

REGULATORY SERVICES PARTNERSHIP

REGULATIONS GOVERNING APPLICATIONS FOR GRANT, RENEWAL, TRANSFER AND VARIATION OF SPECIAL TREATMENT LICENCES AND THEIR DETERMINATION

APPLICATION FORMS

1. Applications for the grant, renewal, transfer or variation of licence shall be made on the current forms provided by the Council. The application form must be completed in full and must be submitted with the appropriate fee.
2. The applicant for the licence must be the person, company or organisation who is in lawful control of the establishment/area where the treatments are to be given. This must be by way of holding the freehold, a lease or agreement to lease, a tenancy or written agreement giving right of occupancy.
3. The application form shall be signed by the applicant(s). In the case of a partnership, all parties must sign. In the case of a limited company, a director or company secretary must sign. In all cases the application may be signed by a Solicitor acting for the applicant.
4. The applicant will supply such other information as may be reasonably required by the Council for the purpose of determining the application.
5. The information required in the application forms and the format of the forms shall be determined by the Head of the Regulatory Services Partnership/

PLANNING

6. The premises must have the necessary planning permission to operate as a Special Treatment Establishment. Information on all new applications will be provided to planning.

FEES

7. At the time of application, the applicant shall submit the prescribed fee covering the cost of the licensing procedure. The application shall not be processed if the fee has not been paid
8. If the application is successful, a further fee covering the costs of the running and enforcement of the licensing regime shall be paid

PLANS AND DOCUMENTATION TO ACCOMPANY AN APPLICATION

9. In the case of all new applications or where alterations have been made to the premises prior to or during renewal or where a variation to the layout of the premises is sought submit a plan of the premises. The information contained in the plan must be clear and legible in all material respects and must show the extent of the boundary of the building, including any external

and internal walls; all entry and exit points; the location of the areas where special treatments are to be provided; the location of all toilets; the location of all washing facilities. The Council recommends that all plans be drawn to a scale of 1:50 on a single sheet of A4 or A3 paper. Circumstances where an alternative scale may be acceptable could include where the size of the premises makes it impracticable for the premises to be adequately shown on a single sheet of A4 or A3 paper.

10. Where the applicant is seeking a licence to provide laser/intense light (IPL) treatments they must submit a copy of Local Rules and Treatment Protocol as provided by section 4 of the prescribed standard conditions and treatment specific condition for Special Treatment Licences.

ADDITIONAL DOCUMENTATION

11. Before a licence is issued the applicant must ensure that they have the following in place:
 - (i) Public liability insurance for all proposed treatments to the sum of at least £2 million. The insurance must include, and name, all treatments to be provided.
 - (ii) An electrical certificate for the installation at the premises (fuse-box, wiring, lighting etc) provided by a properly registered electrical engineer.
 - (iii) An electrical safety certificate for all portable/moveable appliances (e.g. electrolysis/faradic machines, wax pots, kettles)
 - (iv) A current gas safety certificate for the installation and appliances in use at the premises. The certificate must be provided by a Gas Safe registered engineer capable of working in business premises.

Copies of the certificates must be provided to an authorised officer of the local authority on request.

These certificates must be kept up to date and must be held on site and available for inspection whilst a licence is in operation.

ADVERTISEMENT OF APPLICATION

12. On the date on which the application for the grant of licence is made, the applicant shall arrange for the display of a notice of application on the form provided by the Council on part of the premises that is the subject of the application. The notice shall be displayed to the satisfaction of the Council, conspicuous to persons in the street and maintained in that position for 14 days. This will not normally apply to the renewal of a licence except where the Council considers it necessary and advises the applicant in writing of the requirement to display such notice.

At the discretion of the Council, notice shall also be required for variations of licence, e.g., extension of premises.

NOTIFICATION OF APPLICATION TO THE POLICE AND THE LONDON FIRE COMMISSIONER

13. In accordance with the London Local Authorities Act 1991 a copy of any new, renewal or transfer application shall be forwarded to the police and Fire Authority.

CONDITIONS

14. The Standard Conditions adopted by the Council shall be applied to all Licences that are issued, unless the Council specifically excludes them or substitutes them with different conditions
15. Upon determination of an application for a grant, renewal, variation or transfer of a Licence the Council may remove or vary one or more of the Standard Conditions, and/or may specify any other additional conditions
16. Where an application includes a request for any Standard Condition to be removed or varied, the applicant shall be required to give sufficient and satisfactory reasons for that request and provide alternative conditions for the Council's consideration if appropriate. The Council may refuse any request to remove or vary any Standard Condition if a sufficient and satisfactory reason has not been demonstrated

OBJECTIONS

17. Any person may make an objection to an application within 28 days of the application being submitted, clearly stating the grounds for objection. The Council will not accept any objection that does not state the grounds for objection, or where those grounds are not a matter that the Council can consider when determining an application. Persons making an objection must include their full name and address, including post code. A copy of the objection will be forwarded to the applicant.
18. Objections received after the 28 day period will not normally be considered. In exceptional circumstances the Council has discretion to consider late objections if the application has not yet been determined. Such circumstances may be where the advertising of the application has been delayed or where there has been a material change to the application during the application process.
19. The applicant shall receive a copy of each objection received and be invited to address those objections in writing to the Council. If agreement cannot be reached between parties, the application will be decided by the relevant Council Committee.
20. A Licensing Officer of the Council may object to an application at any point in the application process if the application has not been determined, regardless of the 28 day period for objection. Such objections may be made because of new information coming to the Licensing Officers attention before the application is determined or where the applicant has failed to provide information requested during the application process.
21. A licensing officer may:
 - refuse an application if all the relevant information has not been provided;

- refuse to include a treatment on a licence;
- refuse a request to remove or vary a standard condition;
- remove or vary a standard condition; and/or
- add conditions to a licence

without referral to the relevant Council Committee. If an applicant objects to the actions of the officer they may raise a complaint through the Council's complaints procedure. However, where a bona fide application has been received then a licensing officer may not refuse an application in its entirety. In all such cases the application will be decided by the relevant Council Committee.

LICENCE

22. Unless otherwise stated a licence shall be granted for periods of one year (unless the licence application is for a temporary period only e.g. for a 'one off event').
23. The Council may grant a provisional licence where an application has been made in respect of premises which are to be, or which are in the process of being, constructed, extended or altered. The Council must be satisfied that the premises would comply with their requirements on completion of the work. The licence, if granted, will be subject to a condition that it shall have no effect until confirmed by the Council following an application to vary the licence to remove that condition.
24. An application must be made annually to renew the licence before the date of expiry of the existing licence, otherwise a new licence application will need to be submitted.
25. A licence can be varied to add or remove treatments or to alter the structure or layout of the premises (including changes to treatment areas, position and numbers of toilets and siting of hand and equipment washing facilities)
26. A licence can be transferred to a new licence holder but not to a new premises.

WAIVER TO REGULATIONS

- 27 Any of these rules may be waived altered or modified by the Head of the Regulatory Services Partnership in exceptional circumstances.