

**REPORT FOR: LICENSING AND
GENERAL PURPOSES
COMMITTEE**

Date of Meeting:	6 September 2010
Subject:	Adoption of additional conditions for Special Treatments Licences
Responsible Officer:	Brendon Hills, Corporate Director Community and Environment
Exempt:	No
Enclosures:	1) Proposed licensing conditions for Laser / IPL treatments 2) Existing licensing conditions for all Special Treatments Licences

Section 1 – Summary and Recommendations

This report sets 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 treatments licence issued under the London Local Authorities Act 1991.

Recommendations:

The Committee is requested to consider and approve the proposed conditions for premises offering laser / IPL treatments.

Section 2 – Report

Background

In April 2002 the Care Standards Act 2000 came into effect. Under this legislation all establishments offering laser and intense pulse light treatments had to be registered with the National Care Standard Commission (NCSC) in England (or equivalent body in Scotland, Wales or Northern Ireland). Later the Health & Social Care Act 2003 amended the Care Standards Act 2000 and the Care Quality Commission (CQC) became the enforcement authority

for registering and monitoring establishments offering laser and intense pulse light treatments.

Under the CQC registration regime, establishments offering laser and intense pulse light treatments are required to implement and comply with the national minimum standards as set out by them.

Current situation

Relevant parts of the Care Standards Act 2000 relating to registration of establishments offering laser and/or intense pulse light treatments will cease to have effect on 30th September 2010, being repealed by the Health and Social Care Act 2008.

From 1st October 2010 operators of laser and intense pulse lights used for non-surgical cosmetic aesthetic purposes such as hair removal by a health care or non health care professional will not be required to register under the Health and Social Care Act 2008. The regulation of the use of lasers and intense pulse light in the beauty industry will revert back to the local authority.

In Harrow, as in most other London local authorities, beauty treatments are regulated by requiring the proprietor to apply to the local authority for a Special Treatments Licence under the London Local Authorities Act 1991. Special treatments licensing regulate the provision of a wide range of treatments including massage, body piercing, tattooing, sun beds etc.

The London Local Authorities Act 1991 defines what an 'establishment for special treatment' is, and includes those where treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths takes place or is intended to take place.

From 1st October 2010, it will therefore also cover treatments administered using Class 3B or Class 4 Lasers or Intense Pulse Light (IPL) for non-surgical cosmetic aesthetic purposes as these are treatments involving the use of light.

Why a change is needed

From 1st October 2010, the local authority will be responsible for regulating laser and intense pulse light treatments for non-surgical cosmetic aesthetic purposes.

Lasers and intense pulse lights are hazardous devices that can easily burn or blind operators or to members of the public receiving treatment or those in the immediate vicinity. However, when they are used with care, by properly trained operators and in carefully designed environments, they can deliver a range of useful cosmetic treatments for hair removal, skin resurfacing, tattoo and pigmentation removal etc.

Because of the potential for harm, it is important that the local authority ensure that appropriate standards are implemented to regulate the use and operation of laser and intense pulse light treatments.

The proposed conditions will apply to premises offering laser / IPL treatments. There will be no change in the current licensing conditions for licensed premises offering special treatment other than laser / IPL.

The proposed conditions are based on the national minimum standards that premises offering laser / IPL treatments were required to adhere to under the CQC's registration regime.

Main options

The main options available are as follows:

1. Recommend that the proposed conditions are adopted as the standard licensing conditions for operators offering treatments involving the use of laser and/or intense pulse light;
2. Propose modifications to the proposed licensing conditions for operators offering laser and/or intense pulse light treatments;
3. Reject the adoption of the proposed licensing conditions for operators offering treatments involving the use of laser or intense pulse light, but this will mean that such providers are subject only to the current standard conditions on special treatments licences;

Financial Implications

No financial implications

Risk Management Implications

Lasers and intense pulse lights are hazardous devices and if used incorrectly or in an unsuitable environment, can cause significant harm to the operator or others. Failing to regulate the use of laser / intense pulse lights for non-surgical cosmetic aesthetic purposes could result in poor standards and procedures in premises offering such treatments and increases the risk of harm to members of the public and persons working in this industry.

Equalities implications

An Equalities Impact Assessment was not carried on this occasion due to the time constraints in implementing the legislative changes. It is proposed that an Equalities Impact Assessment will be carried out in the next financial year.

Corporate Priorities

The adoption of additional licensing conditions for operators offering special treatments involving the use of laser / intense pulse light, will ensure standards in such premises are met and this will offer better protection for the

public receiving such treatments or persons working in this industry thereby contributing to achieving the corporate priority of safer streets.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 26 August 2010		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 26 August 2010		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar
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Background Papers

- 1) Proposed Licensing Conditions for Laser / IPL Treatments
- 2) Existing Licensing Conditions for all Special Treatments Licences