

APPENDIX ONE

Nottinghamshire County Council Act 1985 **Standard Conditions**

Part 1 – Conditions for all Massage and Special Treatment Licences

Part 2 – Conditions applicable to Establishments offering Sauna and/or Spa Pool Treatments

Part 3 – Conditions applicable to Establishments offering the use of UV tanning equipment

Part 4 – Conditions for the Use of Class 3B and Class 4 Lasers and Intense Light Systems

Part 1 – Conditions applicable to ALL Massage and Special Treatment Licences

In these conditions:

“Council” or “Local Authority” means the Local Authority who may issue a massage and special treatments licence.

“Establishment” means and includes any premises used or represented as being or intended to be used for the reception or treatment of persons requiring massage or special treatment.

“Licence Holder” means the holder of this Licence issued by the Council under Part IV of the Nottinghamshire County Council Act who is responsible for compliance with these conditions

“Massage and Special Treatment or Licensable Treatment” means and includes (a) massage, or (b) electric treatment or radiant heat, light, electric vapour or sauna or other baths for therapeutic treatment or (c) other similar treatment that requires a licence from the Local Authority under Part IV of the Nottinghamshire County Council Act 1985.

“Operator” means any person providing a licensable treatment on behalf of the Licence Holder.

“Premises” means the premises identified in the body of this licence as the place from which the Licence Holder operates.

“User(s) or Client(s)” means any person receiving the massage or special treatment provided or operated by the Licence Holder.

1. This licence relates only to Licensable Treatments of the kind specified at the Establishment listed on this licence.
2. The Licence Holder shall notify the Council in writing of all new Operators engaged in giving treatment with their names, addresses and qualifications within 28 days of those Operators commencing treatment.
3. An application for the grant or renewal of a licence shall be made on the official form supplied by the Council, which shall be properly completed and signed by the person or persons actually proposing to or carrying on the Establishment.
4. Unless the licence is previously revoked, the licence will expire twelve months from the date of issue.
5. The Council may on application of the Licence Holder, or of any person to whom he wishes to assign the licence, transfer the licence to that person after receipt of a completed application form and payment of the appropriate fee.

DOCUMENTS

6. The Licence Holder shall set a list of fees and charges for all Licensable Treatments given at the Establishment. The list of fees and charges shall be

displayed in a prominent place in the Establishment for Clients to see and on any website for the Establishment.

7. The Licence Holder shall not, suffer or permit in the Establishment, any act of an indecent or disorderly character and shall take all necessary steps to exclude from the Establishment a Client or any other person who has committed such an act in the Establishment.
8. Unless the Licence Holder has written consent from the Council, the Licence Holder shall not employ anyone at the premises whose licence has previously been revoked or who has been refused a licence because they were unsuitable to hold a licence or employ anyone at the premises where the Council has previously considered that individual to be unsuitable because of misconduct.

PRACITITIONERS AND CLIENTS

9. All Operator(s) shall be adequately trained and competent or supervised by a competent Operator.
10. The Licence Holder shall prepare and maintain a register of all Operators including trainees who carry out Licensable Treatments at the Establishment. The register shall include the following:
 - a. Name and home address
 - b. Date of birth
 - c. A photograph of the Operator
 - d. A list of licensable treatments the operator can carry out
 - e. Details of their qualifications and training including any copies of certificates
11. Trainee and newly qualified Operators shall be supervised until the Licence Holder is satisfied that they are competent to practice. Trainees can only carry out Licensable Treatments under the supervision of an Operator who has attained the relevant qualification and/or experience for that Licensable Treatment.
12. The Licence Holder shall ensure all Operators employed in the Establishment shall be decently and properly dressed at all times, except for those persons receiving treatment in accordance with the conditions of this Licence.
13. The Licence Holder shall ensure all Operators complete a consultation form for all Clients prior to treatment that shall include:
 - a. Their name, date of birth and contact details
 - b. Nature of the treatment
 - c. Relevant medical history, health related questions and assessment including contraindications to treatment
 - d. Name of the operator giving the treatment.
 - e. A declaration that the risks associated with the treatment have been explained to the Client and understood.
14. The Licence Holder shall ensure that all Clients are provided with verbal and **written aftercare** advice that can be made available to them following the treatment. Evidence that Clients have received written aftercare advice shall be retained.

PREMISES

15. All internal walls, doors, windows, partitions, floors and floor coverings, ceilings shall be kept clean and in good repair as to enable them to be cleaned effectively.
16. All treatment rooms shall ensure the privacy of Clients at all times.
17. All treatment rooms that are provided with door locks shall be capable of being opened from the outside in the case of an emergency.
18. The premises, all furniture, instruments and equipment used for treatment purposes shall be kept clean, fit for purpose and in such good repair as to enable them to be cleaned effectively.
19. All tables, couches and seats used by Clients in the treatment areas shall have a smooth impervious surface and be cleaned and disinfected between each Client's use or have such suitable covering which shall be changed and where appropriate disposed of after each Client's use.
20. Operators shall ensure that any article or instrument 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 is appropriate, sterilised.
21. The Licence Holder shall provide suitable and sufficient washing facilities to enable hygienic practices by all Operators including:
 - a. A wash hand basin located to minimise the risk of cross contamination
 - b. Hot and cold running water at the wash hand basin
 - c. Drainage to the wash hand basin
 - d. Antibacterial soap
 - e. Drying facilities
22. All waste material and other litter from the treatment shall be placed in a suitably covered receptacle with adequate facilities provided for the disposal of the waste.

Part 2 – Conditions applicable to Establishments offering Sauna, Steam Rooms and/or Spa Pool Treatments

In these conditions:

“Sauna” means an insulated enclosure usually made of wood, together with heat generating equipment usually in the form of a heat-generating stove. Benches are provided within the sauna enclosure. Saunas provide a dry heat and the temperature may range from 85°C to 100°C for up to a 10 minute treatment.

“Spa Pool” means a pool full of warm water at approximately body temperature, designed for sitting in rather than swimming. It has jets of water, air bubbles or combination of both to provide a warm water massage. This includes jacuzzi and hot tubs in communal areas.

“Steam Room” means an enclosure made of an impervious material and steam generating equipment. They are designed to operate at temperatures of up to 50°C regulated by a thermostat with relative humidity of 80 to 100%. They produce a wet humid heat and are intended for indoor use. The treatment usually lasts between 6 and 12 minutes.

AGE

1. The Licence Holder shall ensure no person under the age of 16 is permitted to use the Sauna or Steam Room facilities alone. Persons aged 14 or 15 years are permitted to use the Sauna or Steam Room if accompanied by a parent or guardian.

FACILITIES

2. Guidelines on the safe use of the Sauna, Steam Room and/or Spa Pool shall be clearly displayed upon the entrance to the Sauna and/or Steam Room or near each unit.
3. Sauna/Steam Rooms shall have:
 - a) Adequate lighting to enable users to enter and exit safely
 - b) High and low level vents to provide adequate ventilation
 - c) A glazed panel to allow safe access and egress by Clients and supervising staff
 - d) A clock or timer visible to users from within the Sauna/Steam Room in order to monitor time elapsed in the Sauna and/or Steam Room facility
 - e) A thermometer indicating the temperature inside the sauna and/or steam room
4. Shower facilities shall be provided close to the Sauna, Steam Room and/or Spa Pool and Clients shall be advised to shower before entering.
5. A supply of fresh drinking water shall be available close to the Sauna and/or Steam Room, free of charge.
6. The temperature control device shall not be accessible to users of the Sauna and/or Steam Room.

7. Where the Sauna has hot coals, the coals shall be suitably protected by a guard rail or barrier that extends at least 100mm above the height of the coals.
8. There shall be a non-verbal alarm system in the facility linked to a manned reception area for summoning help when users are left unattended. The alarm shall continue to sound until it is manually switched to the 'off' position in order to silence it. The non-verbal alarm system shall be fitted within easy reach of a person using the equipment
9. The alarm system shall be tested daily when the Sauna, Steam Room and/or Spa Pool is available for use and the Licence Holder shall ensure records are maintained to show these checks are carried out by a competent person.
10. Clients shall be made aware of the alarm mechanism and how to use it.

PROCEDURES

11. The Licence Holder shall have a written policy detailing the action to be taken in the event of the alarm system being activated. This shall be communicated to all relevant Operators.
12. The surface of the Sauna and/or Steam Room shall be cleaned and disinfected each day in accordance with manufacturer's instructions and with cleaning materials specified by the manufacturer.
13. The Licence Holder shall provide a procedure whereby all Steam Rooms are checked on a half hourly basis for cleanliness and for state of health of the user e.g. signs of fainting.

SPA POOL MANAGEMENT

14. Regular testing of the Spa Pool water shall be carried out by or on behalf of the Licence Holder to confirm that the water is chemically and bacteriologically within acceptable limits.
15. Records showing the pH and disinfectant levels (Chlorine, Bromine etc) shall be retained at the Establishment and be available to a Local Authority Officer upon request.
16. The Licence Holder must have a written policy of action to be taken in the event of an unsatisfactory microbiological result or other health concerns associated with use of the pool.
17. The Licence Holder shall have a written procedure detailing steps taken to ensure the maximum bather load for the facility is not exceeded.
18. The Spa Pool shall be emptied and refilled at regular intervals in accordance with the manufacturer's guidance and usage but in any event at least every week.

19. The water circulation system shall be in operation for a minimum of three hours per day.
20. Water jets shall be operated for a minimum of one hour per day.
21. The pool shall be drained and refilled if left unused for 5 days or more.

Part 3 – Conditions applicable to Establishments offering the use of UV Tanning Equipment

In these conditions:

“UV Tanning Equipment” means any electrically-powered device designed to produce tanning of the human skin by the emission of ultra-violet radiation , provided by or made available at the Establishment.

1. The Licence Holder shall not permit:
 - The use of UV tanning equipment by
 - the hire of UV tanning equipment by, or
 - the sale of UV tanning equipment to persons aged under 18 years
2. All UV tanning equipment shall be adequately supervised. Tanning equipment shall not be used without the knowledge and authorisation of staff. Self-service UV tanning equipment is prohibited.
3. The Licence Holder shall ensure appropriately trained and competent Operators are available to provide adequate advice, supervision and assistance to Users. The training shall include suitable instruction in the control, use and operation of UV tanning equipment and its health and safety aspects. This shall be documented and available upon request by an Authorised Officer of the Local Authority.
4. Users shall be given full instruction on how to operate the equipment correctly and safely.
5. The Licence Holder shall ensure all Users are assessed and the following details recorded:
 - the Users skin type
 - any Contra Indicators relevant to this type of treatment
 - a record of the date and details of each use by the User
 - confirmation that full instruction on how to operate the equipment correctly and safely has been given
6. The Licence Holder shall ensure the details recorded for each User required by Condition 5 above are reviewed on an annual basis. Evidence of the annual review shall be retained by the Licence Holder.
7. The Licence Holder shall prepare a schedule of maximum exposure times based on the information supplied by the manufacturer of the UV Tanning Equipment and/or bulbs and the Operator shall advise Clients of suitable exposure levels to avoid over-exposure.
8. The Licence Holder shall ensure that the user is only exposed to a suitable strength and length of treatment appropriate for the user’s skin category thereby not exposing Clients to any undue risk from using UV tanning

9. All UV tanning equipment shall be compliant with a maximum UV output of 0.3W/m² as specified in BS EN 60335-2-27 and any superseding standard.
10. Service and repair of the UV Tanning Equipment shall be carried out by a competent person in accordance with the manufacturer's instructions or operating manual for the UV Tanning Equipment. The Licence Holder shall produce, upon request by an Authorised Officer of the Local Authority, maintenance records for the UV tanning equipment.
11. A readily identifiable emergency stop mechanism shall be provided within easy reach of the User using the UV tanning equipment for use in an emergency to enable the user to switch off the equipment.
12. A suitable and sufficient warning system shall be provided that is accessible by the User to enable them to summon assistance. This shall be maintained in working order at all times.
13. All doors to treatment areas and individual tanning booths shall be able to be locked for user privacy and be capable of being overridden in an emergency, to allow access and egress.
14. The Licence Holder shall provide adequate protective eyewear free of charge. The user shall be advised to wear eye protection at every tanning session. Eye protection shall be properly cleaned and disinfected between each use or single-use protection provided.
15. The Licence Holder shall provide suitable facilities for Users to enable the removal of cosmetics; body sprays etc before using of the UV tanning equipment.
16. Arrangements shall be made to ensure that the surface of the UV tanning equipment is cleaned and disinfected after each use in accordance with manufacturer's instructions.
17. Signs shall be displayed in prominent positions giving current guidance to users as to the risks associated with UV Tanning treatments.
18. Where new tubes are fitted to UV tanning equipment, signs shall be displayed in a prominent position advising users to reduce their exposure times. These warning signs shall be displayed in accordance with timeframes specified by the tube manufacturer.
19. The Licence Holder shall ensure their users leave at least 24 hours between each tanning session.

Part 4 – Conditions for the Use of Class 3B and Class 4 Lasers and Intense Light Systems

In these conditions:

Authorised User	Means any person who is suitably qualified to use Class 3B and Class 4 Lasers and/or Intense Light Systems at the Premises
The Controlled Area	Means the room in which a specified piece of the Prescribed Equipment is used
Duty Holder	Means the legal duty holder for the purposes of the Nottinghamshire County Council Act 1985 and health and safety legislation
Expert Registered Healthcare Professional (ERHP)	The ERHP is an expert doctor, dentist, clinical scientist or registered nurse with verifiable clinical expertise in using laser/IPLs to treat patients/clients and who can demonstrate that they have the necessary knowledge and experience to produce a treatment protocol. The ERHP must also be registered with their appropriate professional body and must ensure that any protocols written are within their area of expertise
Intense Light System (ILS)	Means an intense light, being broadband non-coherent light which may or may not be filtered to produce a specified range of wavelengths; such radiation being delivered to the body with the aim of causing thermal, mechanical or chemical damage or physiological changes to structures such as the hair follicles, skin blemishes, or blood vessels while sparing surrounding tissues as far as is reasonably practicable
Laser	Means a Class 3B or Class 4 laser product, as defined in part 1 of the BS EN 60825-1 (Safety of laser products – Equipment classification and requirements)
Laser Protection Advisor (LPA)	Means any person holding a current Certificate of Competence from a recognised assessing body to act as a Laser Protection Adviser or Radiation Protection Adviser e.g. a member of the RPA 2000 or Association of Laser Safety Professionals (ALSP). The LPA is the person providing expert advice on laser/IPL safety. The LPA will be knowledgeable and have expertise in matters relating to optical radiation equipment safety. The duties of the LPA include

undertaking hazard analysis and risk assessment for each laser and IPL installation which are accepted by the employer to form part of the service's overall risk assessment framework. The LPA advises on laser/IPL safety training, the suitability of personal protective eyewear and ensuring that Local Rules are produced, signed, dated and implemented for each installation.

Laser Protection Supervisor (LPS)

Means a person having undergone the laser safety Core of Knowledge as defined by the Medicines and Healthcare Products Regulatory Agency and who is employed at the Premises to ensure that the Local Rules, risk assessments, operating practices, policies and procedures are implemented

The Local Rules

Means the Risk Assessments and Operating Practices prepared in accordance with condition 3 below

The Premises

Means the premises identified in the body of this licence as the place in which the Prescribed Equipment is operated

The Prescribed Equipment

Means the Laser/Intense Light System(s) identified in the body of this licence, as stipulated in the Premises Licence. The equipment must be legitimately CE-marked to indicate conformity with the relevant European Directive(s)

Specified Treatments

Means the treatments identified in the body of this Licence which are permitted to be carried out in the Premises using the Prescribed Equipment

The Treatment Protocol

Means a protocol produced or approved by an Expert Registered Healthcare Professional (ERHP) in relation to the practitioner's relevant area of practice which includes the matters specified in Condition 2.2 below

1. USE OF LASERS AND INTENSE PULSED LIGHT SYSTEMS

- 1.1. Only the Specified Treatments may be provided at the Premises and only the Prescribed Equipment may be used to provide those Treatments.
- 1.2. No person shall be permitted to use the Prescribed Equipment unless they are appropriately trained in accordance with Section 7 and listed on the Register of Authorised Users in accordance with Section 4.
- 1.3. This Licence shall be displayed in a prominent position within the Premises where it can be easily viewed by Clients.
- 1.4. Written confirmation shall be provided by the Client prior to treatment that the risks and complications associated with the treatment which they are about to receive have been explained to them and have been understood by them, and that they consent to the treatment.
- 1.5. No persons under the age of eighteen (18) years may receive Specified Treatment(s) unless for the purpose of medical treatment provided under the supervision or direction of a registered medical practitioner.

2. TREATMENT PROTOCOL

- 2.1. A Treatment Protocol shall be produced by an Expert Registered Healthcare Professional (ERHP) and submitted to the Council for each treatment, specific to the Prescribed Equipment used, before that treatment is carried out or the equipment is used. If any revisions or amendments are made to the Treatment Protocol during the term of the licence, a copy of the revised Protocol shall be submitted to the Council as soon as is reasonably practicable and in any event within seven working days of those revisions taking effect.
- 2.2. A Treatment Protocol shall include the following:
 - 2.2.1. name and technical specifications of the equipment to which the Protocol relates
 - 2.2.2. contraindications to treatment
 - 2.2.3. treatment technique – general
 - 2.2.4. the treatment technique specific to application
 - 2.2.5. the risks and complications to be explained to the Client prior to treatment
 - 2.2.6. cleanliness and infection control
 - 2.2.7. pre-treatment tests
 - 2.2.8. post-treatment care
 - 2.2.9. recognition of treatment-related problems
 - 2.2.10. emergency procedures
 - 2.2.11. permitted variation on machine variables
 - 2.2.12. procedure in the event of equipment failure

2.2.13.a version number or date

- 2.3. The treatment protocol shall be signed by the Expert Registered Healthcare Professional (ERHP) to confirm that the document is fit for purpose.
- 2.4. The Treatment Protocol shall be followed at all times this licence is in force and the equipment remains Prescribed Equipment.

3. LOCAL RULES

- 3.1. Local Rules shall be produced and submitted to the Council for the Prescribed Equipment and if applicable for each handpiece on multi-platform laser/ILS to be used at the Premises before that equipment is used. If any revisions or amendments are made to the Local Rules during the term of the licence, a copy of the revised Local Rules shall be submitted to the Council as soon as is reasonably practicable and in any event within seven working days of those revisions taking effect.
- 3.2. The Licence Holder shall employ the services of a certified LPA to assist in the production of the Local Rules. Evidence of the LPA's laser/IPL certification should be available for reference on site.
- 3.3. The Local Rules document shall be issued, signed and dated by both the LPA and the duty holder.
- 3.4. The LPA shall visit the Premises in person initially to produce the Local Rules, risk assessments and operating practices. The risk assessment shall be signed, dated and include a date for next review/assessment.
- 3.5. A laser/IPL safety audit shall be completed every year and an on-site visit at least every four years by the LPA.
- 3.6. The Prescribed Equipment shall only be used in accordance with the Local Rules.
- 3.7. The Local Rules shall include information on the following:
 - 3.7.1. An assessment of the risks associated with the use of the Prescribed Equipment
 - 3.7.2. Device description (including output, serial numbers etc) for all Prescribed Equipment
 - 3.7.3. Written procedures for safe use of the Prescribed Equipment (to include information on prevention of use by unauthorised persons; safe operation of device etc)
 - 3.7.4. Adverse incident procedures including actions that shall be taken in cases of emergency e.g. eye exposure and details of the local accident and emergency department
 - 3.7.5. Emergency shutdown procedures (as set down in manufacturer's instruction manual or treatment protocol)

- 3.7.6. Details of the nominated LPA (including his or her name, business address and telephone number)
 - 3.7.7. Details of nominated the LPS (including his or her full name, business address and telephone number)
 - 3.7.8. Training requirements for Authorised Users for the use of Prescribed Equipment
 - 3.7.9. A detailed plan of the Controlled Area(s), showing each piece of the Prescribed Equipment to be used in the Area and details of access to the Equipment, together with a complete plan of the Premises
 - 3.7.10. Responsibilities of Authorised Users
 - 3.7.11. Details of Protective eyewear (including information relating to when eyewear be worn and the minimum specification of protection required)
- 3.8. The Local Rules shall be updated if there are any changes made to any of the items detailed in Condition 3.7 above. Each update shall be approved by the LPA.
- 3.9. The Local Rules relevant to each specific piece of Prescribed Equipment shall be kept in the Controlled Area relating to that piece of Equipment whilst it is being operated.

4. REGISTER OF AUTHORISED USERS

- 4.1. A Register of Authorised Users shall be kept at the Establishment which includes details of trained personnel and signed declarations by those individuals stating that they accept and understand the procedures drawn up for the use of Prescribed Equipment.
- 4.2. Copies of any training or qualification certificates held by the Authorised Users shall be kept with the Register of Authorised Users.
- 4.3. Authorised Users shall sign statements to the effect that they have read, understood and will follow Local Rules at all times.

5. REGISTER OF LASER USE

- 5.1. A register shall be maintained for each piece of Prescribed Equipment to record the following information each time that the equipment is operated:
 - 5.1.1. the full name, date of birth and address of the person treated **or a unique link to the customer details kept elsewhere**
 - 5.1.2. date and time of treatment
 - 5.1.3. the Authorised User's signature
 - 5.1.4. the treatment given, including the site and an indication of the size of the area treated, type of treatment; equipment used and Laser/ILS parameters used
 - 5.1.5. any accident or adverse effects

- 5.2. The Register shall be either:
- a. A bound hard copy book with sequentially numbered pages with the front page containing details of the name and serial number of Prescribed Equipment, or;
 - b. An electronic record that does not allow overwriting to the original entry

6. LASER PROTECTION SUPERVISOR (LPS)

- 6.1. A suitably qualified and authorised member of staff having day to day responsibility for the premises shall be identified as the Laser Protection Supervisor (LPS), who shall ensure that the Register is maintained and the Local Rules and licence conditions are adhered to.

7. TRAINING

- 7.1. All Authorised Users shall hold the Core of Knowledge Training Certificate. Core of knowledge training shall be repeated periodically at least every 5 years.
- 7.2. Authorised Users shall only use the Prescribed Equipment for treatments for which they have received the appropriate training; including suitable and sufficient training provided by the manufacturer or supplier for each specific piece of Prescribed Equipment and if applicable each handpiece that they operate on a multi-platform laser/ILS.
- 7.3. All Authorised Users shall receive regular update training, both planned and in reaction to relevant technological and medical developments.
- 7.4. Details of all training shall be recorded in the Register of Authorised Users required by Condition 4.1 above.

8. CONTROLLED AREA

- 8.1. Prescribed Equipment shall only be used in a Controlled Area designated for its use in accordance with Condition 3.7.9 above.
- 8.2. The Controlled Area shall be clearly defined and not used for any other purposes, or as access or egress to other areas when treatment is being carried out.
- 8.3. An approved warning sign or light entry system which complies with current British Standards shall be in place on the door of the Controlled Area which shall only be on display when the Prescribed Equipment is in use.
- 8.4. The door to the Controlled Area shall be fitted with a suitable locking device to control access, which can be operated from the outside in an emergency.
- 8.5. Any windows in the Controlled Area shall be fitted with opaque blinds approved by the LPA, unless otherwise agreed in writing by the Local Authority.
- 8.6. The Controlled Area shall be kept clear of clutter.

- 8.7. Surfaces within the Controlled Area shall be of a matt or eggshell finish wherever possible. Mirrors and/or other reflective surfaces shall be covered or removed during treatment, and jewellery shall not be worn by the Authorised User or Client.
- 8.8. All Prescribed Equipment shall comply with current and any superseding standards (BS EN 60601-2-22; and BS EN 60601-2-57 for ILS) and shall display labels identifying them, their wavelength or range of wavelengths and the maximum output fluence, energy or power of the radiation emitted. The labels shall be clearly visible on the Prescribed Equipment.
- 8.9. Lasers/ILS shall be serviced annually or in accordance with the Manufacturers' Instructions, by a competent person. A record of all such servicing, and any repairs to the Laser/ILS equipment shall be kept at the Premises.
- 8.10. The LPS shall ensure that the key **or access code** to any Prescribed Equipment is kept secure and only Authorised Users have access to the key or access code.
- 8.11. No more than one Prescribed Equipment shall be switched on in the Controlled Area during Client treatment.
- 8.12. When the Prescribed Equipment is in stand-by mode or in operation, the number of persons in the room shall be kept to a minimum.

9. PROTECTIVE EYEWEAR

- 9.1. Protective eyewear which has been approved in writing by the LPA shall be worn by everyone within the Controlled Area whenever there is a risk of exposure to the laser beam/intense light radiation.
- 9.2. All protective eyewear shall be clearly marked with the wavelength range and protection offered as detailed in the Local Rules and shall comply with BS EN 207:2009 for lasers and BS ISO 12609-1 and -2:2013 for ILS, as amended.
- 9.3. The protective eyewear should be clearly marked for use with a particular laser or ILS system e.g. with colour coded labels so they are easy to distinguish.

EN 207:2009 requires the wavelength range(s) and protection level(s) to be etched into the 'glass' (labels or prints are not adequate) and the 'CE' Mark shall appear on both the glass and the frame.

- 9.4. Protective eyewear shall be maintained in a clean serviceable condition. Suitable storage shall be provided for protective eyewear, to prevent damage and unauthorised access to the equipment. Eyewear shall be cleaned as per the manufacturer's instructions.

10. INSPECTION OF RECORDS

- 10.1. All records, training attendance certificates, and documents to which these conditions refer shall be kept on the Premises and shall be available for inspection by an Officer authorised by the Local Authority upon request.

APPENDIX TWO

GUIDANCE NOTES FOR ESTABLISHMENTS THAT UNDERTAKE LICENSABLE TREATMENTS UNDER THE NOTTINGHAMSHIRE COUNTY COUNCIL ACT 1985 (PART IV)

INTRODUCTION

This guidance has been produced to help applicants apply for a massage and special treatments licence under the Nottinghamshire County Council Act 1985 (Part IV) and to ensure compliance with the conditions within the licence. The definitions used within this document are consistent with the definitions listed within the Licence Conditions.

There are a number of treatments licensed under the Nottinghamshire County Council Act 1985. The term '*establishment for massage or special treatment*' means any premises used for or represented as being intended to be used for the reception or treatment of persons requiring:

- i. massage; or
- ii. electric treatment of radiant heat, light, electric vapour or sauna or other baths for therapeutic treatment; or
- iii. other similar treatment.

Examples of licensable treatments include the operation of Ultraviolet (UV) Tanning Equipment and Class 3B and 4 lasers for tattoo removal or hair removal etc. If you are unsure whether the treatments you intend to offer would require a licence under the Act 1985, please contact healthandsafety@ashfield.gov.uk for advice.

APPLICATIONS AND RENEWALS

Massage and special treatment licence applications must be made on the official application forms issued by the Local Authority. The applicant must ensure all sections of the application form are completed and any supporting documents such as evidence of practitioner qualifications and public liability insurance certificates are enclosed with the application. Applications for Class 3B and 4 lasers and IPL systems require additional documents to be submitted with the application.

Submitting a completed application form with all supporting evidence should reduce any delay in issuing the licence.

Existing licence holders should submit their renewal application to Ashfield District Council at least **10 weeks** before their current licence expires. Ashfield District Council will write to you before your licence expires.

As part of the grant and renewal process, an Environmental Health Officer or Licensing Officer may arrange to carry out an inspection of your premises to assess compliance with the licence conditions. The findings from these inspections will be confirmed to the applicant or Licence Holder before the licence is issued. When processing renewal applications, the council will consider the findings from compliance inspections undertaken during the term of the licence.

Where additional Operators begin giving licensable treatment at the Establishment under the provisions of a licence, the Licence Holder must notify the Local Authority within **28 days** of their details using Section 2 of the application form.

Guidance notes for establishments that undertake licensable treatments under the Nottinghamshire County Council Act 1985 (Part IV)

TRAINING AND QUALIFICATIONS

Licence Holders must ensure that all Operators have attained the minimum level of qualification, training and/or competence before permitting them to provide treatments on the premises. Please note that to operate Class 3B and 4 lasers, prescribed standards of training are defined within the conditions.

Licence Holders should accept national qualifications such as National Vocational Qualifications (NVQ) contained within the Regulated Qualifications Framework (RQF), City and Guilds or equivalent.

Where Operators hold international qualifications, which are not generally recognised in the UK, they should request a comparability certificate from the UK National Information Centre for global qualifications and skills (UK ENIC). A compatibility certificate will provide the Licence Holder with what the qualification equivalent in the UK is.

Where there are no nationally recognised qualifications for a particular special treatment, the Licence Holder must determine whether the evidence of training undertaken and any relevant experience of an Operator demonstrates their competence to practice in the Establishment.

In addition to their professional qualifications and training, the Operator must be able to demonstrate their understanding of hygienic practices including hand washing, maintenance and cleaning of the working environment and the procedures in place to ensure the health, safety and welfare of clients before, during and after the treatment.

Any trainee at the premises who is carrying out their training or gaining experience can carry out licensable treatments under the supervision of a competent person, determined by the Licence Holder. All trainees should be fully instructed and trained in the practices at the Establishment in accordance with the above paragraph.

PART 1 – GENERAL CONDITIONS FOR ALL MASSAGE AND SPECIAL TREATMENTS

These conditions set out the minimum requirements for Operators, practices and the Establishment. All Operators i.e., persons providing hands on treatment must always be decently and properly dressed. This means wearing clothing that is clean, comfortable and practical that allows the Operator to deliver a professional service.

All Clients must be assessed prior to any Licensable Treatment to determine whether the Massage or Special Treatment is suitable for them. This will involve an assessment of medical history, contraindications to treatment and the sharing of information about risks associated with the treatment. This could be recorded on written forms or an electronic database.

Aftercare advice must be given verbally and in a written form. Written aftercare advice could be given at the Establishment in the form of a written leaflet to be taken by the Client, an email or other online publication or through reference to a dedicated webpage that the Client can refer to after the treatment.

Guidance notes for establishments that undertake licensable treatments under the Nottinghamshire County Council Act 1985 (Part IV)

The licence conditions require the premises, its fixtures and fittings and any equipment used in the Licensable Treatments to be fit for purpose, in a good state of repair and capable of being kept clean. Any equipment used must be suitably cleaned, disinfected and/or sterilised, as appropriate, to ensure the risk of spreading infectious disease is minimised.

PART 2 – SAUNA, STEAM ROOM AND SPA POOLS

These conditions set out the minimum requirements for the management of saunas, steam rooms and spa pools.

The Clients suitability for using saunas, steam rooms and spa pools must be assessed prior to use with particular attention given to Clients taking medication including blood thinning medication and who may be pregnant. Further consultation by their GP may be needed before they use these facilities.

The Licence Holder must develop and maintain procedures for checking the safety of the sauna, steam room and spa pool to include the safety of users, the condition of the premises and the facilities associated with the licensable treatment. The suitability and validity of these procedures will be assessed during the inspection.

Spa pools must be appropriately monitored and managed to ensure its chemical and microbiological quality is maintained to protect clients and staff. The system for monitoring and checking spa pool water and evidence of the testing carried out should be available upon request.

Licence Holders should review the contents of HSG 282 “*The control of Legionella and other infectious agents in spa pool systems*” from the Health and Safety Executive (HSE), for information about routine monitoring, testing and actions to take in an emergency. Additional information is available from the Pool Water Treatment Advisory Group <https://www.pwtag.org/>.

PART 3 – UV TANNING EQUIPMENT

This section relates to any UV tanning equipment, including sunbeds and sun showers, used to tan a clients skin within an Establishment.

The Licence Holder must ensure all Operators working in the Establishment are suitably instructed and trained. This training must consist of carrying out an assessment of each Users suitability for treatment by considering their contraindicators, their skin type and information provided by the manufacturer of the sunbed/lamp such as a lamp technical data sheet to determine an appropriate tanning time.

Any User showing contra-indicators such as any medical condition that is worsened by sunlight; have a large number of freckles and/or red hair; have fair, sensitive skin that burns easily; or who have a large number of moles should be advised against using UV tanning equipment.

All UV tanning equipment must conform to standards set out in BS EN 60335-2-27 which includes not exceeding the maximum irradiance level of 0.3 W/m². The 0.3 W/m² irradiance level is the amount of UV exposure that the EU’s Scientific Committee on

Guidance notes for establishments that undertake licensable treatments under the Nottinghamshire County Council Act 1985 (Part IV)

Consumer Products (SCCP) set as the limit for effective irradiance (Irradiance is a measure of the intensity of the sun).

Equipment with an irradiance level greater than 0.3 W/m² would be deemed unsafe under the General Product Safety Regulations 2005 and may invalidate any Public Liability Insurance.

Licence Holder's must ensure the sunbed lamps are compatible with their sunbed equipment and ballast.

PART 4 – CLASS 3B AND CLASS 4 LASERS AND INTENSE PULSED LIGHT SYSTEMS (IPL)

The term "light" includes the use of lasers and intense pulsed light. Since October 2010, the Use of lasers and intense pulse light in beauty salons or tattoo studios (and other similar premises) is now enforced by Local Authorities in Nottinghamshire under the Nottinghamshire County Council Act 1985.

KEY STAFF

A **Laser Protection Advisor (LPA)** must be appointed to provide expert advice on laser safety and assist in the formulation of the Local Rules. The Laser Protection Advisor must hold a valid certificate of competence from a recognised assessing body such as [RPA 2000](#), [Association of Laser Safety Professionals](#) or the [UK Health Security Agency](#).

The **Laser Protection Supervisor (LPS)** is the practitioner responsible for the use of the Laser/IPL and the implementation of the safety systems associated with the laser/IPL within the Establishment. The LPS also has responsibilities for ensuring the laser is kept secure at all times. It is recommended that the door to the Controlled Area is kept locked when not in use.

An **Authorised User** is a practitioner who is suitably qualified to use the laser or IPL system and whose details are recorded in the **Register of Authorised Users**. All Authorised Users must hold a Core of Knowledge certificate and evidence of training on the prescribed equipment (the laser/IPL equipment permitted for use under the terms of the licence issued).

There is a sample Core of Knowledge syllabus available from the MHRA within "*Lasers, intense light source systems and LEDs – guidance for safe use in medical, surgical, dental and aesthetic practices*" dated September 2015 and from the British Medical Laser Association at <https://www.bmla.co.uk/wp-content/uploads/core-of-knowledge.pdf>.

Licence Holders must ensure any Core of Knowledge training meets the syllabus. Whilst there is no statutory approvals body for core of knowledge courses, some organisations and bodies 'approve' courses to ensure course consistency.

The British Medical Laser Association (BMLA) have also produced essential standards specifically for non-surgical aesthetic applications using Class 3B and 4 Lasers. This includes details on training and qualifications. This document is available at

Guidance notes for establishments that undertake licensable treatments under the Nottinghamshire County Council Act 1985 (Part IV)

<https://bmla.co.uk/wp-content/documents/BMLA%20Essential-Standards-May-2017.pdf>.

A Safety Awareness Course is recommended for those who are present during laser/ILS use but do not fire the laser themselves.

DOCUMENTATION

A **Treatment Protocol** document produced (or approved) and signed by an Expert Registered Healthcare Professional (ERHP) must be followed in accordance with the licence conditions. This document must be specific to the prescribed equipment in the Establishment, the treatments and the Establishment itself. This provides specific information about how the treatments are carried out and the precautions to take (see Section 2 of Part 4).

The Laser Protection Advisor (LPA) shall oversee the preparation of the **Local Rules**, that provide details of the risks associated with the prescribed equipment, written safety procedures and details of the protective eyewear required (see Section 3 of Part 4).

A **Register of Authorised Users**, which may form part of the Local Rules, must be prepared and include the name and details of all trained operators who may operate the laser (see Section 4 of Part 4).

*A **Register of Laser Use** must be utilised to record specific details each time the prescribed equipment is operated. This must be in a hard copy format within a bound book with sequentially numbered pages and the serial number and laser/IPL details must be recorded at the front of the record **OR** an electronic database that **does not** allow the original entry to be overwritten. If you keep electronic records where the records can be overwritten, you must keep a register in a hard copy format in accordance with Condition 5.2(a).*

Evidence of the **Laser Safety Audit** (Part 4, Condition 3.5) by the LPA and any **Servicing Records** (Part 4, Condition 8.9) must be available for the Local Authority upon request. The user manual and/or instructions for use should also be readily available.

«NAME»
«ADD1»
«ADD2»
«ADD3»
«ADD4»
«ADD5»
«POSTCODE»

Contact: Environmental Health
Direct Line: 01623 457184
Email: Health&safety@ashfield.gov.uk

Our Ref: MST Consultation
Your Ref: -
Date: INSERT DATE

Dear Sir / Madam

CONSULTATION: MODERNISATION OF LICENCE CONDITIONS APPLICABLE TO PREMISES PROVIDING MASSAGE & SPECIAL TREATMENTS (INCLUDING THE PROVISION OF LASER TREATMENTS, TANNING & SAUNA SERVICES)

As the holder of a licence for one or more of the above listed licensable activities, I am writing to you to advise you that all Local Authorities in Nottinghamshire including Ashfield District Council have reviewed the conditions applied to Massage and Special Treatment Licences, and have sought to modernise these conditions, to ensure consistency across the County and to ensure the minimum standards of safety and hygiene for clients and practitioners are promoted through the conditions attached to a licence.

On **INSERT DATE**, the Licensing Committee approved a set of draft conditions to be implemented for premises providing any of the above listed licensable activities, and that a short consultation be held with the local Trade.

The draft conditions and consultation timetable can be accessed by visiting the Council website at: <https://www.ashfield.gov.uk/mstconsultation>.

To give licence holders fair notice to meet the new standards, they will be introduced on the 1st January 2025 (subject to the outcome of the consultation exercise). Inspections carried out after the 1st January 2025 will be to the new standards.

Comments should be made in writing to the "Environmental Health Manager" at the address below, or by email to health&safety@ashfield.gov.uk.

The closing date for responses is **INSERT DATE**.

Yours sincerely

Janet Catley-Young
Environmental Health Manager

Address: Council Offices, Urban Road, Kirkby-in-Ashfield, Nottingham. NG17 8DA
Tel: 01623 457589 **Email:** licensing@ashfield.gov.uk **Web:** www.ashfield.gov.uk

If reasonable adjustments are needed to fully engage with the Authority - contact **01623 450000**