

ESSEX ACT 1987

ESTABLISHMENTS FOR MASSAGE OR SPECIAL TREATMENT

GUIDANCE NOTES FOR APPLICANTS

OBJECTIVE

The provisions in the Essex Act which relate to massage establishments are intended to ensure that premises at which massage and other special treatments are offered are suitable for the intended use; that the person or persons running the business are of good repute; and that the therapists offering massage and other special treatments are suitably qualified.

SCOPE

Anyone operating a business premises where massage or other special treatments (defined as any electric, radiant heat, light or electric vapour, sauna or other baths for therapeutic treatment or any other similar treatment) are provided must have a licence to operate.

EXEMPTIONS

Certain types of operators are exempt from the requirement to be licensed.

The exemptions apply to:-

- (a) an establishment for massage or special treatment carried on by:
 - i. a registered medical practitioner
 - ii. a person registered with Health and Care Professions Council. Established under Health Professions Order 2002.
 - iii. An associate member of the Chartered Society of Physiotherapy who is not registered by the Health and Care Professions Council.
 - iv. a nurse registered or enrolled by the Nursing and Midwifery Council (NMC)
 - v. a member of any organisation or association which specifies qualifications for the practice by its members of chiropody, chiropractic, osteopathy, naturopathy, or acupuncture, being a member who is required by that organisation or association to observe professional standards in such practice.
 - vi. As a guide the relevant organisations relating to naturopathy and acupuncture are the General Naturopathic Council (GNC) and the British Acupuncture Council (BAC).

Naturopathist's would in addition, need to hold a qualification in massage to qualify for this exemption.

- vii. Chiropodists now fall within the scope of the Health Professions Order 2002 and are required to register with the Health and Care Professions Council and therefore would be exempt from the licensing requirement (see exemption (ii) above).
 - viii. Chiropractic services are now covered by the Chiropractors Act 1994, therefore a person registered with the General Chiropractic Council (GCC) would be exempt from the licensing requirement (see exemption v. above).
 - ix. Osteopathic services are now covered by the Osteopaths Act 1993, therefore a person registered with the General Osteopathic Council (GOsC) would be exempt from the licensing requirement (see exemption v. above).
- (b) any hospital provided by the Secretary of State or by a charity which is registered under section 4 of the Charities Act 1960 or is excepted from registration by subsection 4 of that section.
 - (c) any nursing home or care home which is registered under the Care Standards Act 2000 or exempt under that Act
 - (d) persons carrying out face or scalp massage only

Please note, however, that these are the **only** exemptions provided for under the Essex Act.

A further range of treatments which use skin piercing techniques, such as ear piercing, tattooing, acupuncture or electrolysis, are not licensable under the Essex Act, but anyone carrying out such treatment should contact their district or borough council as they may need to register with them under the Local Government (Miscellaneous Provisions) Act.

Mobile Practices

It should be noted that premises, rather than individuals, have to be licensed. If therefore treatments are carried out in the client's own home, then the business operator does not require a licence. If however the business is run from the therapists own home those premises do require a licence.

THE LICENSING PROCESS

Licensee

Applications for licences must be made by the person or persons responsible for the actual conduct of the business, whether or not they carry out any treatments themselves. Information required from applicants is set out in Applicants Form (copy attached). The applicant should provide the following information:-

- (a) where the applicant is a private individual, the applicant's full name, including maiden name where appropriate, date of birth, and private address

- (b) the name by which the business will be known and the address of the establishment
- (c) where the applicant is a company, society, association or other body, the registered or principal office of that body and the names and private addresses of the directors or other persons directly or indirectly responsible for the management of the body
- (d) the nature of the establishment and of the business carried on at the establishment

The application should be accompanied by one passport-type photographs, signed on the back by the applicant. Copies of all relevant qualification certificates are also required.

On receipt of the application form, notification will be sent to Essex Police who will be asked if they have any comments to make regarding the application. Once the Police report has been received (and assuming it shows no reason on which to refuse a licence) an officer from this department will arrange a visit to inspect your premises. When carrying out the inspection, the officer will be checking the suitability of the premises for carrying out the listed treatments. This includes the size of the treatment rooms, the hygiene and cleanliness of the premises and (if electrical apparatus is being used which comes into contact with the client) the officer will require evidence that it is safe (such as a valid electrical certificate) to be produced.

On receipt of a satisfactory inspection report a licence will be issued. The licence is accompanied by a set of conditions (copy attached) which must be adhered to by the licensee.

Member(s) of Staff

In addition to the licence application, each person wishing to carry out treatments at the premises, whether employed or self employed, will be required to complete the Staff Form (copy attached). This form must state

- (a) the full name and address of the applicant, including maiden name where appropriate, and date of birth
- (b) the name of the establishment at which the applicant proposes to carry out treatment

Copies of all relevant qualification certificates for carrying out the listed treatments should also be attached to the application.

Changes of Staff

Licensees must ensure that they inform the County Council when members of staff have left their employ. There is no charge for removing employee details from the licence record.

If new members of staff are engaged during the licence period a copy of the staff form must be completed for each of them and sent to Essex County Council Trading Standards for approval prior to that person providing any treatments. The relevant fee must be paid by BACS or Card payment over telephone.

Renewal of Licence

The licence is valid for 12 months. It is the responsibility of the business operator to ensure that an application for renewal is made in good time (approximately one month) prior to the licence expiring.

The Essex Act makes it a criminal offence to operate a business without a valid licence.

An application for renewal can be downloaded from the Essex County Council website or by calling the Trading Standards business advice line on 0845 603 7626.

OFFENCES

It is an offence for a person -

- (a) to carry on an establishment (for massage or special treatment) without a licence or in contravention of any conditions in the licence, or
- (b) to knowingly provide false information, or intentionally withhold information, in relation to a licence application or renewal.

POWERS OF ENTRY

For the purpose of ascertaining whether there is, or has been, a contravention of any term or condition on which a licence has been granted, an authorised officer of the county council (on producing an authenticated document showing his authority) or any police constable, may (at all reasonable times) enter and inspect any licensed premises or any premises where an application for licence has been made.