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Monday, 18 November 2019

Dear Sir/Madam

REGULATORY AND LICENSING COMMITTEE

A special meeting of the Regulatory and Licensing Committee has been arranged to take place **TUESDAY, 26TH NOVEMBER, 2019 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', is written in a cursive style.

Neil Turner BSc (Hons) MSc
Director of Transformation & Resources

To: Members of Regulatory and Licensing Committee

Councillors B Yeates (Chairman), Parton-Hughes (Vice-Chair), Anketell, Binney, Eagland, D Ennis, L Ennis, Evans, Leytham, Salter, Spruce and Warfield



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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Previous Meeting 3 - 4
4. Review of Polling Districts and Polling Places 5 - 12
5. Registration of Skin Treatments Policy 13 - 30



REGULATORY AND LICENSING COMMITTEE

3 OCTOBER 2019

PRESENT:

Councillors B Yeates (Chairman), Anketell, Binney, D Ennis, L Ennis, Evans, Leytham, Salter, Spruce and Warfield

7 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Parton – Hughes (Vice Chairman) and Eagland

8 DECLARATIONS OF INTEREST

There were no declarations of interest

9 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 4 July 2019 as printed and circulated, were taken as read, approved and signed by the Chairman.

10 WORK PROGRAMME

The Committee's work programme for the forthcoming year was considered and noted.

11 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO.0.333 THE THE PARISH OF BURNTWOOD

The Committee received a report for the diversion of footpath 0.333 to be diverted under the Highways Act 1980. The Committee was informed that the footpath was originally approved under the Town and Country Planning Act 1990 Section 257 and this application is to slightly amend the route.

RESOLVED: The Committee raised no objections to the proposal.

12 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Director of Transformation and Resources described the purpose and timescales of the review. The Council is required to complete a review of all Parliamentary polling districts and polling places in the district every 5 years and the review must conclude by 31 Jan 2020 to ensure that polling stations are accessible and enable residents to vote.

Consultation will be on line for the public to express views between 4 October and 14 November.

In late November the Committee will receive a report on the outcome of the consultation with a view to the committee adopting recommendations for Full Council to consider at its meeting on 10 December.

RESOLVED: The Committee raised no objections to the proposal and will review the findings at a special Regulatory and Licensing Committee on Tuesday 26 November 2019.

(The Meeting closed at 6.45 pm)

CHAIRMAN

REVIEW OF POLLING DISTRICTS AND POLLING PLACES



Report of Director of Transformation and Resources

Date:	26 November 2019
Contact Officer:	Neil Turner / Sarah Pearce
Tel Number:	308761 / 308008
Email:	neil.turner@lichfielddc.gov.uk
Key Decision?	NO
Local Ward Members	All Members

REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 At its meeting in October, Committee endorsed the start of a review of the polling places and polling districts of Lichfield District.
- 1.2 The Council is required to complete a review of all parliamentary polling districts and polling places at least every five years.
- 1.3 A polling district is an area whose electorate are all invited to vote at the same polling place. A polling place is a location in which one or more polling stations are provided to allow the electorate to vote. A polling station is the room, or part of a room, where voting takes place.
- 1.4 The review is the function of the Council and not the Electoral Registration Officer or (Acting) Returning Officer.
- 1.5 This review must be completed before 31 January 2020.
- 1.6 The Review is conducted in accordance with the Representation of the People Act 1983 and guidance issued by the Electoral Commission.
- 1.7 Consultation started on 4 October and concluded on 15 November 2019. 204 representations were received and are assessed in this report.
- 1.8 This report also details proposed recommendations to be submitted to Council on 10 December 2019 to approve the polling places for 2020 and beyond.

2. Recommendations

It is recommended that the Committee recommends to Council on the 10 December 2019 the following changes to its polling places:

- 2.1 Move the polling place from the Co-op Superstore car park to Boley Park Community Centre and environs.
- 2.2 Move the polling place from The Willows Primary School to Curborough Community Centre subject to approval by the Centre.
- 2.3 Move the polling place at St Micheal’s Primary School to the three primary schools – St Michael’s, Five Spires Academy and St Joseph’s – and define the polling places as Cherry Orchard schools.
- 2.4 Move the polling place at SS Peter’s and Paul’s Primary School and incorporate within the polling place at Chadsmead Primary Academy.

- 2.5 Move the polling place at Bexmore Drive, Streethay to Streethay Primary Academy.
- 2.6 Move the polling place at the Longwood Public House, Fazeley and incorporate within the polling place at Fazeley Town Hall.
- 2.7 Move the polling place at The Highwayman Public House, Shenstone Wood End and incorporate within the polling place at Shenstone Village Hall.
- 2.8 Consider further the following additional proposals:
- The moving of the polling place at Robinson Road, Burntwood to either Redwood Park Community Centre or to other polling places in the ward.
 - The moving of the polling place at St Joseph's and St Theresa's School to the Old Mining College.
 - The moving of the polling place at Oakdene Road Island to the Area Youth Centre, Cherry Close and to the Springfield Academy,
 - The moving of the polling place at Holly Grove Primary School to St John's Community Church,
 - The moving of the polling place at Chase Terrace Primary School to Burntwood Library.

3. Background

- 3.1 The Council is obliged to review the Polling Districts and Polling Places that it uses to support the running of parliamentary elections. Such a review considers the number of voters in a polling district and the suitability of the polling places which are used to provide polling stations.
- 3.2 Whilst the Review needs to be undertaken for parliamentary reasons, in practice, the Council uses the same polling districts and polling places for other elections including national referenda, local government, PCC and neighbourhood plan referenda.
- 3.3 Such a Review is a formal process and its recommendations are considered and approved by Council but, of course, more informal reviews are undertaken by the Returning Officer's team ahead of each election to ensure that polling places remain suitable.
- 3.4 Definition of terms:-
- **Parliamentary constituencies:** these cannot be changed by the review. The division of these constituencies into polling districts and places is the subject of the review.
 - **Polling district:** the geographical area created by the sub-division of a constituency or ward into smaller parts, within which a polling place can be determined which is convenient to electors.
 - **Polling place:** the building or area in which polling stations will be located.
 - **Polling station:** the room, part of a room, or building where the poll takes place.
- 3.5 The boundaries of polling districts and the location of polling places are for the Council to determine and the locations of the polling stations are the responsibility of the Returning Officer.
- 3.6 The Review allows the Council to identify optimum polling districts and polling places. There is no requirement to change any existing arrangements however any change or decision to make no change must be justified.

Criteria for Polling Places

3.7 Polling Places contain one or more polling stations and the following criteria are used when identifying a Polling Place:

- Must be available for elections between 6.30am and 10.30pm and that the council has priority for bookings for elections.
- Each polling station to have no more than 1600 voters. So a polling district with, say, 1800 voters, would need a polling place that could accommodate 2 polling stations.
- Proximity to voters
- Accessible for all, including those with mobility or sensory difficulties
- Safe, warm and well-lit
- Cost
- Schools only to be used when there are no suitable community venues
- Mobile polling stations to be used if there are no suitable community venues or schools.

Key Issues

3.8 The council identified a number of specific issues for consultation.

3.9 These issues included:

Alrewas – the Council currently uses Alrewas Methodist Church and moved there when the Village Hall was being refurbished. The Review should identify the preferred location for a polling place now that the refurbishment of the Village Hall is complete.

Elmhurst / Shenstone Wood End – these polling districts have a very low number of voters. The review should look at whether these districts could be combined into other districts on the grounds of value for money.

Chase Terrace – since the last review, St John’s Church Rooms have become unavailable. In consequence, voters in one polling district have a polling place in another district.

Streethay – the polling station is currently provided in a mobile facility at Bexmore Drive. But in recent years, there has been significant development in Streethay including the building of Streethay Primary Academy.

The use of Primary Schools –at every election, the Council receives complaints from parents whose child’s school is closed. The council recognises the disruption to parents and to pupils when a school is closed because of an election, although it is the decision of the Head to close a school. In some cases, there may be actions that can be taken that mean that the school could remain open and a polling station operate.

In consequence, the council will seek to use alternative community venues where they exist and where they are suitable. The council will not choose to use a mobile polling station where a school exists because a mobile polling station is not as accessible for those with certain disabilities.

The Impact of the General Election

3.10 A general election has been called since the consultation started. In preparing for the election, there have been a number of changes made to the way that we are providing polling stations.

3.11 For instance, we have allowed the number of voters registered to each polling station to increase to 1600. This means that we have been able to reduce the number of polling stations in one location.

3.12 This might mean that there may be more capacity to accommodate more polling stations in community venues thereby reducing demand on schools or mobile units.

- 3.13 Examples include reducing the need for mobile units at Boley Park (these stations have been combined with those in the nearby community centre) and Chase Terrace Technology College (we have combined two stations into one).
- 3.14 We have also reduced the number of polling stations in St Johns Community Church, Holy Cross Church, Boney Hay Primary School, The Willows Primary School, Scotch Orchard Primary School and Armitage with Handsacre Village Hall.
- 3.15 By accepting that a polling station can accommodate up to 1600 (and maybe more) gives greater flexibility to use fewer venues.

The Consultation

- 3.16 The consultation was complemented by statements from the two Acting Returning Officers
- 3.17 Consultation was conducted online. The council received 201 responses via the online form, and 2 more detailed responses via email.
- 3.18 Representations were received from the following organisations:
- Charnwood Primary Academy
 - Longdon Parish Council
 - Kings Bromley Parish Council
 - Willows Primary School
 - Chadsmead Primary Academy
 - Shenstone Parish Council
- 3.19 The remaining consultees were individuals, predominately parents of pupils at schools that are used as polling stations.
- 3.20 The key issues to emerge are as follows:
- Avoid using schools.
 - Move the polling place from The Willows Primary School to Curborough Community Centre
 - Move the polling place from St Michael's School, Lichfield, to a community venue, or at the very least, share the polling station duties with the other two schools in the neighbourhood.
 - Move the polling station in Streethay from a mobile unit at Bexmore Drive to Streethay Primary School.
 - Move the polling station at Shenstone Wood End to Shenstone Village Hall
 - Move the polling station at the Longwood Public House, Fazeley to Fazeley Town Hall
 - Move the mobile unit at Robinson Road, Burntwood to Redwood Park Community Centre
 - Move the polling station from Chadsmead
 - Move the polling station from Scotch Orchard Primary School.
 - Move the polling station from Charnwood Primary School
 - Move the polling station from SS Peter's and Paul's School
 - Move the polling station from Longdon Primary School
 - There were no comments received regarding Alrewas polling stations.

Comments on Proposals

Lichfield and Streethay

- 3.21 To move the polling station from a **mobile unit at the Co-op Superstore** into Boley Park Community Centre for the purposes of improving accessibility. This has been done for the general election and affects 494 voters.
- 3.22 To move the polling station at **Willows Primary School** to Curborough Community Centre. The Willows Primary School provides a polling station for 1486 voters in the ward of Curborough. The Community Centre has previously been used as a polling station, within the polling district and is adjacent to the school. This proposal should be recommended to Council subject to confirmation that the operators of the centre are willing to accept the request.
- 3.23 To move the polling station at **St Michael's Primary School** to a community venue or at least share it with the two other schools in Cherry Orchard, Lichfield. The school provides a polling station for 1102 voters in the St John's ward. This station is on the very edge of its polling district which extends to King Edward VI School in the south. There are no suitable community venues in this district but there are two other primary schools – Five Spires Academy and St Joseph's Catholic School – adjacent. It is recognised that it is unfair to the pupils and parents of just one school to be impacted by an election. It is proposed therefore to recommend to Council that the polling place be identified as the three schools (to be known as Cherry Orchard schools) and the polling station be confirmed ahead of each election. It is envisaged that each school will be chosen in turn to accommodate a polling station.
- 3.24 To move the polling station from **SS Peter's and Paul's Primary School** to Chadsmead Primary Academy to minimise disruption to pupils. Both schools provide polling stations serving the Chadsmead ward. Chadsmead has 1963 voters whilst St Peter's and St Paul's serves 488. It makes sense to ask one school to accommodate a larger number of polling stations than to use both schools. It is proposed to recommend to Full Council that the polling place be moved to Shenstone Village Hall.
- 3.25 To move the polling station from a mobile unit at **Bexmore Drive, Streethay** to Streethay Primary School. In recent years the population has grown, and will continue to grow, in Streethay particularly to the west of the Burton Road. At the start of the review, the polling station served 909 voters in the Whittington and Streethay ward. For the general election, the station has 997 voters. Access is not good as there is no hard standing between the highway and the polling station. There are no alternative community venues in the district and the school has indicated it will be willing to accommodate a polling station. It is proposed to recommend to Full Council that the polling place be moved to Streethay Primary School.
- 3.26 Of the other Lichfield primary schools - Scotch Orchard (1500 voters) and Charnwood (1890 voters) – there does not appear to be any alternative suitable venues.

Burntwood and Hammerwich

- 3.27 **Mobile unit at Robinson Road, Burntwood.** This station serves 1119 in the Boney Hay and Central ward. Redwood Park Community Centre may provide a better option but more investigations should be undertaken to assess whether this polling station – and others – could be moved to Redwood Park Community Centre or whether the voters in this area could be moved to one of the three other polling places in this ward – Chase Terrace Primary School, Boney Hay Primary School or Chase Terrace Technology College.
- 3.28 To consider moving the polling stations at **St Joseph's and St Theresa's School** (1833 voters) to The Old Mining College (573). Both sites are in Chasetown ward. The school currently hosts two polling stations but for the purposes of minimising disruption to pupils it is suggested more work is done to explore whether The Old Mining College could accommodate additional voters.
- 3.29 To move the polling station from a **mobile unit at Oakdene Road** to the former Area Youth Centre at Cherry Close for Chasetown ward residents (351 voters) and to Springhill Academy for Summerfield

and All Saints ward residents (459 residents) in order to improve accessibility. Cherry Close and the Academy are currently used by 556 voters and 1130 residents respectively.

- 3.30 To consider moving the polling stations at **Holly Grove Primary School** to St Johns Community Church in order to minimise disruption to pupils. Both sites are in Chase Terrace ward. Holly Grove provides a polling station for 1475 residents and St Johns Community Church, 2278.
- 3.31 To consider moving the polling stations at **Chase Terrace Primary School** to Burntwood Library in order to minimise disruption to pupils. The polling stations at the school accommodate 1115 voters and the library is close-by has a community room that might be suitable.
- 3.32 No other community venues have been identified to remove the need for the other school venues.

Elsewhere in Lichfield District

- 3.33 To move the polling station from a mobile unit at the **Longwood Public House, Fazeley** to Fazeley Town Hall for the purposes of improving accessibility for those with disabilities. The town hall is approximately 800m from the Longwood but a few voters will find it closer to them. The unit provides a station for 944 voters in the Fazeley ward. Fazeley Town Hall currently provides a polling station for 822 voters. It is proposed to recommend to Full Council that the polling place be moved to Fazeley Town Hall.
- 3.34 To move the polling station from a mobile unit at the **Highwayman Public House, Shenstone Wood End** to Shenstone Village Hall for the purposes of improving accessibility for both those with disabilities and for voters. The mobile unit serves 172 voters in Bourne Vale ward. This polling station served more until recently when electoral boundaries were redrawn. In consequence, voters in Shenstone Wood End now vote in Little Aston whilst this station serves residents living along the main road to Shenstone and in Little Hay. This is a polling station with one of the smallest voter registers in the District. It is proposed to recommend to Full Council that the polling place be moved to Shenstone Village Hall.
- 3.35 There have been no alternative community venues identified to remove the need for schools.

Alternative Options	The review can be undertaken in a myriad of different ways.
Consultation	203 responses were received during the consultation period. There were additional discussions with the two Acting Returning Officers and with potential venues.
Financial Implications	Reducing the number of polling stations – and in particular, mobile polling stations will reduce the cost of running elections.
Contribution to the Delivery of the Strategic Plan	To enable the democratic process whereby voters elect those councillors that will drive through changes to improve the quality of life for everyone.
Equality, Diversity and Human Rights Implications	The aim of the review is to seek to ensure that all electors have reasonable facilities for voting, including having regard to the accessibility needs of disabled persons.
Crime & Safety Issues	Not applicable to this report
GDPR/Privacy Impact Assessment	Not required for this report.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Proposed polling stations are not able to accommodate increased voter numbers	We will assess performance of the larger polling stations at the general election and review accordingly	Yellow

Background documents

Guidance notes from Commission

Webpages as published

Consultation responses

Relevant web links

lichfielddc.gov.uk/pollingdistrictsreview

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Registration of Special Treatments Policy



Date:	26 th November 2019
Contact Officer:	Sarah Gear/Susan Bamford
Tel Number:	01543 308138/308170
Email:	Sarah.gear@lichfielddc.gov.uk Susan.bamford@lichfielddc.gov.uk
Key Decision?	YES NO (delete as appropriate)
Local Ward Members	All Wards

REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 This report gives members feedback on the outcome of the consultation for the Draft Special Treatments Policy and seeks approval from committee members that the Policy as attached at Appendix A is submitted to full council for adoption.
- 1.2 This policy document forms the Council's Special treatment Policy that will apply in the Lichfield District area and provide a framework for decision making.

2. Recommendations

- 2.1 That Members approve the new Special Treatments policy for submission to full council for adoption.
- 2.2 That the chair of Regulatory & Licensing Committee together with the Head of Regulatory Services, Housing & Wellbeing be delegated to make any minor amendments to the Policy.

3. Background

- 3.1 It is a criminal offence for any person within the District of Lichfield to carry on the business of, or in some instances the practice of, a special treatment without being registered with Lichfield District Council.
- 3.2 The following practices, procedures and services are classed as a special treatment and require registration:
 - Acupuncture
 - Cosmetic Skin Piercing
 - Tattooing
 - Semi-permanent skin colouring
 - Electrolysis
- 3.3 The Local Government (Miscellaneous Provisions) Act 1982 requires Local Authorities to register all the special treatments detailed in this policy.
- 3.4 Lichfield District Council has passed byelaws for the special treatments which all registered persons must comply with. The byelaws are attached at Appendix B to this Policy. It is the responsibility of any person registered with the Council under this policy to ensure that they comply with these byelaws.

- 3.5 Those offering the service of any of the special treatments must also abide by all other relevant pieces of legislation designed to protect them, their staff and members of the public from harm. The main ones are:
- The Health and Safety at Work etc Act 1974
 - The Management of Health and Safety at Work Regulations 1999
 - The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
 - The Cosmetics Products (Safety) Regulations 2004
- 3.4 An approved Policy will safeguard the health and safety of the recipient and staff and help prevent unregistered treatments taking place. A policy will also help applicants by providing guidance on the policy framework and the application and registration process.
- 3.5 Last summer the Regulatory & Licensing Committee recommended that the Special Treatments Policy be sent out for consultation. The following were consulted:
- All persons currently registered
 - Officers in Environment Health
- 3.6 The consultation commenced on 11th July 2019 and concluded on 6th September 2019. The consultation was in line with the Better Regulation Office guidance dated 2018.
- 3.7 1 response was received from a member of the public. This response is summarised at Appendix B. The points raised in this response have been incorporated within the policy.
- 3.8 Environmental Health have also clarified wording in paragraphs 5.1 and 6.1 as set out below:
- 5.1 Any person who carries on the business of any special treatment must be registered with the Council– If a person is registered as a medical practitioner e.g. nurse, doctor and they wish to carry out any special treatment they do not need to be registered with the Council. If a person is registered as a Dentist then they do not need to be registered with the council to carry out acupuncture.
- 6.1 Premises are not defined in the legislation but for the purposes of this Policy any area, whether enclosed or an open space, in which the service requiring registration is provided to the public is classed as the premises. This could be a salon or a room in a domestic home or in a mobile unit as part of a festival or market.

Alternative Options	1. The Council could choose not to introduce a policy on special treatments, however to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation.
Consultation	1. A list of those consulted is set out in paragraph 3.5. Points raised in the response received has been incorporated within the Policy.
Financial Implications	<p>1. The introduction of a policy regulating the special treatment registration does not have a budget implication as the administrative function involved is already carried out.</p> <p>2. Fees will be charged for the registration which take into account the cost of processing, administering and compliance costs associated with the registration.</p>
Contribution to the Delivery of the Strategic Plan	1. The policy will support objectives contained within the District Council’s Strategic Plan 2016 -20. In particular a vibrant and prosperous economy and healthy and safe communities by ensuring that residents visiting or working in the relevant businesses are protected and that only properly regulated special treatment premises operate in the District.

Equality, Diversity and Human Rights Implications	1. An Equality Impact Assessment has been undertaken which identified no negative impact on groups with protected characteristics.
Crime & Safety Issues	1. The policy will assist the Local Authority in exercising its duties and responsibilities under Local Government (Miscellaneous Provisions) Act 1982.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	persons/premises if not registered would be a public safety risk	Liaise with partners to ensure all persons/premises are registered. Regular contact with customers.	Yellow
B			
C			
D			
E			

<p>Background documents</p> <p>Appendix A – Registration of Special Treatments Policy</p> <p>Appendix B – Consultation Response</p>

<p>Relevant web links</p> <p>None</p>

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REGISTRATION OF SPECIAL TREATMENTS POLICY
2018

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1. Introduction

- 1.1 Special treatments are required by law to be registered with the council as they can potentially cause harm to the recipient of the treatment, the provider of the treatment and any staff employed at the premises used for providing that treatment.
- 1.2 It is a criminal offence for any person within the District of Lichfield to carry on the Business of, or in some instances the practice of, a special treatment without being registered with Lichfield District Council.
- 1.3 The following practices, procedures and services are classed as a special treatment and require registration:
 - Acupuncture
 - Cosmetic Skin Piercing
 - Tattooing
 - Semi-permanent skin colouring
 - Electrolysis
- 1.4 These are defined in **Appendix A.**

2. Policy Purpose

- 2.1 The purpose of this policy is to:
 - Safeguard the health and safety of the recipient and staff
 - Prevent unregistered treatments taking place
 - Give detailed guidance on the application of the law relating to special treatments
 - Set out the requirements that providers of special treatments must meet
 - Make clear the activities that require registration

3. Relevant Legislation

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 is the primary piece of legislation governing the registration of all the special treatments detailed in this policy.
- 3.2 Lichfield District Council has passed byelaws for the special treatments which all registered persons must comply with. The byelaws are attached at Appendix B to this Policy. It is the responsibility of any person registered with the Council under this policy to ensure that they comply with these byelaws.
- 3.3 Those offering the service of any of the special treatments must also abide by all other relevant pieces of legislation designed to protect them, their staff and members of the public from harm. The main ones are:
 - The Health and Safety at Work Etc Act 1974
 - The Management of Health and Safety at Work Regulations 1999
 - The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
 - The Cosmetics Products (Safety) Regulations 2004

3.4 A breach of these may lead to prosecution by the Council and will be enforced by the Environmental Health Team.

4. Who and what needs to be registered

4.1 The legislation requires two registrations for each activity:-

- Individual
- Premises

4.2 A fee is payable for each separate registration.

5. Individual registration

5.1 Any person who carries on the business of any special treatment must be registered with the Council, If a person is registered as a medical practitioner e.g. nurse, doctor and they wish to carry out any special treatment they do not need to be registered with the Council. If a person is registered as a Dentist then they do not need to be registered with the council to carry out acupuncture.

5.2 'Carries on the business of' means providing that service for reward, whether financial or payment in kind. Often the person carrying on the business will be obvious. For example, the person who owns the business and profits from its takings. However this is not always the case. Self employed people are also considered by the Council to be carrying on their own business. Someone is self-employed if that person rents a chair or a room or other space or equipment from the owner of the business, keeps their income and pays their own tax.

6. Premises Registration

6.1 Premises are not defined in the legislation but for the purposes of this Policy any area, whether enclosed or an open space, in which the service requiring registration is provided to the public is classed as the premises. This could be a salon or a room in a domestic home or in a mobile unit as part of a festival or market.

7. Registering with the Council

7.1 An application form is available from the Council website or by telephoning 01543 308735.

7.2 The form should be completed and submitted to the Licensing Team along with the relevant fee and any other documentation or information that may be requested by the Council.

7.3 Following receipt of an application for registration the Council's environmental health team will arrange to inspect the premises.

8. Once registered

8.1 Any person registered with the Council may be periodically inspected by the Environmental Health Team, subject to their risk assessment.

8.2 The failure to comply with any byelaw or the relevant legislation may result in prosecution. If the failure to comply is a public safety risk the Council may prosecute with a view to asking the Court to cancel the registration. This will mean that the applicant cannot operate legally within the District and may be prevented from registering their business with the Council any other local authority in the future.

8.3 The person carrying on the business or practice of any of the special treatments must keep a copy of their certificate of registration and the applicable byelaws on display at their premises. Failure to do so is a prosecutable offence and can result in a fine not exceeding level 2 on the standard scale.

9. Health and Safety

9.1 All premises that are open to the public for the purposes of providing cosmetic treatments of any kind, whether or not those treatments are registerable with the Council, must comply with the relevant health and safety legislation.

DRAFT

Acupuncture

The word “Acu” in Latin means “with a needle” and when added to the phrase “puncture” means puncturing with a needle.

For public safety and public health reasons any practice of puncturing the skin of another person with a needle for remedial, cosmetic or financial gain is registerable with the council.

Cosmetic Skin Piercing

The Local Government Act 2003 amended the Act to replace the activity of “ear piercing” with the more generic term of “cosmetic piercing”.

Therefore any piercing of any persons skin for cosmetic and beauty reasons of the insertion of any foreign material into or under the skin, whether permanent or temporary, for cosmetic or beauty reasons must be registered with the Council if carried out for profit, consideration or rewards.

Tattooing

Tattooing is the process of making a permanent mark, design or pattern onto the skin of a person by pricking and ingraining an indelible pigment or ink into the skin, or any other similar process designed to change the complexion of human skin for cosmetic purposes or artistic purposes.

Where this is done for profit, consideration or reward it falls within the definition of tattooing under the Act and requires registration.

Semi-permanent skin colouring

Semi-permanent skin colouring encompasses the cosmetic procedures known as micropigmentation, semi-permanent makeup and temporary tattooing.

Any process or procedure where skin colouring is inserted into a person’s skin without breaching the skin’s outer layer (the epidermis) for cosmetic purposes falls within the definition and requires registration with the Council if carried out for profit, consideration or reward.

Electrolysis

Electrolysis is generally known to be a procedure for removing unwanted face and body hair through the use of an electric current inserted into the hair follicle to destroy hair roots.

Electrolysis is, however a scientific term to describe the process of changing the composition of an object through the use of an electric current

For the purpose of this policy any form of electric current inserted into the skin for cosmetic purposes carried out for profit, consideration or reward requires registration with the council.

Other cosmetic procedures

The special treatments detailed in this policy are only the ones that are required to be registered with the Council.

Some treatments exist that do not require any form of registration, inspection or licensing process by any authority or public body as they have not been considered to be prejudicial to health.

Other treatments are not required to be registered with the Council as they are governed by other bodies under other legislation and require a registration with that authority.

Where there is any overlap between treatments that may require a registration with us but also require a registration with another public regulatory body, the Council will aim to ensure that business operators are not penalized by registering twice and will work with all parties to ensure that the most appropriate registration is obtained.

The onus is upon the person carrying on the business or practice to ensure that they have made the appropriate enquiries to ascertain who is the appropriate registering authority for their activity.

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LICHFIELD DISTRICT COUNCIL

BYELAWS

**Acupuncture, tattooing, semi-permanent skin-colouring,
cosmetic piercing and electrolysis**

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Lichfield District Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1. —(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act; “proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skincolouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2. —(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and

- (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2) (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is earpiercing or nose-piercing using a hygienic piercing instrument.
- (3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is earpiercing or nose-piercing using a hygienic piercing instrument.
3. —(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—
- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before reuse.
 - (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.
4. —(1) For the purpose of securing the cleanliness of operators, a proprietor—
- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and
 - (b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.
- (2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities the proprietor provides need not be for the sole use of the operator.
- (3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—
- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
 - (b) the client is known to be infected with a blood-borne virus; or
 - (c) the operator has an open lesion on his hand; or
 - (d) the operator is handling items that may be contaminated with blood or other body fluids.
5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semipermanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(l)(a) and 4(l)(a).
6. The byelaws relating to acupuncture, tattooing, ear piercing and electrolysis that were made by Lichfield District Council on the 24th July 1987 and were confirmed by The Secretary of State for Social Services on 29th October 1987 are revoked.

NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skincolouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of “premises” to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of “premises” to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.

The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

The provisions of paragraph 4(2) in relation to washing facilities apply to cosmetic piercing using only a hygienic piercing instrument.

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist** applies only to **acupuncture (see section 14(8) of the Act).***

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Gear, Sarah

From: [REDACTED]
Sent: 29 July 2019 20:39
To: Generic - Licensing
Subject: Registration of Special Treatments Policy

Dear Sarah

It was nice to speak to you today and very welcoming to be able to read the safeguarding proposals that you are planning to put into place regarding the treatments documented in the draft.

I felt that most areas of concern were well covered and my only comment to yourself was that under Appendix A, Electrolysis, the addition of the word face should be inserted, and also maybe the change of the word skin to hair follicle as we electrologysts do not pierce the skin, we enter the area to be treated via the hair follicle. This procedure does not pierce.

(Quote:) Electrolysis is generally known to be a procedure for removing unwanted face and body hair through the use of an electric current inserted through the hair follicle to destroy the root. (Un quote) I hope this is of some assistance to yourselves and should I be of any further help please don,t hesitate to call me.

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