



TO COUNCILLOR:

Mrs R H Adams
G A Boulter
Mrs L M Broadley (Chair)
F S Broadley
D M Carter

M H Charlesworth
Mrs H E Darling JP
M L Darr (Vice-Chair)
Mrs L Eaton JP
F S Ghattoraya

J Kaufman
Mrs L Kaufman
Ms C D Kozlowski
Mrs H E Loydall

I summon you to attend the following meeting for the transaction of the business in the agenda below.

Meeting: Licensing and Regulatory Committee
Date and Time: Thursday, 29 September 2022, 6.30 pm
Venue: Council Offices, Bushloe House, Station Road, Wigston, Leicestershire, LE18 2DR
Contact: Democratic Services
t: (0116) 257 2775
e: democratic.services@oadby-wigston.gov.uk

Yours faithfully

Council Offices
Wigston
21 September 2022

Mrs Anne E Court
Chief Executive



Meeting ID: 2332



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A full cost breakdown for all agenda packs for this meeting is provided further down.

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
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1.	Live Stream of Meeting Instructions	
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This meeting will be live streamed.

Press & Public Access:

YouTube Live Stream

A direct link to the live stream of the meeting's proceedings on the Council's YouTube Channel is below.

<https://www.youtube.com/watch?v=Cjtg9bSQ4Ew>

2. Apologies for Absence

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.

3. Appointment of Substitutes

To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.

4. Declarations of Interest

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

5. Minutes of the Previous Meeting

4 - 6

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

6. Action List Arising from the Previous Meeting

7 - 14

7. Petitions and Deputations

To receive any Petitions and, or, Deputations in accordance with Rule(s) 11 and 12 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.

8. Licensing & Regulatory Update (Q1 2022/23) (Presentation)

15 - 21

Presentation of the Senior Strategic Development Manager

9. Animal Licensing Policy (September 2022)

22 - 34

Report of the Senior Strategic Development Manager

10. Charitable Collections Policy (September 2022)

35 - 54

Report of the Senior Strategic Development Manager

11. Special Treatments Policy (September 2022)

55 - 79

Report of the Senior Strategic Development Manager

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Agenda Item 5

MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD AT/BY COUNCIL OFFICES, BUSHLOE HOUSE, STATION ROAD, WIGSTON, LEICESTERSHIRE, LE18 2DR ON THURSDAY, 16 JUNE 2022 COMMENCING AT 6.30 PM

PRESENT

Mrs L M Broadley Chair
M L Darr Vice-Chair



Meeting ID: 2233

COUNCILLORS

Mrs R H Adams
G A Boulter
D M Carter
M H Charlesworth
Mrs H E Darling JP
J Kaufman
Mrs L Kaufman
Mrs H E Loydall

OFFICERS IN ATTENDANCE

A Hunt Democratic & Electoral Services Officer
J Wells Senior Strategic Development Manager

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors F S Broadley, Mrs L Eaton JP and Ms C D Kozlowski.

2. APPOINTMENT OF SUBSTITUTES

None.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 10 March 2022 be taken as read, confirmed and signed.

5. ACTION LIST ARISING FROM THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The Action List arising from the previous meeting held on 10 March 2022 be noted.

It was moved by Councillor Mrs H E Loydall and second by the Chair and

UNANIMOUSLY RESOLVED THAT:

The Head of Law and Democracy write to Neil O'Brien MP on behalf of the Council expressing concerns about the rising number of E-scooter accidents and the fire safety risk of E-scooters.

It was moved by Councillor G A Boulter and seconded by the Chair and

UNANIMOUSLY RESOLVED THAT:

The Head of Law and Democracy write to the Local Government Association on behalf of the Council expressing concerns about the rising number of E-scooter accidents and the fire safety risk of charging E-scooters inside buildings.

6. PETITIONS AND DEPUTATIONS

None.

7. LICENSING AND REGULATORY UPDATE (PRESENTATION)

The Committee gave consideration to the presentation (as set out on pages 13 - 20 of the agenda pack) delivered by the Senior Strategic Development Manager, which asked it to note the Council's Licensing and Regulatory Update.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The content of the presentation be noted.

8. AIR QUALITY UPDATE (JUNE 2022)

The Committee gave consideration to the report and appendices (as set out on pages 21 - 26 of the agenda pack) which asked it to note the progress on air quality and future proposals/a way forward.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The content of the report be noted.

9. FOOD SERVICE PLAN (2022/23)

The Committee gave consideration to the report and appendix (as set out on pages 27 - 33 of the agenda pack) which asked it to note the plan for delivering the Food Service for the current year and report progress on 2021/22.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The content of the report be noted.

THE MEETING CLOSED AT 7.59 pm



Chair / Vice-Chair

Thursday, 8 September 2022

*Printed and published by Democratic Services, Oadby and Wigston Borough Council, Council
Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

LICENSING AND REGULATORY COMMITTEE

ACTION LIST

Arising from the Meeting held on Thursday, 16 June 2022

No.	Minute Ref. / Item of Business	*Action Details / Action Due Date	Responsible Officer(s)' Initials	Action Status
1.	5. – Action List Arising from The Previous Meeting	Head of Law and Democracy writes to Neil O'Brien MP on behalf of the Council expressing concerns about the rising number of E-scooter accidents and the fire safety risk of E-scooters.	DaGi	Complete
		<i>Due by Sep-22</i>		
		The Head of Law and Democracy wrote to Neil O'Brien MP dated 7 July 2022. A response from Neil O'Brien was received back on 4 August 2022. Copies of both letters are attached at Appendix 1.		
2.	5. – Action List Arising from The Previous Meeting	Head of Law and Democracy writes to the Local Government Association on behalf of the Council expressing concerns about the rising number of E-scooter accidents and the fire safety risk of charging E-scooters inside buildings.	DaGi	Complete
		<i>Due by Sep-22</i>		
		The Head of Law and Democracy wrote to the Local Government Association dated 7 July 2022. A response from the Local Government Association was received back on 11 July 2022. Copies of both letters are attached at Appendix 2.		
3.	5. – Action List Arising from The Previous Meeting	Additional diffusion tube requests – A6 further along the hill, Moat Street/Newton Lane junction, one to measure traffic movement.	JoWe	Ongoing
		<i>Due by Sep-22</i>		
		These requests are being considered on the basis of air quality		

	monitoring. Traffic movement data measurement has been forwarded to the highway authority, Leicestershire County Council.
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* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s).



Neil O'Brien MP
Constituency Office
24 Nelson Street,
Market Harborough
Leics
LE16 9AY

Please Ask For: David Gill
Direct Dial: (0116) 257 2626 **Ext:** 626
Email: david.gill@oadby-wigston.gov.uk
Website: www.oadby-wigston.gov.uk
Date: 7 July 2022

Dear Neil

Re: Potential Dangers to Pedestrians from E-scooters.

I am instructed to write to you on behalf of the Licensing and Regulatory Committee of Oadby and Wigston Borough Council.

At its meeting on 16 June 2022, members expressed their concerns about the proliferation of the use of E-scooters and the rising number of accidents that are attributable to their use. This concerns extends not only to the use of E-scooters but also the use of E-bikes .

The government's own statistics show that based on provisional data in 2021:

- there were 1,280 collisions involving e-scooters, compared to 460 in 2020
- of all collisions involving e-scooters, 309 included only one e-scooter with no other vehicles involved in the collision (single vehicle collision), compared to 83 in 2020
- there were 1,359 casualties in collisions involving e-scooters, compared to 484 in 2020
- of all casualties in collisions involving e-scooters, 1,034 were e-scooter users, compared to 384 in 2020
- there were 9 killed in collisions involving e-scooters (all of whom were e-scooter riders) compared to 1 in 2020
- our best estimate, after adjusting for changes in reporting by police, is that there were 390 seriously injured and 960 slightly injured casualties in 2021, this compares to 129 and 354 respectively in 2020

Recent cases in the area include the death of a 71 year old woman in Nottingham in June and accidents involving E-bike's in Leicestershire involving a man in his 30's and a man in his 80's who both sustained serious injuries.

Members are aware of the Government's proposals announced in May to introduce legislation to legalise the use of E-scooters on public roads and urges you to lobby government to ensure that safety

is at the fore front of any proposed legislation and that the legislation is extended to include E-bikes as well.

The legislation should also impose minimum standards to ensure that any fire risk when an electrically assisted vehicle is being recharged is mitigated given that there were at least 72 fires in London alone directly attributed to the charging of E-scooters and E-bikes.

Members would appreciate your support in this matter and look forward to receiving your comments.

Yours faithfully



David Gill
Monitoring Officer
(Head of Law and Democracy)



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Oadby_Wigston

From: Neil O'Brien OBE MP <neil.obrien.mp@parliament.uk>
Sent: 04 August 2022 14:31
To: David Gill <david.gill@oadby-wigston.gov.uk>
Subject: FW: 220706 - Letter to NO'B re e-scooters (Case Ref: NO10532)

Hello Dave,

Thank you for contacting me about electric scooter trials, on behalf of the Licensing and Regulatory Committee at Oadby & Wigston Borough Council.

As you will be aware, the Department for Transport (DfT) has been running a series of electric scooter trials in select areas across the country, allowing the Government to investigate the true benefits and costs of electric scooters. E-scooters could ease the burden on the transport network, although the Government needs to scrutinise the full impact of electric scooters before any decision is made on whether they should be legalised on public roads.

I understand some councils have raised concerns about the trials after reports of misuse of scooters, such as in pedestrianised areas. This is against the clear government guidance first published in 2020, which lists the rules for members of the general public using e-scooters as part of trials. The full list of guidelines can be found here: <https://www.gov.uk/guidance/e-scooter-trials-guidance-for-users>.

The trials will provide evidence on the true impact of electric scooters, for example: how safe they are; how they are used; whether potential benefits can be realised; and on how to manage potential downsides. It is important to note that, in the e-scooter trials ongoing across the country, only selected rental electric scooters are being allowed to participate so that the data is both robust and meaningful.

The original deadline for the end of the trials was 30 November 2021, but trials were extended to take into account the slower start to trials as a result of the pandemic. Trials will run until 30 November 2022 and a full set of findings will be included in a final report.

I understand the Government has put in place a national monitoring and evaluation programme, with data being collected on a continuous basis. This data will help ensure that safety is as you rightly mention, at the forefront of any proposed legislation.

Thank you again for taking the time to contact me.

Neil

Neil O'Brien OBE MP
House of Commons
London SW1A 0AA

Website: <http://www.neilobrien.org.uk/>

Appendix 2



Oadby & Wigston
BOROUGH COUNCIL

Law & Democracy
Legal Services

Local Government Association
18 Smith Square
Westminster
London
SW1P 3HZ

Please Ask For: David Gill
Direct Dial: (0116) 257 2626 **Ext:** 626
Email: david.gill@oadby-wigston.gov.uk
Website: www.oadby-wigston.gov.uk
Date: 7 July 2022

Dear Sirs

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Members are aware of Government proposals announced in May to introduce legislation to legalise the use of E-scooters on public roads and urges you to lobby government to ensure that safety



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The legislation should also impose minimum standards to ensure that any fire risk when an electrically assisted vehicle is being recharged is mitigated given that there were at least 72 fires in London alone directly attributed to the charging of E-scooters and E-bikes.

Members would appreciate your support in this matter and look forward to receiving your comments.

Yours faithfully



David Gill
Monitoring Officer
(Head of Law and Democracy)

From: Kamal Panchal <Kamal.Panchal@local.gov.uk>
Sent: 11 July 2022 14:37
To: David Gill <david.gill@oadby-wigston.gov.uk>
Cc: Info, LGA <info@local.gov.uk>; Simon Jeffrey <Simon.Jeffrey@local.gov.uk>
Subject: RE: 220706 - Letter to LGA re E-scooters

Dear David

As transport policy lead for the LGA I would like to thank you for sharing the views of Oadby and Wigston District Council members on the rise of e-scooters and e-bikes. Feedback and insights from member councils is valuable and an important source of information for the LGA.

The LGA shares the concerns you raise regarding the aim to ensure that e-scooters and e-bikes can provide affordable and environmentally friendly improvements to mobility without threatening the safety of users or other road users, pedestrians in particular. We have welcomed the focus on safety and local control through the e-scooter trials underway successfully in 31 areas. These are providing important information to feed into the evidence base for any legislation that would expand the use of e-scooters.

The LGA is aware of and concerned by the widespread illegal use of potentially dangerous private e-scooters. We want urgent action to be taken - to address this in communities but also in legislation. The lack of government policy, or resources for enforcement of current law, has enabled growth to nearly 1 million private e-scooters in use, leading to increasing concern from local authorities. We welcome proposals to set out new regulations and laws regarding e-scooters in the upcoming Transport Bill. The LGA has been talking to officials about the e-scooter elements of this Bill for some time.

To directly address your members' requests:

- * Safety will be at the centre of the LGA's lobbying if government, as expected, pushes towards the legalisation of private e-scooters. Reducing the risk to riders and other road users, especially pedestrians, will see LGA recommendations to our members likely to align with those set out by PACTS, including, amongst others, banning e-scooters from pavements, limiting speeds and requiring minimum ages
- * Product standards and regulations to ensure e-bikes and e-scooters to be as safe while charging as it is to recharge a laptop or mobile phone.

Please do get in touch if you have further views to share. There are other aspects of the Transport Bill that we wish to look at and we are waiting for the Bill to be laid - the timing of which is currently unknown.

Best wishes

Kamal

Kamal Panchal
Senior Adviser
Local Government Association

Licensing and Regulatory update

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Jon Wells

Licensing and Regulatory Committee

8 September 2022

Agenda Item 8



Food

- Q1 on track with the FSA recovery plan – high risk and non compliant followed by backlog of 'C' inspections
- Triaging new businesses (30 total of which 4 targeted for inspection)
- Dealing with complaints (18)
- Maintaining progress with service plan delivery
- Scanning records – move towards agile working
- Members bulletin quarterly updates on business scores

Food Hygiene Rating score	
0	0
1	2
2	1
3	25
4	37
5	276
Total in scope of scheme *	341



Selective Licensing

- No of rented properties – 818
- Applications received – 744 (90%)
- Exemptions/empty – 15
- Licenses issued – 620 (83%)
- Income - £547,194

Green Homes Grant Programme

LAD 2	
Applications	39
Retrofits Completed	27
Properties with measures installed	21
Measures Completed	27
Solar PV	15
Cavity Wall	4
Loft Insulation	8

- LAD2 nearly complete and will be closed down in Sept 22
- LAD3 finalising tender process

LAD 3		HUG1	
Applications	164	Applications	5
Qualified	34	Qualified	0
Awaiting Evidence	49	Awaiting Evidence	5
Retrofits Booked	37	Retrofits Booked	3
Retrofits Completed	0	Retrofits Completed	0

Funding Breakdown	
LAD3	528,000
HUG1	55,000
LAD2 underspend*	£100,000
Better care funding	£150,000
Total	£833,000



Air Quality

- ASR submitted for 2022 – appraisal completed and passed to DEFRA for approval
- ASR 2021 requires amendment – now resubmitted
- Air quality grant application pending for the Blaby Road project (partnership working with public health)
- Additional diffusion tubes – Newton Lane and the A6

Licensing

- Policy updates
- Taxi driver revocation of license appeal
- Audit on Licensing Act 2003 to commence along with a review of fees and charges
- Applications
- Annual fees review and inspections recommenced
- 'Petfishing' <https://getyourpetsafely.campaign.gov.uk/>
- Seizure of dangerous dog

Environmental Health

- Body found in house
- Welfare Burials continue
- Midland Mainline electrification project and section 61 consent. Public event attended and agreement obtained on controls and mitigation measures
- Recruitment for Environmental Health Technical Officer post commenced
- Dog warden services – free microchipping event on 24 August (Supersonic Boom Event)
- Quotations to be sought for new contract from April 2023
- Members bulletin to include periodic information from dog patrols

Agenda Item 9



Licensing and Regulatory Committee	Thursday, 08 September 2022	Matter for Information and Decision
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Report Title: **Animal Licensing Policy (September 2022)**

Report Author(s): **Jon Wells (Senior Strategic Development Manager)**

Purpose of Report:	To consider any relevant updates with regard to Animal Licensing Policy 2022 ("the Policy") and to ensure any relevant changes updates are included.
Report Summary:	The current Policy needs to be reviewed and updated where necessary. In 2022, it is essential that this is refreshed and updated to ensure the effective ongoing regulation of Animal Licensing Policy. An updated draft version is attached at Appendix 1.
Recommendation(s):	A. That the Animal Licensing Policy 2022 be adopted ; and B. That delegated authority be granted to the Head of Law and Democracy to consider any other amendments as may be necessary in consultation with the Chair of the Licensing and Regulatory Committee.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	David Gill (Head of Law and Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk Jon Wells (Senior Strategic Development Manager) (0116) 257 2692 jon.wells@oadby-wigston.gov.uk
Corporate Objectives:	Providing Excellent Services (CO3)
Vision and Values:	Accountability (V1) Customer Focus (V5)
Report Implications:-	
Legal:	Whilst there is no statutory requirement for a local authority to adopt an Animal Licensing Policy, it gives clarity to the public, partner agencies and applicants, provides a framework for Officers and Members to enable consistent decision making and transparency, and reduce the opportunity for challenge through the courts by judicial review. The authority must have regard to the the regulations and statutory guidance issued by DEFRA which sets out the activities which must be licensed, who may apply for a licence and how the Council must determine applications for a licence. The regulations also set out the conditions which must be applied to any licence granted.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Regulatory Governance (CR6) Reputation Damage (CR4)

Equalities and Equalities Assessment (EA):	There are no implications arising from this report.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	'Animal Activities Licensing: Statutory Guidance for Local Authorities' – Department for Environment, Food & Rural Affairs, Last Updated 1 June 2022
Appendices:	1. Draft Animal Licensing Policy (September 2022)

1. Introduction

- 1.1 The Council are responsible for licencing a number of establishments to protect animals and their welfare. Powers are contained in various Acts and Regulations which are detailed in the section 3 of the draft Policy.

2. Policy Review

- 2.1 The current policy has been reviewed and updated and a draft is provided at **Appendix 1**.
- 2.2 There have been amendments to regulations which are reflected in the Policy, along with guidance from DEFRA regarding keeping and buying of animals.
- 2.3 The main changes are therefore in section 3 and section 7 of the draft policy.

OADBY & WIGSTON BOROUGH COUNCIL

ANIMAL LICENSING POLICY



Policy Version Number: 3.0

Authorisation: Licensing and Regulatory Committee

Date of Last Review: July 2022

Date of Next Review: July 2024

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Appendices

Appendix 1: Approved Veterinarians and Inspectors

1.0 Introduction

Oadby and Wigston Borough Council (“the Council”) are responsible for licensing a number of activities relating to the welfare of animals under a number of different Acts of Parliament. This legislation is aimed at protecting animals and makes it an offence for any person to possess, own or keep animals in order to carry out certain businesses, or have possession of certain animals within the Borough of Oadby and Wigston, without first being licensed by the Council.

2.0 Licences Issued by the Council

The Council issues the following licences:

- Animal boarding establishment licences
- Horse riding establishment licences
- Pet shop licences
- Dangerous wild animal licences
- Dog breeding establishment licences
- Keeping or training animals for exhibition
- Zoo licences

3.0 The Legislation

The above licences are regulated by the Council under the following Legislation:

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (Amended in 2019 by SI2019 No 1093)
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981

Together, this Legislation and the Animal Welfare Act 2006 provide a comprehensive scheme of animal welfare.

4.0 Animal Welfare Act 2006

The Animal Welfare Act 2006 (“the 2006 Act”) consolidated and updated a range of previous legislation to promote the welfare of animals. The 2006 Act is the primary piece of legislation controlling animal welfare in England and Wales and established set welfare standards that must be maintained by all people who are responsible for an animal. The 2006 Act also places responsibilities on numerous enforcement agencies, including this Council.

The 2006 Act introduced a ‘duty of care’ on any person who is responsible for an animal to ensure that the needs of that animal are met. A person does not have to be the owner of the animal for the ‘duty of care’ to apply.

The 2006 Act creates an offence of failing to provide for the needs of an animal in a person’s care and increased the penalties for animal abuse allowing the courts to disqualify a person from being in charge of animals. Any person disqualified under the 2006 Act will also be disqualified from holding a licence under any of the ‘the Acts’.

5.0 Licensing Considerations

Together the Acts and the Regulations set out individual application requirements and standards that the Council must be satisfied of before it can grant a licence. The Acts and regulations specify both general and specific conditions that must be attached to each type of licence.

The purpose of requiring a licence is primarily to ensure the welfare of the animals.

When considering applications and in undertaking enforcement duties the Council will have regard to its own Animal Licensing Objectives set out in this Policy.

6.0 The Council’s Animal Licensing Objectives

When carrying out its functions under the Acts and Regulations the Council will seek to promote the following objectives:

- Animal Welfare (the five needs)
- Public safety
- Integration with other relevant strategies and legal requirements
- Positive relations with licence holders and proportionate regulation

7.0 Animal Welfare (The Five Needs)

Section 9 of the Animal Welfare Act 2006 creates five overarching principles of animal welfare. The Act refers to these as the 'five needs' of all animals. It is the duty of any person responsible for an animal to ensure that each of these five needs are met.

The 'five needs' are:

- The need for a suitable environment;
- The need for a suitable diet;
- The need to be able to exhibit normal behaviour patterns;
- Any need to be housed with, or apart from, other animals; and
- The need to be protected from pain, suffering, injury and disease.

The 2019 Regulations (SI 2019 NO.1093) (known as Lucy's Law) have now been implemented.

Regulation 2 amends a licence condition relating to the activity of selling animals as pets (or with a view to being resold as pets). The amendment precludes the sale of puppies and kittens bred by anyone other than the licence holder. Regulation 3 makes transitional provision for existing licences to be treated, in relation to sales made on or after 6 April 2020 as subject to a condition in the terms set out in regulation 2.

Defra guidance has been issued in connection with passing the conditions listed in the guidance. As per section 13 of this policy conditions animal health and licensing.

Importation of Dogs, Cats & Ferrets

To see the latest importation advice from Government on the legislation that is applicable to the importation of certain animals, please visit the Gov.uk website. Updated guidance on the isolation requirements (pdf 91kb) is available.

Avian Flu Update 3 May 2022:

H5N1 Highly Pathogenic Avian Influenza needs to be identified when symptoms are detected which will result in a disease control zone being introduced.

Highly Pathogenic Avian Influenza H5N1 when symptoms are detected need to create a disease control zone.

If your livestock show any signs of disease, you must report your suspicions to APHA immediately by telephoning **03000 200 301**

Poultry includes chickens, ducks, turkeys, geese, pigeon (bred for meat), partridge, quail, guinea fowl and pheasants.

Captive birds are any birds kept in captivity, other than poultry, and includes for example – pet birds, birds kept for shows, races, exhibitions, competitions, breeding or sale.

All bird keepers (whether you have pet birds, commercial flocks or just a few birds in a backyard flock) must keep a close watch on them for signs of disease and maintain good biosecurity at all times. If you have any concerns about the health of your birds, seek prompt advice from your vet.

You should register your poultry, even if only kept as pets, so we can contact you during an outbreak. This is a legal requirement if you have 50 or more birds. Poultry includes chickens, ducks, turkeys, geese, pigeon (bred for meat), partridge, quail, guinea fowl and pheasants.

For further information go to Gov.uk.

Importing animals and animal products

Specific guidelines about the trade of animals and animal products have been produced by the Department for Environment, Food and Rural Affairs (DEFRA). Traders must follow detailed guidelines for products of animal origin in addition to the general checks at the point of entry into the UK.

Keeping poultry on a domestic property

Keeping a few hens in the back garden to provide year round eggs is becoming more and more popular. There are no laws preventing you keeping hens, providing they are looked after properly and their welfare is taken seriously. However, it is advisable to check your property deeds or consult your landlord to make sure there are no covenants preventing the keeping of livestock. By law you must register with DEFRA if you are responsible for fifty or more birds. It is also advisable to also register all flocks of birds under 50.

Buying a cat or dog

Animal lovers should take care when buying a new pet. Do not buy a cat or dog from an unknown source and be careful when buying animals advertised on the internet or in a newspaper.

Illegally imported dogs and cats may carry diseases such as rabies and advertising may mislead you on details about the animal's history, breed or pedigree.

DEFRA have produced guidance for the basic checks you should carry out when buying a cat or dog.

Abandonment and fly-grazing

Most abandonment and fly-grazing cases are a civil matters. If you think the animal may be in distress you can report it to the RSPCA on 0300 1234 999. If you believe an animal has been abandoned or is fly-grazing on land managed by the Council, please contact the council directly.

8.0 Public Safety

In addition to the danger to the welfare of animals by unlicensed or irresponsible animal owners there is also a danger that may arise to members of the public. For instance the effect of diseases affecting animals, or harmful bacteria stemming from poor hygiene could spread and affect other members of the public and their animals.

Additionally licence holders that permit members of the public onto their premises have a duty to ensure that they do not put them at risk of illness or injury.

Public safety will therefore be a paramount consideration by the Council at all times.

9.0 Integration with Other Relevant Strategies and Legal Requirements

There are a number of different areas that may affect or be affected by licence holders or potential licence holders under the Acts and where necessary these will be considered by the Council in carrying out its functions under the Animal Welfare Act 2006.

In addition to being licensed to carry out certain activities a licence holder and their premises may need to comply with other legislation such as planning and building regulations. Where the appropriate permissions or consents are not in place, or where they are being breached, the Council may take enforcement action which could lead the closure of such premises. The subsequent effect on the welfare of the animal(s) could be damaging.

Therefore, the Council will not grant a licence where the appropriate planning permissions or building control consents are not in place or may revoke a licence where such legislation, regulation or conditions are breached.

Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent, crime and disorder in their area. The Council may therefore consider the implication of an application or existing licence in the context of local crime and disorder in the area.

This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Equality Act 2010.

10.0 Positive Relations with Licence Holders and Proportionate Regulation

By developing this policy, the Council have taken a positive step in the control and regulation of activities requiring a licence under the primary licensing Acts.

The Council have consulted widely with existing licence holders, veterinary surgeons, trade bodies and bodies concerned with the welfare of animals. An objective of this policy is to maintain such positive relations with all involved in the welfare of animals and those holding existing licences.

The Council will carry out its regulatory activities in a fair, consistent, transparent and proportionate way based upon actual evidence or risk assessments justifying any action to be taken. This will be in accordance to the Council's other applicable policies on enforcement, complaints and prosecutions that may be adopted and maintained by the Council at any time through the life of this policy.

11.0 Applying for Licences

Each licence type has its own application process and requirements that the Council need to take into consideration before granting a licence. Details on how to apply for a licence can be found on the Council's website.

12.0 Granting or Refusing a Licence

The Acts and regulations clearly state the criteria which must be satisfied before licence is granted. Where the relevant licensing officer is not satisfied that the relevant legal requirements are met, or where an Environmental Health Officer of the Council or veterinary surgeon has raised concerns that the legal requirements or standards are not met or are unlikely to be met, the applicant for the licence will be notified.

The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.

If the relevant Licensing Officer of the Council feels that the application should be refused he will submit a report to the Head Law and Governance to determine the matter. The appeal procedures applicable to each application vary and applicants will be advised of their rights when notified of such refusal.

If the Council are satisfied that the requirements of the Acts and /or Regulations (as amended) are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, a licence will be granted.

13.0 Conditions

The Regulations contain both general and specific conditions (depending on the nature of the licensable activity) which must be imposed on the licence. Those conditions can be found in Schedules 2-7 of the Regulations which can be found at:

<https://www.legislation.gov.uk/ukdsi/2018/9780111165485/contents>.

14.0 Fees and Charges

The Council is entitled to charge such fees as it considers necessary for the consideration of an application for the grant, renewal or variation of a licence including the cost of any inspection. The fees and charges will be reviewed on an annual basis and veterinary fees are not included in the base price.

15.0 Veterinary and Other Inspections

Where the Acts or Regulations require an inspection of the premises by a veterinary surgeon or an Inspector appointed by the Council (who will invariably be a veterinary surgeon) in addition to submitting the application form the applicant is also required to facilitate obtaining that report and is responsible for arranging an inspection from a person on the Council's approved list of vets or approved Inspectors and obtaining a quote for the work.

At the time of making the application the applicant must pay to the Council the application fee and the sum quoted by the vet or approved Inspector. The Council will then instruct that vet or approved Inspector and pay the fee.

The purpose of the Council instructing the vet or approved Inspector and paying the fee is to avoid any conflict of interest that may arise between the vet or approved Inspector and the applicant. In rare instances the Council reserve the right to not use the vet or approved Inspector requested by the applicant if they feel that the vet or approved Inspector will not offer an impartial assessment. In such instances the Council will discuss the matter with the applicant and arrange for an agreed alternative inspection.

Where the licensable activity falls under the Regulations an inspection will be required on first application and every subsequent renewal.

An Environmental Health Officer and Licensing Officer of Oadby and Wigston the Council may also visit the premises, either together, separately or with the vet or approved Inspector to assess the arrangements in place, the suitability of the premises and the individual licence holder.

16.0 Duration of a Licence

Depending upon the nature of the licensable activity, the duration of the licence may be 1, 2, or 3 years.

Appendix 1: Approved Veterinarians and Inspectors

The following veterinarians are approved by the Council to carry out inspections of the premises or individuals who may apply for or hold any of the licences detailed in this policy.

This list may be amended from time to time at the discretion of the Licensing team.

Simon Turner, MRCVS

Chine House Veterinary Hospital, Cossington Road, Sileby Hall, Sileby, Loughborough, LE12 7RS (Riding Establishments only)

Michael Gibson, MCRVS

Gibsons, Southey Lodge, Upton, Peterborough, PE6 7BF (Riding Establishments only)

Bell Brown & Bentley

1 Central Avenue, Wigston, Leicestershire, LE18 2AB

(Pet Shops, Dog Breeding Establishments, Animal Boarding Establishments)



Licensing and Regulatory Committee	Thursday, 08 September 2022	Matter for Information and Decision
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Report Title: **Charitable Collections Policy (September 2022)**

Report Author(s): **Jon Wells (Senior Strategic Development Manager)**

Purpose of Report:	To consider any relevant updates with regard to the Charitable Collections Policy 2022 ("the Policy") and to ensure any relevant changes/updates are included.
Report Summary:	The current Policy has been reviewed and updated where necessary. In 2022, it is essential that this is completed to ensure the effective ongoing regulation of Charitable Collections Policy. An updated draft version is attached at Appendix 1 which is currently out to consultation and this gives a framework that applicants can use when formulating an application as well as giving an overview of how the Council will determine applications.
Recommendation(s):	<p>A. That the Charitable Collections Policy 2022 be adopted and</p> <p>B. That delegated authority be granted to the Head of Law and Democracy to consider any other amendments as may be necessary in consultation with the Chair of the Licensing and Regulatory Committee.</p>
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>David Gill (Head of Law and Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Jon Wells (Senior Strategic Development Manager) (0116) 257 2692 jon.wells@oadby-wigston.gov.uk</p>
Corporate Objectives:	Providing Excellent Services (CO3)
Vision and Values:	Accountability (V1) Customer Focus (V5)
Report Implications:-	
Legal:	Whilst there is no statutory requirement for a local authority to adopt a Charitable Collections Policy, it gives clarity to the public, partner agencies and applicants, provides a framework for Officers and Members to enable consistent decision making and transparency, and reduce the opportunity for challenge through the courts by judicial review.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Regulatory Governance (CR6) Reputation Damage (CR4)

Equalities and Equalities Assessment (EA):	There are no implications arising from this report.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	1. Draft Charitable Collections Policy (September 2022)

1. Background

- 1.1 Street Collections are the collecting of cash or articles from a stationary position in the street, usually for charitable purposes. They are governed by the Police, Factories etc (Miscellaneous Provisions) Act 1916. This Act allows the Council to control the places where collections may be permitted and the conditions under which permits can be issued.
- 1.2 House to House Collections are regulated by the House to House Collections Act 1939. This Act requires the promotor to obtain a permit from the Council to collect cash or goods for charity by going door to door before a collection can be carried out. The Council must grant a permit on application unless one of the grounds set out in the Act for refusing the licence applies

2. Policy Review

- 2.1 The current Policy has been reviewed and updated and a draft is provided at Appendix 1.
- 2.2 There has been very little in the way of major reviews of the legislation since the start of the current policy and consequently the draft policy is fundamentally unchanged. The main changes are therefore providing a timeline to expected changes through 2022 and 2023.

OADBY & WIGSTON BOROUGH COUNCIL

CHARITABLE COLLECTIONS POLICY



Policy Version Number: 2.0
Authorisation: Licensing and Regulatory Committee
Date of Original Approval: July 2014
Date of Last Review: July 2022
Date of Next Review: July 2024



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1.0 Introduction

Oadby and Wigston Borough Council (“the Council”) recognises the importance of charity work in our society and understands that residents of the Borough are generally happy to support charities and those undertaking charitable work.

Robust regulation of collections by the Council is necessary for the benefit of charities and for the protection of members of the public who are asked to donate to those charities.

An excessive number of collections in a short period of time or collections carried out too aggressively can cause a nuisance to members of the public and reduce their desire to contribute. Collections being carried out illegally or by irresponsible promoters not intending to comply strictly with regulations imposed can also undermine public confidence in all charities.

Control of collections also helps to identify fraudulent collections which put members of the public at risk, undermine genuine charitable work and take advantage of the kind and generous members of the Borough.

April 2022 saw the introduction of the Charities Act 2022. Implementation will take place in three tranches in Autumn 2022, Spring 2023 and Autumn 2023. The Act is not a major overhaul however introduces tweaks to current law and processes reducing unnecessary bureaucracy.

The Council has adopted this policy due to the need for contemporary controls over collections and to develop more positive co-operation and accountability between the Council, Charities and members of the public.

2.0 Objectives

The objectives of this policy are to ensure that;

- applications to collect are made in a timely way
- charities get a fair opportunity to collect
- collections are managed so as to prevent a nuisance to members of the public and
- collections are regulated to prevent fraudulent or other illegal activities.

3.0 Validity and Jurisdiction

This policy will be kept under review and will be amended in the future to account for any changes brought about by the commencement and implementation of the Charities Act 2022 or any further change to the legislation.

Where there is any conflict between this policy and any subsequently enacted or commenced legislation, that subsequent legislation shall take precedence over this policy.

The Council recognises that no policy can be absolute and will consider all applications and decisions made under the policy on their individual merits.

This policy will only apply to the two types of collection that require an authorisation (either a licence or permit) from the Council. These are:

- House-to-House Collection Licences
- Street Collection Permits

Applications for the above should be made to, and will be granted by, the Law and Democracy (Licensing Team).

4.0 House-to-House Collection Licences

Where a charity promotes a collection in which one or more collectors go from door to door that charity requires a licence under the House to House Collections Act 1939 (referred to as 'the Act' in parts 4 and 5 of this policy) and the House to House Collections Regulations 1947 (referred to as 'the Regulations' in parts 4 and 5 of this policy).

The definition of "collection" extends beyond requests for donations of money and also includes the sale of articles and requests for articles.

The promoter of a collection commits a criminal offence if he or she allows a collection to be carried out that does not comply with the requirements of the Act and the Regulations. Any person (including a company or other organisation) promoting a charitable collection without a licence could on conviction receive a penalty ranging from a fine of £200 to a fine of £1,000 or a custodial sentence of six months.

There is no restriction on who can apply to the Council for a house to house collection licence under the Act provided that they are either promoting or intend to promote a collection for charity within the Borough.

National Exemption Order Scheme

Certain collections are not regulated by the Council. The Minister for the Department for Digital, Culture, Media and Sport is responsible for a national exemption order scheme for

house to house collections. National exemption orders are granted to organisations which have obtained house to house collection licences in at least 70-100 local authority licensing areas during the preceding two years.

Exemptions are normally granted to larger charitable organisations. Organisations issued with an exemption certificate must still comply with the Regulations and the Act but are licensed by the Department for Digital, Culture, Media and Sport.

The Council expects that those holding a national exemption notify the Council of the dates and areas of any planned collections. This will help avoid more than one collection in the same area at any one time.

5.0 Applying for a House-to-House Collection Licence

Applications are to be made in writing on the Council's application form. The Council welcome electronic applications to be made either through the Government's electronic web portal or by downloading the application form from the Council's website.

Applications must be received at least three months before the proposed collection is due to begin. This requirement may be waived in exceptional circumstances at the discretion of the Council.

The Council can refuse to grant a licence (or revoke a licence that has been granted) on certain statutory grounds outlined in the Act. These are:

- the amount likely to be applied for the charitable purposes the collection is promoted in aid of is inadequate in proportion to the value of the proceeds likely to be received
- that an excessive amount of remuneration given the total amount raised is likely to be, or has been, retained or received by any person
- the grant of the licence would likely facilitate the commission of an offence under section three of the Vagrancy Act 1824 or an offence under that section has already been committed in connection with the collection
- the applicant is not a fit and proper person to hold a licence having been convicted of an offence specified in the Act or any offence involving an element of fraud or dishonesty
- that the applicant has failed to exercise due diligence to secure that persons authorised by him to act as collectors were fit and proper persons or failed to comply with the Act and its regulations
- that the applicant has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the Act.

In order for the Council to ensure that licences are granted only to persons intending to promote a charitable collection and to ensure that a licence should not be refused on the above grounds, the following information is required to be submitted with an application:

- literature about the organisation
- a copy of published accounts of the Charity for the last two years or an overview statement of the accounts
- a copy of statement of accounts from the last four collections carried out by the applicant (including collections held in other Licensing Authority areas)
- a letter from the charitable organisation authorising the applicant to undertake the collection on their behalf, if the applicant is not the charity
- an agreement or contract details with any registered charity or individual benefiting from this collection
- a statement identifying why they are “fit and proper” to collect and the procedures in place to ensure that all collectors are equally “fit and proper”.

Additional information may be requested from the applicant to assist the Council in determining the application. The failure to provide adequate information in the application form or upon request will result in delay and may result in a refusal.

Applications will be considered on their respective merits and the Council will either;

- issue a licence confirming the requested dates, duration and location
- refuse to issue a licence on the statutory grounds; or
- issue a licence with proposed amended dates, duration and location.

The Council requires promoters to give firm dates of when they wish to collect in order to ensure that no more than one charity is collecting at any one time.

In order to manage the number of collections within the Borough and to ensure that all charities get a fair opportunity to collect, the Council will not permit a promoter of a collection to speculatively block book large periods.

The Council will not grant a licence for a period in excess of 1 month where the Council believes that the Charity does not intend to collect, or cannot possibly collect on a substantial number of days within the period specified in application. In such situations the Council shall choose the dates in which the licence is granted for which will be no more than a period of 14 days.

The Council will however accept representations in writing against such a decision if the Charity can satisfy the Council that it does intend to collect, and can collect, on a substantial number of the days applied for.

The Council may, at its discretion, split the Borough into three zones (Oadby, Wigston and South Wigston) and permit separate collections to be carried out in respect of those zones.

There is a right of appeal to the Minister for the Department for Digital, Culture, Media and Sport against the refusal or revocation of a licence within 14 days from the date on which the notice is given of the refusal or revocation.

As soon as possible after the date of any collection and no later than a calendar month after the collection, the promoter must forward to the Law and Democracy (Licensing Team) a financial return form showing details of the monies collected.

The Council has no power to attach conditions to a house to house collection licence but those granted a licence must comply strictly with the Regulations.

6.0 Street Collection Permits

Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (referred to in parts 6 and 7 of this policy as “the Act”) requires any person promoting, or intending to promote, a collection for money in a street or public place within the Borough to have first been granted a permit by the Council before such a collection takes place.

Those granted a permit must comply with the regulations passed by Oadby and Wigston Borough Council (referred to in parts 6 and 7 of this policy as “the Regulations”).

“Collection” means a collection for “money” or sale of articles for the benefit of charitable or other purposes. “Money” is not defined by the Act or the Regulations and is a generic term considered by the Council to mean any form of representation of a person’s wealth. As such, collections seeking agreements from members of the public to transfer sums by way of direct debits are also considered to be collections for money.

The term “street” means any highway, public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.

The definition of a “public place” is often a grey area. The foyer of a supermarket could be considered privately owned land and subject therefore only to the discretion and approval of the store manager. The entrance way to that supermarket however, where it abuts public land, could be considered a public place.

For the purpose of this policy and the granting of street collection permits the Council have determined that any collection in a place to which the public have access immediately from any public street is a public place and requires a permit.

Once a collector is further away from being immediately in contact with members of the public on a public street the Council will consider that collection to not be within a public

place provided it is occurring on land owned or controlled by a private person, company or other entity and the collection is carried out with the permission of that private person, company or entity.

7.0 Applying for a Street Collection Permit

Oadby and Wigston Borough Council operates a diary system to log in collections and applicants are encouraged to email the Law and Democracy (Licensing Team) before submitting an application in order to check available dates for their proposed collection or to offer a range of dates suitable to them. All applications will be dealt with on a first come first serve basis.

Applications are to be made in writing on the Council's application form. The Council welcome electronic applications to be made either through the Government's electronic web portal or by downloading the application form from the Council's website.

A street collection permit may be applied for in each one of the three individual town centres within the Borough.

Applications should be made at least one month before the date on which it is proposed to make the collection. This requirement may be waived in exceptional circumstances at the discretion of the Law and Democracy (Licensing Team).

An application will be considered by the appropriate Licensing Officer on its merits and the Licensing Authority will either;

- issue a permit specifying the requested date and location; or
- refuse to issue a permit.

There are no restrictions as to the grounds for refusing an application for a street collection permit and there is currently no right of appeal against a decision of the Council to refuse or revoke a licence for a street collection.

The Council will only refuse an application for a permit in the following situations:

- another person has already been granted a permit to collect on the same day and location
- the Council does not believe that the collection is for bona fide charitable purposes
- the Council does not believe that the promoter or a collector associated with the collection is fit and proper to be permitted by the Council to collect
- the promoter or a collector associated with the collection has previously failed to comply with the relevant regulations

- there is some other substantive reason related to the objectives of this policy that justify a decision to refuse

As soon as possible after the date of a collection and no later than one month after the collection, the promoter must forward to the Law and Democracy (Licensing Team) a financial return form showing details of the monies collected.

8.0 No Cold Calling Zones

Since 2006 the Trading Standards service of Leicestershire County Council has developed 'No Cold Calling Zones' within Leicestershire following the Office of Fair Trading guidelines and by working closely with the Leicestershire police and Neighbourhood Watch organisations.

No Cold Calling Zones are set up in conjunction with the agreement of residents of a localised area, to reduce the number of people knocking on doors without appointment, whether to undertake surveys, sell goods or services or to collect for charity.

Zones may only be established where there has been an incident of doorstep crime and/or there is a concentration of vulnerable adults.

Charities are asked to remain apprised of the "No Cold Calling Zones" within the Borough as they are updated regularly. The updated list can be found on the Leicestershire County Council website - **Error! Hyperlink reference not valid.**

9.0 Reporting Concerns

Genuine house to house collectors, either under a National Exemption Order or under a licence granted by the Council, are required to display appropriate badges issued by the Stationers Office.

Responsible collectors will not take offence to being asked by members of the public to clearly show their badge nor to discussing any concerns that a member of the public may have about their collection.

Members of the public should bear in mind that they are under no obligation to give and aggressive attempts at persuading a member of the public to give are not considered appropriate by the Council.

Where a member of the public is unsure whether a charitable collection is genuine the Council believes the most appropriate course of action is for that person not to give to the collector but if they wish to, take the details of the charity and donate directly to them.

The Council will maintain a list of collectors in their area and are happy for members of the public to address any concerns or complaints about collections to the Law and Democracy (Licensing Team) in writing.

Where a member of the public believes a collection is being carried out illegally they should contact the police immediately as well as the Law and Democracy (Licensing Team).

10.0 Enforcement

Acts of Parliament and regulations are of no value if they are not enforced. The Council considers that by passing such legislation and making the Council responsible for the issuing of the licences and permits outlined in this policy Parliament intends for the Council to enforce the legislation; however, the Council also recognises that all enforcement has to be fair, reasonable, proportionate, transparent and in the public interest.

The Council expects those who collect to comply with the relevant legislation and regulations to ensure their collections are conducted in a lawful, fair and consistent way.

The Council may make checks about those who apply for an authorisation to ensure that promoters and collectors have legitimate charitable aims and that the public are not subjected to fraudulent charitable requests.

Any enforcement carried out under this policy will be in compliance with any enforcement and prosecution policies adopted by the Council and will target fraudulent and dishonest collections with little or no charitable intent.

The Council recognises that most promoters of charitable collections are lay people who give up their own time to raise money for good causes. For this reason, where a promoter fails to comply with the legislation described in this policy and satisfies the Council it was due to a genuine mistake the Council would not normally consider it in the public interest to prosecute.

11.0 House-to-House Collection Regulations

Extracts of the House to House Collection Regulations 1947 are printed below. Compliance is required by all collectors carrying out a collection under a licence granted by the Council.

Some paragraphs have been omitted as they do not relate to collections carried out under the grant of a licence by the Council.

1. to 4. (omitted).

Responsibility of promoters as respects collectors

5. Every promoter of a collection shall exercise all due diligence –

- (a) to secure that person authorised to act as collectors for the purposes of the collection are fit and proper persons: and
- (b) to secure compliance on the part of persons so authorised with the provisions of these regulations.

Certificates of authority, badges, collecting boxes and receipt boxes

6. (1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person –

- (a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
- (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
- (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.

(2) Every promoter of a collection shall exercise all due diligence to secure –

- (a) that no prescribed certificate of authority, prescribed badge, collection box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
- (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.

(3) In case of a collection in respect of which a licence has been granted -

- (a) every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and
- (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by the chief officer of police for area in respect of which the licence was granted.

Duties of collectors in relation to certificates and badges

7. Every collector shall –

- (a) sign his name on the prescribed certificate of authority issued to him and produce it on demand of any police constable or of any occupant of a house visited by him for the purpose of collection;
- (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- (c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

Age Limits

8. No person under the age of sixteen years shall act or be authorised to act as a collector of money.

Importuning

9. No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

Collecting of Money

10. (1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- (2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person forthwith and in the presence of such a person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil

of duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the persons from whom he received the contribution.

Duty of collectors to return boxes and books

11. Every collector, to whom a collecting box or receipt book has been issued shall

- (a) when the collecting box is full or the receipt book is exhausted, or
- (b) upon the demand of a promoter of the collection, or
- (c) when he does not desire to act as a collector, or
- (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

Examination of boxes and books

- 12.** (1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- (2) Where a collecting box is delivered to a bank unopened, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- (3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- (4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

13. – 16. Omitted

Disposal of disused certificates of authority, etc.

17. The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

12.0 Street Collections Regulations

All persons carrying out a street collection are required to do so in compliance with the regulations adopted by Oadby and Wigston Borough Council. These are reproduced below.

In exercise of the powers conferred upon it by Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 of the Local Government Act 1972 and Schedule 29 to that Act, Oadby and Wigston Borough Council has made the following Regulations with respect to the places where and the collections under which persons may be permitted in any street or public place within the Borough of Oadby and Wigston 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 collector;

"The Licensing Authority" means the Oadby and Wigston Borough Council;

"permit" means a permit for a 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 Borough of Oadby and Wigston unless a promoter shall have obtained from Oadby and Wigston Borough 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 Oadby and

Wigston Borough Council may reduce the period of one month if satisfied there are special reasons for so doing.

4. No collection shall be made except upon the day and between the hours stated in the permit.
5. Oadby and Wigston Borough 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 Oadby and Wigston Borough Council or any police constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway; provided that Oadby and Wigston Borough 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 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 Oadby and Wigston Borough Council may, if it thinks fit, waive the requirements 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 Oadby and Wigston Borough Council.
- 16.**
 - (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to Oadby and Wigston Borough 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 promoter and a qualified accountant;
 - (b) a list of the collectors;
 - (c) a list of the amounts contained in each collecting box; and shall, if required by the licensing authority, 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 Oadby and Wigston Borough Council may direct 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 or sale, the amount collected and the amount of the expenses and payments incurred in connection with such collection.
- (3) Oadby and Wigston Borough 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 this 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 Institute 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.
- 18.** Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale (currently £200 – two hundred pounds).

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Licensing and Regulatory Committee	Thursday, 08 September 2022	Matter for Information and Decision
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Report Title: **Special Treatments Policy (September 2022)**

Report Author(s): **Jon Wells, (Senior Strategic Development Manager)**

Purpose of Report:	To consider any relevant updates with regard to the Special Treatments Policy 2022 ('the Policy') and to ensure any relevant changes/updates are included.
Report Summary:	The current Policy has to be reviewed and updated where necessary. In 2022, it is essential that this is refreshed and updated to ensure the effective ongoing regulation of Special Treatments Policy. An updated draft version is attached at Appendix 1 which is currently out to consultation and this gives a framework that applicants can use when formulating an application as well as giving an overview of how the Council will determine applications.
Recommendation(s):	<p>A. That the Special Treatments Policy 2022 be adopted and;</p> <p>B. That delegated authority be granted to the Head of Law and Democracy to consider any other amendments as may be necessary in consultation with the Chair of the Licensing and Regulatory Committee.</p>
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>David Gill, (Head of Law and Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Jon Wells, (Senior Strategic Development Manager) (0116) 257 2692 jon.wells@oadby-wigston.gov.uk</p>
Corporate Objectives:	Providing Excellent Services (CO3)
Vision and Values:	Accountability (V1) Customer Focus (V5)
Report Implications:-	
Legal:	Whilst there is no statutory requirement for a local authority to adopt a Special Treatments Policy, it gives clarity to the public, partner agencies and applicants. It also provides a framework for Officers and Members to enable consistent decision making and transparency, and reduce the opportunity for challenge through the courts by judicial review.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Regulatory Governance (CR6) Reputation Damage (CR4)

Equalities and Equalities Assessment (EA):	There are no implications arising from this report.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	1. Draft Policy for Special Treatment

1. Background

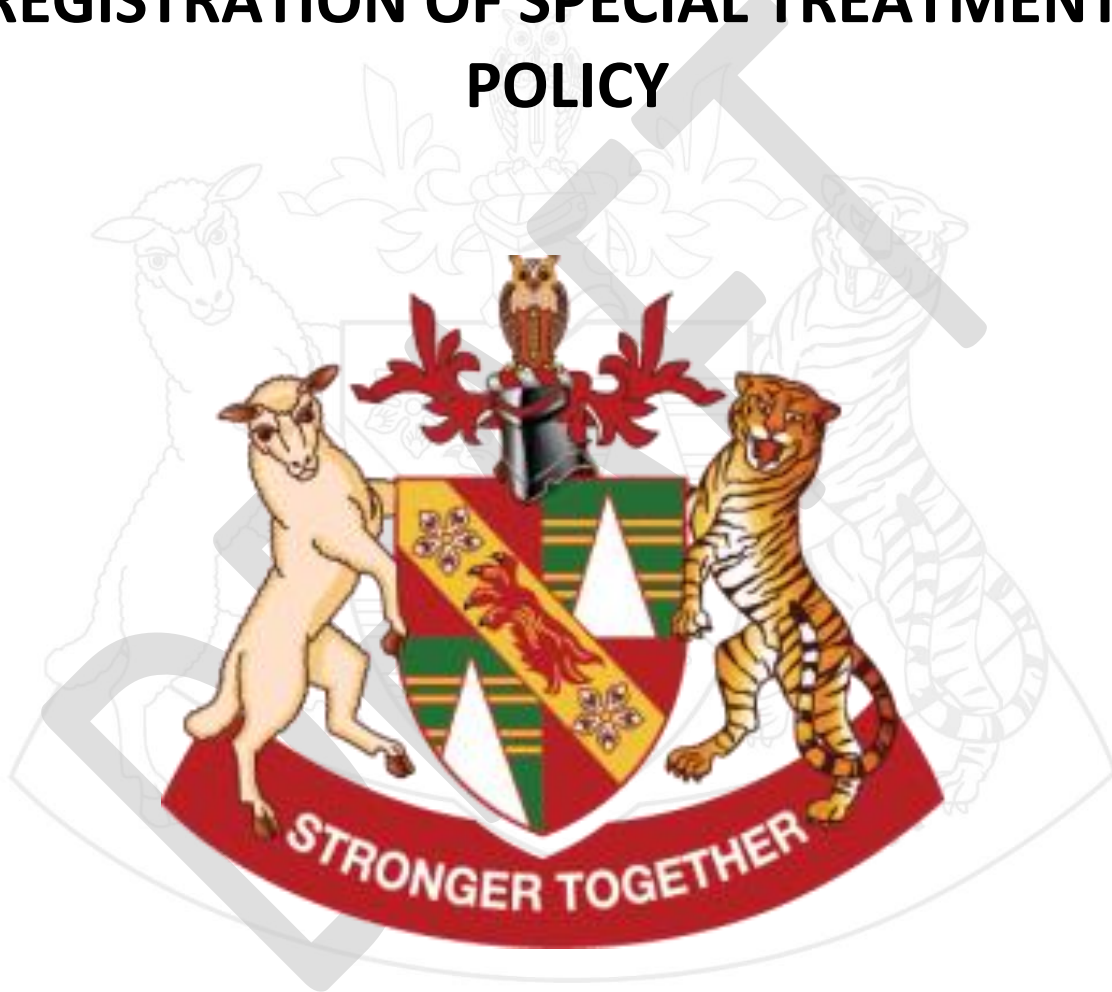
- 1.1 Special Treatments include acupuncture, cosmetic skin piercing, tattooing, skin colouring and electrolysis. They are governed under the Local Government Miscellaneous Act 1982 ('the Act') and the Act gives powers to a local authority to regulate some of the most invasive treatments and the places where they take place. Hairdressers and barbers are registered under the Leicestershire Act 1985.
- 1.2 The Act is the primary piece of legislation with the Council having separate local byelaws setting out detailed requirements.

2. Policy Review

- 2.1 The current Policy has been reviewed and updated and a draft is provided at Appendix 1.
- 2.2 There has been very little in the way of major reviews of the legislation since the start of the current policy and consequently the draft policy is fundamentally unchanged. The main changes are therefore providing a timeline to expected changes through 2022 and 2023.

OADBY & WIGSTON BOROUGH COUNCIL

REGISTRATION OF SPECIAL TREATMENTS POLICY



Policy Version Number: 1.1

Approved By: Licensing and Regulatory Committee

Approval Date: 9 July 2014

Date of Last Review: July 2022

Date of Next Review: July 2024



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Appendices

Appendix 1: Acupuncture Byelaws

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Appendix 3: Tattooing Byelaws

Appendix 4: Hairdressing and Barbering Byelaws

1.0 Introduction

It is a criminal offence for any person within the Borough of Oadby and Wigston (“the Borough”) to carry on the business of, or in some instances the practice of, a special treatment without being registered with Oadby and Wigston Borough Council (“the Council”).

For the purpose of this policy the following practices, procedures and services are classed as a special treatment and require registration:

- Hairdressing and barbering
- Acupuncture
- Cosmetic skin piercing
- Tattooing
- Semi-permanent skin colouring
- Electrolysis

The above activities are defined and explained later in this policy. Fees are payable in order to register and are published in the Council’s scale of charges each year.

2.0 Objectives of this Policy

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.

For this reason the objectives of this policy are as follows:

- 1) Public Health
- 2) Public Safety
- 3) To promote good practice and high standards

3.0 Relevant Legislation

The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) is the primary piece of legislation governing the registration of all the special treatments detailed in this policy apart from hairdressing and barbering which is registerable under the Leicestershire Act 1985.

The Council has passed separate local byelaws for each of the special treatments which all registered persons must comply with. These byelaws are attached as appendices 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.

Those offering the service of any of the special treatments must have an understanding of numerous other 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 Cosmetic Products (Safety) Regulations 2004

A breach of these may lead to prosecution by the Council and will be enforced by the Environmental Health Team. Further advice on complying with these should be sought from that team before starting such a business and applying to the Council for a registration.

4.0 Who and What Needs to be Registered

The legislation requires two registrations for each activity:

- 1) Individual and
- 2) Premises.

A fee is payable for each separate registration.

Individual registration

Any person who **carries on the business** of any special treatment must be registered with the Council, except for the special treatment of acupuncture, in which any person who **carries on the practice** of acupuncture must be registered.

Premises registration

2) Any premises from which a special treatment is carried out must be registered with the Council for use by the person(s) carrying on the business or practice for that treatment from those premises.

5.0 Carrying on the Business of...

“Carrying 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. A test of whether someone is self-employed will consider if that person rents a chair or a room or other space or equipment from the owner of the business, keeps their own income and pay's their own tax. This test is not absolute and merely an indicator of the Council's thought process in assessing who is or is not carrying on a business and requires a registration.

6.0 The Practice of Acupuncture

Acupuncture is considered differently to the other special treatments by the Act and does not require the person carrying on the business to be registered but the person carrying on the practice.

Sometimes the person practicing acupuncture will be the same person carrying on the business but it is possible, and common, for them to be different people. For the purpose of the legislation any person who physically inserts needles into the skin requires registration with the Council whether or not they are employed by the business owner.

7.0 The Premises

Premises are not defined in the legislation but for the purpose 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 the open air as part of a festival or market.

A registration will not be needed for premises which are owned by the recipient of the treatment who has invited the provider of that treatment to those premises. For instance, mobile hairdressers need to only register themselves as a person carrying on the business if they only cut hair at the homes of their clients.

8.0 Registering with the Council

An application form is available from the Council offices and its website. 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.

Following the receipt of an application for registration the Council's environmental health team will arrange to inspect the premises, staff and procedures in use.

On first inspection the Environmental Health Team will offer advice to assist the applicant in ensuring that they can comply with the relevant legislation and bye laws adopted by the Council.

9.0 Once Registered

Any person registered with the Council will be periodically inspected by the Environmental Health Team subject to their risk assessed inspections register.

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 will prosecute with a view to asking the Court to cancel the registration. This will mean that the applicant cannot operate legally within the Borough and may be prevented from registering their business with the Council and any other local authority in the future.

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.

10.0 Definitions

The Act, and in respect of hairdressing and barbering the Leicestershire Act 1985, do not define any of the special treatments listed in this Policy and instead rely, in the first instance on the Council's interpretation of them.

Since the legislation was passed in the 1980's the beauty and cosmetics industry has evolved. Therefore the Council has chosen to define clearly the activities that require registration under this Policy in the parts below.

11.0 Hairdressing and Barbering

Section 23 of the Leicestershire Act 1985 ("LA85") requires any person carrying on the business of a hairdresser or barber within the Borough to be registered with the Council.

The Council believe that the cutting, styling, perming, curling, colouring, bleaching, straightening, or other similar treatment or cosmetic treatment of the hair of another person falls within the definition of the activities of a hairdresser or a barber.

Any person who carries out the above activities or provides the premises or facilities for persons employed by him to carry out such activities, for profit or reward, whether monetary or in kind, is deemed to be carrying on the business of a hairdresser.

12.0 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.

13.0 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 person’s skin for cosmetic and beauty reasons or 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 reward.

14.0 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.

15.0 Semi-Permanent Skin Colouring

Semi-permanent skin colouring encompasses the cosmetic procedures known as of 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 a registration with the Council if carried out for profit, consideration or reward.

16.0 Electrolysis

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

Electrolysis is, however, also 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.

17.0 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 penalised 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.

18.0 Health and Safety

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.

The primary Acts governing this area are mentioned in Part 3 of this Policy. The responsibility for compliance rests with the person in control of the premises or the activity.

Appendix 1: Acupuncture Byelaws

Made under Section 14(7) of the Local Government (Miscellaneous Provisions) Act 1982 relating to premises registered for the purposes of Acupuncture and confirmed by the Secretary of State for Social Services and came into operation on 1 November 1986.

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture made by Oadby and Wigston Borough Council in pursuance of Section 14(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:
 - a. In these byelaws, unless the context otherwise requires –
 - “The Act” means the Local Government (Miscellaneous Provisions) Act 1982;
 - “Client” means any person undergoing treatment;
 - “Operator” means any person giving treatment;
 - “Premises” means any premises registered under Part VIII of the Act;
 - “Proprietor” means any person registered under Part VIII of the Act;
 - “Treatment” means any operation in the practice of acupuncture;
 - “The treatment area” means any part of premises where treatment is given to clients.
 - b. The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -
 - a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;
 - b. The treatment area is used solely for giving treatment;
 - c. All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at

least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;

- d. All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needles boxes designed for this purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;
 - e. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
 - f. All tables, couches and seats used by clients in the treatment area and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down regularly with a suitable disinfectant;
 - g. Where tables or couches are used, they should be covered by a disposable paper sheet which shall be changed for each client;
 - h. A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
3. For the purpose of securing and cleansing and, so far as appropriate, the sterilisation of instruments, materials and equipment used in connection with treatment -
- a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment -
 - i. is clean and in good repair, and, so far as appropriate, is sterile;
 - ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as appropriate, sterilised;
 - b. An operator shall ensure that any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
 - c. A proprietor shall provide -

- i. adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
 - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
 - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
 - iv. adequate storage for all items mentioned in byelaw 3a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators –
- a. An operator whilst giving treatment shall ensure that -
 - i. his hands and nails are clean and nails are kept short;
 - ii. he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
 - iii. he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
 - iv. he does not smoke or consume food or drink;
 - b. A proprietor shall provide:
 - i. suitable and sufficient washing facilities for the use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
 - ii. suitable and sufficient sanitary accommodation for operators.

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

A. A proprietor shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down 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.

B. Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of 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 the convicted person is registered under Part VIII of the Act, the Court may, instead of or in

addition to imposing a fine, order the suspension or cancellation of his registration, and of the registration of the premises in which the offence was committed if such premises are occupied by the person so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

C. Nothing in these byelaws shall extend to the carrying on of the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

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Appendix 2: Skin Piercing and Electrolysis Byelaws

Byelaws Made under Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982 relating to premises registered for the purposes of Skin Piercing and Electrolysis and confirmed by the Secretary of State for Social Services and came into operation on 1 November 1986.

Note: References in these Byelaws to “Ear piercing” should now be read as “Skin piercing” further to the legislative amendments made to the above Act.

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of ear piercing and electrolysis made by Oadby and Wigston Borough Council in pursuance of Section 15 (7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:

a. In these byelaws, unless the context otherwise requires –

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

“Client” means any person undergoing treatment;

“Operator” means any person giving treatment;

“Premises” means any premises registered under Part VIII of the Act;

“Proprietor” means any person registered under Part VIII of the Act;

“Treatment” means any operation in effecting ear piercing or electrolysis;

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

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

2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -

a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings in any part of the premises used by clients and operators are kept clean and in such good repair as to enable them to be cleaned effectively;

- b. All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;
 - c. All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needles boxes designed for this purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;
 - d. All furniture and fittings in the treatments area are kept clean and in such good repair as to enable them to be cleaned effectively;
 - e. All tables, couches and seats used by clients in the treatment area and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down regularly with a suitable disinfectant;
 - f. Where tables or couches are used, they should be covered by a disposable paper sheet which shall be changed for each client;
 - g. A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
3. For the purpose of securing and cleansing and, so far as appropriate, the sterilisation of instruments, materials and equipment used in connection with treatment -
- a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment –
 - i. is clean and in good repair, and, so far as is appropriate, is sterile;
 - ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
 - b. An operator shall ensure that any needle, metal instrument, or other item of equipment used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
 - c. A proprietor shall provide –

- i. adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
 - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
 - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
 - iv. adequate storage for all items mentioned in byelaw 3a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible the risk of contamination.
5. For the purpose of securing the cleanliness of operators –
- a. An operator whilst giving treatment shall ensure that -
 - i. his hands are clean;
 - ii. he is wearing clean clothing;
 - iii. he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
 - iv. he does not smoke or consume food or drink;
 - b. A proprietor shall provide:
 - i. suitable and sufficient washing facilities for the use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
 - ii. suitable and sufficient sanitary accommodation for operators.

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

A. A proprietor shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down 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.

B. Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of 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 the convicted person is registered under Part VIII of the Act, the Court may, instead of or in

addition to imposing a fine, order the suspension or cancellation of his registration, and of the registration of the premises in which the offence was committed if such premises are occupied by the person so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

C. Nothing in these byelaws shall extend to the carrying on of the business of ear piercing or of electrolysis as the case may be by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

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Appendix 3: Tattooing Byelaws

Borough of Oadby and Wigston Byelaws made under Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982 relating to premises registered for the purposes of Tattooing and confirmed by the Secretary of State for Social Services and came into operation on 1 November 1986.

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of tattooing made by Oadby and Wigston Borough Council in pursuance of Section 15 (7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:
 - a. In these byelaws, unless the context otherwise requires –
 - “The Act” means the Local Government (Miscellaneous Provisions) Act 1982;
 - “Client” means any person undergoing treatment;
 - “Operator” means any person giving treatment;
 - “Premises” means any premises registered under Part VIII of the Act;
 - “Proprietor” means any person registered under Part VIII of the Act;
 - “Treatment” means any operation in effecting tattooing;
 - “The treatment area” means any part of premises where treatment is given to clients.
 - b. The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -
 - a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;
 - b. The treatment area is used solely for giving treatment;
 - c. The floor of the treatment area is provided with a smooth impervious surface;

- d. All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;
 - e. All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needles boxes designed for this purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;
 - f. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
 - g. All tables, couches and seats used by clients in the treatment area and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down with a suitable disinfectant between the treatment of different clients, and thoroughly cleaned at the end of each working day;
 - h. Where tables or couches are used, they should be covered by a disposable paper sheet which shall be changed for each client;
 - i. A notice or notices reading “No Smoking” are prominently displayed within the treatment area.
3. For the purpose of securing and cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with treatment -
- a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment –
 - i. is clean and in good repair, and, so far as appropriate, is sterile;
 - ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as appropriate, sterilised;
 - b. An operator shall ensure that –

- i. any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
 - ii. all dyes used for tattooing are bacteriologically cleaned and inert;
 - iii. the containers used to hold the dyes for each customer are either disposed of at the end of the session of treatments, or are sterilised before re-use;
 - c. A proprietor shall provide –
 - i. adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
 - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
 - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
 - iv. adequate storage for all items mentioned in byelaw 3a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
- 6. For the purpose of securing the cleanliness of operators –
 - a. An operator whilst giving treatment shall ensure that -
 - i. his hands and nails are clean, and nails kept short;
 - ii. he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
 - iii. he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
 - iv. he does not smoke or consume food or drink;
 - b. A proprietor shall provide:
 - i. suitable and sufficient washing facilities for the use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
 - ii. suitable and sufficient sanitary accommodation for operators.

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

A. A proprietor shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down 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.

B. Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of 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 the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration, and of the registration of the premises in which the offence was committed if such premises are occupied by the person so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

C. Nothing in these byelaws shall extend to the carrying on of the business of tattooing by or under the supervision of a person who is registered as a medical practitioner or to premises on which the business of tattooing is carried on by or under the supervision of such a person.

Appendix 4: Hairdressing and Barbering Byelaws

Byelaws as to hairdressers and barbers made under Section 77 Public Health Act 1961

confirmed by the Secretary of State for the Environment and shall come into operation on the First day of September 1977.

BYELAWS as to hairdressers and barbers made by the Borough Council of Oadby and Wigston under Section 77 of the Public Health Act 1961.

1. (1) In these byelaws, unless the context otherwise requires –
 - “business” means a hairdresser’s or barber’s business;
 - “premises” means premises on which a business is carried on;
 - “day” means a day on which business is carried on.
 - (2) The Interpretation Act 1989 applies to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.
2. For the purpose of securing the cleanliness of premises, a person carrying on the business on those premises shall comply with the following provisions:-
- a. all internal walls, partitions and ceilings shall be capable of being kept clean, and shall be kept clean and in good repair;
 - b. the floor and any covering shall be kept in good repair, and shall be cleaned at least once a day and swept as necessary to prevent the accumulation of hair clippings, neck wool and other litter;
 - c. all such sweepings and all other litter shall be placed in suitable covered receptacles, which shall be emptied at least once a day, and as necessary, and kept clean;
 - d. every chair or seat shall be kept clean;
 - e. every shelf, table, cabinet, washbasin and other fitting shall be kept clean.
3. For the purpose of securing the cleanliness of instruments, towels, materials and equipment used in premises, a person carrying on the business on those premises shall comply with the following provisions –
- a. immediately before use in connection with any customer –
 - i. any gown, wrap or other protective clothing shall be clean;
 - ii. any paper or other covering placed on the back of a chair and any towel, cloth, hairnet, neck wool or other article which is applied to the face, head or neck shall be clean, and shall not previously have been

used in connection with any other customer unless it consists of a material which can be and has been, adequately cleaned;

- iii. any item of equipment and metal instrument likely to come into contact with the customer shall be clean;
 - iv. any hairbrush, comb or similar instrument shall be clean;
 - v. any soap in solid form shall have been adequately rinsed;
- b. a fresh supply of water shall be used for purposes of shaving, shampooing or washing each customer, and all articles used for the purpose of shaving (including any styptic in solid form) shall be adequately cleansed immediately before and after use;
- c. adequate facilities shall be provided for the purposes of any cleaning required to be carried out in pursuance of this byelaw.

4. For the purpose of securing the cleanliness of hairdressers or barbers working on premises in regard to both themselves and their clothing –

- a. no such hairdresser or barber shall attend to any customer unless –
 - i. his hands are clean;
 - ii. he is wearing a clean washable overall;
 - iii. he keeps any open boil or sore on an exposed part of his body effectively covered by an impermeable dressing;
- b. every person carrying on a business on the premises –
 - i. shall take all reasonable steps to secure compliance with the foregoing provisions of this byelaw by the hairdressers or barbers working in such premises;
 - ii. shall provide and maintain suitable and sufficient washing facilities for the hairdressers and barbers working in such premises

5. Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds.

6. The Byelaws as to Hairdressers and Barbers made by the former Urban District Council of Oadby on 16 March 1964 under Section 77 of the Public Health Act 1961 and confirmed by the Minister of Housing and Local Government on 7 May 1964 are hereby revoked.

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

1. Contrary to clause 5 of these Byelaws, by virtue of Section 237 of the Local Government Act 1972 the fines shall be in accordance with Level 2 of the Standard Scale. At the time this note was prepared (January 1995) the maximum fine under Level 2 is £500.
2. Attention is drawn to the provisions of Section 23 of the Leicestershire Act 1985 which specifies requirements for the registration of hairdressers and barbers and their premises with the Council. Section 23 requires the display at such premises of (a) a certificate of registration issued by the Council and (b) a set of these byelaws. Failure to register with the Council can attract fines on Level 3 (up to a maximum of £1,000) and failure to display either a certificate of registration or a set of these byelaws can attract a fine on Level 2, as referred to above.

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