

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 General.Licensing@nottinghamcity.gov.uk or Safety.enforcement@nottinghamcity.gov.uk for advice.

APPLICATIONS AND RENEWALS

Massage and special treatment licence applications must be made on the official application forms or through electronic 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 Nottingham City Council at least **10 weeks** before their current licence expires. Nottingham City Council will write to you before your licence expires with a renewal application form.

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.

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 Part 4 of 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 be decently and properly dressed at all times. 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.

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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.

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 following values are appropriate for most spa pools:

Chemical

- All spa pools should have pH between 7.2 and 7.6
- Where chlorine is used as the biocidal disinfectant, the level of free chlorine may be between 3.0 mg/l and 5.0 mg/l (mg/l may also appear as ppm).
- Where bromine is used, the level should be between 4.0 mg/l and 6.0 mg/l.
- Combined chlorine shall be between 0 and 1.0 mg/l.
- Biocide levels and pH should be tested at least three times a day by competent staff. Results shall be recorded and retained.

Microbiological

- Monthly testing should be carried out with samples analysed in a laboratory accredited to ISO 17025.
- Monthly testing should include **Aerobic Colony Count (ACC) at 37°C (or total viable or total colony count), coliforms, E Coli and Pseudomonas Aeruginosa.**
- Satisfactory results would be:
 - ACC at 37°C is less than 10 cfu/ml
 - Coliforms not detected
 - E Coli not detected
 - P. Aeruginosa less than 10 cfu/100ml
- Quarterly tests for legionella bacteria should also be carried out.

Any levels outside of these parameters should be thoroughly investigated and corrective action taken as a priority. This may include the temporary closure of the pool and shock dosing where there is evidence of gross contamination.

Evidence of the monitoring and testing regime must be readily available upon request.

Further guidance on the management of spa pools is contained within:

- [Swimming Pool Water – Treatment and quality standards for pools and spas](#) produced by the Pool Water Treatment Advisory Group (PWTAG).
- HSG 282 “[The control of Legionella and other infectious agents in spa pool systems](#)” from the Health and Safety Executive (HSE).
- PWTAG – [Hot Tubs for Business](#)
- PWTAG [Technical Note 53](#) provides details of how to find a laboratory to carry out microbiological testing.
- PWTAG [Technical Note 27](#) provides details on how to carry out microbiological testing.

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 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. Further action under the Health and Safety at Work etc Act 1974 may also be taken in relation to irradiance levels greater than 0.3 W/m².

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 the [Association of Laser Safety Professionals](#) or [RPA 2000](#).

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 [here](#).

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.

These essential standards also make reference to the Qualification Requirements published by Health Education England ([Developing People for Health and Healthcare, Part One: Qualification Requirements for Delivery of Cosmetic Procedures: Non-surgical Cosmetic Interventions and Hair Restoration, November 2015, NHS Health Education England](#)) specifically:

- Level 4 training enables practitioners to use lasers and IPL for hair removal/reduction (excluding treatments within periorbital rim); use non-ablative

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lasers, IPL and LED for photo rejuvenation including sun-induced benign dyschromia (excluding treatments within periorbital rim); use LED for clinically diagnosed acne vulgaris.

- Level 5 training enables practitioners to use laser treatments for tattoo removal (excluding treatments within periorbital rim); use lasers and IPL treatments for benign vascular lesions (excluding treatments within periorbital rim)
- Level 6 training enables practitioners to deliver ablative fractional laser treatments (excluding treatments within periorbital rim); use laser and IPL treatments for generalised and discrete pigmented lesions (excluding treatments within periorbital rim);

Whilst these training levels are not currently required to comply with the Nottinghamshire County Council licence conditions, your LPA may require this training as part of the training requirements within the Local Rules. We would strongly encourage authorised users to complete this training where it is appropriate for the treatments offered.

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.