

STANDARD CONDITIONS  
SPECIAL TREATMENT  
LICENCES



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

**MAY 1993**

THE ROYAL BOROUGH OF KENSINGTON AND  
CHELSEA

LONDON LOCAL AUTHORITIES ACT 1991

REGULATIONS MADE BY THE ROYAL BOROUGH OF  
KENSINGTON AND CHELSEA PURSUANT TO SECTION  
10 OF THE LONDON LOCAL AUTHORITIES ACT 1991  
PRESCRIBING STANDARD CONDITIONS APPLICABLE  
TO SPECIAL TREATMENT LICENCES.

MAY 1993

For Issue to Licensees only

**THE ROYAL BOROUGH OF KENSINGTON AND  
CHELSEA  
ESTABLISHMENTS FOR SPECIAL TREATMENTS**

Rules in force with regard to the Management of Establishments for Special Treatments, licensed by the Royal borough of Kensington and Chelsea.

Division into parts:- These rules are divided into parts as follows:

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| Part 1   | - | General  |
| Part II  | - | Conditions which apply to all premises                   |
| Part III | - | Conditions applying only where the Council so prescribes |

## PART 1 GENERAL

### Definitions

1. In these Regulations unless the context otherwise requires the following expressions shall have the following meanings:
  - 1.1 “*The Council*” means the Royal Borough of Kensington and Chelsea.
  - 1.2 “*Clinical Waste*” means
    - (a) any waste which consists wholly or partly of human or animal tissue, blood or other body fluids, excretions, drugs or the pharmaceutical products, swabs or dressings, or syringes, needles or other sharp instruments, being waste which, unless rendered safe, may prove hazardous to any person coming into contact with it; and
    - (b) any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation, treatment, care, teaching or research, or the collection of blood for transfusion, being waste which may cause infection to any person coming into contact with it.
  - 1.3 “*Escape lighting*” means lighting obtained from a source independent of the general supply for the building provided to assist people to leave the Establishment for Special Treatment without the aid of normal lighting.
  - 1.4 “*Establishment for Special Treatment*” shall have the meaning ascribed in Section 4 of the London Local Authorities Act 1991.
  - 1.5 “*Licence*” means a Special Treatment Licence granted under the Section 6 of the London Local Authorities Act 1991.
  - 1.6 “*Licensee*” means the person or company or partnership named within the Licence.

- 1.7 “*Normal lighting*” means all lighting, other than escape lighting, permanently installed in those parts of the Establishment for Special Treatment to which the public have access and includes purely decorative lighting but not lighting installed solely for advertising purposes.
- 1.8 “*Officer*” means any officer authorised in writing by the Council.
- 1.9 “*Public*” means any person other than a member of staff admitted to the Establishment for Special Treatment.
- 1.10 “*Special Treatment*” means treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of the like kind or vapour, sauna or other baths.

**Notes**

- 2 In these Regulations except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- 3. Where in these Regulations there is a reference to a British Standard it shall be deemed to be a reference to the Standard in force at the time.
- 4. Where in these Regulations there is a reference to the consent or agreement of the Council such consent or agreement shall be given in writing and may be given on such terms and conditions or subject to such restrictions as may be so specified.
- 5. Where in these Regulations there is a requirement to notify the Council in writing such notification should be addressed to the Director of Environmental Health, Council Offices, 37 Pembroke Road, London, W8 6PW.

**PART 11  
CONDITIOINS WHICH APPLY TO ALL PREMISES**

**Charge of Licensed Premises**

- 6. a) The Licensee, or a responsible person nominated by him for the purpose, shall be in charge of and present at the Establishment for Special Treatment during the whole time that it is

open to the public. Such written nomination shall be available for inspection by any Officer of the Council.

b) A notice showing the name of the person in charge of the Establishment for Special Treatment, at the time that it is open to the public pursuant to the licence, shall be displayed in a prominent position at the Establishment for Special Treatment.

**Trade name and Style** 7. a) The Establishment for Special Treatment shall only be carried on in the trade name and style or title specified in the Licence and at the address mentioned therein.

b) All notices and advertisements published or issued by or on behalf of the Establishment for Special Treatments shall bear the trade name or style or title specified in the Licence.

**Licensee responsible** 8. a) The Licensee shall immediately notify the Council in writing of any change in the Licensee's private address, principal place of business or registered office.

b) If the Licensee is a Company within the meaning of the Companies Act 1985 it shall immediately notify the Council in writing of any change in the directors.

**Special Treatments Permitted** 9. No special treatments other than those specified in the Licence or otherwise approved by the Council shall be carried out at the Establishment for Special Treatment.

**Persons allowed to give treatment** 10. a) All Special Treatments shall be by persons approved in writing by the Council or, provided that the consent of the Council has been obtained, under the personal supervision of persons with such approval.

b) Where special treatment is given to any part of the body other than the neck and head, arms and hands, or feet and legs below the knee the special treatment may only be given to persons of the same sex as the persons giving the special treatment and persons of the opposite sex may not be present provided that special treatment

may be given to persons of the opposite sex by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation and whose qualifications have been approved by the Council.

**Prohibited Persons**

11. No person shall be involved in the conduct of the Establishment for Special Treatment (a) whose licence under the London Local Authorities Act 1991 or any Act repealed by such Act has been revoked or; (b) to whom a licence under the London Local Authorities Act 1991 or any Act repealed by such Act has been refused on the ground that such person could be reasonably regarded as not being a fit and proper person to hold a Licence or; (c) who has been convicted of an offence under the Sexual Offences Act 1956, The Sexual Offences Act 1967, The Sexual Offences Act 1985 or The Indecency with Children Act 1960.

**Use of Premises**

12. No part of the Establishment for Special Treatment shall be used by prostitutes for soliciting or any other immoral purpose.

**Personal Soliciting**

13. No person shall seek to obtain custom for the Establishment for Special Treatment by means of personal soliciting outside or in the vicinity of the Establishment for Special Treatment.

**Advertising**

14. No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the Licensee either outside or within the Establishment for Special Treatment in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the Licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

**Admittance of Public**

15. The public shall not be admitted to any part or parts of the Establishment for Special Treatment other than those which have been approved by the Council.

**Treatment of Moles**

16. Moles shall be treated only in accordance with directions given by a registered medical practitioner with reference to each person to whom treatment is given. A record shall be kept by the Licensee of every instance of treatment of moles and such record shall include the name and address of the medical practitioner by whom such treatment was prescribed, the names of the persons giving and receiving such treatment and the date of such treatment; such record shall be produced on the demand of an Officer of the Council.

**Health and Safety**

17. a) The Licensee shall at all times ensure the health and safety of all persons when in the Establishment for Special Treatment and shall ensure that good public order is maintained at the Establishment for Special Treatment.
- b) No instruments, apparatus or equipment shall be used in the Establishment for Special Treatment without the prior consent of the Council.
- c) Suitable and sufficient eye protection shall be provided for persons receiving sun tanning treatment.
- d) All ultra-violet radiation equipment shall be used and operated in accordance with the recommended Codes of Practice for the time being in force.
- e) The Establishment for Special Treatment and all equipment therein shall be maintained in good repair and order and proper cleanliness and hygiene shall be maintained.
- f) The relevant provisions of the Health and Safety at Work Etc Act 1974 shall be complied with at all times.

**Clothing and Changing Facilities**

18. With the exception of those persons receiving treatment in accordance with the conditions of the Licence all persons present in any part of the Establishment for Special Treatment shall be decently and properly attired and separate changing accommodation for males and females shall be provided.



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| <b>Display of Qualifications</b>     | 19. | The Licence and all certificates of qualifications of personnel shall be displayed in a prominent position at the Establishment for Special Treatment.  |
| <b>Display of Regulations</b>        | 20. | A copy of these Regulations shall be kept at the Establishment for Special Treatment at all times.  |
| <b>Records to be kept</b>            | 21. | Records shall be kept at the Establishment for Special Treatment, in a form approved by the Council, of persons receiving treatment. The records shall include the name of the person receiving special treatment, the time of admittance for special treatment and the name of the person giving the special treatment.  |
| <b>Price Tariff</b>                  | 22. | All special treatments provided at the Establishment for Special Treatment shall be clearly listed in a price tariff. This tariff shall also clearly show the cost of any additional services provided at the Establishment for Special Treatment together with VAT thereon if applicable, and shall be displayed in such a position that it can easily be read by persons before entering the Establishment for Special Treatment. |
| <b>Admission of Council Officers</b> | 23. | 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

a) 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.

b) Officers of the LFEPA are authorised to inspect premises licensed for special treatment under the provisions of Section 15(1)(b) of the London Local Authorities Act 1991.

**Alterations**

24. a) No change of use of any part of the Establishment for Special Treatment from that approved by the Council shall be made until the Council's consent has been obtained thereto.

b) Alterations or additions, whether permanent or temporary, to the means of lighting, sanitation or ventilation or to the structure or layout of the Establishment for Special Treatment shall not be made except with the prior consent of the Council. Provided that this condition shall not require notice to be given to the Council of any work which is necessary for their efficient maintenance and which are carried out in accordance with these conditions.

c) Notice in writing shall be given to the Council of any alteration or addition proposed to be made and such notice shall be accompanied by full details and, if necessary, by drawings (in duplicate). The work shall not be started until the consent of the Council has been obtained.

**Use of Scaffolding**

25. Notice in writing shall be given to the Council of any intention to carry out work necessitating the use of internal or external scaffolding, cradles or plant. If the Council so require, the Establishment for Special Treatment shall be closed to the public until the work has been completed and the scaffolding, cradles and plant have been removed.

NOTE - any consent does not relieve the Licensee of any necessity to seek a variation in the terms of the licence eg. changes in the parts of the premises to be licensed and if required by the Council of advertising that application.

**Notice of Re-opening**

26. In the event of the Establishment for Special Treatment being closed for the purpose of effecting alterations, additions, repairs or decorating it shall not be reopened to the public unless and until the consent of the Council has been obtained. At least fourteen days notice in writing to the Council shall be given by the Licensee of his intention to reopen the Establishment for Special Treatment, in order that necessary inspections and tests may be made at the Establishment for Special Treatment by the

Council's officers. There shall be a period of at least 48 hours (not including Sundays and Public Holidays) between the completion of the works and the installation of the equipment in accordance with the requirements of the Council and the reopening of the Establishment for Special Treatment.

**Means of Escape**

27. a) The means of escape provided for all persons on the Establishment for Special Treatment shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements.
- b) Except with the consent of the Council, bars, wire guards or the like shall not be fitted to the windows, nor shall the windows be likewise obstructed in a manner likely to render them unavailable for the purposes of exit in case of emergency.
- c) Any mirrors, pictures, notices or advertisements shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line, ie. 2 metres above the floor.
- d) Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned.
- e) All fire-resisting and smoke stop doors shall be self-closing and shall not be secured open.
- f) All exit doors shall be available for egress during the whole time that the public are on the Establishment for Special Treatment.

**Maintenance of Exits**

28. Exit doors and gates shall not be secured closed while the public are on the Establishment for Special Treatment by means of any fastenings other than panic bolts.

**Door Fastenings**

29. Locking bars, hasps, staples, screw eyes and other fastenings not approved by the Council shall not be fitted on any exit door.

**Removable Fastenings**

30. Any removable fastenings permitted by the

Council for securing exit doors shall be removed before the public are admitted to the Establishment for Special Treatment and shall not be replaced while the public are on the Establishment for Special Treatment. If a keyboard is required by the Council, it shall be provided in an approved position, and before the admission of the public the removable fastenings shall be hung on such board, each in an allotted position, and shall remain on the board during the whole of the time the public are on the Establishment for Special Treatment.

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| <b>Non-slippery surfaces</b> | 31. | All gangways and exitways and the treads of steps and stairways shall be maintained with non-slippery and even surfaces.   |
| <b>Floor Coverings</b>       | 32. | All floor coverings 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 coverings which shall be maintained in a clean condition.   |
| <b>Curtains</b>              | 33. | Any curtains which may be permitted by the Council to be hung over doorways, or in or across corridors or gangways, shall be of inherently non-flammable or durably flameproof material, shall not conceal notices and shall be hung so that they can be readily drawn aside and so as not to touch the floor. Any other hangings, curtains or decorations which may be permitted by the Council shall be of non-combustible, inherently non-flammable or durably flameproof material, or where specified by the Council of material rendered non flammable to the Council's satisfaction. |
| <b>Temporary decorations</b> | 34. | a) Temporary decorations shall not be used except with the consent of the Council.<br><br>b) Decorations, curtains and hangings shall be flameproofed to the satisfaction of the Council. Application for consent shall be made to the Council in writing together with details, including documentary evidence as to the fire proof qualities of the materials to the relevant British Standard and accompanied by full details   |

including test certificates of the materials proposed to be used and, in the case of temporary decorations, a statement as to the period for which it is desired to retain the decorations.

**Fire Appliances**

35. 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 re-charged 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 and pipe drains systems shall be at the expense of the Licensee.

**Fire Alarm System**

36. 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.

**Outbreaks of Fire**

37. The Fire Brigade shall be called to any outbreak of fire, however slight. Suitable notices shall be displayed in a prominent position in the Establishment for Special Treatment indicating how the fire Brigade can be summoned.

**Sanitary accommodation**

38. a) Adequate sanitary accommodation shall be available in the Establishment for Special Treatment for the free use of both staff and public and in particular.

(i) each sanitary convenience shall be

maintained in clean and efficient order;

- (ii) any room which contains a sanitary convenience shall be suitable and sufficiently lighted and ventilated and kept clean;
- (iii) in the sanitary accommodation provided, there shall be installed and maintained suitable and sufficient wash-hand basins and each basin shall be provided with an adequate supply of hot and cold water or of hot water at a suitably controlled temperature;
- (iv) the Establishment for Special Treatment shall be so constructed with adequate provision of efficient drains, suitable wall, floor and ceiling finishes, etc. so that satisfactory sanitation can be maintained.

**Treatment Room**

39. Each special treatment room shall:
- (i) be maintained in a clean and structurally sound condition;
  - (ii) be adequately lighted and ventilated;
  - (iii) be provided with a suitable wash-hand basin or basins with a suitable supply of hot and cold water, together with soap, a nail brush and either a supply of disposable towels or a clean towel at all times;
  - (iv) have suitable and sufficient means for heating to a reasonable room temperature appropriate for the special treatment provided;
  - (v) shall be provided with suitable screening to maintain privacy where more than one person is being treated.

**Refuse Containers**

40. A sufficient number of suitable refuse containers shall be provided and:
- (i) used needles, blades and any other

sharps, for disposal, shall not be placed in with the normal refuse but shall be kept in a special “sharps” container and disposed of as clinical waste.

- (ii) swabs, dressings, coverings, wax strips, etc, contaminated by blood, body secretions or other body fluids shall also be placed in an approved receptacle and disposed of as clinical waste.
- (iii) clinical waste disposal arrangements shall be notified to the Head of Licensing and Business Improvement and must be as approved by him.

Note: Disposal of “sharps” or other clinical waste, other than by approved methods, will render the person liable to prosecution.

#### **Lighting**

- 41. Adequate lighting shall be maintained to the satisfaction of the Council in all parts of the Establishment for Special Treatment to which public and staff have access and shall be in operation continuously during the whole time the Establishment for Special Treatment is open to the public.

#### **Exit Lighting**

- 42. 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 the public are on the premises, provided that so long as there is sufficient daylight in any part of the Establishment for Special Treatment, artificial light need not be used in that part.

#### **Regulations for Electrical Installation**

- 43. a) The Establishment for Special Treatment shall comply with the Regulations for Electrical Installations published by the Institution of Electrical Engineers.  
  
b) An inspection certificate, as prescribed in the Regulations for Electrical Installations published by the Institute of Electrical Engineers, for the electrical installation shall be submitted to the Council at least annually or at such other time as specified on the certificate. The 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.

NOTE: Certificates submitted under this regulation are retained by the Council.

### **Heating**

44. a) All parts of the Establishment for Special Treatment to which the public or staff have access shall be heated to the satisfaction of the Council.
- b) Portable heating appliances shall not be used at the Establishment for Special Treatment except with the prior consent of the Council.
- c) Any open fireplace and all space heating apparatus of which the surface temperature is liable to exceed 66 degrees Celsius and such other apparatus as the Council may determine, shall be suitably guarded. The guards shall be so constructed and arranged as to enable the apparatus to be cleaned and adjusted.

### **Compressed Gas Cylinders**

45. Appliances utilising cylinders or containers of gas under pressure (apart from CO<sub>2</sub> cylinders) shall not be used at the Establishment for Special Treatment except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

NOTE: The use of liquified petroleum gas in cylinders is unlikely to be approved.

### **Paraffin and Mineral Oils**

46. Paraffin and other mineral oil shall not be used in any lamp, stove or other appliances except for cooking purposes.

### **Gas Installation**

47. a) The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984.
- b) All piping of the gas installation shall be of rigid hard metal and shall be securely fixed away from electrical wiring and apparatus and shall, where required by the Council, be efficiently



protected against corrosion.

NOTE:

- (i) Any necessary flexible piping shall be of the reinforced type to resist crushing and withstand the maximum internal pressure to which it may be subjected.
- (ii) Attention is drawn to the British Standard Code of Practice 331 part 3 regarding the installation of gas pipes.
- (iii) Gas consuming devices shall be installed to the Council's satisfaction so as to minimise the risk of leakage.

**Meter Enclosures** 48. Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not, shall be kept clear and unobstructed.

**Ventilation** 49. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720: 1979. The system shall be capable of full operation during the whole of the time the public are on the Establishment for Special Treatment.

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 III**

#### **CONDITONS APPLYING ONLY WHERE THE COUNCIL SO PRESCRIBES**

**Edges of Steps** 50. The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

**Systems of Lighting** 51. 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

Establishment for Special Treatment at any time. In all parts of the Establishment for Special Treatment to which the public have access good normal lighting shall be provided during the whole time that the public are on the Establishment for Special Treatment.

**Non-Maintained Lighting**

52. Where permitted by the Council a non-maintained system of escape lighting may be used (ie. 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.

**Batteries**

53. a) In relation to any storage battery which may be accepted by the Council in connection with escape lighting;
- (i) It shall be fully charged before the first admission of the public on any day.
  - (ii) The approved "load" connected to the battery shall not be altered unless the consent of the Council is obtained;
  - (iii) A diagram of the connections of the battery and the accepted circuits connected thereto shall be exhibited in the battery control room.
  - (iv) The battery shall be under the regular maintenance of a firm of battery manufacturers or, with the approval of the Council, other persons deemed competent, who shall arrange for a thorough examination at least once in every six months, when the battery shall be discharged by taking its full load for one half its rated discharge period or for one hour (whichever is the less). In addition any automatic switching devices shall be frequently tested.
  - (v) At least once in every six months a properly certified report as to the condition of the battery, including details of the examination and, where

appropriate, battery tests shall be submitted to the Council

NOTE: The battery voltage (measured at the battery terminals with the battery connected to its load) at the end of the discharge test should be stated in the report. Where self contained battery powered escape lighting units are installed, the certificate shall state that each unit has been energised by its battery for the requisite period.

(vi) In the event of the failure of the normal system of lighting, (i) where the escape lighting has a 1 hour capacity the public shall be required to leave the building within a maximum period of 30 minutes and (ii) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

**Electrical Services**

54. a) Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits and sub-circuits, the position of the distribution boards and the sizes of the cables shall be provided in an accessible position on the Establishment for Special Treatment.
- b) In cases in which the Establishment for Special Treatment forms part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the Establishment for Special Treatment, except with the consent of the Council and in accordance with any conditions of such consent.