

Report of: Jan Hart, Service Director – Public Protection

Licensing Regulatory Committee	Date: 13 December 2017	Ward: Junction
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APPENDIX 3 TO THIS REPORT IS NOT FOR PUBLICATION

SUBJECT: LONDON LOCAL AUTHORITIES ACT, 1991 PART II - RENEWAL OF THE SPECIAL TREATMENT LICENCE HELD IN RESPECT OF GOLDEN HEALTH, 128 JUNCTION ROAD, LONDON N19 5LB

1. Synopsis

- 1.1 This is an application for a renewal of the special treatment licence under the London Local Authorities Act 1991, Part II. A copy of the application form can be found at **Appendix 1**.
- 1.2 The application is to renew the provision of massage treatments at the premises.
- 1.3 The Licensing Police have made representations in response to the application. This can be seen at **Appendix 2**.

2. Recommendations

- 2.1 The Committee needs to consider all the evidence before determining this application;
- 2.2 If the Committee decides to refuse the application the London Local Authorities Act 1991 section 8 permits it to do so under one or more of the following grounds:
 - (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 license;
 - (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.

2.3 If the Committee grants the application it should be subject to:

- i) the standard conditions for special treatment premises (see appendix 4);
- ii) the conditions of the current premises licence; and
- iii) any conditions deemed appropriate by the Committee.

3. Background

3.1 Objections

- 3.1.1 An objection to the grant of this application has been received from the Police Licensing Officer. These objections are attached at **Appendix 2**.
- 3.1.2 The main grounds of objection to the grant of the licence is that they do not believe that the venue is being run as a massage premises as per its licence.
- 3.1.3 Additionally, the Police Licensing Officer has provided the following documents in support of their representation;
 - i. Statements from two Police Officers who visited the premises on 22 July 2017
 - ii. A statement from Police Licensing Officer Loizou
 - iii. Five pages containing content from an internet forum relating to the premises
 - iv. A sheet containing a brief summary of information gathered and visits made to the premises
 - v. A statement from PC Lazarus relating to a visit to the premises on 11 November 2017
- 3.1.4 The Police Licensing Sergeant has confirmed that this evidence must be marked as exempt. This supporting evidence can be found at **Appendix 3**.
- 3.1.5 The applicant, Ms Yong Mei Wang, has been provided with copies of the representations received and of the Police additional evidence.
- 3.1.6 This matter was listed for a hearing of the Regulatory Committee on 6 November 2017. At the hearing, the application was deferred to allow further time for the licensee, Ms Wang, of the

premises to prepare for the hearing and for the Police to provide evidence they did not have available at the hearing.

- 3.1.7 At the hearing, the Ms Wang provided a witness statement to Members in response to the Police representation. A copy of the witness statement is attached as **Appendix 4**.

Licensing History of the premises:

- 3.2 3.2.1 This premises licence was first issued in September 2012 for the provision of massage. The current licence holder, Yong Mei Wang transferred onto the licence at the same time as the renewal in September 2014. A copy of the current Special Treatment Licence can be found at **Appendix 5**.
- 3.2.2 On 21 November 2017, Ms Wang brought into the office applications for four people to be registered as therapists to provide massage. This included an application for herself. The applications were incorrectly completed and have been returned to Ms Wang to correct the errors.
- 3.2.3 The special treatment licence is subject to the Standard Conditions for Special Treatment Premises. Condition 15 reads;
- 15. The licensee shall not do, suffer, or permit in the premises any act of an indecent or disorderly character and shall take all reasonable steps to exclude from the premises a customer or any other person who has committed such an act in the premises. A copy of the Standard Conditions can be found at **Appendix 6**.*

Planning Control

- 3.3 3.3.1 No issues.

Building Control

- 3.4 3.4.1 No issues.

4. Implications

4.1 Financial implications:

There are no financial implications.

4.2 Legal Implications:

4.2.1 Refusal of licence

If the Committee decides to refuse the application the London Local Authorities Act 1991 section 8 permits it to do so under one or more of the following grounds:

- (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 license;
- (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.

4.2.2. Power to prescribe standard conditions

The Borough Council has used the power, as laid out under Section 10 of the Act, to make regulations prescribing standard conditions for all Special Treatment Premises Licences issued under the Act. All standard conditions shall apply, unless they have been expressly excluded or amended. The standard conditions as adopted by Islington Council can be found at **Appendix 6**.

4.2.3 Appeals

Section 13 of the Act makes provision for an applicant whose application is refused, or who is aggrieved by any term, condition or restriction on or subject to which the licence is granted, renewed or transferred, to appeal.

An appeal can be submitted at any time before the expiration of the period of 21 days beginning with the relevant date to the magistrates' court in which the premises are situated by way of complaint for an order.

On an appeal 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.

Human Rights

- 4.3 4.3.1 The Human Rights Act 1998 makes it unlawful for the Council to act in a manner incompatible with Convention Rights. Convention rights include the right to and respect for private and family life; including the home as well as the right to the peaceful enjoyment of possessions (a licence has been held by the European Court to be a person's possession). The applicant has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal. The actions of a Licensing Committee in attaching a condition to a licence must be "proportionate" to any "pressing social need" and reasons should be given not only on refusing a licence but also when granting it.
- 4.3.2 The Committee considers each application being mindful of Section 17 of the Crime and Disorder Act 1998 which imposes a duty on each local authority when exercising any of its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all that it possibly can to prevent crime and disorder in the area.

5. Reasons for the recommendations / decision:

- 5.1 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.

Signed by:



Jan Hart
Service Director – Public Protection

Date 30th November 2017

Appendices

- Appendix 1: Application for renewal of the special treatment licence
- Appendix 2: Police Licensing Officer representation
- Appendix 3: Additional evidence from the Police Licensing Officer - **Exempt**
- Appendix 4: Witness statement of Yong Mei Wang
- Appendix 5: Current special treatment licence
- Appendix 6: Standard conditions for premises which provide special treatments

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LONDON LOCAL AUTHORITIES ACT 1991, PART II SPECIAL TREATMENT PREMISES

APPLICATION FOR RENEWAL OF A SPECIAL TREATMENT PREMISES LICENCE

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

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

Or

licensing@islington.gov.uk

Enclosing a cheque or postal order for the appropriate fee made payable to London Borough of Islington and crossed (cash should not be submitted), Payments can be made over the phone via card through the licensing team.

FOR OFFICE USE ONLY	
Worksheet Number:	
Fee Paid:	
Cheque/Postal Order No:	
Receipt Number:	
Date Received:	
Initials:	

PLEASE READ THE ACCOMPANYING NOTES CAREFULLY BEFORE COMPLETING THIS FORM

/We apply for a renewal of the annual special treatment licence for the premises named below:

1.	Licence Number	LN / 000013793		
	Licence Holder	YONG MEI WANG		
	Premises Name	Golden Health		
	Address of the premises:	128 Junction Road. / Islington London		
	Postcode:	N19 5LB		
	Telephone Number	[REDACTED]		
	Email Address	[REDACTED]		
2	How many persons registered by the Council to give special treatments do you intend to employ at the premises at any one time:			
3	List the names of all Therapists employed at the premises at the time of application:			
1	[REDACTED]	2	[REDACTED]	
3	[REDACTED]	4	[REDACTED]	
5		6		
7		8		
9		10		

I declare that I undertake to carry out the following requirements:

a. I have sent a copy of this application form to the below responsible authorities:

Islington Licensing Police C/O London Borough of Islington 3 rd Floor 222 Upper Street London N1 1XR	Fire Safety Regulations: North East Area 2 London Fire Brigade 169 Union Street City Road London SE1 0LL
licensingpolice@islington.gov.uk	islingtongroup@london-fire.gov.uk

- b. Only those treatments named on the licence will be provided at the premises;**
- c. There have been no alterations to the sanitary, ventilation, lighting, heating, means of escape or fire fighting arrangements since the grant of the current licence (if alterations have taken place, please submit written details).**
- d. There have been no alterations to the premises layout and therefore no change to the premises plans.**
- e. The only persons I will employ to provide special treatment will be those registered by the Council and I will permit them only to give those treatments specified on their identification card and registration document;**
- f. The following documents will be kept on the premises and available for inspection by authorised officers;**
- A current Periodic Inspection Report on the electrical installation;
 - A certificate confirming examination of all fixed and portable electrical equipment in the last 12 months;
 - Fire risk assessment
 - Special Treatment Licence issued by the council
- g. I am aware that the licence is subject to the standard conditions for Special Treatment premises along with any other specified additional conditions.**
- h. I am aware of the regulations of the authority concerning special treatments. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.**

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.

Name in Block Capitals: YONG MEI WANG

Signature: 

Position: Manager Dated: 19 / 8 / 2017

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.

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

Your Special Treatment
Renewal Application
Our Licensing/NI
Date: 19/09/2017



Special Treatment Renewal Application

Golden Health
Ground Floor Flat
128 Junction Rd
N19 5LB

**METROPOLITAN POLICE
SERVICE**
Islington Police Licensing Team
Islington Police Station
2 Tolpuddle Street
London
N1 0YY

Telephone: 07799133204
Email:
Licensingpolice@islington.gov.uk

Date 19th September 2017

Dear Sir/Madam

Re: Special Treatment License Renewal Application: Golden Health, Ground Floor Flat, 128 Junction Road N19 5LB.

We are making this representation under the London Local Authorities Act 1991 (Part 2) (Section 8)

In July 2017 the Islington Police Licensing Team received notification from Pc David Thomas that the venue was being used as a massage parlour and the venue has different workers at each visit. It was also stated that an officer spoke with one of the apparent therapists who was described as Chinese and that this person stated, through language line, that she had been trafficked into the country, but managed to escape and ended up working at the premises. On the next visit by Officers the woman was nowhere to be seen and the license holder was evasive to questions.

On checking the 2016 renewal application we note that there were three names given as Therapists. The 2017 renewal application has the same three names plus one new name.

We do not believe that the venue is being run as a massage and acupuncture venue as licensed and believe that the application should be refused.

Further information will be supplied by the officers that attended the venue.

Should you wish to discuss the matter further please contact us on Mobile 07799133204 or via email, Licensingpolice@islington.gov.uk

Yours sincerely
Islington Police Licensing Team
Steven Harrington Pc 2425CN
Ed Joseph Ps 259CN
Petros Loizou Pc 3757CN

**IN THE MATTER OF AN APPLICATION TO RENEW A SPECIAL TREATMENTS
LICENCE FOR GOLDEN HEALTH 128 JUNCTION RD**

WITNESS STATEMENT OF YONGMEI WANG

- I, YONGMEI WANG, Director of **GOLDEN HEALTH LIMITED**
09165574 - Incorporated on 7 August 2014 of 128 Junction Road Archway, London,
London, N19 5LB

WILL SAY AS FOLLOWS:

1. I have been the Director of Golden Health Ltd since 07.08.2014 when the company was formed. I make this statement having been informed today that the Metropolitan Police intend to oppose my licence renewal application on Monday 6th November. I have been provided with the witness statement of David Thomas dated 19.09.2017, made two months after he visited my premises. I wish to respond to his statement and make some further observations.
2. Mr Thomas states that he 'had received information that the venue was operating as a brothel and female workers were offering sexual services.' I can say categorically that the property has never operated as a brothel. In relation to the offering of sexual services I will say this. I have never offered sexual services at the shop and I am there most days. I make it very clear to

my staff that they must not offer sexual services and I would dismiss anyone who did so instantly. From time to time customers complain that we have not provided sexual services and demand their massage fees back. I do not supervise each massage session, but I will continue to ensure that any masseuse is very clear as to the rules.

3. Mr Thomas gives evidence about a discussion between PC GLOVER and Lucy LUI DOB 11/05/1976. He states that PC LAZARUS advised that 'LUI was initially reluctant to speak with police but eventually told officers that she was trafficked into the UK from CHINA to "work" to repay a debt owed by her family. LUI appeared very fearful and nervous. LUI told officers that she didn't have any belongings and had lost her passport, LUI also could not tell officers where she was staying and said she didn't have a phone number.'
4. I was unfortunately not present at the time of the visit because I try to take some time off on Saturdays. If I had been there I could have explained everything. Lucy was introduced to me byshe said that she was interested in having some work. we communicated through our phone App, Wechat which is used by most Chinese. I suggested she goes to the shop to observe and wait for me as I was planning on being there late in the afternoon at which time I would interview her. This never took place as she left following the police visit and she has blocked my phone since then.
5. I cannot comment on all that Lucy told the policemen. I don't know her background, I never met her and she never worked at the shop as I have

explained. However I can say that I would not want such a person working in the shop. My staff are insured and reliable.

6. Mr Thomas finally says as follows,
7. 'I asked WANG if she kept a record of her workers and she said no. I asked if she asked for ID from the people she employs and she said no'.
8. This must be a misunderstanding. My English is not fluent. Certainly I keep records of my staff and I am willing to produce them.
9. Today I have been told that leaving coins in the corners of the treatment rooms is a symbol indicating the availability of sexual services. The fact is that this is an old feng-shui tradition – a superstition designed to bring wealth and prosperity. I invite you to google 'leaving coins in corners of rooms' or follow the link <http://www.thedeliciousday.com/job/feng-shui-for-wealth/>
10. This shop is my livelihood. It is not a brothel and never has been. I am careful with my staff and will ensure that I am present to supervise even more. I ask that you allow me to continue to operate the shop by renewing my licence and invite an inspection at any time.

STATEMENT OF TRUTH

I believe that the facts stated in this Witness Statement are true.

YONGMEI WANG 03.11.17



ripper any 5

LICENCE NUMBER: LN/000013793

SPECIAL TREATMENT PREMISES LICENCE
SPECIAL TREATMENT - STANDARD

The Council of the Borough of Islington, under the provisions of Part II of the London Local Authorities Act 1991, hereby licenses:

Licence Holder: **Yong Mei Wang**

Trading as: **Golden Health**

to use the premises at: **Golden Health, Ground Floor, 128 Junction Road, Islington, London, N19 5LB**

This licence authorises the following treatments:

Massage

- **BODY MASSAGE**

This licence is subject to the Standard Conditions for Special Treatment premises and any additional conditions included in this licence and will be in force until:

30th September 2017

Additional conditions:

Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk



Service Manager (Public Protection)

pp
3rd March 2017

Date of Issue

PUBLIC PROTECTION DIVISION
222 UPPER STREET LONDON N1 1XR
STANDARD CONDITIONS FOR SPECIAL TREATMENT PREMISES
London Local Authorities Act 1991 - 2000

GENERAL

These conditions apply to all premises for which a special treatment licence has been granted.

LICENCE

1. The licence is personal to its holder. The licence cannot be transferred by the licence holder to any other person unless the licence holder has followed the procedures for transfer prescribed in Part II of the Act and the Council's Rules Governing Applications.
2. The licence is only valid in respect of the premises named on the licence. The licence cannot be transferred by the licence holder to any other premises unless the licence holder has followed the procedures for transfer prescribed in Part II of the Act and the Council's Rules Governing Applications.
3. Licences are normally granted for a maximum period of twelve months. This period is either from 1 April to 31 March or 1 October to 30 September.
4. The establishment specified in the licence may only carry out treatments which are specified on the licence. If any alteration is required an application for the variation of the licence must be made to the Council in the manner specified in the Council's Rules Governing Applications.
5. The licensee, if a sole proprietor or a partnership, shall at once notify the Council in writing of any change in the name or private address of the licensee(s) or if a company within the meaning of the Companies Act 1985, or any Act amending the same shall forthwith notify the Council in writing of any change in the registered office address or in the constitution of the directorate of such company during the currency of this licence.
6. Proposed changes in the name, title or style of the premises licensed as a special treatment establishment shall be notified to the Council and shall not be put into effect until an amended licence is issued. This can only be carried out where there is no change in any other circumstances other than for example the name or title of the premises. If any other circumstances change for example the type of treatment offered, or the address of the premises, an application for a variation or transfer of licence is required.
7. The licence shall be displayed in a prominent position within the licensed premises at all times.

PLANNING PERMISSION

8. Licences are granted without prejudice to any planning permission which may be in force. Licensees are advised to ensure that the premises comply with any planning restraints that may be in force.

NOTICES

9. All notices and advertisements issued by or on behalf of the establishment shall bear the trade name, style or title specified in the licence. The names of individual assistants or employees must not be given in such notices or advertisements.



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STAFF

10. The licensee shall not, except with the written consent of the Council, employ in the conduct of the establishment or allow any direct or indirect interest in the business any person:
 - whose licence has been revoked or to whom a licence has been refused on the grounds that such a person is unsuitable to hold a licence to carry on an establishment for special treatment.
 - who is unsuitable to be so employed on the grounds that misconduct in connection with the employment of such a person in a special treatment establishment has been proved to the satisfaction of the Council.

PERSONS WHO CAN GIVE TREATMENT

11. Only those persons currently registered by the Council may give Special Treatment and may only give those treatments specified on the registration document. Such persons shall wear an identification card supplied by the Council.
12. Treatment may also be given by other persons provided:
 - a) the persons giving treatment is under the direct personal supervision of a persons approved by the Council;
 - b) the person has applied to the Council for registration for the treatments provided;
 - c) the applicant for registration has not been notified in writing that they are required to cease giving treatment (in these cases the employer, if known, would also be advised).

ADVERTISEMENT

13. The licensee shall keep in the premises, arranged or filed in order of date, a copy of each advertisement or circular issued by the licensee or on behalf of the licensee for a period of six months from the date of the issue of the advertisement. The copies shall be open to inspection by an officer and are to be produced on request.
14. The licensee shall not advertise in a public convenience or conveyance or in any place in which the public assemble, any massage or special treatments carried on at the establishments. (This will not apply to an advertisement in or on the premises of the establishment or to any advertisement in any newspaper or periodical which may be exposed for sale in any public place in which the public assemble).

CONDUCT OF BUSINESS

15. The licensee shall not do, suffer, or permit in the premises any act of an indecent or disorderly character and shall take all reasonable steps to exclude from the premises a customer or any other person who has committed such an act in the premises.
16. A licensee shall not employ any person in the premises licensed for special treatment who has been convicted of any indecent or immoral act related to the giving of special treatment without the prior consent of the Council. Where consent of the Council is refused the licensee will not employ the person within the licensed premises.
17. The licensee shall ensure that all employees at the premises are decently and properly attired.
18. The licensee shall not permit or suffer the door of any room or place in the premises to be locked whilst any person is within it.
19. The licensee shall not cause to be published any advertising in words or pictures suggesting that there is an erotic element in the treatment provided.

RECORDS

20. The licensee shall keep records of:
 - a) all persons employed giving the name, age, private address, qualifications and the terms of remuneration;
 - b) name and address of all persons receiving treatments, the type of treatment given, the name of the person giving treatment, and the date the treatment was given.
21. These records shall be kept on the premises named in the licence.
22. No person shall make a false entry into any records required to be kept as a condition of the grant of a licence.
23. A manager or other person directly or indirectly responsible for the management of the premises shall be under the same obligation as the licensee to comply with and secure the observance of conditions on grant of a licence.
24. These records should be available for inspection by Authorised Officers.

CLEANLINESS OF STRUCTURE

25. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings in any part of the premises used by clients and operators shall be kept clean and in such good repair as to enable them to be cleaned effectively.
26. There shall be provided in every treatment room suitable floor covering which shall be smooth, impervious and durable and shall be maintained in a clean condition.

TREATMENT ROOMS

27. If there is no separate sterilisation room, two distinct areas should be designated within the treatment area – clean and dirty – with all cleaning of contaminated equipment taking place only in the latter, as far from the areas where treatments are conducted as possible. A partition is to be erected to create a physical barrier between the treatment area and the dirty area.
28. No floor covering likely to present a tripping hazard or any other obstruction which could cause any person to fall onto an appliance should be permitted to be in the treatment area.
29. There shall be adequate light and ventilation to any treatment or waiting room either by natural or artificial means.
30. There shall be provided, in respect of a wash-hand basin, soap and a supply of disposable paper towels available at all times.
31. There shall be provided in every treatment and waiting room, suitable and sufficient means for heating and a reasonable room temperature shall be maintained.
32. Where it is intended that more than one person shall be treated in a room, suitable screening shall be provided to maintain privacy. Screens are to be capable of being effectively cleaned. In the case of ultra violet tanning equipment the positioning of such screens or curtains should ensure that people not using the equipment are not exposed to ultra violet radiation emitted from the equipment.
33. The doors to treatment rooms shall not be capable of being locked, any door shall be fitted so that its opening cannot be impeded and the door should be capable of being opened from the outside by a member of staff.
34. There shall be provided in every treatment room, excluding those used solely for ultra violet tanning, a suitable wash-hand basin or basins provided with an adequate supply of hot and cold water.

CLEANLINESS OF FURNITURE AND FITTINGS

35. All furniture, floor coverings and fittings in the treatment area shall be kept clean and in such good repair as to enable them to be cleaned effectively. Carpets and curtains should be excluded from the treatment areas.
36. All tables, couches and seats used by clients in the treatment area and any surface on which the items specified in condition 38 below are replaced immediately prior to treatment shall have a smooth impervious surface which is wiped down regularly with a suitable disinfectant.
37. Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client.

STERILISATION/CLEANSING INSTRUMENTS, MATERIALS AND EQUIPMENT

38. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment a licensee shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:
 - a) is clean and in good repair, and, so far as is appropriate, is sterile;
 - b) has not previously 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 appropriate, sterilised.
39. A licensee shall 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.
40. A licensee shall provide:
 - a) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised single use items are used) and of cleansing, as required in pursuance of these conditions;
 - b) adequate storage for all items mentioned in conditions 38 (a) and 38 (b) above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible the risk of contamination.

NEEDLES

41. All needles used in the treatments must be placed after use either:
 - a) in the case of needles or bars which will be re-used, in a suitable disinfecting solution prior to cleaning and sterilising;
 - b) in the case of disposable needles in a puncture and leak proof box which is clearly marked 'sharps'. The box and its contents must be disposed of in a manner approved for clinical waste.
42. Under the Controlled Waste Regulations 1992 and the Environmental Protection Act 1990 operatives/licence holders have a duty of care to ensure that all clinical waste i.e. used dressings, swabs etc (infected or not) and used needles are collected and disposed of by a licensed contractor. A waste transfer document shall be available at the premises for inspection.
43. The clinical waste bags shall be yellow and marked as 'Biohazard – clinical waste' and whilst awaiting collection should be stored in a secure area.

WASTE MATERIALS

44. All waste material, and other litter arising from the treatment, shall be placed in suitable covered receptacles, which are washable and leak proof, or a leak proof liner bag should be used. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned.

PERSONAL

45. Any person carrying out a treatment must ensure that:
- his/her hands are kept clean and washed immediately prior to carrying out any treatment;
 - he/she is wearing clean clothing, operators should wear disposable, single use aprons;
 - he/she keeps any open boil, sore, cut or open wound on an exposed part of his/her body effectively covered by an impermeable dressing;
 - he/she does not smoke or consume food or drink during the course of the treatment.

SHOWERS

46. In premises providing body treatments involving the application of heat by saunas, solarium, steam bath or turkish baths, suitable and sufficient showering facilities shall be provided.

SKIN PIERCING

47. Skin piercing, including body piercing and tattooing, may only be carried out using equipment approved by the Council in accordance with current standards and practice relating to the treatment.

HOT AND COLD WATER

48. An adequate, constant supply of clean hot and cold water shall be readily available on the premises at all times.

LASERS

Please refer to separate Standard Conditions for Laser & IPL treatments.

NAIL BARS

49. Training to National Occupational Standards Level 3 Nail Services, any technician trained to level 2 must be supervised by someone holding level 3. Any other qualification must have equivalent content. The content of the training can be found at www.ukstandards.org.
50. The condition of the client's nails should be examined prior to any treatment and if there is any sign or suspicion that there is any infection present, the client must be recommended to seek medical attention.
51. No electric 'drills' to be used on the natural nail bed. They may only be used on the acrylic tip by a nail technician who has received training in the safe use of electric tools. Evidence of training must be kept on site.
52. All tools, including drill accessories, are to be disinfected before use on any client. There must be a sufficient quantity of tools to allow for disinfection between clients. Disposables to be used wherever possible.
53. Clean, washable overclothing to be worn.
54. All premises must have good general ventilation, at least 10 litres per second per person, to reduce exposure to vapours from nail products and solvents. Where there is insufficient natural air flow through the building, mechanical ventilation may be required. Local exhaust ventilation to remove dust and vapour as close to site of production as possible must also be used.
55. Written aftercare information to be given to client about maintaining the nail extensions.
56. Client records; name, address, telephone number, date of treatment and name of operative, must be kept for at least 3 years and be available for inspection at the premises.

ULTRA VIOLET TANNING EQUIPMENT: SUNBEDS AND TANNING BOOTHS

57. The licensee shall draw up a schedule of maximum exposure times based on information supplied by the manufacturer and the operator shall advise clients of suitable exposure levels to avoid over-exposure particularly during initial sessions.
58. Warning notices and guidance notes approved by the Council shall be clearly displayed near the machine informing users of the equipment of the dangers of over-exposure.
59. Suitable goggles for the protection of the eyes of users of the equipment must be provided and each user must be advised of the possible dangers of failing to properly protect the eyes from ultra violet light. No user of the equipment should be allowed to undertake treatment without such protection.
60. Records must be kept of the hours of use of each machine and these records shall show when the tubes are replaced. Tubes must be replaced at intervals recommended by the manufacturer, together with the ultra violet transmitting plastic sheet if fitted.
61. Ultra violet lamps should be effectively protected from persons coming into contact with the lamps. Suitable means of achieving this protection would be the completion of the lamp enclosure with ultra violet radiation transmitting material, embedding the lamps within reflectors, or by covering with a grille or mesh. The protection should be of adequate mechanical strength which should not be impaired through repeated exposure to ultra violet radiation. In the case of lamps that might explode, the protection should be capable of containing fragments.
62. Only replacement tubes completely compatible with those supplied by the manufacturer of the appliance and of the same spectral output and energy emission as the original equipment fitted shall be used.
63. A suitable readily identified emergency device shall be fitted within easy reach of a person using the equipment. The device, when operated, should switch off ultra violet lamps, summon assistance, and where an upper canopy or door is electrically operated raise or open the canopy or door. Canopies/doors not electrically operated must rise/open freely.
64. The surface of the bed/booth must be cleansed after each use with a suitable cleanser as recommended by the manufacturer of the appliance, or covered with a disposable impervious film which is changed between each client.
65. Prospective users of the equipment shall be asked to complete a confidential questionnaire before using the appliance to establish whether any conditions exist which would indicate that use of the appliance could have an adverse effect on the health or safety of the user.
66. An automatic timer shall be fitted to the equipment and shall be of good quality with an accuracy of + - 10% and shall be such that the user is unable to increase the duration of treatment.
67. Equipment must be situated in a suitable room or cubicle and so positioned that adequate ventilation and cooling is provided, so that the temperature rise in the enclosure due to the operation of the equipment does not exceed 5°C.
68. These conditions, in so far as they relate to matters of health, hygiene and safety, are subject to amendment in accordance with any change in the requirements of the relevant statutory provisions or on the recommendation of the Health and Safety Executive.

SAUNAS

69. The sauna should be provided with:
 - a) a thermometer indicating the temperature inside the sauna;
 - b) a readily identifiable emergency device to summon assistance;

- c) a glass observation panel in the door to allow staff to monitor the welfare of clients in the sauna;
- d) a clock or timer to enable clients to record their length of stay in the sauna;
- e) a temperature control device which can only be increased above 90°C by a member of staff;
- f) a guard rail or barrier surrounding the hot coals which extends at least 100mm above the height of the coals.
- g) a heater which is provided with an external casing which is not capable of becoming hot, i.e., the surface remains below 40°C, or a fence which completely surrounds the heater to prevent accidental contact with the hot surface.
- h) adequate lighting;
- i) high and low level vents to provide adequate ventilation;
- j) the sauna stove should be fitted with a thermal cut out device which is activated if the temperature in the sauna rises above 105°C.

WHIRLPOOLS / JACUZZIS / SPA BATHS / AERATED WATER BATHS ETC

- 70. The licensee is to ensure that any spa or aerated water bath is operated in a safe and hygienic manner in accordance with appropriate guidelines on pool operation.
- 71. Suitable and compatible treatment chemicals are to be used to maintain a consistent water quality. Regular testing of the water is to be carried out by or on behalf of the licensee to confirm that the water is chemically and bacteriologically within acceptable limits.
- 72. Persons responsible for the supervision, operation, testing of water and cleaning of the pool are to have such qualifications and/or experience as are required by the Council. The operation of the pool includes work with the water treatments system, filter pump and valve.
- 73. The licensee is to keep records of all chemical and bacteriological tests required in condition 71 above. These records are to be kept on the premises for a period of not less than two years. An Officer of the Council must be allowed to view these records on request.
- 74. The licensee is to comply fully with the requirements of the approved Code of Practice "The control of legionellosis including legionnaires' disease" produced by the Health and Safety Executive, in relation to the assessment of risk from the operation of the pool.

MEANS OF ESCAPE IN CASE OF FIRE

- 75. All Means of Escape in Case of Fire and all safeguards to prevent the spread of fire and any arrangements in connection therewith shall be kept and maintained in good condition and repair and in efficient working order.

FIRE-RESISTING DOORS

- 76. All self-closing fire-resisting doors shall be maintained effectively self-closing and free from any means of holding the doors in the open position. Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.

EXITS

- 77. All exits and exit routes shall be maintained unobstructed, immediately available for use and clearly identifiable.

FIRE FIGHTING APPLIANCES

- 78. Fire fighting appliances shall be maintained and kept available for immediate use.
- 79. At least once in every 12 months an inspection and maintenance report in respect of all fire extinguishers shall be obtained from a 'Registered Firm' and kept on the

premises. Fire blankets shall be maintained in accordance with the manufacturer's instructions.

CURTAINS, DECORATIONS ETC

80. Curtains, hangings or draperies, together with their linings, and any decorations shall be non-flammable.

ESCAPE LIGHTING

81. Escape lighting installations shall be tested by a person with experience of battery installations at regular intervals not exceeding six months and a certificate that the batteries have been tested and maintained shall be obtained and kept on the premises.

ARTIFICIAL LIGHTING

82. Adequate lighting shall be provided and maintained in all parts of the premises to which members of the public and staff have access.

VENTILATION

83. Adequate ventilation shall be provided and maintained within the premises.

MEANS OF HEATING

84. Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

GAS INSTALLATION

85. The gas installation shall comply with the current Gas Safety Regulations.

SANITARY ACCOMMODATION

86. Suitable and sufficient sanitary accommodation shall be provided and be available for use by staff and clients. The sanitary accommodation shall be maintained and kept in a clean and hygienic condition.

ELECTRICAL INSTALLATION

87. The electrical installation for the premises shall be inspected, tested and maintained in accordance with the British Standard 7671. A 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.
88. The inspection certificate shall be signed by a person who shall be one of the following:
- a professionally qualified Electrical Engineer;
 - a member of the Electrical Contractors' Association;
 - an approved contractor of the National Inspection Council for Electrical Installation Contracting, or
 - a qualified person acting on behalf of one of the above (in which event it shall be stated for whom he/she is acting).

ELECTRICAL APPLIANCES

89. An inspection and test shall be carried out on all portable electrical appliances within the premises as required by the Electricity at Work Regulations 1989. The inspection shall also include fixed appliances used for treatment of the public. The tests shall ensure that the electrical appliances comply with these Regulations and the relevant parts of British Standard 7671.

90. A certificate shall be submitted to the Council at 12 monthly intervals by a person described in Condition 89 above. Guidance about maintenance can be obtained from the Health & Safety Executive, Memorandum of Guidance HS(R)25.

FIRE ALARM SYSTEM

91. A fire alarm audibility test shall be carried out weekly at a predetermined time by using a different call point for each successive test to ensure that the fire alarm system and sounders operate satisfactorily.
92. Routine maintenance of the complete system shall be carried out by a competent person at intervals not exceeding 6 months and a test certificate obtained. The results of the tests and a record of the maintenance shall be kept on the premises in a log book.

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