

The Royal Borough of Greenwich

MASSAGE AND SPECIAL TREATMENT PREMISES

GENERAL TERMS AND CONDITIONS

London Local Authorities Act 1991, as amended by the London Local Authorities Act 2000

Regulations made by Royal Borough of Greenwich under Section 10(1) of the London Local Authorities Act 1991, prescribing standard conditions applicable to all Special Treatment premises located in the Royal Borough of Greenwich

PART I: GENERAL

I. Definitions and interpretation:

‘Approval of the Council’ or **‘Consent of the Council’** means the approval or consent of the council as licensing authority in writing;

‘Council’ means the Royal Borough of Greenwich;

‘Establishment for Special Treatment’ has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended);

‘Licence’ means a Massage and Special Treatment Licence granted under section 6 of the London Local Authorities Act 1991 (as amended);

‘Officer’ means any person authorised by the Royal Borough of Greenwich and includes officers of the London Fire and Civil Defence Authority;

‘Premises’ means any premises within the Councils area licensable for massage and special treatments and includes all installations, fittings and other items connected with the business;

‘The Act’ means the London Local Authorities Act 1991 (as amended)

‘Approved, accepted or permitted arrangements’ means approved, accepted or permitted by the Council in writing;

‘Fire Authority’ means the Chief Officer and Chief Executive of the London Fire and Civil Defense Authority’;

‘Client’ means any person undergoing any treatment;

‘Licence Holder(s) or licensee’ means the person(s) or corporate body licensed under Section 6 of the London Local Authorities Act 1991.

2. Dispensation or modification of terms and conditions

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

Where in these terms and conditions 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 specified.

If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council in writing and, if the Council so requires, the application must be advertised.

3. Terms and Conditions

a) All premises must comply with the Terms and Conditions set out in Part I and Part II of this document.

b) Treatment specific conditions are in place for various treatments. Each premises must also comply with all the specific conditions set out for the treatments they provide. A complete set of relevant conditions are available on the Royal Borough of Greenwich website royalgreenwich.gov.uk

c) All licenced premises must have accessible copies of the terms and conditions related to the treatments they provide available on the premises at all times.

d) The licence holder must ensure that all employees at a premises holding a special treatment licence carry out treatments in accordance with the General Terms and Conditions and the Specific Conditions for the treatments they provide.

e) Failure to comply with the Terms and Conditions of the licence may lead to prosecution and revoking of the licence.

4. Admission of Council's Officers

Authorised Officers of the Council, on production of their credentials, shall be admitted immediately at all reasonable times to all parts of the premises. Authorised Officers do not need to make an appointment to inspect the premises.

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 conditions of the licence or which may present a hazard to the public.

Officers of the London Fire and Emergency Planning Authority (LFEPA) are authorised to inspect licensed establishments for massage and special treatments under the provisions of 15(1) of the London Local Authorities Act 1991.

PART II: CONDITIONS APPLICABLE TO ALL PREMISES

1. Terms of licence

Licences are granted for a term of twelve months.

2. Displaying the licence

The licence must be displayed in a prominent position within the licensed premises at all times.

3. Licence

The licence is personal to its holder. The licence cannot be transferred by the licence holder to any other person unless the licence holder makes an application for transfer to the Council.

The licence is only valid in respect of the premises (name and address) on the licence. The licence cannot be transferred by the licence holder to any other premises.

4. Person in charge of licensed premises

The licence holder(s), or a 'Responsible person' nominated by them, must be in control and on the premises during trading hours. A responsible person must be able to speak on behalf of the licence holder(s) in their absence.

5. Changes to business must be approved in advance

The business must be operated in accordance with the issued licence. Only special treatments which are specified on the licence may be provided. Changes to the licence may only be made after an application to vary or transfer the licence has been approved by Council.

Variations to a licence include change of trading name, additional treatments being offered, or alterations to the internal layout/ structure of the premises or change of premises.

The Licence Holder(s) shall, on ceasing to carry on the business of special treatments, notify the Council, in writing within 7 days.

6. Criminal history

As part of the application process, police background checks will be completed on all individuals applying to hold a licence.

Where unspent convictions are identified the Council will consider the nature of the conviction and the risk posed to the health, safety and welfare of clients. These factors will determine whether an individual may be permitted to hold a licence. Where appropriate additional Terms and Conditions may be applied to the licence.

7. Insurance

The licence holder(s) must arrange for Public Liability Insurance of at least £2,000,000. The insurance must cover all special treatments offered on the premises. If the licence holder permits individuals (not employed by licence holder) to offer special treatments at the premises, the licence holder must ensure that the individual has suitable Public Liability Insurance in place and the licence holder must obtain and retain a copy of that insurance.

8. Opening Times

The opening and closing times must be clearly displayed to the public in a prominent position within the premises.

9. Display of fees and charges

A price list of all the treatments offered, including VAT must be displayed in a prominent position within the premises. Prices must be visible to clients before any treatment commences.

10. Display of Modern Slavery poster

An official modern slavery poster must be displayed at the premises. The poster must be at a location that all employees have unsupervised access to such as toilets, break area or public area. Suitable posters can be downloaded and printed from

<https://www.gov.uk/government/publications/modern-slavery-closer-than-you-think>

11. Responsibility of Licence Holder(s)

The licence holder(s) shall take all reasonable precautions for the safety of the public, clients and employees and, except with the consent of the Council, shall retain control over all parts of the establishment.

The licence holder(s) shall take all reasonable steps to ensure that no illegal activities take place in any part of the premises at any time.

Except with the written consent of the Council, the licence holder(s) shall not employ in the conduct of the establishment any person:

- whose licence has been revoked or to whom a licence has been refused on the ground that such person is unsuitable to hold a licence to carry on an establishment for special treatment; or
- who is unsuitable to be so employed on the ground that misconduct in connection with the employment of such person in an establishment for special treatment has been proved to the satisfaction of the Council;

and, except with such consent, the licensee shall not allow or permit any such person to be directly or indirectly interested in the business carried on at the establishment.

12. Responsibility of licence holder in respect to those offering services at their premises

The licence holder(s) is responsible for ensuring that only those persons who hold nationally recognised qualifications (or their equivalent as agreed by the Council), in the treatments they wish to provide, are permitted to perform special treatments at the licenced premises.

The licence holder(s) is responsible for ensuring that only those persons who have the right to work within the UK are permitted to perform special treatments at the licenced premises.

The licence holder(s) is responsible for ensuring that any person performing special treatments at the licence premises has a working knowledge of English to a level which enables them to carry out an effective pre-treatment consultation. Where this is not possible the licence holder(s) must provide additional employees (who can converse with both clients and therapists) to carry out the consultation prior to any treatment commencing.

The licence holder(s) must have the following information available for all persons performing special treatments at the licenced premises:-

- a) Confirmation/evidence of the person's identity (copy of passport, picture driving licence or equivalent)
- b) Confirmation/evidence of the person right to work in UK (<https://www.gov.uk/legal-right-work-uk> can be used to check if a person can be employed)
- c) Copies of qualifications that cover any special treatments the person may carry out at the licenced premises. Qualifications must be from an awarding organisation regulated by Ofqual (<https://www.gov.uk/find-a-regulated-qualification>) or be from an approved training provider as agreed by the Council in writing.

This information must be available for audit by a Council Officer upon request, within 3 days of that request.

I3. Health and Safety

The requirements of the Health and Safety at Work etc. Act 1974, and any regulations made under it must be complied with.

I4. Nuisance

There must be no nuisance such as noise or odour arising from any activities carried out at the premises by the staff, by any equipment used or by clients using the premises.

I5. Conduct of the establishment

- The licence holder(s) must maintain good order in the establishment.
- The licence holder(s) must ensure that clients and the public are not admitted to any part/s of the establishment other than those approved by the Council.
- The licence holder(s) must ensure all employees in the premises are decently attired.
- The licence holder(s) must ensure that all employees maintain a high standard of personal hygiene and follow the infection control procedures set out in the Specific Conditions for different treatments.
- The licence holder(s) must ensure that no persons under the influence of drink or drugs are allowed on the premises.
- The licence holder(s) or any other person concerned in the conduct or management of the establishment must not seek to obtain customers by means of personal solicitation outside or in the vicinity of the establishment.
- No articles or goods shall, unless the consent of the Council has first been obtained, be sold, displayed, hired, exchanged, loaned, demonstrated, or offered for sale, hire, loan or exchange on the premises.

I6. Provision of special treatments

The following treatments must only be completed by a qualified physiotherapist in accordance with the directions of a registered medical practitioner with specific reference to the client to whom the treatment is to be given:-

- massage for curative purposes;
- long and short wave diathermy;
- ultra-sonic treatments;
- treatment of moles;
- ultra-violet ray treatment; and
- electro-sleep therapy.

17. Age-related sales policy

- a) The licence holder(s) must clearly advertise to clients any age restrictions that are in place.
- b) 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 a similar record.
- c) Photographic ID must be seen and recorded before the commencement of any treatments involving Tanning, Tattooing or Cosmetic Piercing.
- d) Acceptable forms of ID are:-
 - Valid passport
 - UK/EU driving licence with photo card
 - Any proof-of-age card bearing the Proof of Age Standards Scheme (PASS) hologram on the card. These include:
 - Citizen Card (proof-of-age card across all age ranges).
 - Proof GB (cards are available to all ages and come in the following age bands: under 16, 16/17, 18+, 21+)
 - VALIDATE UK (cards are available for all ages).

18. Animals

All animals, apart from assistance animals, are prohibited in treatment rooms and treatment areas.

19. Structure and repair

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

20. Cleanliness of Structure, Furniture and Fittings

All parts of the premises used by the clients and the operators must be kept clean.

All furniture and fittings in treatment areas must be kept clean and in such good repair as to enable them to be effectively cleaned.

All tables, couches and seats used by clients in the treatment area and any surface on which equipment is placed immediately prior to treatment must have a smooth impervious surface that is wiped down regularly with a suitable disinfectant. Any deviations must be agreed in writing from the Council.

Where tables or couches are used, they must be covered by a disposable paper sheet /towel or similar which must be changed for each client.

21. Cleanliness of Equipment

Adequate facilities and arrangements must be provided for the;

- cleaning, disinfecting and, where required, sterilisation of work tools, equipment, protective clothing, gowns, towels etc.

Adequate storage for all items must be provided to avoid, as far as possible, the risk of contamination.

Before use in connection with a treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment must be;

- clean and 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 is appropriate, sterilised.

The licence holder(s) 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.

22. Sinks

A deep sink or dishwasher must be provided for the cleaning of equipment. It must be of a size that the largest piece of equipment that needs cleaning can fit within it.

This sink must be separate to any wash-hand basin(s). Equipment must not be washed in the wash-hand basins.

Where a sink is not provided the licence holder(s) must demonstrate how effective cleaning of equipment is carried out.

23. Infection control

Procedures for the decontamination, disinfection and sterilisation of equipment shall be provided at the premises, where necessary.

Glass bead sterilisers; UV light boxes; hot air ovens and water boilers **must not** be used for sterilisation purposes.

Autoclaves must be used for sterilisation. This must be strictly in accordance with manufacturers instruction and with the current version of Medical Devices Agency MDA DB2002 (6) MDA DB9804. Checking and maintenance must be carried out in accordance with HTM 2010.

Where chemicals are used to achieve sterilisation the licence holder(s) is responsible for having documented evidence that the chemical used is fit for purpose and is used in accordance with the manufacturer's instructions.

Equipment and furniture must be cleaned, disinfected and/or sterilised to an appropriate level depending upon their use. For clarification definitions of cleaning, disinfection and sterilisation are provided below:-

Cleaning- Cleaning is a process that removes foreign material (e.g. soil, organic material, micro-organisms) from an object. Detergents such as washing up liquid and multi-purpose cleaners are commonly used for cleaning.

Disinfection- Disinfection is a process that reduces the number of pathogenic microorganisms, but not necessarily bacterial spores, from inanimate objects or skin, to a level which is not harmful to health. Commonly used disinfectants include chlorine bleach and products labelled as anti-bacterial.

Sterilisation- Sterilisation is a process that destroys all microorganisms including bacterial spores. The only way body art practitioners can achieve this is via steam sterilisation i.e. use of an autoclave. Pressure cookers are not suitable for body art instrument sterilisation as they cannot automatically monitor the sterilisation process to ensure that all parameters are met. Baby bottle steam sterilisers do not reach sufficient temperatures and therefore are not suitable for body art instrument sterilization. Bench-top sterilisers or transportable sterilisers should conform to the standard BS EN 13060.

Examples of equipment and appropriate cleaning are provided in table below:-

Risk	Definition	Decontamination (minimum standard)
High	Items introduced into normally sterile body areas or in contact with a break in skin or mucous membrane (any activity that pierces the outer layer of the skin)	Sterile or sterile single-use.
Medium	In contact with intact mucous membranes (mucous membranes are thin and soft tissue that lines the cavities of the body which are contiguous with the skin and exposed to the external environment)	Disinfect or single use
Low	In contact with intact skin (table tops, chair arms, door handles)	Clean or clean and disinfect if contaminated with blood or body fluid
Minimal	Not normally in contact with skin (e.g. floors and walls)	No specific treatment required, domestic cleaning. Spills or splashes of blood or body fluid must be safely cleared.

24. Wash hand basins

A wash hand basin must be easily and permanently accessible to therapists to permit washing of hands immediately prior to and during any treatment.

Wash basins must be located to reduce the likelihood of re-contamination of hands after washing i.e., the therapist must not make hand contact with surfaces such as door handles after hand washing.

All wash hand basins must be properly drained and provided with hot and cold running water. It is best practice to have a hand free mixer tap installed at the wash hand basin which is capable of delivering constant warm running water.

Liquid hand soap and paper towels or a supply of clean cloth towels must be available at all times.

Table below gives the minimal provision of wash hand basins acceptable for different treatments.

Treatments offered	Sunbeds only	Massage only	Nail treatments only	All other treatments
Wash hand basins (WHB) required	WHB in WC (toilet)	WHB in WC plus WHB in a communal area	WHB in WC plus WHB in a communal area	WHB in WC plus WHB in every treatment room

25. First Aid

The licence holder(s) must ensure that they are complying with The Health and Safety (First-Aid) Regulations 1981. In particular they must nominate an appointed person (this could be the licence holder themselves) to look after first-aid arrangements and equipment.

There must be a First Aid box available. As a minimum the box should contain:-

- (a) a leaflet giving general guidance on first aid
- (b) 20 individually wrapped sterile plasters (assorted sizes), appropriate to the type of work (hypoallergenic plasters can be provided, if necessary);
- (c) two sterile eye pads;
- (d) four individually wrapped triangular bandages, preferably sterile;
- (e) six safety pins;
- (f) two large sterile individually wrapped unmedicated wound dressings;
- (g) six medium-sized individually wrapped unmedicated wound dressings;
- (h) a pair of disposable gloves.

In addition to the standard First Aid items the premises must also have available onsite where applicable; sanitised ice packs or single use instant cold packs. The first aid provisions must reflect the known contra-indications for individual treatments offered at the premises.

26. Electrical safety

The electrical installation for the premises shall be inspected, tested and maintained in accordance with the British Standard 7671. A satisfactory Periodic Inspection Report shall be obtained from a competent person at the appropriate intervals (e.g. up to a maximum of five years or a shorter period as specified on the Report) and submitted to the Council.

Electrical Appliances

The licence holder(s) shall ensure that all portable electrical appliances used within the licensed premises are maintained regularly in accordance with the Electricity at Work Regulations 1989. Regular visual checks of the condition of equipment by users must be adequately documented. Best practice is to hold an 'Electrical Appliance Register' including name of equipment, date of purchase and details of weekly visual checks on the condition of plugs/cables etc.

27. Pressure systems

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

Portable heating and Gas fired appliances

Portable heating appliances, including those utilising cylinders or containers of gas under pressure, 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.

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

28. Fire safety

The establishment must comply with any requirements of the Council or Fire Authority in respect of fire, including proper means of escape in case of fire and fire-fighting equipment. A fire risk assessment must be carried out in accordance with the Regulatory Reform (Fire Safety) order 2005.

The means of escape in case of fire shall be maintained and free from obstruction at all times when the public or staff are present on the premises.

Real Flame

No lighting effect which involves real flame shall be provided without the prior approval of the Council. No permitted real flames are to be left unattended.

29. Chemical usage

(a) All substances held on the premises and used in the special treatments must be held in suitable containers that are properly labelled.

(b) Containers must be tightly sealed when not in use.

(c) Adequate manufacturer instructions must be available for all chemicals used on the premises. Where this is not available on the bottle/label, Material Safety Data sheets must be obtained from supplier/manufacturer and retained onsite by licence holder.

30. WC facilities

The licence holder(s) must ensure that there are adequate WC facilities for both staff and clients and they must be:-

- Maintained in good order and kept clean.
- Each WC must have access to a designated wash-hand basin located either within the WC or just to the 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), soap and towels. Paper towels are preferable but reusable ones are acceptable if changed at a frequency that permits good hygiene standards.
- Each WC must be lockable.

31. Ventilation

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. The ventilation system must be constructed to enable all parts requiring cleaning, or replacement to be readily accessible. Extract units must be positioned so as not to cause noise or other nuisance to neighbouring properties.

32. Lighting

Lighting must be suitable and sufficient to ensure safe operation of the premises and to facilitate effective cleaning. Premises may have different levels of lighting for treatments and cleaning activities.

33. Heating

The licence holder(s) must ensure that suitable and sufficient heating is provided and maintained. Treatment rooms must be kept at a temperature that ensures client comfort throughout a treatment.

34. Privacy of clients

Private lockable changing facilities (this may be the private treatment room) shall be provided for client use where changing of clothes/ undressing is necessary as part of treatments offered.

35. Use of prescription only medicines by therapists is prohibited

No prescription only medicines (POM's) are to be administered by any persons in relation to a special treatment at the licenced premises.

36. Refuse storage and disposal

General Waste

A sufficient number of bins shall be provided in treatment areas. Bins must be frequently emptied and kept in a clean condition to reduce risk of any contamination.

All accumulations or collections of rubbish, dust and refuse, unless immediately removed from the premises or destroyed, shall be placed in lidded bins and kept there until removed or destroyed.

No hot ashes, cinders or similar shall be placed bins.

Rubbish, dust and refuse shall be removed regularly from the premises.

All bins must be maintained in a clean and wholesome condition to the satisfaction of the Council and shall be kept in positions approved by the Council.

Clinical Waste

Disposable needles and other sharps must be placed in a 'sharps' container which complies with the British standard (BS 7320) and carry the 'kitemark'.

Disposable articles contaminated with blood/body fluids or tissues are classed as clinical waste. Clinical waste should be disposed of in yellow bags, clearly marked 'clinical waste for incineration'.

All clinical waste (yellow bags and sharps boxes) must have their point of origin (name and address of business) marked on them prior to disposal.

Clinical waste must be collected by a licensed waste carrier.

Offensive Waste

Items such as used gloves, aprons, swabs, small dressings and cotton wool contaminated with bodily fluid arising from special treatments is considered as offensive waste.

Where such waste is generated in quantity (one bag of 7kg or more in any one collection period) it must be placed into a yellow and black striped bag (tiger bag) for disposal. The licence holder(s) must make arrangements with licensed waste carrier to ensure that waste is disposed of correctly.

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

Records/invoices must be kept at the premises that demonstrate the correct disposal of all types of waste.

37. Record keeping

Documentation required under these terms and conditions must be kept on the premises (digital records are acceptable) and be retained for three years. All documentation must be provided to an Authorised Officer of the Council upon request, or within 3 days of that request.

You must ensure that all personal information held on clients and employees is treated in accordance with The Data Protection Act 2018 and General Data Protection Regulations.