

# Oadby and Wigston Borough Council Registration of Special Treatments Policy

2014 - 2019

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Author	Adam Ward; Legal Officer
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This Policy will be kept under review by the Corporate Resources (Licensing Team). Minor amendments to the Policy may be made by the Corporate Resources (Licensing Team) from time to time where those changes are simply for purposes of the readability of the document.

Substantive alterations arising out of changes in legislation or the interpretation of that legislation by the Courts, or for the purposes of amplifying or updating an intent already expressed in this Policy may be made by the Licensing and Regulatory Committee.

Any other Policy changes will be made by the Licensing and Regulatory Committee following appropriate consultation.

## PART 1: 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.

## PART 2: The 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

## PART 3: 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.

## PART 4: 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.

## PART 5: 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.

## PART 6: Carrying on 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.

## PART 7: 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.

## PART 8: 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 Corporate Resources (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.

## PART 9: 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.

## PART 10: 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.

## PART 11: 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.

## PART 12: 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.

## PART 13: Cosmetic Skin Piercing

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

Therefore any piercing of any persons skin for cosmetic and beauty reasons 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.

## PART 14: 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.

## PART 15: 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 persons 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.

## PART 16: 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.

## PART 17: 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.

## PART 18: 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.

## PART 19: Validity of this Policy

This Policy shall remain in effect until the date displayed on its cover. The Policy shall remain under review and shall be reviewed and re-adopted by the Council before the expiry of this date.

# 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.

## APPENDIX 2 – SKIN PIERCING AND ELECTOYLISIS 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.

# 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 – HAIRDRESSERS AND BARBERS 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.