semi – permanent makeup), cosmetic piercing (except ear and nose piercing -lobe only), laser/intense pulse light treatments;

Group 2 – other treatments involving the breaking of skin (e.g. acupuncture, red vein treatment, wart or skin tag removal by electrolysis);

Group 3- massage treatments (including aromatherapy, reflexology)

Group 4 - electrical and light (including hair removal by electrolysis, galvanic/faradic treatments)

Group 5 – nail treatments (acrylic)

Group 6 - nail treatments (non acrylic) (e.g. manicure/pedicure)

Group 7 – bath/vapour (e.g. sauna, steam, spa –pools)

Group 8- ear piercing (lobe only) and nose piercing (nostril only)

Where possible please tick the appropriate box.. However, if the treatment you intend to provide is not included on the list and you are not sure if they require a licence then please add them into an 'other' box and we will establish whether they require a licence and, if so, the correct category that they fall under.

9. Licence Fees

Fees are based on the level of risk from the treatments, and therefore the level of control required by the Council. The fee is based on the highest risk treatment that is to be given, e.g. even if only one treatment out of many is group 1 then the fee will be for group 1. The number of treatment groups to be licensed makes no difference to the licence fee.

The fees are split into two. The first relates to the application procedure and must be received before your application is processed. **Please note that if your application cannot**

be processed, for example because you do not have the necessary planning permission, or if your application is refused this fee will not be refunded.

The second element of the fee relates to the Council's enforcement function. This does not need to be paid at the time of your initial application. If your application is approved you will be required to pay this part of the fee. You will not receive your licence until it is paid. If you send the full fee at the time of application and your application is not successful or cannot be processed the second part of the fee will be returned to you.

The fee scale can be found on the Council's website.

10. Advertising an application

On the date on which the application is made in full (ie the date on which the application form and fee has been received by the Council), you must arrange for the display of a notice of application on the form provided by the Council on part of the premises that is the subject of the application. The notice must be displayed in a position that can be easily seen by persons in the street and must be maintained in that position for 14 days.

11. Objections

Objections to the granting of a licence may be made by members of the public, the Metropolitan Police, the Fire Brigade and Licensing Officers. The document titled "Rules Governing Applications for Special Treatment Licences" explains what happens in the case of any objections. The case officer will contact you if objections are received.