

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>
