



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	1 December 2011	BI	Finsbury Park
Delete as appropriate		Non-exempt	

Subject: LICENCE APPLICATION
RE: D & S Discount Jewellery, 262 Seven Sisters Road, London, N4 2HY

1. Synopsis

- 1.1 This is a new application for a special treatment licence ~~renewal~~ under the London Local Authorities Act 1991.
- 1.2 The premises is currently unlicensed.

2. Recommendations

- 2.1 To determine the application for a special treatment licence under the London Local Authorities Act 1991.
- 2.2 If the Committee grants the application it should be subject to:
 - i. conditions of the current premises licence;
 - iii. conditions recommended by responsible Authorities (see appendix 3);
 - iv. any conditions deemed necessary by the Committee.

3. Background

- 3.1 Papers are attached as follows:-

- Appendix 1: Application form;
- Appendix 2: Representation;
- Appendix 3: Complaint;
- Appendix 4: Licensing correspondence;
- Appendix 5: Standard conditions for body piercing and tattooing in Islington.
- Appendix 6: London Local Authorities Act 1991

3.2 Licensing History of the premises:

- i) On Friday 8 December 2006 the premises was found to be providing unlicensed special treatments. A warning letter was sent to the premises on 12 December 2006.
- ii) Subsequently no application was received between December 2006 and August 2011.
- iii) On 13 July 2011 licensing received a complaint about the premises providing unlicensed special treatments, and also piercing persons underage and in areas other than permitted under the London Local Authorities Act 1991.
- iv) On 3 August 2011 an application was received for a new premises licence for the property.
- v) On 23 August 2011 a representation was received to the application from the Council Health and Safety officer. To date no response has been received to this representation.
- vi) A further complaint was received about the premises operating and piercing persons underage and in areas other than permitted under the London Local Authorities Act 1991. The licensing team wrote to the complainant requesting a statement, but has not received a reply.
- vii) The licensing team would like the Committee to consider whether the applicant could be considered a fit and proper person to hold a special treatment licence under the London Local Authorities Act 1991. In addition the Council Environmental Health team have concerns about the management at the premises.

4. Conclusion and reasons for recommendations

- 4.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.


Background papers:

London Local Authorities Act 1991

Final Report Clearance

Signed by

Service Director - Public Protection



22-11-11
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Niall Forde

Tel: 020-7527-3227

Fax: 020-7527-3057

E-mail: niall.forde@islington.gov.uk

**LONDON LOCAL AUTHORITIES ACT 1991, PART II
SPECIAL TREATMENT PREMISES**
APPLICATION FOR AN ANNUAL PREMISES LICENCE

This form should be fully completed, signed and forwarded to:

Licensing Team, 3rd Floor, 222 Upper Street, Islington, London, N1 1XR.

Enclosing a cheque or postal order for the appropriate fee made payable to London Borough of Islington and crossed (cash should not be submitted).

Register Number:	
Fee Paid:	299
Cheque/Postal Order No:	CASH
Receipt Number:	49055
Date Received:	3.8.11
Initials:	JWR

PLEASE READ THE ACCOMPANYING NOTES CAREFULLY BEFORE COMPLETING THIS FORM

I/We apply for an annual special treatment licence for the premises named below:

1.	Name of the premises:	D&S Discount Jewellers
	Address of the premises:	262 Seven Sisters Rd
		London
		N4 2HY
	Postcode:	N4 2HY
	Telephone number:	0207 272 3388
2.	Your first name(s):	Dalia
	Your surname:	Baroch
	Maiden name (if applicable):	
	Other names known under:	
3.	Date of Birth:	
4.	Your private residential address:	
	Proof of address must be supplied to the Council (see note 1 below)	
	Postcode:	
4.1	Your previous private residential address if less than 12 months at address given above:	
	Postcode:	

COMMERCIAL USE ONLY

5.	Passport Number OR Driving Licence Number (see note 1 below):	
6.	List all convictions in the last five years (include date(s) and Court details) (Continue on a separate sheet if necessary)	
7.	If the application is made by a limited liability company, give the name & address of the registered office here:	
	Postcode	
	Company Registration Number:	
8.	What part(s) of the premises are proposed to be used under the licence? (e.g. basement, ground floor etc):	ground floor.
9.	What is the main use of the premises to which this licence application relates:	Jewellery Shop
10.	Please give full details of your interest in the premises:	Sell Jewellery
9.	Are you in a position to carry out the Council's safety and technical requirements in respect of the premises given in answer to Question 1:	Yes.
11.	How many persons registered by the Council to give special treatments do you intend to employ at the premises at any one time:	two people. Dalia Barack Morris Bewach
12.	List all special treatments to be given (continue on a separate sheet if necessary):	ear piercing

Note 1:

DECLARATION:

The application must be signed by the applicant proposing to carry on the establishment. In the case of a company, the Managing Director or Company Secretary must sign.

I hereby declare that the particulars contained in this document are true to the best of my knowledge and belief.

Signature: Dalia Baroch Name in Block Capitals: DALIA BAROCH
Position: MONOR Dated: 3/8/11

IMPORTANT NOTE: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

Data Protection Act 1998

Please note that the information on this form will be stored on computer; it will not be shared with other organisations, unless authorised under the Data Protection Act 1998.

Islington Council will process information provided by you for the purpose of processing your Application.

The information you provide will/may be disclosed to: other departments within Islington Council; the Police; other Local Authorities and other Government Agencies only when and where necessary for the purpose(s) of Prevention and/or detection of crime and to check for any anomalies and/or inconsistencies.

Retention Procedure

Our department will retain your personal data for a maximum of **six years** once our business with you has concluded. Your personal data will then be securely destroyed.





ISLINGTON

Building Control Service
Public Protection
222 Upper Street
London
N1 1XR

T 020 7527 5986
F 020 7527 5998
E geoff.weaver@islington.gov.uk
W www.islington.gov.uk

Our ref : GW
Your ref:

Date: 23 August 2011

Mrs Dalia Baroch
D&S Discount Jewellers
262 Seven Sisters Road
London
N4 2HY

Dear Madam

Special Treatment Licensing
D&S Discount Jewellers 262 Seven Sisters Road N4 2HY

With reference to the recent application for a special treatment licence, a survey of the above named premises was made on 19 August 2011 on behalf of the council as licensing authority for special treatment premises. At the survey it was found that the requirements specified in the attached schedule are in need of attention to ensure the arrangements at the premises are adequate for health and public safety.

Any licence granted by the council would be subject to the following special condition:
The premises shall not be used under this licence until the requirements specified in the schedule dated 23 August 2011 have been completed and approved in writing by the responsible authority for health and public safety.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for your attention are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the commencement and completion of the works. Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver
Senior Building Surveyor (Licensing Health and Safety)



STAMER SERVICE EXCELLENCE



**Special Treatment Licensing – Requirements schedule dated 23 August 2011 for
D&S Discount Jewellers 262 Seven Sisters Road N4 2HY**

- (1) The premises should be in compliance with the attached document **Body Piercing**. Please submit a plan of the premises showing the area to be used for ear piercing.
- (2) The extract fan and outlet grille in the toilet cubicle should be cleaned, overhauled and put into full working order. Air inlet to the toilet should be provided with a 10mm gap under the door.
- (3) Existing smoke alarms should be cleaned, inspected and tested to ensure all smoke alarms are interlinked so that smoke detection by one unit operates the alarm signal in all of them.
- (4) One carbon dioxide fire extinguisher (rating 34B) should be provided behind or adjacent to the cashiers/sales counter.

Fire extinguishers should be on brackets or stands and located so as not to obstruct exit routes or cause a hazard to persons in and about the premises.

Appropriate signs should be fixed adjacent to the fire extinguishers indicating the type of fire extinguisher and the class of fire covered.

- (5) A copy of the inspection and service certificate for fire extinguishers obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or competent person from an appropriate approved organisation, should be submitted to the council.

Body Piercing

Premises used for body piercing

- Premises should have ample space to allow the separation of clean and dirty operating areas. There should be sufficient space for the storage of equipment and any chemicals / detergents should be stored in locked cupboards.
- There should be good lighting and ventilation throughout the premises.
- Surfaces in the operating areas should be kept clean and in good repair. Floors should be non-slip and washable. Carpets should not be used in operating areas.
- Furniture and fittings in the operating areas should be kept clean and in good repair and should have a smooth, impervious surface which are regularly wiped down with disinfectant and covered by a disposable paper sheet, changed after each client.
- The operative should have the highest standards of personal hygiene whilst undertaking piercing activities.
- The operative should have access to suitable hand washing facilities with hot and cold running water, liquid dispensed soap, disposable paper towels and foot operated towel discard bin.
- Toilet facilities should be kept clean and in proper working order.
- The premises should be in accordance with the appropriate health and safety standards and provide a safe environment for all who enter the treatment areas.

Complaint about underage and unlicensed piercing 12 July 2011

Dear Dan,

Thank you for returning my call.

To reiterate The above named jewellers has been piercing our daughters and their friends who are only 13 / 14 years of age - without our consent and without proof of age. These piercings include, upper ear, belly button, nose.

When informed that these girls are so young the owner's attitude has been unrepentant. He actually said: "So what? They like it. It looks nice and if you don't like it - take it out."

He also seemed quite surprised when we pointed out that he should ask to see ID before piercing and promptly slammed the phone down.

We have no idea what he has used (whether he may have used Nickel)? Whether the equipment meets hygiene standards and regulations etc., this has caused us much concern with regards potential infection. In particular now that you have said you do not believe this establishment to be licensed.

All in all we consider that our children have been violated.

Thank you for saying that you will investigate this matter. I have included the other parents so that they might take a photo for you as requested.

Kind regards

Further complaint 17 October 2011

Daniel

Further to this email - my 14 year old came home with yet another cartilage piercing performed in the same place.

She was not accompanied by either me or my husband or any other adult. She was not asked for ID either.

So clearly this man is still operating.

Yours sincerely





ISLINGTON

Environment and Regeneration

Appendix 4

Licensing Team
Public Protection Division
222 Upper Street
London N1 1XR

Ms Dalia Baroch,
D&S Discount Jewellers,
262 Seven Sisters Road,
London,
N4 2HY

T 020 7527 3227
F 020 7527 3057
E niall.forde@islington.gov.uk
W www.islington.gov.uk

Our ref:
Your ref:

Date: 14 November, 2011

Dear Ms Dalia Baroch,

RE: D&S Discount Jewellers, 262 Seven Sisters Road, London, N4 2HY

Objection has been received by the Councils Health and Safety team under the **London Local Authorities Act 1991, Part II** to your new application for a special treatment licence in respect of the above named premises.

Please find enclosed for your consideration a copy of the objection received by e-mail. In addition we are in receipt of complaints from the general public about piercing underage and also that you have piercing persons under sixteen in areas other than permitted under the London Local Authorities Act 1991, Part II.

As an objection has been received to the application, the application is being referred for consideration at Licensing Committee on **1 December at 4pm.**

In addition we have concerns regarding the management of the premises, especially relating to the piercing of underage persons. We would therefore request that you attend the meeting with copies of any policies and procedures in order for the licensing committee to consider your application. I have enclosed a copy of the procedure governing committee meetings for your information.

I remind you that as your application has not been granted, you are not permitted to provide any licensable treatments at the premises.

For your information any applicant who is aggrieved by the council's decision at a Licensing Committee meeting on the licence application or any term, condition or restriction can, within 21 days of the date he or she is notified of the decision, appeal to Highbury magistrates Court.

Yours faithfully

Niall Forde
LICENSING OFFICER

Enc.





ISLINGTON

PUBLIC PROTECTION DIVISION

Licensing Team
159 Upper Street
London N1 1RE

Tel: (020) 7527 3227
Fax: (020) 7527 3057

Please reply to: **Niall Forde**
E-mail-niall.forde@islington.gov.uk

Mr Morris,
D & S Discount Jewellery.
262 Seven Sisters Road
London,
N4 2HY

Date: 12 December 2006

Dear Mr Morris,

**Re: London Local Authorities Act 1991 – Special Treatment Licensing
Premises: D & S Discount Jewellery. 262 Seven Sisters Road N4 2HY**

I believe that you are the owner / occupier of the above premises where ear piercing is being provided. Ear piercing is a special treatment which requires licensing under the above mention act, and this authority is responsible in the issuing of such a licence.

I attended the premises on Friday 8 December 2006 where it was apparent to them that special treatments were being offered and no licence was in force.

Any premises offering special treatment requires written permission in the form of a licence issued by this Council. I cannot find any such licence has been requested by you or granted by us. Therefore, I am investigating whether you have committed an offence under part 2 of the London Local Authorities Act 1991 Special Treatments Premises. Any person guilty of such an offence shall be liable on summary conviction to a fine up to £2,500.

I left the necessary forms to apply for a special treatment licence and if are to continue providing ear piercing you will need to apply for the special treatment's licence, which you will need to return to this office within 28 days. Failure to do so may result in the council taking other actions against you.

Yours sincerely

Niall Forde
Licensing Officer

Enc.



ISLINGTON

Licensing Team
Public Protection Division
222 Upper Street
London
N1 1XR

This matter is being dealt with by:
Dan Whitton

T 020 7527 3841
F 020 7527 3430
E licensing@islington.gov.uk
W www.islington.gov.uk

Our ref: WK111234620
Your ref:

Date: 11 October, 2011

Dear

RE: D & S JEWELLERS, 262 SEVEN SISTERS ROAD, N4 2HY

Your details have been forwarded to me for further investigation by my colleague Dan Whitton.

Firstly thank you for taking the trouble to bring this matter of obvious concern to our attention. The provision of treatments such as body piercing and tattooing to persons under the permitted age is something that we take particularly seriously.

In Islington premises licensed for body piercing are subject to strict conditions. I have attached a copy of these conditions for your information. As you will see conditions number 5 and 6 set out the age restriction conditions.

If a person is found operating in breach of a licence condition then they are liable to criminal prosecution.

Given the seriousness of your complaint and the possible consequences, if I am to investigate this matter further then I am obliged to seek further assistance from you. Ideally I need the following:

- * Confirmation of your home address.
- * A current photograph of your daughter; ideally we would like to take the photograph ourselves to satisfy evidential purposes.
- * Proof of your daughter's date of birth.
- * A photograph of the piercing.
- * A statement from yourself.
- * A statement from your daughter. I appreciate that your daughter may not be willing to do this.

If it helps I am willing to visit you at home to take a statement and the photographs. Alternatively you are welcome to attend our offices if you prefer.

I appreciate my requests may appear overwhelming but they are necessary. If you would like to call me to discuss any of this further then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Whitton', written in a cursive style.

Dan Whitton
Licensing Officer

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.

PUBLIC PROTECTION DIVISION
222 UPPER STREET, LONDON N1 1XR
STANDARD CONDITIONS
FOR BODY PIERCING AND TATTOOING
London Local Authorities Act 1991-2000

These conditions are to be read in conjunction with the Standard Conditions for Special Treatment Premises. They apply to all licensed body piercers and tattooists in Islington. Other conditions may be added to licences if circumstances warrant this.

GENERAL

1. A body piercer or tattooist must obtain a certificate from a Registered Medical Practitioner to show that he or she has been tested for Hepatitis B Antigens and Antibodies and has satisfactorily completed a Hepatitis B vaccination course. The certificate shall be submitted to the Public Protection Division. It is the responsibility of the holder of the Special Treatment Premises Licence to ensure that all staff are immunised against Hep B.
2. Under the Health and Safety at Work etc. Act 1974, license holders, as employers, are required to ensure that they provide all information, instruction, training and supervision necessary "so far as is reasonably practicable" to protect the health and safety of their employees. However, there are currently no recognised training courses; it is the duty of employers to provide adequate on-the-job training for employees. Proposed introductions:
 - a) Every applicant has worked for at least 1 year as a professional within licensed premises and can provide references to it.
 - b) All license holder are aware they, and every operator working under their licence, must be capable of demonstrating that they have sufficient knowledge, skills, training and experience commensurate with the procedures they are carrying out.
 - c) All operators must hold a current first aid certificate to foundation level.
 - d) Operators should be familiar with the preparation of risk assessments (or at least written methods statements acknowledging the risks involved in their business) for the work undertaken.

This should be recommended as part of ongoing training for apprentices/trainees.
3. A body piercer or tattooist must have undertaken an approved training course in first aid, such as the one-day "Basic First Aid" course. Such training courses are offered by the British Red Cross (00870 170 9222) or the St John Ambulance (020 7258 3456). There are other training organisations which advertise in Yellow Pages but please check with the Council whether a particular organisation is approved.
4. Branding is absolutely prohibited in Special Treatment Premises.



5. Body piercing, except nose and ear piercing, shall not be done to persons under the age of 18 years without prior written consent of that person's parent or guardian.
6. No piercing, except for nose and ear piercing, shall be done to persons under the age of 16 years. Nose and/or ear piercing shall only be done to persons under the age of 16 years with the prior written consent of the person's parent or guardian, unless the person is accompanied by a parent or guardian and they provide written consent at the time of piercing.
7. Notices giving the age restrictions on types of piercing should be prominently displayed in the premises.
8. The Licensee is advised that the Prohibition of Female Circumcision Act 1985 should be considered when requests for the piercing of female genitalia are made. Anything which goes beyond simple piercing may amount to mutilation and may therefore be prohibited by the Act.
9. The Licensee is advised that under the Tattooing of Minors Act 1969 it is an offence for any person, other than a medical practitioner or a person working under his direction, to tattoo a person under the age of 18 years.
10. The person performing the piercing/tattoo or the person having the piercing or tattoo shall not be under the influence of alcohol or drugs. Operators must not eat or drink during procedures.
11. It is illegal to smoke anywhere on the premises
12. Piercing or tattooing shall be done in a room/area which cannot be viewed by members of the public outside the premises or by visitors to the premises.
13. A licensed waste disposal contractor must be employed to collect and dispose of skin piercing needles (sharps) and paper towels, gauze, swabs, gloves etc., which could be contaminated with blood/body fluids from the premises.
 - a) Sharps must be disposed of in an approved yellow plastic box which conforms to BS7320 1990 and/or be UN type approved.
 - b) The other waste should be placed in suitable, clearly marked plastic sacks provided or approved by the contractor for the removal of clinical waste.
14. Sharps containers must not be overfilled and should be removed when three quarters full, sealed and labelled. They must not be placed in other trade waste sacks
15. Unless only sterile single-use equipment is used, an autoclave must be used to sterilise piercing and/or tattooing equipment. Pre cleaning should be carried out prior to sterilisation. The Licensee must ensure that the autoclave is safe, working efficiently and properly maintained.
 - a) All autoclaves should be operated in line with the manufacturers instructions and only loads for which the steriliser is designed should be processed through the system.
 - b) The Licensee must ensure that the autoclave is subject to a thorough examination by a competent person at a frequency prescribed by them in writing. Records of the thorough examination must be kept on the premises. The licence holder must keep a maintenance log for the autoclave.

16. Non-wrapped items processed in an autoclave should be used direct from the autoclave and/or sterilised items are to be used within 3 hours or re-sterilisation is required.
17. If the autoclave is not equipped with a post sterilisation drying phase non-wrapped equipment and/or packages must not be removed damp from and autoclave and subsequently dried.
18. Dried non-wrapped equipment which has been subject to complete drying within the autoclave, before the door is opened, can be stored in a dry, airtight disinfected container.
19. Injections of local anaesthetic may only be administered by a medical practitioner registered by the General Medical Council. Ethyl chloride must not be used.
20. Notices should be prominently displayed on the premises informing clients of the possible risks associated with piercing and tattooing to include, where appropriate:
 - a) Blood poisoning, e.g., septicaemia;
 - b) Localised severe swelling and trauma at and around the piercing site;
 - c) Scarring;
 - d) Localised infection at the piercing/tattoo site;
 - e) Migration and possibly rejection of jewellery;
 - f) Localised infections, e.g., sepsis or urethritis;
 - g) Allergic reactions to or potential embedding of jewellery;
 - h) Fainting;
 - i) Discomfort while healing
 - j) Blood loss
 - k) Possible allergic reaction to inks
21. The licensee and staff doing piercing/tattooing should be able to demonstrate knowledge of the possible contra-indications to the treatment and should discuss with the client (or parent or guardian if the client is under 16 years of age) his or her medical history to include the following conditions:
 - a) Heart disease, angina, pacemaker
 - b) Cellulitis
 - c) Skin conditions, e.g. eczema, psoriasis, dermatitis
 - d) Impetigo
 - e) Allergic responses to latex, anaesthetics, adhesive plasters, food stuffs and jewellery metals such as nickel
 - f) Haemorrhaging/haemophilia
 - g) Fainting
 - h) Seizures e.g. epilepsy
 - i) Diabetes
 - j) Blood borne viruses, e.g. HIV, Hepatitis B, C
 - k) Conditions that compromise the immune system

22. If the client suffers or has suffered from any of the above conditions no piercing/tattooing shall be carried out unless written authorisation is obtained from a medical practitioner registered by the General Medical Council.
23. A record must be kept for all customers indicating their name, address, date and type of piercing. It is recommended the records are kept for three years from the date of piercing, written consent from a parent or guardian shall also be kept.
24. A fully stocked basic first aid kit must be kept on the premises.

BODY PIERCING

25. Unless single-use equipment is used all instruments used for piercing and any jewellery inserted after piercing must be sterilised in an autoclave before use. For body piercing jewellery must be 14ct or 18ct gold, niobium, titanium and platinum. Incorrect gauges and surgical steel not recommended as a suitable material for body piercing jewellery.
26. A "no touch" technique, for example, using forceps, should be used as much as possible to reduce the risk of skin and soft tissue infections. Disposable rubber gloves must be worn.
27. Piercing guns designed for ear piercing must only be used on the outer perimeter and lobe of the ear, unless the instrument clearly states otherwise. It should be a disposable one such as the Coren (Newton Laboratories), the Medisept (Studex Manufacturing UK Ltd.) or the Blomdahl (Poly [UK] Ltd.). Butterfly clips must not be used on noses. Ear piercing instruments must be cleaned between uses, on each client, by thoroughly wiping down with an approved disinfectant immediately e.g. 70% alcohol.
28. Pre-packed, pre-sterilised, disposable hollow piercing needles shall be used followed by jewellery of the same diameter as the needle.
29. If the skin is to be marked for piercing it should be done prior to the cleansing of the skin. The marking should be done with a fine indelible pen (preferably gentian violet).
30. The skin in the area of the piercing must be intact. The skin shall be cleansed with a suitable disinfectant such as 70% ethanol or isopropyl alcohol swabs.
31. The piercer must ensure a clean operating field by means of disposable paper sheets.
 - a) Each operator is to maintain an acceptable standard of personal cleanliness at all times. Operators hands should be washed with liquid soap and hot water and dried with disposable paper towel. Single use disposable rubber gloves are to be worn for each client and changed when they come into contact with non-sterile surfaces.
32. An appropriate surface local anaesthetic may be applied to the area to be pierced using a clean disposable applicator, for example, a piece of sterile gauze for each application. Anaesthetics (creams, sprays) should only be used for the purpose intended by the manufacturer and for which they are licensed in the UK.
 - a) Operators must advise clients that an anaesthetic will be used and, in following the information provided by the manufacturer, discuss any potential allergy or contraindication with the client.

33. To minimise the risk of fainting, the client should be in a reclined position when piercing is carried out, except for tongue piercing as there is a risk of swallowing jewellery or the tongue itself.
34. The skin to be pierced should be steadied, if practicable, with sterile forceps or with gloved fingers or against a sterilised thimble. The needle should be held as far away from the tip as possible whilst still allowing good control of the tip of the needle. The jewellery should be pushed through following in the same direction as the needle.
35. Prior to piercing the tongue, cheek or lip the client shall gargle and rinse the mouth with antiseptic mouth wash.
36. No attempt shall be made to increase the size of a piercing until it has completely healed.
37. All clients shall be given verbal and written information about the aftercare of the piercing. A sample of the written advice shall be sent to the Public Protection Division.

TATTOOING

38. Each operator is to maintain an acceptable standard of personal cleanliness at times. Operators' hands should be washed with liquid soap and hot water and dried with disposable paper towel. Single use disposable rubber gloves are to be worn for each client and changed when they come into contact with non-sterile surfaces.
39. Tattooing should never be carried out within six inches of an infected area of skin or skin with an irritation.
40. The skin to be tattooed should be wiped over with a fresh pre-packed spirit swab. A single use disposable razor is to be used on each client.
41. The tubes, i.e., the holders for the stainless steel needle bars, must also be sterilised after each customer.
42. Single use, sterile disposable needles should be used. After use these must be "burned off" by flaming from the point to the soldered junction and discarded into a sharps container for disposal.
43. Re-usable needle bars must be ultrasonically cleaned and sterilised after each use.
44. Once a needle has been used on a customer it must not be returned to the tube - only unused (sterilised) needles may be placed in the tubes.
45. Needles must not be tested on the tattooist's skin.
46. Sterile forceps must be used for handling sterile needles and bars. These must be re-sterilised with each new batch of needles.
47. Capsule holders and forceps must be sterilised between clients.
48. Holding tubes for motors must be sterilised between clients.
49. Any non-disposable equipment that is liable to come into contact with blood or body fluids and cannot be sterilised, e.g. tattoo motors, should be adequately covered (where possible) to protect from such contact and should be thoroughly cleaned between clients e.g. 70% alcohol solution.
50. Materials used to cover equipment must be disposed of after every client.

51. Elastic bands used to secure the tattooing machine must be replaced after every client.
52. Single-use stencils are to be used on individual clients.
53. Fresh pigments in disposable sterile containers must be used for each client.
54. The pigment capsules must be disposed of after each client.
55. Where Vaseline is used for procedures, single-use packs should be used. Where this is not possible an appropriate amount of Vaseline must be dispensed, using a single-use implement, into a single-use pot/tray for every client.
56. Disposable wooden or plastic spatulas must be used to smear the Vaseline on the skin. Spatulas must only be used on one client and then discarded.
57. All clients shall be given verbal and written information about the aftercare of the tattoo. (A sample of the written advice shall be sent to the Public Protection Division.)



London Local Authorities Act 1991

CHAPTER xiii ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. Appointed day.

PART II

SPECIAL TREATMENT PREMISES

4. Interpretation of Part II.
5. Application of Part II.
6. Licensing under Part II.
7. Applications under Part II.
8. Refusal of licence.
9. Transmission and cancellation of licence.

Section

10. Power to prescribe standard terms, conditions and restrictions.
11. Provisional grant of licences.
12. Variation of licences.
13. Part II appeals.
14. Enforcement of Part II.
15. Powers of entry.
16. Application to existing special treatment premises.
17. Repeal.

PART III

ENTERTAINMENT

18. Amendment of Theatres Act 1968.
19. Amendment of Cinemas Act 1985.
20. Amendment of Private Places of Entertainment (Licensing) Act 1967.
21. Fees for entertainment licences.

PART IV

MISCELLANEOUS

22. Distribution containers.
23. Audible intruder alarms.
24. Scaffolding licences.

PART V

GENERAL

25. Liability of directors, etc.

SCHEDULE:—Local enactments repealed in Greater London in relation to special treatment premises.

ELIZABETH II



1991 CHAPTER xiii

An Act to confer further powers upon local authorities in London; and for other purposes. [25th July 1991]

WHEREAS—

- (1) It is expedient that further and better provision should be made for the improvement and development of local government services in London and for the benefit of persons residing therein and that the powers of London borough councils should be extended and amended as provided in this Act:
- (2) It is expedient that London borough councils should have improved power to license and control premises for massage and special treatment:
- (3) It is expedient that the other provisions contained in this Act should be enacted:
- (4) The purposes of this Act cannot be effected without the authority of Parliament:

(5) In relation to the promotion of the Bill for this Act the Westminster City Council have complied with the requirements of section 239 of the Local Government Act 1972 and the other participating councils have complied with the requirements of section 87 of the Local Government Act 1985:

1972 c. 70.

1985 c. 51.

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the London Local Authorities Act 1991.
- Interpretation. 2. In this Act, except as otherwise expressly provided or unless the context otherwise requires—
- “authorised officer” means an officer of a borough council authorised by the council in writing to act in relation to the relevant provision of this Act;
- “borough council” means London borough council but does not include the Common Council of the City of London; and “borough” shall be construed accordingly; and
- “Commissioner of Police” means the Commissioner of Police of the Metropolis.
- Appointed day. 3.—(1) In this Act “the appointed day” means such day as may be fixed in relation to a borough by resolution of the borough council, subject to and in accordance with the provisions of this section and “the second appointed day” shall be construed accordingly.
- (2) Different days may be fixed under this section for the purpose of the application of different provisions of this Act to a borough.
- (3) The borough council shall cause to be published in a local newspaper circulating in the borough notice—
- (a) of the passing of any such resolution and of the day fixed thereby; and
- (b) of the general effect of the provisions of this Act coming into operation as from that day;
- and the day so fixed shall not be earlier than the expiration of three months from the publication of the said notice.
- (4) Either a photostatic or other reproduction certified by the officer appointed for that purpose by the borough council to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice, and of the date of publication.

PART II

SPECIAL TREATMENT PREMISES

4. In this Part of this Act unless the context otherwise requires —

“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 but does not include —

Interpretation of Part II.

(a) any premises which are not used for gain or reward;

(b) any premises where the special treatment is carried out by or under the supervision of —

(i) a medical practitioner duly registered by the General Medical Council; or

(ii) any bona fide member of a body of health practitioners which has given notice in writing to the borough council that it —

(A) has a register of members;

(B) requires as qualification for membership qualifications by way of training for, and experience of, the therapy concerned;

(C) requires its members to hold professional indemnity insurance;

(D) subjects its members to a code of conduct and ethics, including a prohibition of immoral conduct in the course of their practice; and

(E) provides procedures for disciplinary proceedings in respect of its members;

and has supported that notice with satisfactory documentary evidence, if required by the council; or

(iii) in the case of acupuncture, a dentist registered under the Dentists Act 1984;

1984 c. 24.

(c) any premises which are used by a person who is registered by a board under the Professions Supplementary to Medicine Act 1960 —

1960 c. 66.

(i) solely for the practice of the profession in respect of which he is so registered; or

(ii) for the practice of the profession in respect of which he is so registered and for the conduct by him of any business ancillary to such practice and no other purpose;

(d) any hospital provided by the Secretary of State or by a National Health Service Trust established under the National Health Service and Community Care Act 1990 or by a charity which is registered under section 4 of the Charities Act 1960 or is exempted from registration by subsection (4) of that section; or

1990 c. 19.

1960 c. 58.

(e) any nursing home which is for the time being registered under Part II of the Registered Homes Act 1984 or exempted from registration under that Part of that Act;

1984 c. 23.

“licence” means a special treatment licence granted under section 6 (Licensing under Part II) of this Act.

PART II
—cont.

Application of
Part II.
Licensing under
Part II.

5. This Part of this Act applies to a borough as from the appointed day.

6.—(1) No premises shall be used in the borough as an establishment for special treatment except under and in accordance with a special treatment licence granted under this section by the borough council.

(2) The borough council may grant to an applicant and from time to time renew or transfer a licence on such terms and conditions and subject to such restrictions as may be specified.

(3) Without prejudice to the generality of subsection (2) above, such conditions may relate to—

- (a) the maintenance of public order and safety;
- (b) the number of persons who may be allowed to be on the premises at any time;
- (c) the qualifications of the persons giving the special treatment;
- (d) the taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, means for fighting fire and means of lighting, sanitation and ventilation of the premises;
- (e) the maintenance in safe condition of means of heating the premises;
- (f) the hours of opening and closing the establishment for special treatment;
- (g) the safety of any equipment used in connection with the special treatment and the way in which the treatment is given;
- (h) the cleanliness and hygiene of the premises and equipment;
- (i) the manner in which the establishment is operated and the way it is advertised.

(4) Provided it has not been cancelled or revoked the licence shall remain in force for 18 months or such shorter period specified in the licence as the borough council may think fit.

Applications
under Part II.

7.—(1) An applicant for the grant, renewal or transfer of a licence shall not later than the day the application is made send a copy to the Commissioner of Police and a copy to the London Fire and Civil Defence Authority and, subject to subsection (2) below, no such application shall be considered by the council unless the applicant complies with this subsection.

(2) The borough council may in such cases as they think fit, after consulting with the Commissioner of Police and the London Fire and Civil Defence Authority, consider an application for the grant, renewal or transfer of a licence notwithstanding that the applicant has failed to comply with subsection (1) above.

(3) In considering any application for the grant, renewal or transfer of a licence the borough council shall have regard to any observations submitted to them by the Commissioner of Police and the London Fire and Civil Defence Authority within 28 days of the making of the application and may have regard to any observations submitted by them thereafter.

(4) An applicant for the grant, renewal, transfer or variation of a licence shall furnish such particulars and give such other notices, including the public advertisement of the application, as the borough council may by regulation prescribe.

(5) Regulations under subsection (4) above may, inter alia, prescribe the procedure for determining applications.

PART II
—cont.

(6) An applicant for the grant, renewal or transfer of a licence shall pay a reasonable fee determined by the council.

(7) Where, before the date of expiry of a licence, an application has been made for its renewal or transfer, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications until the determination of the application by the borough council or the withdrawal of the application.

8. The borough council may refuse to grant, renew or transfer a licence on any of the following grounds:—

Refusal of
licence.

- (a) the premises are not structurally suitable for the purpose;
- (b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;
- (c) the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence;
- (d) the persons giving the special treatment are not suitably qualified;
- (e) the premises have been or are being improperly conducted;
- (f) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
- (g) the means of heating the premises are not safe;
- (h) proper precautions against fire on the premises are not being taken;
- (i) they are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given;
- (j) they are not satisfied as to the safety of the special treatment to be given;
- (k) satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises;
- (l) the applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act; or
- (m) the applicant has failed to comply with the requirements of subsection (4) or (6) of section 7 (Applications under Part II) of this Act.

9.—(1) Subject to subsection (2) of this section, in the event of the death of the holder of a licence, the person carrying on at the place in respect of which the licence was granted the function to which the licence relates shall be deemed to be the holder of the licence unless and until the licence is transferred to some other person.

Transmission and
cancellation of
licence.

(2) The borough council may revoke a licence held by a person by virtue of subsection (1) above for any of the grounds mentioned in section 8 (Refusal of licence) of this Act.

(3) The borough council may, at the written request of the holder, cancel the licence.

PART II
—cont.

Power to
prescribe
standard terms,
conditions and
restrictions.

10.—(1) The borough council may make regulations prescribing standard conditions applicable to all, or any class of, licences, that is to say terms, conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them.

(2) Where the borough council have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended.

Provisional grant
of licences.

11.—(1) Where application is made to the borough council for the grant of a licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the borough council are satisfied that the premises would, if completed in accordance with the requirements of the borough council, be such that they would grant the licence, the borough council may grant the licence subject to a condition that it shall be of no effect until confirmed by them.

(2) The borough council shall, on application being made for the appropriate variation of the licence, confirm any licence granted by virtue of subsection (1) above if and when they are satisfied that the premises have been completed in accordance with the requirements of the borough council.

Variation of
licences.

12.—(1) The holder of a licence may at any time apply to the borough council for a variation in the terms, conditions or restrictions on or subject to which the licence is held.

(2) The person making an application for such a variation of a licence shall on making the application pay to the borough council a reasonable fee determined by the council.

(3) The borough council may—

- (a) make the variation specified in the application;
- (b) make that variation together with such further variation consequent thereon as the council may determine; or
- (c) refuse the application.

Part II appeals.

13.—(1) Any of the following persons, that is to say:—

- (a) an applicant for the grant, renewal or transfer of a licence whose application is refused;
- (b) an applicant for the grant, renewal or transfer of a licence who is aggrieved by any term, condition or restriction on or subject to which the licence is granted, renewed or transferred;
- (c) an applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held whose application is refused;
- (d) an applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held who is aggrieved by any term, condition or restriction contained in a further variation made consequent on the variation applied for;
- (e) the holder of a licence which is revoked under section 9 (Transmission and cancellation of licence) or section 14 (Enforcement of Part II) of this Act;

may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the petty sessions area in which the premises are situated by way of complaint for an order.

PART II
—cont.

(2) In this section "the relevant date" means the date on which the person in question is notified in writing of the refusal of his application, the imposition of the terms, conditions or restrictions by which he is aggrieved or the revocation of his licence, as the case may be.

(3) An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.

(4) On an appeal to the magistrates' court or to the Crown Court under this section the court may make such order as it thinks fit and it shall be the duty of the borough council to give effect to such order.

(5) Where any licence is revoked under section 14 (Enforcement of Part II) of this Act or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force—

(a) until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and

(b) where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the borough council.

(6) Where any licence is renewed under section 6 (Licensing under Part II) of this Act and the borough council specify any term, condition or restriction which was not previously specified in relation to that licence, the licence shall be deemed to be free of it until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(7) Where the holder of a licence makes an application under section 12 (Variation of licences) of this Act and the borough council make the variation applied for together with a further variation, then the licence shall continue as it was before the application—

(a) until the time for bringing an appeal under this section against any term, condition or restriction contained in the further variation has expired; and

(b) where any such appeal is brought, until the determination or abandonment of the appeal.

14.—(1) If any occupier or other person concerned in the conduct or management of premises in the borough uses them as an establishment for special treatment or represents them as being so used or permits the premises to be so used he shall, unless the premises are currently licensed by the borough council under this Part of this Act, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Enforcement of
Part II.

(2) If any premises in respect of which a licence is in force are used as an establishment for special treatment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then the holder of the licence or other person concerned in the conduct or management of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

PART II
—cont.

(3) Subject to section 13 (Part II appeals) of this Act, the borough council may revoke a licence if its holder is convicted of an offence under subsection (2) above.

Powers of entry.

15.—(1) Any duly authorised officer or duly authorised officer of the London Fire and Civil Defence Authority (on production, if so required, of a duly authenticated document showing his authorisation) or any constable, may at all reasonable times enter upon, inspect and examine any premises which are, or which he has reasonable cause to believe are—

- (a) used, represented as being used, or intended to be used as an establishment for special treatment without the requisite licence; or
- (b) used in contravention of the terms, conditions or restrictions on or subject to which a licence is granted;

and may do all things reasonably necessary for the purpose of ascertaining whether an offence has been committed.

1936 c. 49.

(2) Subsections (2), (3) and (4) of section 287 of the Public Health Act 1936 shall apply in respect of entry to premises for the purposes of this section as they apply to entry to premises for the purposes of subsection (1) of that section.

(3) Any person who intentionally obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Application to
existing special
treatment
premises.

16.—(1) In respect of premises licensed or registered under an enactment specified in the Schedule to this Act on the date this Part of this Act comes into force in the borough in which the premises are situated, section 6 (Licensing under Part II) of this Act shall not apply until the expiry of the licence or registration granted under that enactment.

(2) If, on an application for a licence duly made under this Part of this Act in respect of any such premises as are referred to in subsection (1) above—

- (a) the application is refused; or
- (b) the licence is granted subject to a term, condition or restriction additional to those attached to the licence or registration under the earlier enactment;

then in a case falling within paragraph (a) above this Part of this Act shall have effect as though the applicant held a licence on and subject to the same terms, conditions and restrictions as under the previous licence or registration and the application had been for the renewal thereof, and in a case falling within paragraph (b) above this Part of this Act shall have effect as though the applicant held such a licence which had been renewed with a term, condition or restriction not previously specified in relation to the licence.

(3) Where premises to which subsection (1) above does not apply are lawfully being used as an establishment for special treatment immediately before the date on which this Part of this Act comes into force in the borough in which the premises are situated, and an application for the grant of a licence is duly made before that date in respect of the premises, this Part of this Act shall have effect as though the applicant held a licence free of any terms, conditions or restrictions and the application had been for the renewal thereof.

17. Subject to section 16 (Application to existing special treatment premises) of this Act, the enactments specified in column (2) of the Schedule to this Act, so far as they relate to any part of Greater London, and bye-laws made thereunder, shall cease to have effect in a borough on the day which the council of that borough resolve to be the appointed day for the purposes of this Part of this Act.

PART II
—cont.

Repeal.

PART III

ENTERTAINMENT

18.—(1) This section applies in a borough as from the appointed day.

(2) In section 18 (1) of the Theatres Act 1968, which defines expressions used in that Act, in the definition of “public performance”, after “Public Order Act 1936” there shall be added, “any performance which is not open for the public but which is promoted for private gain”.

Amendment of
Theatres Act
1968.
1968 c. 54.
1936 c. 6
(1 Edw. 8 &
1 Geo. 6).

(3) In the Theatres Act 1968, after section 18, there shall be added—

“Meaning of
promotion for
private gain.”

18A.—(1) For the purposes of this Act a performance is promoted for private gain if, and only if—

- (a) any proceeds from the performance, that is to say, any sum paid for admission to the performance; or
- (b) any other sums (whenever paid) which, having regard to all the circumstances, can reasonably be regarded as paid wholly or partly for admission to the performance; or
- (c) where the performance is advertised (whether to the public or otherwise), any sums not falling within paragraph (b) above which are paid for facilities or services provided for persons admitted to the performance;

are applied wholly or partly for purposes of private gain.

(2) If in proceedings for an offence under section 13 (1) above any question arises whether a performance was promoted for private gain and it is proved—

- (a) that any sums were paid for admission to the performance or to the premises at which it was given and that the performance was advertised to the public; or
- (b) that any sums were paid for facilities or services provided for persons admitted to the performance and that the performance was advertised (whether to the public or otherwise); or
- (c) that the amount of any payment falling to be made in connection with the promotion of the performance was determined wholly or partly by reference to the proceeds of the performance or any facilities or services provided for persons admitted to it;

the performance shall be deemed to have been promoted for private gain unless the contrary is shown.

(3) Where a performance is promoted by a society which is established and conducted wholly for purposes other than purposes of any commercial undertaking and sums falling within

PART III
—cont.

subsection (1) above are applied for any purpose calculated to benefit the society as a whole, the performance shall not be held to be promoted for private gain by reason only that the application of those sums for that purpose results in benefit to any person as an individual.

(4) In subsection (3) above 'society' includes any club, institution, organisation or association of persons, by whatever name called."

Amendment of
Cinemas Act
1985.
1985 c. 13.

19.—(1) This section applies in a borough as from the appointed day.

(2) In section 3 of the Cinemas Act 1985, which provides for the grant, renewal and transfer of a licence under that Act, after subsection (1) there shall be inserted—

“(1A) An applicant for the grant, transfer, renewal or variation of an annual licence shall furnish such particulars and give such other notices as the licensing authority may by regulation prescribe:

Provided that no regulation made under this section shall require the public advertisement of an application for—

(a) renewal or transfer of a licence; or

(b) a variation of a licence where that variation relates to a single period of not more than 24 hours and where that licence has not been previously varied more than 12 times within the 12 months preceding the day on which the application is made.”.

Amendment of
Private Places of
Entertainment
(Licensing) Act
1967.
1967 c. 19.

20.—(1) This section applies in a borough as from the appointed day.

(2) In the Private Places of Entertainment (Licensing) Act 1967 there shall be inserted after section 4—

“Powers of
entry for
inspection etc.

4A.—(1) Any duly authorised officer of the council (on production, if so required, of a duly authenticated document showing his authorisation) or any constable may at all reasonable times enter upon, inspect and examine any premises used, or which he has reasonable cause to believe are used for entertainment (or intended to be so used) without the requisite licence and may do all things necessary for the purpose of ascertaining whether such an offence has been committed.

(2) Any person who wilfully obstructs any person acting in the exercise of his powers under this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(3) An authorised officer or a constable may exercise powers under subsection (1) above only if he has been granted a warrant by a justice of the peace. A justice may grant a warrant under this section only if he is satisfied either—

(i) that notice of intention to apply for a warrant has been given to the occupier of the premises; or

(ii) that the case is one of urgency or that the premises are unoccupied or the occupier is temporarily absent, or that the giving of notice of intention to apply for a warrant would defeat the object of entry.

A warrant under this section shall authorise entry, if need be by force, but shall have effect only for seven days or until the power conferred by this section in accordance with the warrant has been exercised, whichever is the shorter.”

PART III
—cont.

(3) In the Private Places of Entertainment (Licensing) Act 1967, there shall be inserted after section 5— 1967 c. 19.

“Meaning of promotion for private gain.”

5A.—(1) For the purposes of this Act entertainment is promoted for private gain if, and only if—

- (a) any proceeds of the entertainment, that is to say, any sums paid for admission to the entertainment; or
- (b) any other sums (whenever paid) which, having regard to all the circumstances, can reasonably be regarded as paid wholly or partly for admission to the entertainment; or
- (c) where the entertainment is advertised (whether to the public or otherwise), any sums not falling within paragraph (b) above which are paid for facilities or services provided for persons admitted to the entertainment;

are applied wholly or partly for purposes of private gain.

(2) If in proceedings for an offence under section 4 (1) above any question arises whether an entertainment was promoted for private gain and it is proved—

- (a) that any sums were paid for admission to the entertainment or to the premises at which it was given and that the entertainment was advertised to the public; or
- (b) that any sums were paid for facilities or services provided for persons admitted to the entertainment and that the entertainment was advertised (whether to the public or otherwise); or
- (c) that the amount of any payment falling to be made in connection with the promotion of the entertainment was determined wholly or partly by reference to the proceeds of the entertainment or any facilities or services provided for persons admitted to it;

the entertainment shall be deemed to have been promoted for private gain unless the contrary is shown.

(3) Where an entertainment is promoted by a society which is established and conducted wholly for purposes other than purposes of any commercial undertaking and sums falling within subsection (1) above are applied for any purpose calculated to benefit the society as a whole, the entertainment shall not be held to be promoted for private gain by reason only that the application of those sums for that purpose results in benefit to any person or an individual.

(4) In subsection (3) above ‘society’ includes any club, institution, organisation or association of persons, by whatever name called.”

PART III
—cont.Fees for
entertainment
licences.
1967 c. 19.

21.—(1) This section applies in a borough as from the appointed day.

(2) In section 3 (4) of the Private Places of Entertainment (Licensing) Act 1967 (which provides for the grant, duration and transfer of licences under that Act) for “a fee of five pounds” there shall be substituted “such reasonable fee as the licensing authority may determine”.

(3) In the Private Places of Entertainment (Licensing) Act 1967, after section 3 there shall be inserted—

“Variation of
licences.

3A.—(1) The holder of a licence may at any time apply to the licensing authority for a variation in the terms, conditions or restrictions on or subject to which the licence is held.

(2) The person making an application for such a variation of licence shall on making the application pay to the licensing authority such reasonable fee as the licensing authority may determine.

(3) The licensing authority may—

- (a) make the variation specified in the application;
- (b) make that variation together with such further variation consequent thereon as the council may determine; or
- (c) refuse the application.”

(4) In section 5 of the Private Places of Entertainment (Licensing) Act 1967, in subsection (1) there shall be inserted, after paragraph (b)—

“(c) the holder of any such licence as aforesaid who is aggrieved by a variation of his licence or by a refusal to vary his licence,”.

1968 c. 54.

(5) In Schedule 1 to the Theatres Act 1968 (which makes provision with respect to licences under that Act)—

- (a) in paragraph 7, before the beginning of the paragraph, there shall be inserted “(1)”; and
- (b) after paragraph 7 there shall be inserted—

“(2) The person making an application for such a variation of licence shall, on making the application, pay to the licensing authority such reasonable fee as the licensing authority may determine.”.

PART IV

MISCELLANEOUS

Distribution
containers.
1980 c. 66.

22.—(1) Without prejudice to the provisions of sections 143 and 149 of the Highways Act 1980 (which relate to the removal of structures erected or things deposited on a highway) if a borough council consider that for the good management of a highway or for the purpose of performing any of their functions a distribution container which has been deposited on the highway ought to be removed or repositioned, they may—

- (a) require the owner of the container to remove or reposition it; or
- (b) themselves remove or reposition the container or cause it to be removed or repositioned.

(2) Where a borough council remove or reposition a distribution container under subsection (1) above they shall, where practicable, notify the owner, but if the owner cannot be traced, or if within the period

specified in any such notice (not being less than one month from the date of the notice) he has not recovered the container, they may dispose of the container and its contents.

PART IV
—cont.

(3) Where a borough council acting under this section —

(a) exercise powers in relation to a container other than the power of disposal, they may recover their expenses in so doing (including any storage expenses) as if they were expenses recoverable under section 149 (3) (a) of the Highways Act 1980;

1980 c. 66.

(b) exercise their powers in relation to a container including the power of disposal, they may recover their expenses in so doing (including any storage expenses) as if they were expenses recoverable under section 149 (4) or, where material, (5) of the said Act in a case where an order authorising removal and disposal of the container has been made on a complaint by them under the said section 149 (4);

and in a case falling within paragraph (b) above where they recover their expenses in the manner provided by the said section 149 (4) they shall apply any balance of the proceeds of disposal in the manner so provided.

(4) In this section “distribution container” means any unattended container deposited in the highway for the free distribution of its contents to, or collection of its contents by, the public.

23.—(1) As from the appointed day in a borough —

Audible intruder
alarms.

(a) the owner or occupier of premises in the borough who installs an audible intruder alarm for use on or in those premises, shall —

(i) ensure that the alarm is fitted with a device as specified in subsection (3) below;

(ii) notify the police of the names and addresses of nominated key-holders;

(iii) within 48 hours of the installation of the audible intruder alarm notify the council of the installation; and

(iv) inform the council of the address of the police station to which notification has been given under paragraph (ii) above.

(b) a person who becomes the owner or occupier of premises in the borough in which there is installed an audible intruder alarm for use on or in those premises, shall not permit the operation of the alarm unless —

(i) it is fitted with a device as specified in subsection (3) below;

(ii) he has notified the police of the names and addresses of nominated key-holders; and

(iii) he has informed the council of the address of the police station to which notification has been given under paragraph (ii) above.

(2) As from the second appointed day in a borough, the occupier of premises on or in which an audible intruder alarm has been installed shall not permit the operation of the alarm —

(a) unless it is fitted with a device as specified in subsection (3) below; and

(b) unless the police have been notified of the names and addresses of nominated key-holders.

PART IV
—cont.

(3) A device required by subsections (1) and (2) above is a device of such specifications as the council may reasonably determine to prevent the alarm operating audibly to persons living or working near the premises for more than 20 minutes after it is activated.

(4) Where one of the nominated key-holders whose names and addresses were notified to the police under subsection (1) or (2) above or this subsection ceases to hold keys sufficient to obtain access to the premises, the occupier shall notify the police of the name and address of another nominated key-holder.

(5) The requirement to notify the police under this section shall be satisfied if notice in writing is given to the police at any local police station in the borough.

(6) A person who without reasonable excuse contravenes subsection (1), (2) or (4) above shall be guilty of an offence and liable on summary conviction in the case of a contravention of subsection (1) (a) (i) or (2) (a), to a fine not exceeding level 5 on the standard scale, in the case of a contravention of subsection (1) (b) (i), to a fine not exceeding level 4 on the standard scale and in any other case to a fine not exceeding level 2 on the standard scale.

(7) If it is shown to the satisfaction of a justice of the peace in respect of premises in a borough —

(a) that an audible intruder alarm is operating more than one hour after it was activated; and

(b) that steps have been taken to obtain access to the premises with the assistance of the persons whose names and addresses have been notified under subsection (1), (2) or (4) above and access has not been obtained, or that no such persons have been notified under those subsections; and

(c) that the operation of the audible intruder alarm is causing annoyance to persons living or working near the premises;

the justice may by warrant authorise an authorised officer to enter the premises if need be by force and taking with him such other persons and such equipment as may be necessary to de-activate the alarm.

(8) An authorised officer shall not enter premises under this section unless he is accompanied by a constable.

(9) An authorised officer who enters premises under this section shall not cause more than the minimum amount of damage and disturbance necessary to effect an entry and to de-activate the alarm.

(10) An authorised officer who has de-activated an alarm under this section shall —

(a) if reasonably practicable, re-set the alarm; and

(b) leave the premises in other respects, so far as reasonably practicable, as effectively secured against trespassers as he found them.

(11) A warrant issued in pursuance of this section shall continue in force until the purpose for which the entry is required has been satisfied.

(12) In this section, where premises comprise a building which is being erected, constructed, altered, improved, maintained, cleaned or repaired, the occupier does not include a person whose occupancy is in connection with the erection, construction, alteration, improvement, maintenance, cleaning or repair and whose occupancy is by virtue of a licence for less than four weeks.

(13) Nothing in this section applies to an audible intruder alarm installed in a motor vehicle.

PART IV
—cont.

(14) In this section the second appointed day in any borough shall not be less than six months after the day appointed by the council of that borough under subsection (1) above.

(15) In this section “nominated key-holders” means either —

- (a) two persons, other than the occupier, who hold keys sufficient to obtain access to the premises in question; or
- (b) a company whose business consists of or includes the service of holding keys for the occupiers of premises, which is available to be contacted at any time and which holds keys sufficient to obtain access to the premises in question.

24. —(1) Without prejudice to the generality of subsection (1) of section 169 of the Highways Act 1980 (which provides for licensing of scaffolding on or over highways), where a highway authority (being a borough council) grant a licence under that section they may include among the terms contained in the licence requirements to take such measures as may be therein specified —

Scaffolding
licences.
1980 c. 66.

- (a) to prevent unauthorised persons from having access to the scaffolding or climbing it; and
- (b) to protect the security of the building in respect of which the scaffolding is required, or any adjacent building.

(2) A breach of a condition under this section shall not affect liability in civil proceedings.

PART V

GENERAL

25. —(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

Liability of
directors, etc.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

SCHEDULE

Sections 16 and 17.

LOCAL ENACTMENTS REPEALED IN GREATER LONDON IN RELATION TO SPECIAL TREATMENT PREMISES

Chapter (1)	Short title (2)	Extent of repeal (3)
10 & 11 Geo. 5 c. lxxxix.	London County Council (General Powers) Act 1920.	Part IV.
21 & 22 Geo. 5 c. ci.	Surrey County Council Act 1931.	Part IV.
23 & 24 Geo. 5 c. xlv.	Essex County Council Act 1933.	Part IV.
7 & 8 Geo. 6 c. xxi.	Middlesex County Council Act 1944.	Part XII.
1981 c. xvii.	Greater London Council (General Powers) Act 1981.	Section 19.
1984 c. xxvii.	Greater London Council (General Powers) Act 1984.	Section 40 and Schedules 2 and 3.



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