

### Licensing committee

**Date:** Thursday, 08 September 2016

**Time:** 16:30

**Venue:** Mancroft room

**City Hall, St Peters Street, Norwich, NR2 1NH**

**Committee members:**

**For further information please contact:**

**Councillors:**

Button (chair)

Woollard (vice chair)

Ackroyd

Brociek-Coulton

Davis

Driver

Herries

Jones (B)

Jones (T)

Malik

Price

Raby

Thomas (Vi)

**Committee officer:** Lucy Palmer

t: (01603) 212416

e: [lucypalmer@norwich.gov.uk](mailto:lucypalmer@norwich.gov.uk)

Democratic services

City Hall

Norwich

NR2 1NH

[www.norwich.gov.uk](http://www.norwich.gov.uk)

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## Agenda

### 1 Apologies

To receive apologies for absence

### 2 Public questions/petitions

To receive questions / petitions from the public (notice to be given to committee officer in advance of the meeting in accordance with appendix 1 of the council's constitution)

### 3 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

### 4 Minutes

5 - 12

**Purpose** - To approve the accuracy of the minutes of the meeting held on 9 June 2016

### 5 Adoption of new bye-law Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

13 - 26

**Purpose** - To seek approval for the adoption of a single replacement bye-law for the existing three bye-laws which were adopted in 1986 that regulate acupuncture, ear piercing, electrolysis and tattooing.

### 6 Standing item - regulatory sub committee minutes

27 - 34

To receive the minutes of the regulatory sub committees held on 13 June 2016 and 8 August 2016

Date of publication: **Wednesday, 31 August 2016**



Minutes

## Licensing committee

16:40 to 18:00

9 June 2016

Present: Councillors Button (chair), Woollard (vice chair following election), Ackroyd, Brociek-Coulton, Davis, Driver, Herries, Jones (T), Malik, Price and Raby

Apologies: Councillors Jones (B) and Thomas (Vi)

### 1. Appointment of vice chair

Following a vote it was:-

**RESOLVED** to appoint Councillor Woollard as the vice chair for the ensuing civic year.

### 2. Declarations of interest

There were no declarations of interest.

### 3. Minutes

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 10 March 2016.

### 4. Amendments to the Norwich Hackney Carriage and Private Hire licensing policy to include a safeguarding code of conduct and mandatory awareness training requirements.

The licensing manager presented the report. He said that the first tranche of training was free of charge but going forward, there would be a charge for this. This would either be a standalone fee or would be included in the license fee. The licensing manager said that training sessions would be held throughout the year and he had suggested that the training provider make video presentation which would be suitable for small audiences.

Members discussed whether taxi operators should also be included in the training. The licensing manager said that an option of a star rating system for taxi operators was being considered and attending a training session could form part of this.

(As Councillor Raby had left the room during the discussion, he did not take part in the vote on the resolutions).

**RESOLVED** to:

- 1) Approve a drivers code of conduct for inclusion in the 'green book'; and
- 2) Include a mandatory requirement for safeguarding awareness training in the driver's licenses grant / renewal application process.

**5. Hackney carriage and private hire licences – Consideration of criminal conduct, improper behavior and complaints relating to existing licence holders and new applicants.**

The licensing manager presented the report. He explained that an amendment was required to the existing policy to allow officers at head of service level to revoke a licence in the interest of public safety.

**RESOLVED**, unanimously, to amend section 21 of the above policy to read "A licence may be suspended or revoked by an officer of the council , of at least head of service level, with immediate effect in the interest of public safety..."

**6. Police Reform and Social Responsibility Act 2011: Late Night Levy**

The licensing manager presented the report. He said that the Government was looking at introducing changes to the late night levy and he was unsure of what these would be. He said that starting a consultation would be poorly timed as any changes by the Government would need to form part of this.

**RESOLVED** to ask the licensing manager to bring a report on the introduction of a late night levy before the licensing committee once changes from the Government had been published.

**7. Members of the licensing committee serving on licensing sub committees**

The licensing manager presented the report.

**RESOLVED** to note that members from inside and outside the relevant ward may sit on licensing sub committees.

**8. Hackney carriage licensing policy**

(An updated version of the covering report was circulated to members and is appended to these minutes)

The licensing manager presented the report and circulated a letter received from the Hackney Trade Association. Craig Dimbleby, representative and secretary of the Hackney Trade Association, said that they were in support of adopting the 15 year age

limit proposal.

In response to a member's question, the licensing manager said that changing the policy would make enforcement much simpler and would allow Hackney Carriage drivers a degree of financial certainty when purchasing a new vehicle. A cap of 15 years would also ensure that the policy would not need to be updated to reflect changes in the European emissions standards.

He suggested an implementation date of 1 April 2017 for any new policy as this would fit in with the end of the current policy.

**RESOLVED** to:

- 1) adopt the London Policy of a maximum age of 15 years for a Hackney Carriage with a maximum age at first licensing of 5 years; and
- 2) to implement the new policy from 1 April 2017

#### **9. Standing item – Regulatory subcommittee minutes**

**RESOLVED** to receive the minutes of the regulatory subcommittee meetings held on 14 March 2016 and 9 May 2016.

CHAIR

**Report To** Licensing Committee  
9 June 2016

**Report of** Head of Citywide Services

**Subject** HACKNEY CARRIAGE Licensing Policy

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### **Purpose**

For members to consider whether alterations are required to the existing hackney carriage licensing policy, currently governed by vehicle exhaust emissions.

### **Recommendation**

That members consider the options as set out in the report and direct officers as appropriate.

### **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

**Financial implications:** None

**Ward/s:** All wards

**Cabinet member:** Councillor Kendrick – Neighbourhoods and community safety

**Contact officers:** Tony Shearman, licensing manager      01603 212761

**Background documents:** None



## 1.0 Report

- 1.1 Hackney carriage vehicle licences are issued by Norwich City Council. At the time of writing this report there were 241 licences issued.
- 1.2 Prior to 2012 the ages of the vehicles licenced were restricted by 2 conditions of the licence:-
- a. On initial licensing the age of the vehicle shall not exceed 5 years unless passed by the Director of Organisational Development as in exceptionally good condition.
  - b. The age of the vehicle shall not exceed 10 years unless passed by the Director of Organisational Development as in exceptionally good condition.
- 1.3 These conditions did not place any maximum age limit on an existing licenced vehicle, provided it met the criteria of being in 'exceptionally good condition'. This criteria had historically proven difficult to quantify and subsequently difficult to properly enforce, leading to a number of the licensed vehicles being older and of questionable exceptionally good condition.
- 1.4 At the Licensing committee meeting of 20 December 2012, following a consultation, members agreed to introduce a policy to control the issue of hackney carriage licences by introducing a rolling program of compliance with exhaust emissions restrictions, using the standard Euro emissions requirements applied to all European vehicles, as a basis. A copy of this report and minutes are attached at appendix A
- 1.5 In summary the licensing policy was amended to require all newly licenced vehicles to be Euro V complaint. Existing licensed vehicles to be Euro III complaint by April 2015, Euro IV complaint by April 2017 and Euro V complaint by April 2019.
- 1.6 An exemption was also introduced to deal with the situation where an existing licensed vehicle was written off and an equivalent replacement was provided, but did not meet the Euro V requirement for newly licensed vehicles.
- 1.7 Albeit that the improvements in emissions standards of the licenced fleet is a positive step environmentally, the introduction of this policy and importantly the particular timings, have highlighted 3 significant issues.
- 1.8 The first is that although all licensed hackney carriages should be Euro V compliant by April 2019, there is no ongoing requirement to keep up with future emissions regulation (Euro 6 is already mandatory for all new vehicles in Europe), and therefore without further constant updates to the policy, the fleet may become aged, returning to the situation in 2012.
- 1.9 Secondly where there is a discrepancy regarding the standard that a particular vehicle is adhering to, the cost of testing to assess the emissions standard is prohibitive, as the only way to do it is via the laboratory rolling road test.

1.10 The third, and more significant issue to persons within the trade, is the premature culling of significant numbers of vehicles.

1.11 The anticipated realistic life of a hackney carriage is considered to be 15 years. This is a major consideration for drivers purchasing new or nearly new vehicles, as financing them must be spread over a significant period of time due to the high cost of these specialist vehicles, some of which cost in excess of £40,000. A reasonable idea of the working life of the vehicle must be assured when committing to such a purchase.

1.12 This 15 year age limit has been recognised in London, as from January 2012 Transport for London, which licence London hackney carriages, have applied the following restriction which sees all vehicles (with some limited exemptions) taken out of service at 15 years old.

*From 1st January 2012, no licence will be issued to a vehicle over 15 years of age as calculated from the date on which the vehicle was first registered under the Vehicle and Excise Registration Act 1994.*

1.13 Due to the dates for compliance with the various emissions requirements contained within our current policy, a significant number of our existing licensed vehicles will be unable to be licensed at a much earlier age than 15 years, some as little as only 9 years old.

1.14 Unfortunately we do not currently hold details of the registration date of all the licensed hackney carriages, so exact figures are not known, however it is estimated that approx. 80 currently licenced vehicles, will become un-licensable between now and April 2019, having served between only 9 and 14 years from new.

1.15 This has caused uncertainty within the trade, as not only is the finer detail of the emissions driven policy difficult to understand, there is reticence with regard to the purchasing of newer vehicles as it is not known at what point further emissions standards are likely to be brought in to augment the current policy that stops at Euro V.

## **2.0 Options**

2.1 The committee could consider the following options:-

- A. Make no alteration to the current policy
- B. Keep the current policy but move the dates for compliance with the various Euro Standards to allow a longer period.
- C. Keep the current policy with existing dates for compliance, but introduce an exemption that allows newer vehicles falling foul of an emissions trigger point, to allow them to continue to be licensed until a specific age, possibly 15 years.
- D. Adopt the London Policy of a maximum age of 15 years. This option would need to have an additional condition requiring a maximum age at first licensing, 5 years could be considered appropriate, to ensure that the entire fleet did not consist of only older vehicles.

2.2 The main pros and cons of the above options are as follows:-

**A. Pros**

- The current policy introduces a rolling system of introducing tightening emissions requirements, contributing to improving air quality in the district.

**Cons**

- There is no rolling introduction of updated emissions requirements after 2019, potentially leading to stagnation of the fleet and failure to continue having an ongoing positive impact on air quality.
- A significant number of existing licensed vehicles will be forced out of service earlier than expected at considerable expense to the vehicle proprietors.
- Difficulties with understanding the finer points of the requirements and testing contested vehicles.

**B. Pros**

- Would allow vehicles forced out of service early by the current policy to continue for longer, extending their working life to a more suitable age.

**Cons**

- The rolling system of introduction of improved standards would take longer
- There would still be no rolling introduction of updated standards past the end of the amended dates.
- Vehicles already at the end of their realistic working life at the current trigger point would be allowed to be licenced for even longer if the trigger date was moved.
- Difficulties with understanding the finer points of the requirements and testing contested vehicles.

**C. Pros and Cons** – Essentially the same as B. above, except that there would be the advantage that any vehicles that were already at the end of their realistic working life at the current trigger date, would be weeded out at that time.

**D. Pros**

- Simpler and easier to understand for the trade and licensing officers alike.
- Rolling system of compliance with updated Euro emissions regulations by introducing a maximum age at first licensing.
- Rolling system of automatically weeding out of older, more polluting vehicles at 15 years old.
- Would allow vehicles forced out of service early by the current policy to continue for longer, extending their working life to a more suitable age.

**Cons**

- A very limited number of vehicles that are exceptionally well cared for, could potentially be automatically weeded out at 15 years old, but may still be serviceable.
- Albeit that there would be a rolling system of introducing newer vehicles and weeding out of old ones, the lead in time to compliance with the current Euro III, IV and V requirements would be slower.

2.3 A number of bodies/persons linked with the taxi trade in Norwich have been verbally consulted with, namely the Norwich Hackney Trade Association, who

represent the majority of drivers, and also Melvyn Cooke, David Hankin and Shaun Browne, who between them licence 81 of the 241 (correct at 27/5/2016) hackney carriages, mainly for rental to other licensed drivers. There was overwhelming support for the London based 15 year maximum age system, to replace the existing emissions based policy.

**Report to** Licensing Committee

**Item**

8 September 2016

**Report of** Head of citywide services

**5**

**Subject** Adoption of new bye-law 'Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.'

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### **Purpose**

To seek approval for the adoption of a single replacement bye-law for the existing three bye-laws which were adopted in 1986 that regulate acupuncture, ear piercing, electrolysis and tattooing.

### **Recommendation**

To recommend council to make the consolidated model bye laws for the control of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis, as set out in appendix A, and following the making of such bylaws the existing bylaws relating to acupuncture, tattooing, semi-permanent skin colouring cosmetic piercing and electrolysis be revoked.

### **Corporate and service priorities**

The report helps to meet the corporate priority "A safe and clean city" and the service plan priority to provide adequate public and environmental protection.

### **Financial implications**

Under the bye-law any business undertaking the above processes must be registered for which a fee is payable to the council. These charges will cover the costs of registration and the subsequent inspection of premises.

Therefore there are no financial implications of adopting the bye-law

**Ward/s:** All wards

**Cabinet member:** Councillor Kendrick Neighbourhoods and community safety

### **Contact officers**

Adrian Akester, head of citywide services 01603 212331

### **Background documents**

None

# Report

## Background

1. The purpose of this report is to seek approval to adopt a new bye-law in respect of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.
2. The Local Government (Miscellaneous Provisions) Act 1982 introduced, specific controls for certain skin piercing activities such as ear piercing, tattooing, acupuncture and electrolysis. The controls enable Local Authorities to require the registration of such activities to ensure that operators meet hygienic standards. The principal reason for the introduction of the controls was related to the risks of transmission of blood borne diseases such as Aids and Hepatitis.
3. Licencing committee resolved to adopt the Local Government (Miscellaneous Provisions) Act 1982 Part VIII Sections 14, 15, 16 and 17 which apply to Acupuncture, Tattooing, Ear piercing and Electrolysis on 18 February 1986, which came into effect from 1 June 1986 enabling the adoption of the existing bye-laws.
4. The council currently has three separate bye-laws which were adopted in 1986, these three bye-laws cover the following topics:
  - a) Acupuncture.
  - b) Ear piercing and Electrolysis.
  - c) Tattooing.
5. The proposed new model bye-law (Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) has been prepared for adoption. It the three existing bye-laws and is extended to include a number of new treatments which have been developed since the implementation of the current bye-laws.
6. At the introduction of the new model bye-law, the three existing bye-laws will be revoked.
7. Since the initial controls were introduced there have been a number of developments in skin piercing, primarily associated with fashion trends. Consequently the current practices known as cosmetic body piercing, subdermal implants and also semi-permanent skin colouring are in effect unregulated. Local Authorities have expressed concern for a number of years that these practices also pose potential health risks for the transmission of blood borne diseases.
8. In recognition of these concerns the Government introduced further controls, through Section 120 and Schedule 6 of the Local Government Act 2003, powers to require the registration of businesses which provide cosmetic

piercing and skin colouring services. The powers must first be adopted by a local authority and continued business registration will be subject to compliance with the established set of model bye-laws.

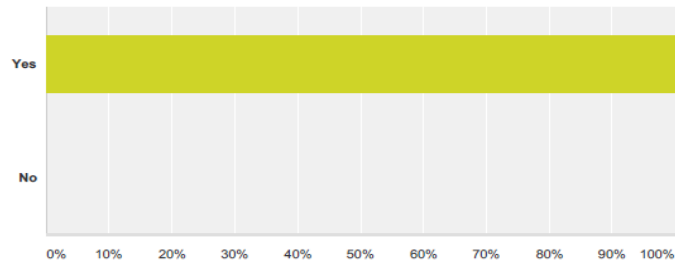
9. The Local Government (Miscellaneous Provisions) Act 1982 Part VIII 15 (6) states a local authority may charge such reasonable fees as they may determine for registration. A business registration charge for each business covered by the bye-law is payable, also an individual registration charge per individual working within the premises is chargeable. These charges will cover the costs of registration and the subsequent inspection of premises.
10. The existing bye-laws do not contain provision to deal with issues relating to cosmetic skin piercing, other than ear piercing, or semi-permanent skin colouring. It is considered prudent and in the interest of public safety to take this opportunity to make provision for the control of cosmetic skin piercing and semi-permanent skin colouring.
11. Any persons or premises already registered for activities covered by section 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 Part VIII will be unaffected until that person subsequently provides a different form of cosmetic treatment, when a new registration will be required.
12. The bye-law provides a means for the local authority to secure:
  - a) The cleanliness of premises and equipment.
  - b) The cleanliness of the operators.
  - c) The cleansing and, if appropriate, sterilisation of instruments, materials and equipment.
13. A consultation process has been undertaken, which included: an advert detailing our wish to consolidate the bye-laws and information on the proposed bye-law, being placed in a local tabloid for two consecutive weeks and the new bye-law, was made available for public viewing for a period of one month, at the City Hall for free. A consultation also occurred using the council's website, the bye-law was available for viewing for a period of one month, accompanied by an online survey giving members of the public an opportunity to express their opinion. Three individuals responded to the survey and a detail of their feedback is displayed below:

## Chart showing responses to online bye-law consultation

Proposed byelaw for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

### Q3 Do you think that there should be one consolidated byelaw to cover all businesses of this nature?

Answered: 3 Skipped: 0



Answer Choices	Responses
Yes	100.00% 3
No	0.00% 0
<b>Total Respondents: 3</b>	

## Conclusion

Adoption of the new bye-law and revocation of the existing bye-laws is necessary to afford the best public protection. Registration of premises and service providers ensures continued regulation of invasive treatments and reduces the likelihood of spread of blood borne viruses, it is necessary to adopt the new bye-law to maintain controls over an ever changing industry.

Existing bye-laws do not cover modern treatments which present the same risk as those covered by existing bye-laws and the adoption of the new bye-law will enable the authority to continue to protect public and secure the cleanliness of premises and equipment.

Therefore it is suggested:

To recommend council to make the consolidated model by laws for the control of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis, as set out in appendix A, and following the making of such bylaws the existing bylaws relating to acupuncture, tattooing, semi-permanent skin colouring cosmetic piercing and electrolysis be revoked.



## **References**

Local Government (Miscellaneous Provisions) Act 1982 Chapter 30 Part VIII Section 15

Local Government Act 2003 Chapter 26 Part 8 Chapter 1 Section 120

Local Government Act 2003 Regulation of Cosmetic Piercing and Skin-Colouring Businesses, Guidance on Section 120 and Schedule 6, Department of Health.

## NORWICH CITY COUNCIL BYELAWS

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

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

### **Interpretation**

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

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

“client” means any person undergoing treatment;

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

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

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

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

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

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

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

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

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

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

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(e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—

- (i) immediately after use; and
- (ii) (ii) at the end of each working day.

(f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;

(g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2) (a) subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

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3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

(a) an operator shall ensure that—

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—

(aa) is clean and in good repair and, so far as is appropriate, is sterile; (bb) has not previously been used in connection with another client

unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin colouring

is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide—

(i) adequate facilities and equipment for—

(aa) cleansing; and

(bb) sterilization, unless only pre-sterilized items are used.

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- (ii) sufficient and safe gas points and electrical socket outlets;
- (iii) an adequate and constant supply of clean hot and cold water on the premises;
- (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

- (i) keeps his hands and nails clean and his nails short;
- (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing

## APPENDIX A

instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

(a) the client is bleeding or has an open lesion on an exposed part of his body; or

(b) the client is known to be infected with a blood-borne virus; or

(c) the operator has an open lesion on his hand; or

(d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws listed in Schedule 1 of these byelaws are revoked.

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EXECUTED as a DEED (but not delivered until the date of it) by the affixing of  
THE COMMON SEAL OF THE CITY COUNCIL OF NORWICH By Order:

Authorised Sealing Officer (A permanent Officer of the City Council)

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

Member of the Senior Civil Service

Department of Health

### **Schedule 1: Byelaws to be revoked**

1 The byelaws relating to tattooing which were made by Norwich City Council on the tenth day of July 1986 and confirmed by The Secretary of State for Social Services on 4<sup>th</sup> September 1986 are revoked

2 The byelaws relating to ear piercing and electrolysis which were made by Norwich City Council on the tenth day of July 1986 and confirmed by The Secretary of State for Social Services on 4<sup>th</sup> September 1986 are revoked



## APPENDIX A

3 The byelaws relating to acupuncture which were made by Norwich City Council on the tenth day of July 1986 and confirmed by The Secretary of State for Social Services on 4<sup>th</sup> September 1986 are revoked

### **NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

A. Proprietors must take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.

B. Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who contravenes 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 a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may instead of or in addition to imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under sub-sections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

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

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





**REGULATORY SUB COMMITTEE**

14:30 – 16:15

13 June 2016

Present: Councillors Woollard (in the chair for this meeting as substitute for Button), Davis, Driver and Jones (T)

Apologies: Councillors Brociek-Coulton and Button

**1. Declarations of interest**

There were no declarations of interest.

**2. Exclusion of public**

**RESOLVED** to exclude the public from the meeting during consideration of items \*3 to \*7 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

**\*3. Application for renewal of a private hire drivers licence reference 16/00927/PHDRIV (paragraphs 1 & 3)**

(The applicant attended the meeting for this item. The applicant produced his DVLA licence for inspection by the committee. The applicant was aware that he could have been legally represented but had chosen not to be. He confirmed that he had no pending cautions or convictions.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 20 June 2015 and 20 November 2015, both for exceeding the statutory speed limit in a public road.

(The applicant and the licensing manager left the meeting at this point).

**RESOLVED**, unanimously, to renew the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair asked the applicant to be aware of his speed at all times. The applicant then left the meeting.)

**\*4. Application for renewal of a private hire drivers licence reference 16/00927/PHDRIV (paragraphs 1 & 3)**

(The chair agreed to move this item up the agenda)

(The applicant attended the meeting for this item. The applicant produced his DVLA licence for inspection by the committee. The applicant was aware that he could have been legally represented but had chosen not to be. He confirmed that he had no pending cautions or convictions.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 11 January 2016 and 5 June 2015 for exceeding the statutory speed limit on a public road.

(The applicant and the licensing manager left the meeting at this point).

After discussion, the applicant and the licensing manager were admitted to the meeting. The applicant was informed that the committee had concerns regarding his speeding, his failure to provide accurate data regarding previous convictions on his renewal form despite signing to say the data was true and his failure to notify the council of his conviction within seven days. However, on balance it was:

**RESOLVED** with Councillors Jones, Driver and Davis voting in favour and Councillor Woollard voting against, to renew the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant was informed that he would receive a written warning setting out the committee's concerns and subsequently left the meeting.)

**\*5. Application for renewal of a private hire drivers licence reference 16/01093/PHDRIV (paragraphs 1 & 3)**

(The applicant attended the meeting for this item. The applicant produced his DVLA licence for inspection by the committee. The applicant was aware that he could have been legally represented but had chosen not to be. He confirmed that he had no pending cautions or convictions.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 23 February 2013 and 18 January 2015 for exceeding the statutory speed limit on a public road.

(The applicant and the licensing manager left the meeting at this point).

**RESOLVED**, unanimously, to renew the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant to be mindful of his speed at all times. The applicant then left the meeting.)

**\*6. Application for renewal of a private hire drivers licence reference 15/00782/PHDRIV (paragraphs 1 & 3)**

(The applicant attended the meeting for this item. The applicant produced his DVLA licence for inspection by the committee. The applicant was aware that he could have been legally represented but had chosen not to be. He confirmed that he had no pending cautions or convictions.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction on 27 March 2015 for exceeding the statutory speed limit on a public road.

(The applicant and the licensing manager left the meeting at this point).

**RESOLVED**, unanimously, to renew the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair asked the applicant to be aware of his speed at all times. The applicant then left the meeting.)

**\*7. Application for renewal of a private hire drivers licence reference 16/01060/PHDRIV (paragraphs 1 & 3)**

(The applicant attended the meeting for this item. The applicant produced his DVLA licence for inspection by the committee. The applicant was aware that he could have been legally represented but had chosen not to be. He confirmed that he had no pending cautions or convictions.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 27 February 2013, 16 March 2013, 12 August 2013 and 14 December 2015 for exceeding the statutory speed limit on a public road.

**RESOLVED** unanimously, to renew licence number 16/01060/PHDRIV with a two week suspension.

The applicant and the licensing manager were admitted to the meeting. The applicant was informed that the committee were concerned that his previous appearances before the committee and a written warning had not deterred him from speeding. The members had taken account of the minutes of his previous

attendances at committee and his explanations but were concerned by a significant driver error and that despite previous warnings; the applicant had failed again, to notify the council within seven days of his conviction.

The legal advisor informed the applicant that he would receive written notification of the committee's decision and that he had the right to appeal against the decision at the Magistrates' Court within twenty-one days of the date of this meeting.

CHAIR



**REGULATORY SUB COMMITTEE**

14:10 – 17:05

8 August 2016

Present: Councillors Maxwell (substitute for Malik and in the chair) Davis,  
Jones (B) and Raby  
Apologies: Councillors Button and Malik

**1. Declarations of interest**

There were no declarations of interest.

**2. Exclusion of public**

**RESOLVED** to exclude the public from the meeting during consideration of items \*3 to \* below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

**\*3. Application for renewal of a private hire drivers licence reference 16/00838/HACKD (paragraphs 1 & 3)**

(The chair agreed to move this item up the agenda)

(The applicant attended the meeting for this item. The applicant was not able to produce his DVLA licence for inspection by the committee so the licensing manager circulated a copy. The applicant was aware that he could have been legally represented but had chosen not to be. He confirmed that he had no pending cautions or convictions.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction on 30 June 2015 for driving a mechanically propelled vehicle without due care and attention. The applicant could not give the committee any detail around the court hearing for the conviction as he had been represented by a solicitor and did not attend. The committee decided that they did not have enough information to determine the application and wanted to review the court paperwork before going ahead.

**RESOLVED**, unanimously, to defer the application, pending the court paperwork being obtained by the applicant.

(The applicant then left the meeting.)

**\*4. Application for renewal of a private hire drivers licence reference 15/02031/PHDRIV (paragraphs 1 & 3)**

(The applicant attended the meeting for this item and was legally represented by Simon Nichols. The applicant produced his DVLA licence for inspection by the committee.)

The licensing manager presented the report.

The applicant's legal representative explained the circumstances surrounding his conviction on 27 April 2016 for possession of an offensive weapon. The applicant then answered member's questions.

(The applicant, his legal representative and the licensing manager left the meeting at this point).

After discussion, the applicant, his legal representative and the licensing manager were admitted to the meeting. The applicant was informed that the committee had taken into account the unintentional nature of the events and the way the applicant dealt with these. The committee had considered a suspension of the licence but felt that it was not in the public interest to impose this. They recommended that in future, he paid careful attention to the contents of his vehicle. It was therefore:-

**RESOLVED** unanimously, to renew the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and his legal representative then left the meeting.)

**\*5. Application for renewal of a private hire drivers licence references 15/00688/PHDRV and 16/00407/PHDRIV (paragraphs 1 & 3)**

(The applicant attended the meeting for this item. The applicant produced his DVLA licence for inspection by the committee. The applicant was aware that he could have been legally represented but had chosen not to be. He confirmed that he had no pending cautions or convictions.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction on 11 August 2014 for possessing a controlled drug – class A and the reasons that he failed to submit an application to the Disclosure and Barring service.

(The applicant and the licensing manager left the meeting at this point).

After discussion, the applicant and the licensing manager were readmitted to the meeting. The applicant was informed that his failure to notify the licensing department of his conviction on several occasions, despite previous warnings was very concerning. The committee was also concerned with his lack of responsibility



and adherence to the 'Green Book'. There had been a lack of transparency in his application and a lack of engagement by the applicant in the application process.

**RESOLVED**, unanimously, to renew the private hire driver's licence for three months only, from the date of the meeting, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application. The applicant would need to resubmit an application for a private hire driver's licence at the end of the three month period.

(The applicant then left the meeting.)

**\*6. Application for renewal of a private hire drivers licence reference 16/01060/PHDRIV (paragraphs 1 & 3)**

(The applicant attended the meeting for this item. The applicant was not able to produce his DVLA licence for inspection by the committee so the licensing manager circulated a copy. The applicant was aware that he could have been legally represented but had chosen not to be. He confirmed that he had no pending cautions or convictions.)

The licensing manager presented the report.

The applicant confirmed that he was happy for the committee to consider his spent convictions. He explained the circumstances surrounding his convictions as set out in the report and answered member's questions.

(The applicant, his partner, his representative and the licensing manager left the meeting at this point).

**RESOLVED** unanimously, to grant the private hire drivers license in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant, his partner, his representative and the licensing manager were admitted to the meeting and informed of the decision minuted above.)

CHAIR

