

## APPENDIX 3:

### STANDARD CONDITIONS

#### GENERAL RULES RELATING TO MANAGEMENT, CONDUCT ETC

- 1 The relevant licence or a clear copy shall at all material times be prominently exhibited within the premises in a position where it can easily be read by patrons.
- 2 (a) The licensee shall take all reasonable precautions for the safety of all persons using the premises; shall ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974 and, except with the consent of the Council, shall at all material times retain control over all parts of the premises.  
(b) The licensee shall be in charge of and upon the premises at all material times. The licensee may authorise in writing a duty manager to deputise for him. If he does so this written authorisation must be kept on the premises and be readily available for inspection by any police officer or authorised officer.

NOTE: Hereafter in these rules the term 'Duty Manager' will mean the licensee or the duty manager as appropriate.

- (c) The duty manager shall at all reasonable times admit to the premises any police officer or officer of the Fire Authority, or any authorised officer of the Council (whose written authority will be provided on request).
- (d) No soliciting for custom, including the distribution of leaflets, shall take place from the premises, immediately outside the premises or in the vicinity of the premises.

NOTE: This does not prohibit the distribution of leaflets to persons within the premises.

- (e) The licensee shall comply with any other statutory enactment relating to the construction and use of the premises.

NOTE: In this connection it is the Council's policy that generally applications for licences or for variation of licences will not be considered unless the activity to be authorised by the Council is lawful in planning terms.

- (f) The licensee shall take out third party insurance with a liability cover of at least £2,000,000 and shall submit evidence of such cover.

- 3 (a) The duty manager shall be familiar with all licence conditions including these rules which shall be kept on the premises.  
(b) The duty manager shall not engage in any duties which will prevent general supervision of the premises. The duty manager shall whenever necessary be assisted by suitable adults.  
(c) Before admitting the public the duty manager shall carry out all necessary safety checks.

NOTE: A specimen check list is provided in Appendix A of these rules.

- 4 (a) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed, sold or supplied anywhere by or on behalf of the licensee which is unsuitable for general exhibition. If the licensee is notified by the Council in writing that it objects under this rule to a poster, advertisement, photograph, sketch, synopsis or programme, it shall not be displayed, sold or supplied.  
(b) The duty manager shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

NOTE: The Council may require clearly legible notices to be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

- (c) The duty manager shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
  - (i) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;

- (ii) indecent behaviour, including sexual intercourse, except as permitted by the Theatres Act 1968;
  - (iii) the offer of any sexual or other indecent service for reward;
  - (iv) acts of violence against person or property and/or the attempt/or threat of such acts.
- (d) The duty manager shall ensure that no part of the premises are used by prostitutes, for soliciting or any other immoral purposes.
- (e) The duty manager shall not do, or permit in the establishment, any act of an indecent or disorderly character and shall take all necessary steps to exclude from the establishments a customer or any other person who has committed such an act in the establishment and shall cause all persons in his employ engaged in the establishment to be decently and properly attired,
- (f) The duty manager shall not permit the door of any room or place in the establishment for the time being in use for the giving of special treatment to be locked during the period that the client is therein. However, where a special treatment is being performed without a therapist in attendance (such as in the use of sunbeds or tanning booths) such booths or cubicles may be locked from the inside notwithstanding Regulation 6(f), provided that the staff have the means of opening the booth/cubicle in the event of an emergency.
- (g) The duty manager shall ensure that whenever more than one person is being treated in a room sufficient screening is provided to maintain privacy.
- (h) The duty manager shall ensure that with the exception of those persons receiving treatment in accordance with the conditions of the licence all clients present in any part of the establishment shall be decently and properly attired and separate changing accommodation for males and females shall be provided.
- 5 There shall be prominently and legibly displayed a comprehensive tariff of charges which shall be adequately illuminated and be placed in such a position that it can easily and conveniently be read by persons before entering the premises. Where this is impossible, the tariff may with the consent of the Council, be displayed in the reception area.
- 6 The type of treatment provided under the licence shall not be changed without the consent of the Council.
- 7 (a) No alterations (including temporary alterations) shall be made to the premises, without the consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.
- (b) Where the works necessitate the premises being closed for a period of time, the premises shall not re-open for the purpose of the licence without the consent of the Council.

NOTE: Any consent under this rule does not relieve the licensee of any need to seek a variation in the terms of the licence.

- 8 (a) Licensed treatments shall only be provided by a special treatment practitioner or by a person undertaking training who is under the direct supervision of a special treatment practitioner.
- (b) The licensee shall ensure that all special treatment practitioners providing licensed treatments are suitably qualified and trained as defined in the Council's Guidance on the Qualification and Training of Special Treatment Practitioners.
- (c) The licensee shall ensure that any person undertaking training to achieve the required level, as defined within the Council's Guidance on the Qualification and Training of Special Treatment Practitioners, is carrying out a licensed treatment under the direct supervision of a special treatment practitioner who has attained the relevant qualification and/or experience (as defined by the council) for that licensed treatment.
- (d) Records including copies of relevant qualifications and /or training shall be kept on the premises, in a form approved by the Council of every special treatment practitioner or trainee practitioner who provides licensed treatments on the premises.
- (e) The records described in paragraph (d) above shall be kept on the premises whilst the special treatment practitioner or trainee practitioner is employed and/or carrying out special treatments at the premises and for a period of 1 year from the date when that special treatment practitioner or trainee practitioner ceases employment and/or providing treatments at that premises.

- 9 (a) The duty manager shall ensure that any electrical or other special equipment (such as ultra-violet radiation equipment) is used and operated in accordance with any appropriate approved code of practice.
- (b) All electrical equipment used in the provision of special treatments shall be approved by the Council.
- 10 Records shall be kept at the premises, in a form approved by the Council, of persons receiving treatment. The record shall include the name of the person receiving treatment, the time of admittance for treatment and the name of the special treatment practitioner giving that treatment. In the case of persons undertaking training to meet the requirements of the Council's Guidance on the Qualification and Training of Special Treatment Practitioners, the entry shall include both the name of the person giving treatment and of the person supervising.
- 11 The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and members of the public and in particular shall:
- (a) maintain each sanitary convenience in clean and efficient order;
- (b) ensure that any room which contains a sanitary convenience is suitably and sufficiently lit and ventilated and is kept clean;
- (c) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water at a suitably controlled temperature, together with an adequate supply of soap and suitable hand drying facilities.
- (d) ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc., in order that satisfactory sanitation can be maintained.
- 12 Each treatment room shall be provided with a suitable wash-hand basin with a suitable supply of hot and cold water, together with soap, a nailbrush and either a supply of disposable towels or a clean towel at all times.
- 13 Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.
- 14 A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises. The receptacles shall be emptied whenever this becomes necessary.
- 15 The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation, including any electrical equipment, and mechanical equipment, shall at all material times be maintained in good condition and in full working order.

NOTE: Appendix B gives details of what is required in respect of the maintenance of fire appliances, fire alarms and water supply.

- 16 (a) The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the approved arrangements.
- (b) No changes shall be made to the approved layout of the premises without the consent of the Council.
- (c) All exit doors shall be available at all material times without the use of a key, code, card or similar means. Any fastenings or electrically controlled locks shall be approved by the Council.
- (d) Any approved removable security fastenings shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in an approved position.
- (e) All fire doors shall be maintained effectively self closing and not held open other than by an approved device.
- (f) Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
- (g) The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 17 (a) Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British

(or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the Council.

- NOTE:
- (1) Appendix C sets out the method of seeking consent for permanently installed materials.
  - (2) In the case of temporary decorations a statement must be provided advising the period it is desired to retain the decorations.
- (b) Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
  - (c) Curtains, where permitted across doors, shall be hung in two halves on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 25mm between the bottom of the curtain and the floor.
- 18 A log book shall be maintained in which shall be recorded all checks, tests and defects of fire fighting equipment and any fire alarm system. The log book shall be kept on the premises and be available for immediate inspection by an authorised officer.
- 19 Any fire alarm system shall be checked weekly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in the log book.
- 20 (a) All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. In the case of hose reels and sprinkler systems the test results shall be recorded in the log book.
- (b) Any extinguisher discharged shall be replaced or recharged immediately.
- 21 The Fire Brigade shall be called at once to any outbreak or suspected outbreak of fire, however slight, and details thereof shall be recorded in a log book. Suitable notices shall be prominently displayed indicating how the Brigade can be summoned.
- 22 All lighting (including escape lighting) shall be maintained in full working order.
- 23 The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition at all times as prescribed by the Electricity at Work Regulations for electrical installations BS 7671.
- 24 Unless otherwise decided by the Council:
- (a) at least once every 5 years the entire electrical installation for the premises (including the escape lighting) shall be inspected and a certificate of that inspection be submitted to the Council;
  - (b) at least once a year any electrical equipment used in connection with the special treatment shall be inspected and a certificate of that inspection be submitted to the Council;
  - (c) the inspection shall be in accordance with Guidance Note 3 to BS 7671; and
  - (d) the certificate shall be signed by a Corporate Member of the Institution of Electrical Engineers or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting or, with the approval of the Council, another competent person.
- 25 (a) The escape lighting installation, including its load, shall not be altered without the consent of the Council.
- (b) Any escape lighting battery shall be fully charged before the admission of patrons.
- (c) Should the normal lighting fail and the escape lighting system have a one hour capacity patrons shall leave the premises within 30 minutes unless within that time the normal lighting has been restored and the batteries are being re-charged. If the escape lighting system has a three hour capacity patrons shall leave the premises within one hour unless within that time the normal lighting has been restored and the batteries are being recharged.
- (d) If the patrons have left the premises they shall not be re-admitted until normal lighting has been fully restored and the battery or batteries fully recharged.
- (e) The escape lighting installation shall be tested at least once every 6 months in accordance with BS 5266 Part I and a copy of the certificate retained on the premises.

- 26 (a) The heating system and/or appliances used within the premises shall be fully maintained in good working order for use when required. Any guards required by the Council shall be securely held in position.
- (b) Portable heating appliances shall not be used without the Council's consent.
- (c) No alterations / additions to the approved heating system shall be made without the written consent of the Council.
- 27 No alteration shall be made to any part of the electrical, gas or mechanical ventilation systems without the consent of the Council.
- 28 Gas and electricity/mains intake enclosures shall not be used for any other purpose (e.g. storage).
- 29 Paraffin or other mineral oil shall not be used in any lamp stove or other appliance in premises except with the consent of the Council.

#### APPENDIX A SPECIMEN CHECKLIST

To be used as a guide by the Duty Manager or other persons carrying out a safety check before the public are admitted.

Date \_\_\_\_\_ Name of person carrying out inspection \_\_\_\_\_

Job title of person carrying out inspection \_\_\_\_\_

Tick only if everything is in order.

Do not open the premises until any problems have been rectified.

1. All exit doors are available for use.
2. Any chains or other removable fastenings are removed from exit doors and hung in their approved storage position.
3. Any panic bolts and panic latches are in working order.
4. Any doors, gates or shutters that should be kept open are locked in the open position.
5. All internal and external escape routes and exit doors are clear and free from obstruction.
6. All fire doors are shut unless held open by devices approved by the Council.
7. All exit routes including stairways and all fire safety signs are adequately illuminated.
8. Where two power supplies are provided e.g. mains and battery, both are operative throughout the premises.
9. There are no obvious fire hazards such as combustible waste or litter.
10. All fire fighting equipment is in position and available for use.
11. The first aid equipment is available for use.
12. Any public address system is in working order.
13. Any fire alarm system is in working order.

#### APPENDIX B

##### MAINTENANCE OF FIRE APPLIANCES, WATER SUPPLY AND FIRE ALARMS.

##### FIRE APPLIANCES

1. (a) The approved fire appliances shall be kept in the approved positions and be maintained in satisfactory working order so as to be available for instant use.
- (b) Portable fire appliances shall be inspected at least once a year in accordance with the relevant British Standard and the date of the inspection clearly marked on the appliance or on a stout tab securely attached to it. Extinguishers which incorporate an antifreeze agent shall be inspected and recharged in compliance with the manufacturer's instructions.
- (c) Any hydraulic hose reels shall be inspected once a year to ensure that they are in working order and the date of the inspection clearly marked on the appliance and recorded in the log book.
- (d) Any drenchers or sprinklers shall also be inspected once a year to ensure that they are in working order and the date of the inspection clearly marked on the appliance or recorded in the log book.

## WATER SUPPLY

2. The Duty Manager shall notify the Fire Authority immediately if the water supply to any hydrant, hose reel, sprinkler, or other fire extinguishing installation is cut off or restricted.

## FIRE ALARMS

3. Any fire alarm system shall be maintained in satisfactory working order. The system shall be maintained and serviced in accordance with BS 5839 and tested regularly in accordance with conditions imposed by the Council.

## APPENDIX C

### PERMANENTLY INSTALLED CURTAINS, HANGINGS, UPHOLSTERY

#### 1. CURTAINS AND HANGINGS

Applications for consent to use curtains and hangings shall be made in writing and shall be accompanied by full details including a certificate in respect of fire-retardancy issued by a recognised laboratory e.g. one accredited by NAMAS showing that each fabric has been tested using the methods in BS 5438 1989 Tests 2A and 2B using a 10 second flame application time in each case. The results of tests on each fabric shall show that no part of any hole nor the lowest boundary of any flaming reached the upper or either vertical edge of any specimen and that there was no separation of any flaming debris.

Where any fabric is stated to be durably flame retarded this means that it has been chemically treated to render it flame retarded. Prior to the above ignitability tests each flame retarded fabric shall be subject to the appropriate wetting or cleansing procedure in BS 5651: 1989. The minimum procedure required shall be that in BS 5651: 1989, Paragraph 3, 'Water soaking procedures'.

#### 2. UPHOLSTERY

Application for consent for all upholstery (whether provided new or second-hand) shall be made in writing and shall be accompanied by full details, including a certificate in respect of fire-retardancy issued by a recognised laboratory e.g. one accredited by NAMAS showing that the upholstery composite of each item has been tested using the methods in BS 5852: 1990, Section 4 or Section 5, and has been classified as "not ignited" using ignition source 0 (cigarette test), ignition source 1 (simulated match flame) and ignition source 5 (timber crib test);

- NOTE:
- (1) Tip-up seating should be resistant to ignition using the method in BS 5852 : 1990, (as amended) Section 5, 20.34 using crib ignition source 5.
  - (2) All seating in public areas should also be resistant to deliberate ignition from below and should therefore pass additional tests as set out in BS 5852 : 1994 Section 5, 20.5 using at least ignition source 1.

## NAMAS

NAMAS is the National Measurement Accreditation Service, it is the UK national unified accreditation service for calibration and testing laboratories. It is a service of the National Physical Laboratory, Queens Road, Teddington, Middlesex, TW11 OLW.

Signed: 

**DATE : 22 SEPTEMBER 2022**

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