

LICENSING AND GENERAL PURPOSES COMMITTEE MINUTES

6 SEPTEMBER 2010

Chairman: * Councillor Mano Dharmarajah

Councillors:

* Husain Akhtar	† Krishna James
* Mrs Camilla Bath (1)	* Manji Kara
* Mrinal Choudhury	* Ajay Maru
* John Cowan	* John Nickolay
* David Gawn	* Raj Ray
* Susan Hall	* Krishna Suresh
* Thaya Idaikkadar	* Simon Williams

* Denotes Member present

(1) Denotes category of Reserve Members

† Denotes apologies received

12. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Member:-

Ordinary Member

Reserve Member

Councillor Stanley Sheinwald

Councillor Camilla Bath

13. Appointment of Reserve

RESOLVED: To note the appointment of Councillors Lynda Seymour, Anthony Seymour and Chris Mote as Reserve Members of the Licensing and General Purposes Committee for the 2010/11 Municipal Year in accordance with Council Procedure Rule 1.5.

14. Appointment of Members

RESOLVED: To note the appointment of Councillors Bill Phillips and Mrinal Choudhury as Members of the Personnel Appeals Panel for the 2010/11 Municipal Year in accordance with Council Procedure Rule 1.5.

15. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 9 – Special Treatment Licensing – Laser

Councillor Susan Hall declared a prejudicial interest in that her business had the option to offer laser and/or intense pulse light treatments. She left the room whilst the matter was considered and voted upon.

Councillor Ajay Maru declared a prejudicial interest in that his business offered laser and/or intense pulse light treatments. He left the room whilst the matter was considered and voted upon.

Agenda Item 10 – Adoption of Additional Conditions for Special Treatments Licences

Councillor Susan Hall declared a prejudicial interest in that her business had the option to offer special treatments. She left the room whilst the matter was considered and voted upon.

Councillor Ajay Maru declared a prejudicial interest in that his business offered special treatments. He left the room whilst the matter was considered and voted upon.

16. Minutes

RESOLVED: That the minutes of the meeting held on 15 June 2010, be taken as read and signed as a correct record.

17. Public Questions, Petitions and Deputations

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting.

RESOLVED ITEMS

18. Adoption of Section 27 of Police and Crime Act 2009

In accordance with the Local Government (Access to Information) Act 1985, this item was admitted late to the agenda to allow Members to be briefed on the proposals in the report. This item had not been available at the time the agenda was dispatched and circulated.

The Panel received a report of Divisional Director of Environmental Services that summarised the new amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which related to the creation of the category of 'sexual entertainment venues'. The report requested permission for the Head of Service to start a public consultation process in relation to Harrow adopting the provisions outlined in Schedule 3 of the officers report in order to regulate these types of premises.

In response to questions from Members of the Committee, the officer advised that:

- a full public consultation would be conducted. Currently licensed premises, Responsible Authorities and neighbouring boroughs would be contacted. Notice of the consultation would be reported in local newspapers and publications, such as the Harrow People;
- the Council would make a decision on whether to adopt the legislation following consideration of the results of the public consultation. The Council's Licensing Team currently inspected licensable premises. If the legislation was adopted, officers would not experience an increase in their existing workload. Officers would assess the frequency of inspections by utilising additional resources and tools to enhance the existing monitoring process. The cost of issuing licences and conducting inspections would be recovered;
- the definition of a sexual establishment was defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Officers were not aware of any establishments currently operating as sexual entertainment venues in the borough. If an existing premises with an operating licence were to provide adult entertainment on an infrequent basis, the Council's current licensing policy provided the necessary controls to regulate and monitor this particular form of entertainment.

RESOLVED: That

- (1) the Head of Community Safety be authorised to begin a public consultation about Harrow on the adoption of the amendments made by section 27 of the Policing and Crime Act 2009 to the Local Government (Miscellaneous Provisions) Act 1982;
- (2) officers provide Members of the Committee with a draft consultation questionnaire before placing it in the public domain;
- (3) the Committee be advised of the consultation results at a future Committee meeting.

19. Special Treatment Licensing - Laser

An officer presented a report that set out the current position for operators offering laser and intense pulse light treatments in the beauty industry.

He reported that the London Local Authorities Act 1991 (Special Treatments Licensing) would require operators to apply to the local authority for a Special Treatments Licence for treatments administered using Class 3B or 4 Lasers or Intense Pulse Light (IPL) for non-surgical purposes. The Care Quality Commission (CQC) currently regulated the use of these lasers and would continue to do so until 30 September 2010. The requirements for local authority regulation would come into effect from 1 October 2010.

RESOLVED: That the report be noted.

20. Adoption of Additional Conditions for Special Treatments Licences

The Committee received a report of the Divisional Director of Environmental Services that set out the additional licensing conditions proposed to apply to operators wishing to offer laser and/or intense pulse light treatments (IPL) on their premises' special treatment licence issued under the London Local Authorities Act 1991.

In response to questions from the Committee, an officer advised that:

- at present officers completed inspections of these premises in accordance with the Health and Safety at Work Act (1974). Licensing officers had received and would continue to be trained on laser and IPL equipment and would be ready to commence inspections from 1 October 2010. Officers would also consider aspects of good practice when inspecting premises with a special treatments licence;
- a list of organisations that provide training in this field qualifications and of accredited training courses was in the process of being finalised;
- the Council was part of consortium of London Local Authorities that met on a regular basis to discuss licensing matters. The consortium would also share good practice techniques to ensure that premises offering special treatments were fit for purpose. Local authority members of the consortium had appointed Advisers, who had previous experience and were regarded as experts in this particular field;
- at present, the CQC monitored premises when a complaint or a request to investigate had been received. As such, existing premises were currently self-regulated and instances of bad practice were rare. If the proposed conditions were approved, stringent monitoring measures would be introduced to take effect from 1 October 2010;
- the current cost of initial cost of applying for a special premises licence was approximately £4000 before any treatments could be administered. This was considerably more than the proposed amount charged by the Council. A report outlining the fee structure for regulating these premises had been prepared for discussion at the Cabinet meeting on 14 September 2010;

- the London Local Authorities Act 1991 allowed local authorities to prescribe standard conditions for each special treatment licence. As with the Council's Licensing Policy, standard conditions were not the same for all local authorities;
- liability for special treatments offered by a premises should be arranged under employers liability, a public liability or professional indemnity insurance policy;
- the proposed conditions required for premises to use appropriate signage. Whilst conducting inspections, officers would assess whether the signage was adequate for the premises licence.

RESOLVED: That the proposed conditions for premises offering laser/ IPL treatments be approved.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.18 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman

STANDARD CONDITIONS – LASERS / INTENSE PULSE LIGHT (IPL)

1. Qualifications

- a. No person shall carry out any treatments involving the use of laser or intense pulse light (IPL) unless that person is suitably qualified and their name appears on the licence and the premises' register of Authorised Users. The licensing authority will assess each person's qualifications to determine their suitability to carry out treatments involving laser or intense pulse light treatments.
- b. At least one member of staff at the premises must be trained in basic first aid procedures.

2. Premises

- a. The treatment room in which the laser or intense pulse light is used is called a "Controlled Area". Lasers and intense pulse light equipment can only be used in a "Controlled Area".
- b. When laser or intense pulse light equipment is in use is in the "Controlled Area", that room may not be used for any other purpose at that time, and only one laser / IPL shall be switched on during the client treatment.
- c. Clear and prominent signage must be displayed on the door of the "Controlled Area" stating:

"CONTROLLED AREA – LASER"

Signs should be compliant with the Health and Safety (Safety Signs and Signals) Regulations 1996 and relevant British Standards.
- d. Warning signs should be displayed or illuminated during the laser / IPL procedure at each entrance to the Controlled Area. Signs should be compliant with the Health and Safety (Safety Signs and Signals) Regulations 1996 and relevant British Standards.
- e. The licence holder shall undertake a suitable and sufficient risk assessment for use of the laser / IPL equipment and ensure that the steps identified are undertaken. The licence holder should ensure that all staff read and understand the risk assessment and undertake to adhere to the steps identified in the assessment.

Risk Assessment must be current and reviewed at least annually or whenever there

is a change in relation to the laser / IPL operations at the premises.

Copies of the Risk Assessment must be provided to the licensing authority prior to commencing laser / IPL treatments in addition to any subsequent revisions.

- f. The licence holder must have suitable written emergency procedures in place in relation to laser / IPL. All staff must read and understand the procedures and undertake to adhere to the steps identified prior to commencing to operate laser / IPL treatments. Staff should be periodically retrained in the emergency procedures.
- g. A register of all laser / IPL related emergency incidents and equipment faults must be maintained at the premises.
- h. Where the laser / IPL equipment is controlled by a key, the licence holder shall introduce a written 'key control' procedure to ensure that the key is kept in a secure location when the equipment is not in use and only be assessable by an Authorised User. The key should never be inserted into the equipment other than by an Authorised User when the equipment is about to be used.
- i. Reflective surfaces should not be present in the Controlled Area, save when absolutely necessary and in this instance should be adequately risk assessed. Any window in the Controlled Area must be fully fitted with opaque blinds.
- j. Suitable ventilation to be provided in the treatment room.

3. Equipment

- a. Only Authorised Users may operate laser or intense pulse light equipment.
- b. Laser and intense pulse light equipment must only be used in accordance with the Manufacturer's Operating Instructions, including pre-use safety checks and instructions
- c. Laser and intense pulse light equipment must be serviced and electrical safety tested annually by a suitably qualified person. Service and electrical records to be kept at the premises and copies be provided to the licensing authority.

- d. Unless attended by an Authorised User the laser / IPL equipment must be switched off and the key withdrawn and placed in safe custody by the Authorised User.
 - e. An appropriate fire extinguisher must be kept in or within the immediate vicinity of the Controlled Area.
 - f. The laser / IPL shall not be enabled to fire unless it is directed towards the treatment site of a beam stop.
- 4. Insurance**
- a. A copy of the premises' relevant insurance certificate must be provided to the licensing authority.
- 5. Procedures**
- a. Prior to agreeing to carry out any laser / IPL treatments, a full consultation by competent Authorised User must be conducted with the client to acquire all relevant health and medical information necessary to determine the client's suitability for the treatment and the likely result of the treatment. If there is any doubt as to the client's suitability for treatment, no treatment should be carried out on that client.
 - b. As part of the client consultation, the client must be complete and sign a medication / drugs declaration. Where the client has recently or is currently taking any drugs, the Authorised User must competently assess whether the drugs exclude the client from treatment and if unable to do so, the Authorised User must request the client to provide medical confirmation as to their suitability for treatment. Records of the medical confirmation must be kept at the premises. If there is any doubt as to the client's suitability for treatment, no treatment should be carried out.
 - c. Written consent for laser / IPL treatment must be obtained from the client after the client consultation has taken place and records of this maintained at the premises.
 - d. Laser / IPL treatment cannot be carried out on any person under the age of eighteen (18) years old even if the person is prepared to consent to treatment. Photo identification must be sought where there is doubt as to the person's age and records maintained at the premises of any photo identification accepted.
 - e. All clients must have the procedure clearly explained to them verbally prior to the treatment and be supplied with written information on the procedure.
 - f. Following the client consultation and consent procedures, a patch test must be carried out on the client at least at least 7 days before the laser / IPL treatment can be carried out. Where the client is taking any medications / drugs or has been exposed to the sun, a longer period will be required before the treatment can be carried out and this time period should be assessed by a competent Authorised User.
 - g. Treatment records for each client must be maintained at the premises. Records should include the following details:
 - Name and personal details of client;
 - Date and time of each treatment including patch test;
 - Name and signature of the laser / IPL operator for each treatment session;
 - The treatment parameters;
 - Any accidents or adverse effects;
 This is not an exhaustive list and records should reflect all relevant information.
 - h. The laser / IPL equipment must satisfactorily tested as per the Manufacturer's Operating Instructions prior to each use.
 - i. Persons present in the Controlled Area during treatment should be minimal, ideally only the laser / IPL operator and the client.
 - j. All jewellery to be removed from the Controlled Area prior to treatment.
 - k. A suitable door locking mechanism to be installed on each entrance to the Controlled Area to prevent casual opening of doors and allow the laser / IPL to be operated uninterrupted.
 - g. Suitable protective eyewear must be worn by all persons present in the Controlled Area during the laser / IPL treatment including the operator and the client. Protective eyewear must be in good working condition and clearly marked indicating whether they are suitable for use with a laser or IPL and for which wavelength range. The wavelength range must correspond to the wavelength range for the particular device (laser or IPL) being used. Eyewear must comply with the Personal Protective Equipment Regulations and relevant British Standards. All eyewear should be routinely checked for signs of wear

and tear, especially any damage that may have occurred to the filters or frames. Any protective eyewear that shows signs of degradation should be immediately removed, and replaced or repaired where appropriate.

- h. Clients should be made aware of the likely after effects of the laser / IPL treatment and suitable after care advise must be provided to the client.

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