

THE COUNCIL OF THE BOROUGH OF KETTERING

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, sterilisation 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 THE COUNCIL OF the Borough of Kettering in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

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

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

“client” means any person undergoing treatment;

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

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

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

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

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

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

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

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

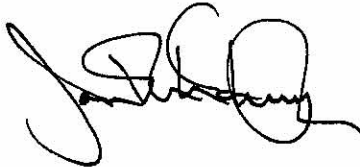
2. (1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that –
- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
 - (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
 - (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilised for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
 - (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected –
 - (i) immediately after use; and
 - (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading "No Smoking", and "No Eating or Drinking" is prominently displayed there.
- (2)
- (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
 - (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3)
- (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
 - (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- 3.
- (1) For the purpose of securing the cleaning and so far as is appropriate, the sterilisation 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, sterilised.
 - (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;

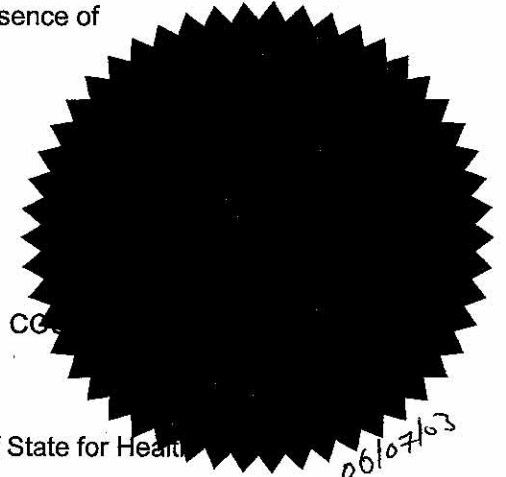
- (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilised before re-use.
 - (b) a proprietor shall provide –
 - (i) adequate facilities and equipment for –
 - (aa) cleansing; and
 - (bb) sterilisation, unless only pre-sterilised items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.
4. (1) For the purpose of securing the cleanliness of operators, a proprietor -
- (a) shall ensure that an operator -
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and
 - (b) shall provide –
 - (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.
- (2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities the proprietor provides need not be for the sole use of the operator.
- (3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if –
- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
 - (b) the client is known to be infected with a blood-borne virus; or

- (c) the operator has an open lesion on his hand; or
 - (d) the operator is handling items that may be contaminated with blood or other body fluids.
5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).
6. The byelaws relating to the cleanliness of ear-piercing and electrolysis, acupuncturists and tattooists registered in the Borough of Kettering, their premises and equipment that were made by THE BOROUGH OF KETTERING on the 3RD DAY OF FEBRUARY ONE THOUSAND NINE HUNDRED AND EIGHTY FOUR pursuant to a resolution in that behalf passed at a meeting of the said Council duly convened and held on the NINTH DAY OF NOVEMBER ONE THOUSAND NINE HUNDRED AND EIGHTY THREE and were confirmed by THE SECRETARY OF STATE FOR HEALTH on TWENTY THIRD DAY OF JULY ONE THOUSAND NINE HUNDRED AND EIGHTY FOUR are revoked.

THE COMMON SEAL of the COUNCIL OF THE BOROUGH OF KETTERING was hereunto affixed this 27TH day of SEPTEMBER 2006 in the presence of



COUNCIL'S SIGNATURE



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

Member of the Senior Civil Service

Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

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

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

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 only apply to acupuncture.

The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 do not apply to acupuncture.

The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) only apply to acupuncture.

The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) do not apply to acupuncture.

The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.

The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist **applies only to acupuncture (see section 14(8) of the Act).***

MONITORING AND AUDIT COMMITTEE**WORK PROGRAMME 2006/07****REPORT ITEMS**

Ref. No.	Issue for Decision	Date Decision to Be made	Source Reference	Consultation Period	Organisations consulted	Methods of Consultation	Contact for Representations	Documents to be Considered
N/A	NCC Changes to Social Care Eligibility Criteria	30 th August 2006	05.MA.45 (4.5.06)	N/A	MIND Teamwork Trust	N/A	To be determined	Report
N/A	Partnership Working Scrutiny – Terms of Reference	1 st November 2006	06.MA.10 (11.7.06)	N/A	Partner Organisations	N/A	Martin Hammond (DCE) (01536) 534210	Report
N/A	Enforcement of the Clean Neighbourhoods Act (including Operation Klean Sweep)	1 st November 2006	05.MA.45 (4.5.06)	N/A	N/A	N/A	Godfrey Shaw (Head of Environmental Care) 01536 534660	Report
N/A	Care and Repair Scheme	1 st November 2006	05.MA.21 (2.11.05)	N/A	Internal	N/A	John Conway Head of Housing Services (01536) 534288	Report

ONGOING SCRUTINIES

Partnership Working

SCRUTINY REPORTS (Objectives, Information etc to be agreed)

- Partnership Working (Source Reference: 04.MA.30 (23.11.04)).
- Local Area Agreements (in conjunction with other ongoing relevant scrutinies)
- Joint Scrutiny Arrangements with the County Council
- Outside Body Appointments
- Enforcement of the Clean Neighbourhoods Act (including Operation Klean Sweep)

MONITORING REPORTS (every meeting)

- Key Performance Information Booklet (Guy Holloway) (includes financial monitoring of revenue and capital budgets, Right to Buy Sales, Property Performance Indicators, Performance Indicator Summaries, and Summary of Complaints and Compliments, e-government programme, Sickness Absence Monitoring, Benefits Performance, Housing Arrears, Development Control Performance and Local Performance Indicators);
- Effectiveness of new financial management systems (referred from Committee in April 2005)

OTHER MONITORING REPORTS

- Risk Management (June of each year)
- SLA Grants (November of each year)
- KLV/KCLL Performance (Half-yearly ; Representatives from both organisations to attend annually to attend November meeting)
- Internal Audit Work Programme (Half yearly)

POLICY AND IMPROVEMENT COMMITTEE – WORK PROGRAMME

Item A3 19th September 2006

Source Ref:	Issue for Decision	Date Decision to be made	Consultation Period	Organisations consulted	Methods of Consultation	Contact for Representations	Documents to be Considered
05.RD.22 (21.9.05)	Decriminalisation of Parking Enforcement	19 th September 2006	To September 2005	Took place through Ward Members re specific parking controls in each area. N/A	See left	Allen Graham (01536) 534237	Written Report
06.PI.07 (27.06.06)	Use of Kettering Market Place	19 th September 2006	N/A	N/A	N/A	Val Hitchman (01536) 543292	Report in conjunction with content of Town Centre Master Plan
06.PI.07 (27.06.06)	Younger Citizens Provision	19 th September 2006	To be determined	To be determined	To be determined	Val Hitchman (01536) 543292	Report in respect of previous work in this service area initially.
05.PI.9 (21.06.05)	Local Search Fees	As necessary	N/A	N/A	N/A	Deborah Snow (01536) 534332	Verbal update report as and when new information available.
05.PI.31 (9.11.05)	Mercury Emissions	To be determined (Awaiting more information from CAMEO)	To be determined	CAMEO	N/A	Steve Isbister (01536 534348)	Report
05.C.69 (1.3.06)	Renewable Energy	To be determined	To be determined	To be determined	Investigate the possibility of the Council maximising the purchase of energy supplies from renewable energy sources.	To be determined	Report

TASK AND FINISH GROUPS REPORTING TO THE POLICY AND IMPROVEMENT COMMITTEE

<u>SUBJECT AND TERMS OF REFERENCE</u>	<u>MEMBERSHIP AND LEAD OFFICER</u>	<u>DATE FOR COMPLETION OF WORK</u>	<u>PROGRESS</u>
<p>Review of the Council's Constitution Source Ref: 05.PI.42 (17.01.06) Task and Finish Group to review:-</p> <ul style="list-style-type: none"> • Scrutiny Procedure Rules • All other parts of the Constitution except ethical parts (the Standards Committee will review ethical parts) 	<p>Jonathan Eatough (Head of Democratic and Legal Services) Councillors Michael Harrison; Chris Smith-Haynes; Michael Tebbutt; plus two other Conservative members; John Padwick and Eileen Hales Substitutes: Councillors Mark Dearing; David Whyte and Lynsey Tod</p>	<p>To be determined</p>	<p>Initial training for members on member/officer protocol as agreed by P&I Committee and Councillor Development Group to be provided in April 2006.</p> <p>Executive Committee to be asked for funding for independent expertise, if required.</p> <p>The first meeting of the Group was held on 13th June 2006 to consider scoping its work. A further meeting was held on 18th July 2006. A schedule of meeting dates has been agreed, as below:—</p> <p>12th September 2006; 17th October 2006; 21st November 2006 ; 12th December 2006; 23rd January 2007; 20th February 2007; 20th March 2007 and 17th April 2007.</p>

<u>SUBJECT AND TERMS OF REFERENCE</u>	<u>MEMBERSHIP AND LEAD OFFICER</u>	<u>DATE FOR COMPLETION OF WORK</u>	<u>PROGRESS</u>
<p>Older Citizens' Perspective Source Ref: 05.PI.46 (17.01.06)</p> <ul style="list-style-type: none"> • the findings listed in the P&I Committee report under the heading of Older Persons perspective (Section 3.0 of the Committee report) • the LAA Block in respect of Healthier Communities and Older People (Priorities HCOP 1-5) being put in place in the Borough • Reducing Hospital Admissions • More information being accessible to Carers 	<p>Valerie Hitchman (Head of Community Services)</p> <p>Membership : Councillors J. Henson (Chair), Titcombe, Deating, Harrison, S. Lynch (Conservative members) Substitutes: Councillors Hakewill and Richardson</p> <p>Councillors Adams and Padwick (Labour members)</p> <p>NB: Councillor Jenny Henson has now resigned from the Group.</p>	<p>To be determined</p>	<p>An interim report was submitted to the meeting of Policy and Improvement Committee to be held on 27th June 2006..</p>