

# CHILTERN DISTRICT COUNCIL

Council Offices, King George V Road, Amersham,  
Buckinghamshire, HP6 5AW

**Telephone:** 01494 729000 **DX:** 50711

**Website:** [www.chiltern.gov.uk](http://www.chiltern.gov.uk)



## Licensing & Regulation Committee

Thursday, 4th February, 2010 at 6.30 pm

### A G E N D A

1 Minutes

To sign the Minutes of the meeting held on 3 December 2009, previously circulated.

2 Apologies for absence

3 Declarations of Interest

4 Licensing and Regulation Committee - Change to Membership  
The Committee are asked to note the change of membership of the Licensing & Regulation Committee. It was agreed at the Council meeting on 8 December 2009 that Councillor D Schofield be replaced by Councillor Mrs E Stacey.

5 Taxi and Private Hire Licensing Sub-Committee - Change of Membership

6 EU Services Directive and the Implications for Street Charity Collections

7 Regulation of Cosmetic Piercing and Skin-Colouring Businesses

8 Membership Qualifications for Licensing Sub-Committee and Taxi And Private Hire Licensing Sub-Committee

**Note:** All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

**Membership: Licensing & Regulation Committee**

Councillors: G P Peters (Chairman)  
Mrs I A Darby (Vice-Chairman)  
Miss P A Appleby  
Mrs E L Bamford  
Mrs J A Burton  
Mrs V G Head  
L A Hodgkinson  
P M Jones  
M J King  
D J Lacey  
D G Meacock  
S A Patel  
J S Ryman  
G E Sussum  
Mrs E P Stacey

**If you would like this document in large print or an alternative format please contact 01494 732145; email [chiefexecs@chiltern.gov.uk](mailto:chiefexecs@chiltern.gov.uk)**

## CHILTERN DISTRICT COUNCIL

### MINUTES of the Meeting of the LICENSING AND REGULATION COMMITTEE held on 3 DECEMBER 2009

|                 |            |                  |                 |
|-----------------|------------|------------------|-----------------|
| <b>PRESENT:</b> | Councillor | G P Peters       | - Chairman      |
|                 | "          | Mrs I A Darby    | - Vice-Chairman |
|                 | Councillor | Miss P A Appleby |                 |
|                 | "          | Mrs V Head       |                 |
|                 | "          | L A Hodgkinson   |                 |
|                 | "          | P M Jones        |                 |
|                 | "          | D Meacock        |                 |
|                 | "          | S A Patel        |                 |
|                 | "          | J S Ryman        |                 |
|                 | "          | D C Schofield    |                 |
|                 | "          | G E Sussum       |                 |

**APOLOGIES FOR ABSENCE** were received from Councillors Mrs E L Bamford, Mrs J A Burton and D J Lacey.

#### 10. MINUTES

The Minutes of the meetings held on 22 October 2009 were agreed by the Committee and signed by the Chairman as a correct record.

#### 11. DECLARATION OF INTERESTS

There were no declarations of interest.

#### 12. AMENDMENT TO CURRENT TAXI LICENSING PROCEDURES

The report before the Committee, detailed proposals in several areas that had been identified during a review of the licensing system, conducted as part of the Council's aim to deliver efficient and effective customer services. Members' considered the recommendations individually in the order they were listed in the report.

##### **Knowledge Test**

The Committee stressed the need for tests to be invigilated and Councillor Meacock opined that the use of multiple choice questions in knowledge tests advantaged the participant because the correct answer was displayed on the screen. Councillor Sussum added that multiple choice questions theoretically made it possible for applicants to pass the test through a random selection of the available options, rather than demonstrating sufficient knowledge on the area being tested.

A sample of the current paper knowledge test was circulated to Members and the Committee were given a demonstration of the sample electronic knowledge test. The Licensing Officer reassured Members that the proposed knowledge test required the participant to enter a series of security information including their National Insurance number. This enabled the test software to prevent participants from re-sitting the test within a specified period of time. It was noted that some authorities also restricted the number of test attempts drivers' could make. Drivers would also be required to provide photographic identification that would be checked prior to them sitting the test. It was proposed that Customer Services would operate and invigilate the tests on an appointment only basis. The proposed location of the test computer was near the Duty Planning Officer where distractions would be limited.

In response to a number of questions from the Committee the Licensing Officer detailed the following key features of the electronic knowledge test:

- The software ensured that participants would be required to answer different questions during retests;
- All the participant's answers to questions would be logged enabling officers to audit the answers to all tests carried out;
- Participants were able to review their answers before completing the test;
- Individual questions could be added or altered by officers;
- Drivers could be required to answer certain questions correctly in order to pass the test;
- Questions could be grouped into different sections;
- Sections of questions could be weighted according to their importance;
- The software also enabled officers to record participant's answers and monitor where participants were frequently getting questions wrong.

The Committee then considered the proposal to introduce a charge of £25 for the re-sitting of knowledge tests, following the completion of the first test. A list detailing the fees charged by Local Authorities for the first and subsequent tests was circulated to Members at the meeting for comparison purposes.

The Committee were advised that if they were minded to introduce a charge in excess of £25, the Council would be required to advertise this in the local media for a specified period. The same procedure would need to be followed if it was agreed that a fee would also be introduced for the initial test, although the recommendation in the report did not propose this. It was anticipated that the proposed charge for re-tests would be introduced during January 2010. However, any increase above £25 would delay the roll out due to the requirement to advertise in the local media.

The Committee indicated their support for the introduction of the £25 charge and also stressed the need to review this figure regularly in the future. It was also felt that integration with other Councils should be looked into. The Licensing Officer, in response stated that each Local Authority had individual licensing policies and this meant it was not possible, at present, to integrate the system with other Councils. Whilst there was some degree of similarity between test questions from one Council to another, questions regarding licensing policy were not interchangeable between authorities and this meant

drivers applying to one authority would need to sit a test with questions specific to licensing policy at the Council they had applied to.

Councillor Mrs V Head was concerned that some drivers may not be computer literate and would therefore find it difficult to complete the test, despite possessing the necessary knowledge to pass the test.

The Licensing Officer reassured Members that during the research of the various test systems available, the proposed software was looked at from the perspective of an individual unfamiliar with a computer. The test software was demonstrated as easy to use and it was thought even those individuals without previous computer experience would be able to complete the test using the preferred software. The test would only be carried out by new drivers who would have been required to sit similar computer based tests to obtain their full UK driving licence. The Legal Services Manager advised that the Council would not be open to criticism regarding potential discrimination because Customer Services would also be available to provide assistance to drivers who were not computer literate.

The Licensing Officer reported in response to a question from the Committee, that taxi drivers were asked to comment on the proposal during their licence renewal and the feedback received had overwhelmingly supported the proposal. The proposal had also been displayed on the Council website; and, taxi operators and new drivers were informed directly.

Councillor Jones felt that a limited amount of officer time would be saved as a result of the introduction of the proposal and stressed that the test should also include an assessment to ensure the drivers' standard of spoken English was acceptable. The Licensing Officer reported that taxi drivers had not supported any proposal to introduce an assessment regarding drivers' proficiency in spoken English as this was not considered proportionate. The introduction of the language assessment would also require officers to possess the relevant qualifications in order to be able to assess language proficiency and this would require officers to undergo additional training.

The Committee were advised that the current paper knowledge test pass levels were: 10/10 for section one – licensing policy; 20/30 for section two – hackney carriage based questions; 30/35 for section three – route based questions. It was confirmed that the Council had provisionally secured a favourable service level agreement with the software provider which allowed officers to amend questions and make changes to the time limit once the test software had been introduced. The automation of the test would also allow drivers to know the results immediately upon completion of the test and this was identified as a significant improvement to the current written test in place. The current written test was available in four different papers, each with a different set of questions. This currently made it possible for drivers who re-sat tests on a number of occasions to receive the same set of questions. However, the proposed software picked questions from a question pool, thereby preventing drivers from being asked the same question more than once.

The Committee noted that the recommendation contained in the report, which related to the provision of training courses for drivers, had been amended. The Committee were now asked to agree in principle to the provision of training sessions based on full cost recovery for drivers seeking to take a knowledge test. Councillor Peters added that the proposed provision for training for drivers would be an additional service as the Council did not currently provide training for drivers.

Councillor Meacock supported the provision of training provided this was based on full cost recovery from the drivers. He also felt that officer time involved in the organisation of the training should be factored into the charge.

#### **RESOLVED –**

- 1. That the procedure for knowledge tests be updated and improved through the use of an electronic testing system.**
- 2. That a charge of £25 be introduced for the re-sitting of knowledge tests after the completion of an initial test.**
- 3. That in principle, training sessions be provided for drivers to support them to pass their knowledge tests at the first occasion, with any charges made based on a full cost recovery basis.**

*Note: Councillor D Meacock entered the meeting at 6.34pm.*

#### **Hackney Carriage and Private Vehicle Testing Stations**

The Committee were advised that the proposed service level agreement envisaged an agreement with three partner garages, rather than the seven currently in place. It was anticipated that this would result in an improvement to the quality of tests and increase uniformity between the test stations. The test stations would check other items in addition to those carried out during the current compliance test and the Council would look to formalise this arrangement with the test stations. The current arrangement in place also required officers to carry out a separate visual check on the vehicle, which led to increased costs for the Council. The proposal looked to remove this process, by allowing the garages to carry out this check simultaneously with the compliance testing. It was also proposed that the current procedure be automated in a number of areas to allow drivers and operators to apply for the vehicle test on the internet and enable test stations to print test certificates on the day the test had been undertaken.

Members felt that the proposals were timely, but stressed that it was important for the partner garages to be accessible to drivers and that a complaints procedure be available to drivers. The Licensing Officer reported that partner garages would offer a drop in service where drivers could wait at the garage whilst the test was carried out, or they could drop off the vehicle and collect it at a later time. The Licensing Officer was confident that drivers' needs would be met through the proposed arrangements. It was noted that the vast majority

of drivers chose to have their vehicles tested at garages in Chesham. The partner garages would be assessed and selected through several criteria including; charges, availability, flexibility and vehicle ramp access.

The current system did not provide drivers with an official complaint procedure. However, the contract with the partner garages would include a clause to require garages to implement a formal complaint procedure. In addition to this, agreements with the garages would be for a fixed duration and the renewal would be subject to performance.

**RESOLVED –**

**That the nomination of Hackney Carriage and Private Hire Vehicle Testing Stations be conducted through the tender process.**

**Rolling Year Renewal of Hackney Carriage and Private Hire Licences**

The current system of licence renewals placed a heavy strain on Customer Services, Administration staff and the Finance section during the period between August and September each year through the preparation of licensing renewal packs. This also meant the taxi drivers were required to remain available during the renewal period. Taxi operators were required under the current system to pay for all vehicle licences at the same time, which placed financial pressure upon taxi operators. The proposal to introduce the rolling year renewal would reduce pressure on the Council; remove the need to employ temporary staff during this period and would work well with the introduction of internet renewals.

During the renewal period in October 2009, drivers and operators were surveyed on the proposal to introduce the rolling year renewal for taxi licences. The responses received were supportive of the proposal. The introduction of the proposal would involve a phased approach where vehicle licences would be migrated to rolling renewal first, with drivers licences renewed second and operator licences in the final stage.

The Committee suggested that operators be given the opportunity to renew a number of licences in a single application. The Licensing Officer reported that once the proposal had been implemented the capacity released would be used to review the introduction of the online application facility. This included a facility to allow applicants to specify the renewal date. However, there was a legal requirement to restrict the maximum duration of the licence to one year. The proposal aimed primarily to release capacity, provide financial savings and introduce procedures that would support the taxi trade.

**RESOLVED –**

**That the issuing of all Hackney Carriage and Private Hire licences be migrated in a staged manner to a rolling year procedure.**

### 13. **GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES**

The Gambling Act 2005 required local authorities to prepare and publish a Statement of Principles for determining applications, and to review that policy every three years. As such, a review of the Statement of Principles had been undertaken in light of relatively small changes to the legislation and Government guidance.

Members recalled that the draft Statement of Principles was initially considered by the Committee at the last meeting held on 22 October 2009. Since this meeting the Cabinet, Community and Environment Overview Committee, and external bodies had been consulted. During the consultation Members had stressed that there needed to be a flexible approach to considering whether a person was an interested party. Members also felt that the definition of an interested party should include the impact on those who may not be in the immediate locality of the application.

The consultation period had now ended and the Committee were asked to consider the amended Statement of Principles.

#### **RESOLVED -**

**That the amended Statement of Principles be noted.**

#### **AND RECOMMENDED -**

**That the amended Statement of Principles be approved by Full Council.**

**The meeting closed at 7.48pm**



**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE 4<sup>th</sup> FEBRUARY 2010**

---

*Background Papers, if any, are specified at the end of the Report*

**1 TAXI AND PRIVATE HIRE LICENSING SUB-COMMITTEE –  
CHANGE OF MEMBERSHIP**

*Contact Officer: Mat Bloxham 01494 732143*

**RECOMMENDATION**

**That the Committee agree to replace Councillor D Schofield with Councillor R Burns Green on the Taxi and Private Hire Sub-Committee.**

**Report**

The Council, at the Ordinary Council meeting on 8 December 2009, agreed to recommend to the Licensing and Regulation Committee that Councillor D Schofield be replaced by Councillor R Burns Green on the Taxi and Private Hire Sub-Committee. The Committee are therefore requested to agree this proposed change of membership.

*Background Papers: None*

---

This page is intentionally left blank

## **CHILTERN DISTRICT COUNCIL**

### **LICENSING AND REGULATION COMMITTEE 4<sup>th</sup> FEBRUARY 2010**

---

*Background Papers, if any, are specified at the end of the Report*

#### **2 EU SERVICES DIRECTIVE AND THE IMPLICATIONS FOR STREET CHARITY COLLECTIONS**

*Contact Officer: Ian Snudden 01494 732057*

##### **RECOMMENDATIONS**

**To note the report on the EU Services Directive.**

**To approve the revocation of Regulations 4 and 5 of the Regulations made by Chiltern District Council with regard to Street Collections 1981 with immediate effect.**

##### **Relationship to Council Objectives**

*Objective 1: Efficient and Effective Customer Focussed Services.*

##### **Implications**

- (i) Not a key decision.*
- (ii) Within the policy and budgetary framework.*

##### **Financial Implications**

*No direct financial implications at this stage other than staff resources in implementing the provisions of the Directive. The IT changes to facilitate the requirements will support the cost savings to be achieved through the increased use of online applications for licences and permits.*

##### **Risk Implications**

*The EU Services Directive came into effect on 27<sup>th</sup> December 2009 and so it is a legal obligation on local authorities to comply with its requirements.*

##### **Equalities Implications**

*Removal of restrictions will increase the numbers of charitable groups able to collect in the district and support increased diversity within the voluntary sector.*

##### **Sustainability Implications**

*Removal of restrictions may support the income generation of charitable*

*organisations and support the sustainability of the voluntary sector.*

## **Report**

### **Background - EU Services Directive**

- 1 The EU Services Directive enacted by the Provision of Services Regulations 2009, aims to open up the European internal market to cross-border trade in services by making it easier for service providers to set up business and offer their services in other EU countries.
- 2 It was adopted by the European Council at the end of 2006, and the UK has until 27<sup>th</sup> December 2009 to implement it. The legislation confers a legal requirement on local authorities and service providers to implement the Directive.
- 3 It imposes a number of requirements on all EU countries, the main ones being to:
  - Screen UK legislation and amend or repeal non-compliant provisions. This has to be reported back on to the Commission by 28<sup>th</sup> December 2009. The Department for Business, Innovation and Skills (BIS), previously known as the Department for Business Enterprise and Regulatory Reform (BERR) is managing the screening of national legislation to ensure it complies with the directive and local authorities will need to screen local legislation as well as their administrative practices to ensure they comply.
  - Set up the 'Point of Single Contact' (PSC) which will enable service providers to find out what they need to do to operate legally in the UK and to complete all necessary formalities electronically. This has been developed by BIS and will be hosted on the existing Business Link website. The implementation of the PSC is required by the directive as service providers need to be able to apply for licences electronically and remotely.
  - Enhance Administrative Cooperation between regulators in the 27 EU countries. Facilitate use of the Internal Market Information (IMI) system and a UK National Liaison Point (NLP). The IMI system will provide the facility for local authorities to make requests or respond to requests from other EU countries regarding the regulation of a service.
  - Ensure consistency in the quality of information provided by service providers and transparency of redress procedures via the setting up of a Consumer Portal.
- 4 Effects of the Services Directive are likely to be felt by every Local Authority and Government Department across the UK. Implementing the Directive effectively will hopefully reduce the administrative burdens on Local Authorities, while enabling consumers in the UK to benefit from a greater

choice of service providers and lower prices. Businesses from other EU countries should be able to trade more easily in the UK, similarly UK businesses should find it easier and faster to enter and expand into EU markets. The direct consequences that the Directive has for Local Authorities can be divided into four areas. These concern:

- The screening and possible adjustment of the existing legislation and the authorisation schemes in them that are related to the relevant services.
  - The electronic completion of procedures.
  - Administrative Cooperation.
  - Regulations in connection with the rights of recipients of services.
- 5 Licence applications, authorisation schemes, approval regimes, regulations and administrative practices can be specific to a Local Authority. They therefore need to be checked to ensure that they comply with the Directive's criteria.
- 6 Authorisation schemes must be:
- a. Non-discriminatory (apply equally to providers from all EU countries);
  - b. Proportionate (must not be more stringent or onerous than is necessary to tackle the particular problem it is designed to address);
  - c. Necessary (justified by some genuine underlying policy objective);
  - d. Justified by overriding reasons relating to the public interest; these are defined within the Directive and include those of public policy; public security; public safety; public health; the protection of consumers; recipients of services and workers and fairness of trade transactions.
- 7 If Local Acts or byelaws apply in our area, we must ensure that there are no unnecessary barriers to service provision.

### **Implications for Charitable Street Collections**

- 8 As part of the screening process, it was identified that local regulations enacted in 1981 (*Appendix 2*) governing the collection of money or selling of articles in the street for charitable purposes create a restriction on the days and hours that such collections or sales can take place (Regulation 4) and limits the collection to nominated streets or public places as thought fit (Regulation 5).
- 9 These restrictions were imposed in order that such collections or sales do not inconvenience or annoy any person.
- 10 Therefore it is considered that there are no justifiable overriding reasons of public interest to continue with these restrictions and therefore it is

recommended that Regulations 4 and 5 of the local Regulations are revoked with immediate effect.

- 11 The implications of this could potentially be the increased number of charitable street collections in a geographical area at any one time. However, failure to comply with the EU Services Directive will technically be an infringement of the Directive and the local authority may be singled out as non-compliant when the peer review takes place. The authority may also face action by a service provider for not processing applications as legitimately expected.

***Background Papers:*** None

---

CHILTERN DISTRICT COUNCIL

REGULATIONS MADE BY THE CHILTERN DISTRICT COUNCIL  
WITH REGARD TO STREET COLLECTIONS

In pursuance of Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act 1972, the Chiltern District Council hereby makes the following regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the District of Chiltern to collect money or sell articles for the benefit of charitable or other purposes:-

1. In these Regulations, unless the context otherwise requires -

"collection" means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly;

"promoter" means a person who causes others to act as collectors;

"permit" means a permit for collection;

"contributor" means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

"collecting box" means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Chiltern District unless a promoter shall have obtained from the Chiltern District Council a permit.

3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection:

Provided that the Chiltern District Council may reduce the period of one month if satisfied that there are special reasons for so doing.

4. No collection shall be made except upon the day and between the hours stated on the permit.

5. The Chiltern District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

6. (1) No person may assist or take part in any collection without the written authority of a promoter.

(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Chiltern District Council or any constable.

7. No collection shall be made in any part of the carriageway of any street which has a footway:

Provided that the Chiltern District Council may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.

9. No collector shall importune any person to the annoyance of such person.

10. While collecting -

(a) a collector shall remain stationary; and

(b) a collector or two collectors together shall not be nearer to another collector than 25 metres.

Provided that the Chiltern District Council may, if it thinks fit, waive the requirement of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.

12. (1) Every collector shall carry a collecting box.

(2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.

(3) All money received by a collector from contributors shall immediately be placed in a collecting box.

(4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.

14. (1) Subject to paragraph (2) below, a collecting box shall be opened in the presence of a promoter and another responsible person.

(2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.

(3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.

15. (1) No payment shall be made to any collector.

(2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith except such payments as may have been approved by the Chiltern District Council.



16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Chiltern District Council -

(a) a statement in the form set out in the Schedule to these Regulations or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and either a qualified accountant or an independent responsible person acceptable to the Chiltern District Council;

(b) a list of collectors;

(c) a list of the amounts contained in each collecting box;

and shall, if required by the Chiltern District Council, satisfy it as to the proper application of the proceeds of the collection.

(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1) (a) above, publish in such newspaper or newspapers as the Chiltern District Council may direct in a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of the expenses and payments incurred in connection with such collection.

(3) The Chiltern District Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.

(4) For the purposes of the Regulation "a qualified accountant" means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland.

17. These regulations shall not apply -

(a) in respect of a collection taken at a meeting in the open air; or

(b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

SCHEDULE

FORM OF STATEMENT

Name of the person to whom the permit was granted.....

Address of the person to whom the permit was granted.....

Name of the charity or fund which is to benefit .....

Date of Collection.....

Show nil entries

| Proceeds of Collection | Amount | Total | Expenses and Application<br>of Proceeds      | Amount | Total |
|------------------------|--------|-------|--|--------|-------|
| From collecting boxes  |        |       | Printing & Stationery                        |        |       |
|                        |        |       | Postage                                      |        |       |
|                        |        |       | Advertising                                  |        |       |
| Interest on proceeds   |        |       | Collecting Boxes                             |        |       |
|                        |        |       | Badges                                       |        |       |
| Other items:-          |        |       | Emblems                                      |        |       |
| .....                  |        |       | Other items:-                                |        |       |
| .....                  |        |       | .....  |        |       |
|                        |        |       | .....  |        |       |
|                        |        |       | Payments approved under<br>Regulation 15 (2) |        |       |
|                        |        |       | Disposal of Balance<br>(insert particulars)  |        |       |
| TOTAL £                |        |       | TOTAL £                                      |        |       |

Certificate of the person to whom the permit was granted

I certify that to the best of my knowledge and belief the above is a true account of the proceeds, expenses and application of the proceeds of the collection.

Date..... (Signed).....

Certificate of Accountant

I certify that I have obtained all the information and explanations required by me and that the above is in my opinion a true account of the proceeds, expenses and application of the proceeds of the collection.

Date..... (Signed).....

Qualifications .....

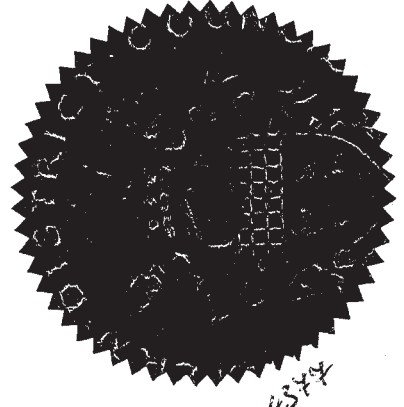
These regulations shall come into operation upon the expiration of the period of one month beginning on the date on which they are confirmed by the Secretary of State and all other street collection regulations having effect in the Chiltern District Council area are hereby repealed with effect from the date on which these regulations came into force.

The COMMON SEAL of the said  
CHILTERN DISTRICT COUNCIL  
was hereunto affixed this *thirteenth*  
day of *September* 1981  
in the presence of

*[Signature]*  
*[Signature]*

Chairman

Chief Executive and Secretary



The foregoing Regulations are hereby confirmed by the Secretary of State and shall be published by the insertion of an announcement in two successive issues of two newspapers circulating in the Chiltern District stating that such Regulations have been made and confirmed and that copies can be obtained on application to the Chiltern District Council.

Signed by the authority of the  
Secretary of State

*[Signature]*

An Assistant Under-Secretary of State

Home Office,  
Queen Anne's Gate

*15<sup>th</sup> October 1981.*

This page is intentionally left blank

## CHILTERN DISTRICT COUNCIL LICENSING AND REGULATION COMMITTEE 4<sup>th</sup> FEBRUARY 2010

---

### 3 REGULATION OF COSMETIC PIERCING AND SKIN-COLOURING BUSINESSES

*Contact Officer: Ian Snudden 01494 732057*

#### RECOMMENDATIONS

That Members recommend to Full Council that the new consolidated byelaws for cosmetic piercing, semi-permanent skin-colouring, acupuncture, ear-piercing, electrolysis and tattooing are made in accordance with the necessary procedures and to apply to the Secretary of State for confirmation of such byelaws and once confirmed, that the existing set of related byelaws are revoked.

#### Relationship to Council Objectives

*Objective 1: Efficient and Effective Customer Focussed Services.*

*Objective 2B: Promote healthy living, well-being and address health inequalities.*

#### Implications

*(i) This matter is not a key decision.*

*(ii) Within the policy and budgetary framework.*

#### Financial Implications

*None*

#### Risk Implications

*By adopting the amended model licence conditions, improved safety of clients of skin piercing establishments is assured.*

#### Equalities Implications

*None*

#### Sustainability Implications

*None*

#### Report

- 1 Currently, Chiltern District Council has adopted the provisions of section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and has byelaws for the registration of businesses and persons who perform skin piercing, namely, tattooing, ear piercing, electrolysis and acupuncture. These were confirmed by the Secretary of State for Health on 22<sup>nd</sup> December 1994 and came into effect on 31<sup>st</sup> January 1995.
- 2 New provisions of the Local Government Act 2003, which came into force on 1<sup>st</sup> April 2004, gave local authorities in England (outside London) and in Wales, new powers relating to persons carrying on businesses of cosmetic piercing (piercing of the body including the ear) and semi-permanent skin-colouring (including micro pigmentation, semi-permanent make-up and temporary tattooing).
- 3 At an Executive meeting of 6<sup>th</sup> June 2004, the Executive agreed to adopt new model byelaws in relation to semi-permanent skin colouring and cosmetic piercing. These supplemented existing separate model byelaws for acupuncture, ear-piercing, electrolysis and tattooing. However, since then in response to a growing demand, the Department of Health has produced a new consolidated set of model byelaws that can be used for one, several or all types of skin piercing/skin colouring currently regulated (Appendix 3). The Department of Health has also used this opportunity to update specific provisions to reflect current infection control advice and industry practice.
- 4 Therefore it is recommended that all existing byelaws in relation to semi-permanent skin colouring and cosmetic piercing, acupuncture, ear-piercing, electrolysis and tattooing are revoked and replaced by the consolidated set of byelaws as in *Appendix 3*.

*Background Papers: None*

---

# MODEL 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 ..... 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 skin-colouring, 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 ear-piercing 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 ear-piercing 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 re-use.
  - (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 that 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, semi-permanent 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(1)(a) and 4(1)(a).

6. The byelaws relating to *state subject matter* that were made by *insert name* on the *insert date* and were confirmed by *insert name of confirmation authority* on *insert date* are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health  
on \_\_\_\_\_ and shall come into operation on \_\_\_\_\_

Member of the Senior Civil Service

Department of Health

## 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 skin-colouring, 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).***

## CHILTERN DISTRICT COUNCIL LICENSING AND REGULATION COMMITTEE 4<sup>th</sup> FEBRUARY 2010

---

*Background Papers, if any, are specified at the end of the Report*

### **4 MEMBERSHIP QUALIFICATIONS FOR LICENSING SUB-COMMITTEE AND TAXI AND PRIVATE HIRE LICENSING SUB-COMMITTEE**

*Contact Officer: Lynne Reardon, Monitoring Officer 01494-732761 and 01895-837229*

#### **RECOMMENDATION**

**To recommend to full Council changes to the Constitution of the Licensing Sub-Committee and Taxi and Private Hire Licensing Sub-Committee to make the undertaking of the required training a pre-requisite to membership/participation on these sub-committees.**

#### **BACKGROUND**

1. Members have recently reviewed the membership of the Taxi and Private Hire Licensing Sub-Committee (Constitutional Review Committee 6 October 2009, Licensing and Regulation Committee 22 October 2009 and Council 27 October 2009).
2. With effect from the next Annual Meeting – May 2010 – membership was agreed to be limited to three members, substitutes should be permitted to ensure a quorum of three and membership will be limited to members of the parent Committee – namely the Licensing and Regulation Committee. The same arrangements will therefore apply to the Taxi and Private Hire Licensing Sub-Committee as to the Licensing Sub-Committee. Consequential changes to the Constitution were approved.
3. Members were generally concerned however that as the Sub-Committees undertook quasi-judicial functions and were called upon to make determinations that could ultimately result in appeals to the Magistrates Court (or in the case of some taxi appeals to the County Court), and resulting cost implications - that membership should be limited to only those members of the parent committee who had undertaken the required training. This report further considers that concern.
4. Similarities were drawn between the decision making functions of these Sub-Committees to those decisions made by the Planning Committee – whose decisions are subject to appeals via the Planning Inspectorate – and consequential costs provisions applicable thereto.

5. Members are advised that the taking up of appointments to the Planning Committee – being able to attend and vote on the Committee – is subject to the Member having attended the required training on Planning Matters and the Members’ Code of Conduct – Council 20.5.03 and 19.5.09. This restriction is written into the limitations on membership recorded in the Constitution.
6. Training is offered to members of the Licensing and Regulation Committee from time to time consisting of matters relating to hackney carriage and private hire and the licensing of premises for the sale of alcohol and entertainment. This training is offered periodically and forms part of the member induction process following the annual Council meeting.
7. A query was also raised as to whether following such training members should be required to pass some form of test to confirm their understanding. There is no formal/recognised ‘qualification’ as such for members of these sub-committees. It should also be pointed out that on both these sub-committees members decision making and discretion is guided by legislation and adopted Policies. A legal representative is also in attendance on both of these sub-committees which is considered necessary and will continue. Members would therefore certainly benefit from some training in advance of participation in the decision making process – but the passing of a qualification/test is considered unnecessary.
8. If Members are minded to adopt this prerequisite to membership of the sub-committees then a training session/sessions will need to be set up as soon as possible after the Annual Council meeting so the holding of sub-committees is not held up due to lack of trained members as there are certain statutory deadlines for determination of Licensing applications and also human rights implications if determinations are delayed.

---

***Background Papers:*** None