



General Licensing Committee

Date: Wednesday, 21 May 2025
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum: 3)

Derek Beer (Chair), Louise Bown (Vice-Chair), Matt Bell, Les Fry, Jill Haynes, Jack Jeanes, Cathy Lugg, Craig Monks, David Morgan, Emma Parker, Val Potheary, David Shortell, Claudia Webb, Kate Wheller and Sarah Williams

Interim Chief Executive: Sam Crowe, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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Agenda

Item		Pages
1.	APOLOGIES To receive any apologies for absence.	
2.	MINUTES To confirm the minutes of the meeting held on Monday 17th March 2025.	5 - 8
3.	DECLARATIONS OF INTEREST To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer	

Public Document Pack in advance of the meeting.

4. PUBLIC PARTICIPATION

Representatives of town or parish councils and members of the public who live, work, or represent an organisation within the Dorset Council area are welcome to submit either 1 question or 1 statement for each meeting. You are welcome to attend the meeting in person or via MS Teams to read out your question and to receive the response. If you submit a statement for the committee this will be circulated to all members of the committee in advance of the meeting as a supplement to the agenda and appended to the minutes for the formal record but will not be read out at the meeting. The first 8 questions and the first 8 statements received from members of the public or organisations for each meeting will be accepted on a first come first served basis in accordance with the deadline set out below. Further information read [Public Participation - Dorset Council](#)

All submissions must be emailed in full to megan.r.rochester@dorsetcouncil.gov.uk by 8.30am on Monday 19th May 2025.

When submitting your question or statement please note that:

- You can submit 1 question or 1 statement.
- a question may include a short pre-amble to set the context.
- It must be a single question, and any sub-divided questions will not be permitted.
- Each question will consist of no more than 450 words, and you will be given up to 3 minutes to present your question.
- when submitting a question please indicate who the question is for (e.g., the name of the committee or Portfolio Holder)
- Include your name, address, and contact details. Only your name will be published but we may need your other details to contact you about your question or statement in advance of the meeting.
- questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.
- all questions, statements and responses will be published in full within the minutes of the meeting.

5. PUBLICATION OF DRAFT PLEASURE BOAT, VESSEL AND BOAT PERSON LICENSING POLICY FOR CONSULTATION

9 - 62

To present the General Licensing Committee with a report to consider a new Pleasure Boat, Vessel and Boatperson Licensing Policy for public consultation.

6. BYELAWS FOR THE REGULATION OF BUSINESSES INVOLVED IN ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING, AND ELECTROLYSIS – PUBLICATION OF BYELAWS FOR CONSULTATION 63 - 144

To gain the approval of the General Licensing Committee to publish the Byelaws based on the Department of Health's model, for the regulation of businesses involved in acupuncture, tattooing, semipermanent skin-colouring, cosmetic piercing and electrolysis, to go out to public consultation.

Following consultation, to consider the results and make recommendation to Full Council for the adoption of the Byelaws.

7. WEYMOUTH TARIFF INCREASE 145 - 150

To determine the maximum level of fares that can be charged by Hackney Carriage Proprietors in the Weymouth and Portland zone for the next three years.

8. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

9. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

There are no exempt items scheduled for this meeting.

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GENERAL LICENSING COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 17 MARCH 2025

Present: Cllrs Derek Beer (Chair), Louise Bown (Vice-Chair), Matt Bell, Les Fry, Jack Jeanes and Cathy Lugg

Apologies: Cllrs Jill Haynes, Craig Monks, Val Potheary, David Shortell, Claudia Webb, Kate Wheller and Sarah Williams

Officers present (for all or part of the meeting):

Lara Altree (Senior Lawyer - Regulatory), John Miles (Democratic Services Officer), John Newcombe (Service Manager for Licensing & Community Safety) and Megan Rochester (Senior Democratic Services Officer).

Officers present remotely (for all part of the meeting):

Aileen Powell (Licensing Team Leader)

10. Minutes

The minutes of the previous General Licensing Committee which were held on Wednesday 23rd October 2024 were agreed and signed.

11. Declarations of Interest

There were no declarations of interest.

12. Public Participation

There was no public participation.

13. Street Trading Policy - Responses to consultation for consideration

The Service Manager for Licensing and Community Safety presented the report, outlining the proposed new policy measures following an initial consultation exercise. The responses to the consultation had been reviewed, and several amendments had been made to the draft policy as a result. Four key recommendations were discussed, and the committee was invited to address any concerns or differing opinions. The legislation surrounding this issue was complex. Further consultation was proposed and if meaningful responses arose, though such responses were not expected, the matter would be brought back before the committee. The consultation, which

followed official guidance, received a good number of responses with the consultation team's support. The draft policy had been adapted accordingly, with the plan to designate all streets in Dorset as consent streets to avoid people simply moving to nearby streets which were not designated.

The consultation report outlined responses from across Dorset, providing several examples. It was the officer's opinion that street trading controls were necessary, with each application being assessed on its individual merits. The policy included provisions on displaying licences, and an amendment had been made regarding trading on private land, which now included an exemption.

Cllr Bell thanked the officer for the presentation and inquired about the timeframe for town council consultations.

Cllr Beer expressed the view that covering all streets to ensure that they were regulated was a positive approach and a good way to support town councils.

Response 21 emphasized the need to ensure that street traders granted licences on an ad-hoc basis, did not conflict with existing traders in the area, whilst encouraging variety and opportunities for local entrepreneurs. Response 24 mainly addressed highways issues, with the commitment to work with town councils and find compromises if concerns arise. Strict conditions would have to be implemented to address littering and minimize impacts on local amenity. Regarding application fees, officer time, and enforcement costs would be considered, with a discount provided to registered charities.

Cllr Beer emphasized the importance of clarifying for members that the policy only applied to registered charities.

Additional conditions regarding Challenge 25 had been added following responses from Dorset Police to ensure that where alcohol was sold appropriate checks were made. The Pedlars' legislation was outdated and designed for sellers who move from place to place. However, if a pedlar remained in a static position and customers approached them, they would be street trading. If the street was designated, it would fall under the controls of this policy and anyone who traded without a licence or who didn't fall within an exemption would potentially be subject to prosecution. A significant response was received from Lyme Regis, and it was determined that their income from street trading would not be impacted. A comprehensive response from public health had also been considered, with conditions added to reflect their feedback.

Cllr Fry raised concerns about the sale of alcohol, noting its potential to be damaging to health. He also pointed out that certain goods, which contained harmful chemicals, could be problematic, especially to young children. He asked how these issues would be addressed and included in the policy.

Additional controls had been added for the sale of alcohol as well as for the sale of vapes, and non-nutritious foods near schools. Public health had been

included in the consultation process, and each application would be considered on its own merits. The aim is to reach a compromise that balances the interests of applicants, consultees and the local community.

Cllr Beer was pleased with the policy, highlighting that it provided valuable support to local authorities.

Cllr Fry sought clarification, noting that there were 62 responses to the survey, but only 42 were listed. He asked for an explanation as to why the remaining responses were not included.

Cllr Bell noted that the policy did not replicate existing trading, which he considered a positive aspect. He referred to section 6.2, where a set distance was mentioned, and asked how the 'vicinity' judgment would be made. He also questioned why a specific distance measure was not included.

Cllr Beer brought up the topic of busking, seeking clarification from a member's point of view.

Cllr Fry inquired about the records that street traders would be required to keep and asked what would happen if they set up without obtaining a licence and no complaints were made. He questioned how this situation would be managed.

Proposed by Cllr Les Fry, seconded by Cllr Matt Bell.

Decision:

- a. That the proposed alterations to the draft Policy were agreed.
- b. That the Service Manager Licensing & Community Safety is authorised to proceed with the statutory advertising process for street designations.
- c. That where no responses are received during the statutory advertising process, the Policy be recommended to Full Council for adoption, however, should responses be received then a further report be brought back to this Committee for consideration.
- d. The Service Manager Licensing & Community Safety is authorised to make any further minor editorial changes to the proposed Policy as required

14. Urgent Items

There were no urgent items.

15. Exempt Business

There was no exempt business.

Duration of meeting: 10.00 - 10.46 am

Chairman

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General Licensing Committee

21 May 2025

Publication of draft Pleasure Boat, Vessel and Boatperson Licensing Policy for consultation

For Decision

Portfolio Holder:

Cllr G Taylor, Health and Housing

Local Councillor(s):

All Councillors

Executive Director:

R. Partridge, Acting Director of Public Health and Prevention

Report Author: John Newcombe

Title: Service Manager Licensing & Community Safety

Tel: 01305 838027

Email: john.newcombe@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary:

To present the General Licensing Committee with a report to consider a new Pleasure Boat, Vessel and Boatperson Licensing Policy for public consultation.

Recommendations:

The committee is recommended to:

(a) agree the proposed draft Pleasure Boat, Vessel and Boatperson Licensing Policy for public consultation.

(b) authorise the Service Manager Licensing & Community Safety to make any further minor editorial changes to the proposed policy, prior to the document being issued for consultation

Reasons for Recommendations:

A new draft Pleasure Boat, Vessel and Boatperson Licensing Policy has been drafted by officers to be published for consultation which would be fair, consistent and equitable across the Dorset Council area. This would give the Council, as Licensing Authority greater control over the licensing of pleasure craft and would ensure that all operators and boatmen are subject to the same application, enforcement and licence conditions regardless of where they trade.

There are currently existing licensing arrangements for Pleasure Boat Licensing in the former Purbeck and East Dorset Council administrative areas. Officers intend to introduce a new Pleasure Boat, Vessel and Boatperson Licensing Policy covering the whole of the Dorset Council administrative area.

1. Background

- 1.1 Pleasure Boat Licensing is covered under s.84 of the Public Health Acts Amendment Act 1907 (as amended).
- 1.2 Arrangements for pleasure boat licensing exist in two of the predecessor Council areas; Purbeck and East Dorset. There are also separate licensing arrangements in place within our Harbour Areas at Weymouth, Bridport and Lyme Regis. There are currently no arrangements for pleasure boat licensing in other parts of the Dorset Council administrative area.
- 1.3 An overarching pleasure boat licensing policy is therefore required in order to ensure that watercraft let out to hire is safe and the boatmen who captain vessels on Dorset's waterways are competent and qualified.
- 1.4 The draft policy has been prepared in consultation with the Council's Harbourmaster who is responsible for Dorset's Harbours and the Council's Food Safety and Port Health Team who are the enforcing authority under the Health & Safety at Work etc. Act 1974.
- 1.5 Should the General Licensing Committee agree to recommend the publication of the draft policy for consultation. A full 12 week public consultation will take place which would also include existing licence holders, existing operators who may be affected, responsible authorities, partner agencies and town and parish councils.
- 1.6 Once the consultation has ended, a further report will be brought before the General Licensing Committee considering the responses received during the consultation period and any proposed amendments required as a result.

2. Financial Implications

- 2.1 The introduction of the Dorset Council wide policy and associated administration and enforcement will utilise existing resources. There will be cost implications for adopting the new policy and administering the licensing regime however the fee structure will be set on a cost-recovery basis to cover the administration and processing of applications and any subsequent enforcement.

3. Natural Environment, Climate & Ecology Implications

- 4.1 There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

4. Well-being and Health Implications

- 5.1 There could potentially be an impact on the health and wellbeing of the public if controls are not implemented with traders operating unlicensed, and potentially unsafe pleasure craft hire or pleasure boat trips.

5. Other Implications

- 6.1 There are no other implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

6. Risk Assessment

- 7.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:
Current Risk: Low
Residual Risk: Low

7. Equalities Impact Assessment

- 8.1 An EqIA will be prepared as part of the policy consultation.

8. Appendices

Appendix A: Predecessor Council arrangements

Appendix B: Draft Pleasure Boat, Vessel and Boatperson Licensing Policy

9. Background Papers

S.94 Public Health Acts Amendment Act 1907

S.18 Local Government (Miscellaneous Provisions) Act 1976

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Application for a licence for Pleasure boats and vessels – East Dorset area

Public Health Acts Amendment Act 1907 (Section 94)

Name	
Operating Company name	
Position in organisation	
Telephone number	
Correspondence address	

I/We (insert name of company) apply herewith for a Licence for Pleasure Boats and Vessels in respect of the following boats(s):-

Type of boat	Name of boat	Length	Breadth	Passenger capacity

I have enclosed the following;

1. the appropriate application fee* or I am exempt from paying an application fee* (*please delete as appropriate)
2. A report by qualified Boat Surveyor which assess the suitability of the boats to be licensed.
3. A current certificate of insurance which provides cover of at least £5,000,000 against any claim by any passenger or other third party arising as a result of the operation of the boat(s).

Name (please print) Signature..... Date.....

The following conditions shall apply to every boat licensed

1. The number of passengers carried in any boat shall not, at any time, exceed the number shown opposite the name or number of such boat in the licence. For the purposes of this condition a child over the age of 12 months shall count as one passenger.
2. The name of the Owner and the number of persons the boat is licensed to carry in the form 'Licensed to carry ... persons' shall be shown in letters and figures not less than one inch in height and three-quarter of an inch in breadth, on a conspicuous part of the boat.
3. The person in charge of the boat shall permit any person duly authorised by Dorset Council to examine and inspect the boat and its equipment at any time and any recommendations made following such inspections shall be complied with.
4. The boat shall be maintained in a sound condition and all equipment therein shall be kept in good repair.
5. Buoyancy jackets shall be made available for hirers of such licensed boats on request.
6. The boat shall be kept clean and free from oil refuse and no oil, petrol, grease or oil refuse shall be deposited from the boat in the rivers.
7. The owner of the boat shall take out and shall, during the currency of this licence, maintain with an Insurance company a policy of insurance, providing cover against any claim by any passenger or other third party which may arise as a result of the operation of the boat and shall on demand produce such policy and all receipts for premiums to the Chief Executive of Dorset Council. N.B. A minimum insurance cover of at least £5,000,000 for any one accident must be provided.
8. The Licence attached hereto shall be renewed annually, and such application shall be submitted at least 28 days before the expiry date.
9. Renewal Applications shall be accompanied by a current insurance certificate.

The following additional conditions shall apply to every motor boat licensed

10. Every engine in the boat shall be fitted with an efficient silencer.
11. The boat shall at all times when carrying passengers for hire, or when let for hire as the case may be, be furnished with lifesaving jackets, lifebelts or other form of lifesaving apparatus of a type approved by the Department of Trade sufficient for all the persons on board and any such apparatus other than a lifesaving jacket designed for wear by an individual shall be fitted with a rope or other attachment which could be grasped by a person in the water.
12. Means of extinguishing fire from oil or petrol, in the form of a supply of sand, and one or more efficient chemical fire extinguishers, which shall be of a foam or powder type approved by the Department of Trade, shall be carried in the boat in easily accessible positions.
13. A licensed boatman shall be in charge of each boat carrying passengers for hire.

The council does not warrant by this licence the safety of any boat; also the granting of this licence does not remove from the licensee responsibility for wrongful acts or default or for the employment of incompetent persons or for the use of an unsafe or insufficiently equipped boat.

EAST DORSET DISTRICT COUNCIL



PLEASURE BOAT LICENCE CONDITIONS

THE FOLLOWING CONDITIONS SHALL APPLY TO EVERY BOAT LICENSED

1. The number of passengers carried in any boat shall not, at any time, exceed the number shown opposite the name or number of such boat in the licence. For the purposes of this condition a child over the age of 12 months shall count as one passenger.
2. The name of the Owner and the number of persons the boat is licensed to carry in the form 'Licensed to carry ... persons' shall be shown in letters and figures not less than one inch in height and three-quarter of an inch in breadth, on a conspicuous part of the boat.
3. The person in charge of the boat shall permit any person duly authorised by the East Dorset District Council to examine and inspect the boat and its equipment at any time and any recommendations made following such inspections shall be complied with.
4. The boat shall be maintained in a sound condition and all equipment therein shall be kept in good repair.
5. Buoyancy jackets shall be made available for hirers of such licensed boats on request.
6. The boat shall be kept clean and free from oil refuse and no oil, petrol, grease or oil refuse shall be deposited from the boat in the rivers.
7. The owner of the boat shall take out and shall during the currency of this licence maintain with an Insurance company and for an amount to be approved by the East Dorset District Council a policy of insurance, providing cover against any claim by any passenger or other third party which may arise as a result of the operation of the boat and shall on demand produce such policy and all receipts for premiums to the Chief Executive of East Dorset District Council. N.B. Insurance cover of at least £2,000,000 for any one accident must be provided.
8. The Licence attached hereto shall be renewed annually, and such application shall be submitted at least 28 days before the expiry date.
9. Renewal Applications shall be accompanied by a current insurance certificate.

THE FOLLOWING ADDITIONAL CONDITIONS SHALL APPLY TO EVERY MOTOR BOAT LICENSED

10. Every engine in the boat shall be fitted with an efficient silencer.
11. The boat shall at all times when carrying passengers for hire, or when let for hire as the case may be, be furnished with lifesaving jackets, lifebelts or other form of lifesaving apparatus of a type approved by the Department of Trade sufficient for all the persons on board and any such apparatus other than a lifesaving jacket designed for wear by an individual shall be fitted with a rope or other attachment which could be grasped by a person in the water.
12. Means of extinguishing fire from oil or petrol, in the form of a supply of sand, and one or more efficient chemical fire extinguishers, which shall be of a foam or powder type approved by the Department of Trade, shall be carried in the boat in easily accessible positions.
13. A licensed boatman shall be in charge of each boat carrying passengers for hire.

THE EAST DORSET DISTRICT COUNCIL DO NOT WARRANT BY THIS LICENCE THE SAFETY OF ANY BOAT, ALSO THE GRANTING OF THIS LICENCE DOES NOT REMOVE FROM THE LICENSEE RESPONSIBILITY FOR WRONGFUL ACTS OR DEFAULT OR FOR THE EMPLOYMENT OF INCOMPETENT PERSONS OR FOR THE USE OF AN UNSAFE OR INSUFFICIENTLY EQUIPPED BOAT.

Please provide the following with your application

- The appropriate application fee
- A medical fitness report
(medical examinations are required for first time applicants, subsequent examinations must then be undertaken every 8 years to age 45, then every 5 years to age 65, then annually from age 65 onwards)
- A recent passport size photograph of yourself

Signature:.....Date:.....

Dorset Council will use your personal information to provide you with the service which you or someone acting on your behalf has asked us to provide. We will also use your personal details for purposes of crime prevention and crime detection and will, if asked, share it with other public bodies for that purpose. The full statement about how we will use your personal details can be seen within the Council's web pages or a copy can be provided upon request.

Please note this authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing public funds for these purposes.

Dorset Council

PUBLIC HEALTH ACTS AMENDMENT ACT 1907 (SECTION 94)

Application for Pleasure Boat Licence(s)

Type of boat(s): Motor ☐ Non motor ☐

Current licence number (if applicable).....

Applicant (full / company name)	
Full address	
Telephone number	
Email address	
Boat(s) to be licensed	Please use attached form to list boat(s) to be licensed
Where will the boat(s) primarily be used	
If the boat(s) is/are licensed by another authority please state the authority concerned and the licence number	

Please provide the following with your application

- The appropriate application fee
- A report by one of the Council's approved Boat Assessors which assesses the suitability of the boat(s) to be licensed
- A current certificate of suitable insurance.

Signature:.....Date:.....

Print Name:.....

Dorset Council will use your personal information to provide you with the service which you or someone acting on your behalf has asked us to provide. We will also use your personal details for purposes of crime prevention and crime detection and will, if asked, share it with other public bodies for that purpose. The full statement about how we will use your personal details can be seen within the Council's web pages or a copy can be provided upon request.

Please note this authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing public funds for these purposes.

Particulars of Boat(s) to be licensed

Type of Boat	Name of Boat	Dimensions	Passenger carrying capacity

I have inspected the boats above mentioned. I make the following observations and recommendations upon the application

The boats inspected have **passed/failed (please circle as appropriate)** the safety inspection

Boat Inspector
signature

Print Name

Date

CONFIDENTIAL

MEDICAL CERTIFICATE

APPLICATION FOR BOATMAN'S LICENCE

Medical examinations must be undertaken for first time applicants, then every 8 years to age 45, every 5 years to age 65 and annually from age 65 onwards. Please contact the Licensing Officer if you are unsure whether you require a medical examination.

You must be seen by a GP at the practice where you are registered.

NAME OF APPLICANT:DATE OF BIRTH:.....

ADDRESS:

NB IN COMPLETING THIS FORM, THE DISTRICT COUNCIL ASK THE MEDICAL PRACTITIONER CONCERNED TO ENSURE THAT THE APPLICANT IS EXAMINED AND ALSO THAT FULL REGARD IS PAID TO THE APPLICANT'S MEDICAL HISTORY.

- (a) This certificate is for the confidential use of the Dorset Council and medical practitioners are asked to be good enough to complete it in the presence of the applicant and return it to them at the time of the medical examination. Any fee charged is payable direct from the applicant to the medical practitioner.
- (b) The standard of acuity of vision is considered unsatisfactory if it is below 6/12 with one eye and 6/36 with the other eye, with or without optical aid.
- (c) Special attention is directed to the condition of the arms, hands, legs and feet and particularly to the joints of the upper and lower extremities.

QUESTION	REPLY
Is the applicant, to the best of your judgement subject to epilepsy, vertigo, sudden attacks of disabling giddiness or fainting, or any mental disorder or defect likely to affect his/her efficiency as a boat operator?	
Does the applicant suffer from any heart or lung disorder or defect which might interfere with the efficient performance of duties as a boat operator?	
Is there any defect of vision? If so, give details	

If yes, give acuity of vision by Snellens test type with and without glasses and answer the following:	RE.....LE..... (without glasses) RE.....LE..... (with glasses if applicable)
Was the test conducted with the applicant's own glasses, or,	
Have suitable glasses been prescribed?	
Do you consider that the applicant should wear glasses when operating a boat?	
Is the applicant's field of vision by hand test satisfactory?	
Is the colour vision normal?	
Does the applicant suffer from a squint or any other visual defect which could affect his/her fitness to operate a boat?	
Could any visual defect observed be sufficiently corrected to make the applicant fit to operate a boat?	
Is there any defect of hearing? If so, do you consider that it would interfere with the efficient performance of the applicant's duties as a boat operator?	
Has the applicant any deformity or loss of limbs? If so, could it interfere with the efficient performance of his/her duties as a boat operator?	
Is the applicant sufficiently active for the performance of his/her duties?	
Does the applicant show any evidence of being addicted to the excessive use of alcohol, tobacco or drugs?	
Do you consider further examination necessary? If so, in what period of time?	

I CERTIFY THAT I HAVE EXAMINED:

**THE ANSWERS TO THE QUESTIONS ABOVE ARE CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF AND I CONSIDER THE APPLICANT *FIT / UNFIT TO
ACT AS THE OPERATOR OF A BOAT . (*delete as applicable)**

SIGNATURE OF MEDICAL PRACTITIONER:.....

QUALIFICATIONS:.....DATE:.....

ADDRESS:.....

Licensing Committee – 6 March 2019

Pleasure Boat Licensing – review of licence conditions

1. Purpose of report

To consider amendments to the current licence conditions for pleasure boats.

2. Key issues

- 2.1 Section 94 of the Public Health Acts Amendments Act 1907 empowers the Local Authority to issue licences for pleasure boats subject to such terms and conditions as it sees fit. The current pleasure boat licence conditions are attached as **Appendix 1**.
- 2.2 Two licensed pleasure boat operators have requested that the Council remove the licensing conditions currently imposed in respect of lifejackets being worn by under 16's whilst on board category 2 boats. Copies of their request and supporting information are attached as **Appendix 2**.

3. Recommendation

That the existing Pleasure Boats: Conditions of Licence be replaced with the conditions attached as **Appendix 3**.

4. Policy issues

4.1 How will this affect the environment, social issues and the local economy?

The adoption of the new requirements will support local business and maintain standards of public safety throughout the licensed trade.

4.2 Resource implications

There are none.

5. Further information

- 5.1 Category 2 boats are small boats in the charge of a licensed boatman plying for hire or let for hire (e.g. a boat conducting tourist trips).
- 5.2 The Council currently imposes on all category 2 pleasure boat licences a number of conditions relating to the equipment required to be carried. Condition 5.2 requires that lifejackets be available for all passengers and crew, that lifejackets must be worn by all children under the age of 16 and that the stowage position of the lifejackets to be clearly marked and readily accessible.
- 5.3 Although the necessity of having access to suitable lifejackets is widely recognised and supported, the requirement to force passengers under the age of 16 to wear them is not. There is in fact no statutory requirement for them to be worn by any passengers of such boats regardless of age or ability to swim.

- 5.4 Following discussions with partner agencies and similar business owners, the common approach is one of retaining the power to enforce the provision of lifejackets but leaving the issuing of them to risk assessment by the boatman in charge of the vessel or at the request of the passengers themselves.
- 5.5 From wider discussion this approach could be considered suitable to the provision of all equipment set out within the conditions, with the boatman conducting a comprehensive risk assessment at the time of licensing and using that risk assessment to determine necessary safety equipment for each journey.
- 5.6 The replacement of the requirement for all passengers under 16 to wear lifejackets with a risk assessment approach recognises the professionalism of those businesses and balances the protection of public safety with the realities of their operating procedures.

Appendices:

- 1 – Current Pleasure Boat Licence Conditions**
- 2 – Requests for review**
- 3 – Proposed Pleasure Boat Licence Conditions**

For further information contact:-

Ian Carter, Licensing Officer

PUBLIC HEALTH ACTS AMENDMENT ACT 1907, SECTION 94

PLEASURE BOATS: CONDITIONS OF LICENCE

1. Interpretation

In these Conditions the following words mean:

Category 1 Boats means small boats or craft including canoes/kayaks, pedaloos, personal water craft, beach floats, self-drive motor and rowing boats let for hire whether in the charge of a licensed boatman or not.

Category 2 Boats means small boats in the charge of a licensed boatman plying for hire or let for hire (e.g. a boat conducting tourist trips)

Council means Purbeck District Council

Licensee means the person named in the Licence

MCA means the Maritime and Coastguard Agency

Navigator means the person who, whether as Licensee or otherwise, has the charge or control of the Pleasure Boat and includes a person who, being present, is entitled to give orders to the person having charge or control

Painter means a line attached to the bow of a pleasure boat for use in towing or making fast

Pleasure Boat means the Category 1 or Category 2 boat that is the subject of this licence

Quoit means a rescue ring that can be thrown overboard to rescue a person in the water, usually having a long heavy floating line attached to it

Rough weather conditions means force 6 or more on the Beaufort Wind Force Scale.

2. Period of Licence

The Licence will be for the period 1st April [insert date of Good Friday if earlier] to 31st October 201* unless the Licence is terminated by the Council earlier.

3. General

- 3.1 The Licensee shall not let or hire or cause or permit the Pleasure Boat to be let or hired to any person under 14 years of age unless accompanied by a person who is 18 years or over.
- 3.2 The Licensee shall not let or hire or cause or permit the Pleasure Boat (if it is motorised) to be let or hired to any person under 16 years of age unless accompanied by a person who is 18 years or over.
- 3.3 The Licensee shall not let or hire or cause or permit the Pleasure Boat to be let or hired to any person who is or appears drunk or otherwise incapacitated nor to any person whom such proprietor does not reasonably believe to be competent to manage the Pleasure Boat.
- 3.4 The Pleasure Boat shall not be used for the carrying of passengers for hire unless the Navigator is licensed by the Council
- 3.5 The Pleasure Boat shall be let for hire in rough weather conditions.
- 3.6 The Navigator shall not allow musical instruments to be played or other similar distractions on or in connection with the Pleasure Boat.
- 3.7 The Pleasure Boats shall be kept free from oil and refuse.
- 3.8 Where the Pleasure Boat is required to carry additional fuel it shall be stored securely and safely in appropriate containers.
- 3.9 The Licensee must provide a safety boat that is ready to respond to an emergency involving the Pleasure Boat for recovery of any persons in danger. The safety boat must carry appropriate rescue equipment to deal with such emergencies.

4. Operating schedule and operating hours

- 4.1 The Licensee shall have in place at the point of hire/launch, a record of hire of craft to include
 - a) Date and time hired and date and time returned
 - b) Pleasure boat licence number
 - c) Number of persons hiring the pleasure boat and contact details of the hirer.
- 4.2 The Licensee must have and keep under regular review, a documented safety management system (SMS) to ensure that best practice is adhered to at all times. The system should contain:
 - The Licensee's health and safety policy.

- Documented lines of communication between those with responsibilities in the operation of the Pleasure Boat.
 - Procedures for the safe operation of the Pleasure Boat. This can include but not be limited to, equipment testing checklists, bunkering checklists, pre-departure checklists, passenger safety briefing.
 - The Licensee must ensure that their passengers/hirers know about the use and stowage position of all safety appliances on board and the wearing of lifejackets is to be demonstrated.
 - Emergency response procedures.
 - Accident reporting procedures.
 - Crew training records/records of musters and drills.
- 4.3 Category 1 Boats are not to be hired for use (or used for the carriage of passengers) except between the times of sunrise and sunset.

5. Signage and equipment requirements

- 5.1 The Licensee shall display a plaque issued by the Council displaying the licence number, and maximum number of persons the Pleasure Boat is licensed to carry in a position on the Pleasure Boat that is visible to the public.
- 5.2 The Pleasure Boat shall be provided with the equipment listed below as applicable. Where a higher standard of equipment than required by reason of any statutory order or provision of any requirements by the MCA, the higher standard shall be applied. All equipment must be supplied and carried at all times and be kept in good working order.

Equipment to be provided for Category 1 Boats

1. Painter
2. Bilge pump (if practicable), bailer and bucket
3. Lifejackets available for all passengers and crew. Lifejackets must be worn by all children under the age of 16. The stowage position of the lifejackets to be clearly marked and readily accessible.
4. Powered or sailing craft must provide an approved alternative means of propulsion (e.g. paddles)
5. 1 Lifebuoy for boats carrying not more than 6 persons, otherwise 2 lifebuoys. It must be of a type approved by the Department of Trade and Industry of a size not less than 610mm in diameter with a buoyant

line of at least 18 metres attached with a minimum breaking strain of 115 kilos

6. In addition to lifebuoys, approved buoyant apparatus to support all of the passengers and crew. The buoyant apparatus may include standard MCA lifebuoys and/or have built-in buoyancy (provided that the built-in buoyancy is adequate and suitable grab lines or rails or bilge keels are provided and maintained).
7. A safety notice explaining the emergency procedures shall be provided to persons hiring the craft

Equipment to be provided for Category 2 Boats

All equipment required for a Category 1 Boat together with:

8. (Powered Boats) At least two approved fire extinguishers (If the Pleasure Boat has covered accommodation it must have foam CO₂ or dry powder extinguishers).
 9. Buoyant heaving line at least 30 meters in length with MCA approved rescue Quoit.
 10. Boat hook.
 11. Klaxon, foghorn, or other approved noise signal.
 12. A sufficient first aid kit.
 13. Navigation lights in accordance with current Merchant Shipping Regulations.
 14. Approved orange smoke floats (at least two).
 15. Suitable tool kit.
 16. One water resistant torch.
 17. VHF or mobile phone (the local navigation authority should be consulted in order to establish the most effective form of communication, whether VHF or other means. Emergency procedures for establishing contact in an emergency should be prepared. It should be noted that a mobile phone may be sufficient in some areas, but if mobile phone coverage is poor, alternative means should be agreed
- 5.3 The Council's approved pleasure boat assessor may by written notice to the Licensee require additional equipment as he considers necessary for the specific operational requirements

- 5.4 Any towing boat shall have at least two crew at all times; one to drive and navigate and the other to watch the tow. A tow line must be between 25-30m in length. A method of quick release in an emergency must be available.

6. Collision and damage reporting requirements

- 6.1 The Licensee must inform the Council of any collision or grounding of the Pleasure Boat as soon as reasonably practicable and in any event within 72 hours.
- 6.2 The Licensee must inform the Council of any substantial damage caused to the Pleasure Boat as soon as reasonably practicable and in any event within 72 hours. The Licensee shall supply to the Council on request a written specification of the proposed repairs.
- 6.3 If the Pleasure Boat suffers any significant damage or deterioration caused by collision, accident or any other means it shall not be hired to any persons until it has been repaired and the Pleasure Boat has been inspected (at the Licensee's expense) by the Council's approved pleasure boat assessor.

7. Pleasure Boat Inspection

The Licensee will upon request make the Pleasure Boat available for an out-of-water inspection by the Council's approved pleasure boat assessor to ensure that the Pleasure Boat remains in a safe and sea-worthy condition.

8 Public Liability Insurance

The Licensee shall take out and maintain a Third Party and Passenger Insurance to cover a minimum sum of £5,000,000. The policy document shall be produced on request to an authorised officer of the Council. The Council shall be notified prior to any change in or on the expiry or termination of the cover.

9. Right of Entry

- 9.1 Any officer duly appointed by the Council for the purpose shall have full right at all reasonable times to inspect the Pleasure Boat and to enter upon any yard or premises for that purpose. No Licensee or person in attendance shall obstruct or hinder any such officer from making such entry and inspection or otherwise in the execution of his duties in regard to these conditions.
- 9.2 Every Licensee shall, on demand, produce their Licence to any duly authorised officer of the Council.

10. Suspensions and Revocation

- 10.1 At any time during a licence the Council may suspend or revoke this licence in the interest of the public safety or if the Licensee fails to observe or comply with any condition.
- 10.2 In the case of suspension, any suspension shall remain in force until the damage or deterioration of the Pleasure Boat is repaired and made good to the satisfaction of the Council. The Council may require the Pleasure Boat to be inspected (at the Licensee's expense) by the Council's approved pleasure boat assessor as a pre-condition of any suspension being lifted.

NOTE: The Council does not assume responsibility for testing the accuracy of the representations upon which this Licence is granted, nor does the Council warrant in granting this Licence the safety of the Pleasure Boat or the competency of any Boatmen. This Licence does not relieve the Licensee from his liability for his acts or omissions or those by his employees, contractors or agents or the use of any unsafe or insufficiently equipped pleasure boat or vessel.

PUBLIC HEALTH ACTS AMENDMENT ACT 1907, SECTION 94

PLEASURE BOATS: CONDITIONS OF LICENCE

1. Interpretation

In these Conditions the following words mean:

Category 1 Boats means small boats or craft including canoes/kayaks, pedaloes, personal water craft, beach floats, self-drive motor and rowing boats let for hire whether in the charge of a licensed boatman or not.

Category 2 Boats means small boats in the charge of a licensed boatman plying for hire or let for hire (e.g. a boat conducting tourist trips)

Council means Purbeck District Council

Licensee means the person named in the Licence

MCA means the Maritime and Coastguard Agency

Navigator means the person who, whether as Licensee or otherwise, has the charge or control of the Pleasure Boat and includes a person who, being present, is entitled to give orders to the person having charge or control

Painter means a line attached to the bow of a pleasure boat for use in towing or making fast

Pleasure Boat means the Category 1 or Category 2 boat that is the subject of this licence

Quoit means a rescue ring that can be thrown overboard to rescue a person in the water, usually having a long heavy floating line attached to it

Rough weather conditions means force 6 or more on the Beaufort Wind Force Scale.

2. Period of Licence

The Licence will be for the period 1st April [insert date of Good Friday if earlier] to 31st October 201* unless the Licence is terminated by the Council earlier.

3. General

- 3.1 The Licensee shall not let or hire or cause or permit the Pleasure Boat to be let or hired to any person under 14 years of age unless accompanied by a person who is 18 years or over.
- 3.2 The Licensee shall not let or hire or cause or permit the Pleasure Boat (if it is motorised) to be let or hired to any person under 16 years of age unless accompanied by a person who is 18 years or over.
- 3.3 The Licensee shall not let or hire or cause or permit the Pleasure Boat to be let or hired to any person who is or appears drunk or otherwise incapacitated nor to any person whom such proprietor does not reasonably believe to be competent to manage the Pleasure Boat.
- 3.4 The Pleasure Boat shall not be used for the carrying of passengers for hire unless the Navigator is licensed by the Council
- 3.5 The Pleasure Boat shall be let for hire in rough weather conditions.
- 3.6 The Navigator shall not allow musical instruments to be played or other similar distractions on or in connection with the Pleasure Boat.
- 3.7 The Pleasure Boats shall be kept free from oil and refuse.
- 3.8 Where the Pleasure Boat is required to carry additional fuel it shall be stored securely and safely in appropriate containers.
- 3.9 The Licensee must provide a safety boat that is ready to respond to an emergency involving the Pleasure Boat for recovery of any persons in danger. The safety boat must carry appropriate rescue equipment to deal with such emergencies.

4. Operating schedule and operating hours

- 4.1 The Licensee shall have in place at the point of hire/launch, a record of hire of craft to include
 - a) Date and time hired and date and time returned
 - b) Pleasure boat licence number
 - c) Number of persons hiring the pleasure boat and contact details of the hirer.
- 4.2 The Licensee must have and keep under regular review, a documented safety management system (SMS) to ensure that best practice is adhered to at all times. The system should contain:
 - The Licensee's health and safety policy.

- Documented lines of communication between those with responsibilities in the operation of the Pleasure Boat.
 - Procedures for the safe operation of the Pleasure Boat. This can include but not be limited to, equipment testing checklists, bunkering checklists, pre-departure checklists, passenger safety briefing.
 - The Licensee must ensure that their passengers/hirers know about the use and stowage position of all safety appliances on board and the wearing of lifejackets is to be demonstrated.
 - Emergency response procedures.
 - Accident reporting procedures.
 - Crew training records/records of musters and drills.
- 4.3 Category 1 Boats are not to be hired for use (or used for the carriage of passengers) except between the times of sunrise and sunset.

5. Signage and equipment requirements

- 5.1 The Licensee shall display a plaque issued by the Council displaying the licence number, and maximum number of persons the Pleasure Boat is licensed to carry in a position on the Pleasure Boat that is visible to the public.
- 5.2 The Pleasure Boat shall be provided with the equipment listed below as applicable. Where a higher standard of equipment than required by reason of any statutory order or provision of any requirements by the MCA, the higher standard shall be applied. All equipment must be supplied and carried at all times and be kept in good working order.

Equipment to be provided for Category 1 Boats

1. Painter
2. Bilge pump (if practicable), bailer and bucket
3. Lifejackets available for all passengers and crew. Lifejackets must be worn by all children under the age of 16 (category 1 boats only). The stowage position of the lifejackets to be clearly marked and readily accessible.
4. Powered or sailing craft must provide an approved alternative means of propulsion (e.g. paddles)
5. 1 Lifebuoy for boats carrying not more than 6 persons, otherwise 2 lifebuoys. It must be of a type approved by the Department of Trade and Industry of a size not less than 610mm in diameter with a buoyant

line of at least 18 metres attached with a minimum breaking strain of 115 kilos

6. In addition to lifebuoys, approved buoyant apparatus to support all of the passengers and crew. The buoyant apparatus may include standard MCA lifebuoys and/or have built-in buoyancy (provided that the built-in buoyancy is adequate and suitable grab lines or rails or bilge keels are provided and maintained).
7. A safety notice explaining the emergency procedures shall be provided to persons hiring the craft

Equipment to be provided for Category 2 Boats

All equipment required for a Category 1 Boat together with:

8. Lifejackets for all passengers and crew. The stowage position of the lifejackets to be clearly marked and readily accessible.
9. (Powered Boats) At least two approved fire extinguishers (If the Pleasure Boat has covered accommodation it must have foam CO₂ or dry powder extinguishers).
10. Buoyant heaving line at least 30 meters in length with MCA approved rescue Quoit.
11. Boat hook.
12. Klaxon, foghorn, or other approved noise signal.
13. A sufficient first aid kit.
14. Navigation lights in accordance with current Merchant Shipping Regulations.
15. Approved orange smoke floats (at least two).
16. Suitable tool kit.
17. One water resistant torch.
18. VHF or mobile phone (the local navigation authority should be consulted in order to establish the most effective form of communication, whether VHF or other means. Emergency procedures for establishing contact in an emergency should be prepared. It should be noted that a mobile phone may be sufficient in some areas, but if mobile phone coverage is poor, alternative means should be agreed

5.3 The Council's approved pleasure boat assessor may by written notice to the Licensee require additional equipment as he considers necessary for the specific operational requirements

5.4 Any towing boat shall have at least two crew at all times; one to drive and navigate and the other to watch the tow. A tow line must be between 25-30m in length. A method of quick release in an emergency must be available.

6. Collision and damage reporting requirements

6.1 The Licensee must inform the Council of any collision or grounding of the Pleasure Boat as soon as reasonably practicable and in any event within 72 hours.

6.2 The Licensee must inform the Council of any substantial damage caused to the Pleasure Boat as soon as reasonably practicable and in any event within 72 hours. The Licensee shall supply to the Council on request a written specification of the proposed repairs.

6.3 If the Pleasure Boat suffers any significant damage or deterioration caused by collision, accident or any other means it shall not be hired to any persons until it has been repaired and the Pleasure Boat has been inspected (at the Licensee's expense) by the Council's approved pleasure boat assessor.

7. Pleasure Boat Inspection

The Licensee will upon request make the Pleasure Boat available for an out-of-water inspection by the Council's approved pleasure boat assessor to ensure that the Pleasure Boat remains in a safe and sea-worthy condition.

8 Public Liability Insurance

The Licensee shall take out and maintain a Third Party and Passenger Insurance to cover a minimum sum of £5,000,000. The policy document shall be produced on request to an authorised officer of the Council. The Council shall be notified prior to any change in or on the expiry or termination of the cover.

9. Right of Entry

9.1 Any officer duly appointed by the Council for the purpose shall have full right at all reasonable times to inspect the Pleasure Boat and to enter upon any yard or premises for that purpose. No Licensee or person in attendance shall obstruct or hinder any such officer from making such entry and inspection or otherwise in the execution of his duties in regard to these conditions.

9.2 Every Licensee shall, on demand, produce their Licence to any duly authorised officer of the Council.

10. Suspensions and Revocation

- 10.1 At any time during a licence the Council may suspend or revoke this licence in the interest of the public safety or if the Licensee fails to observe or comply with any condition.
- 10.2 In the case of suspension, any suspension shall remain in force until the damage or deterioration of the Pleasure Boat is repaired and made good to the satisfaction of the Council. The Council may require the Pleasure Boat to be inspected (at the Licensee's expense) by the Council's approved pleasure boat assessor as a pre-condition of any suspension being lifted.

NOTE: The Council does not assume responsibility for testing the accuracy of the representations upon which this Licence is granted, nor does the Council warrant in granting this Licence the safety of the Pleasure Boat or the competency of any Boatmen. This Licence does not relieve the Licensee from his liability for his acts or omissions or those by his employees, contractors or agents or the use of any unsafe or insufficiently equipped pleasure boat or vessel.



Pleasure Boat, Vessel and Boatperson Licensing Policy

**Draft v.3
12 May 2025**

Further copies of this document can be obtained from:

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Web: [Pleasure boat licence - Dorset Council](#)

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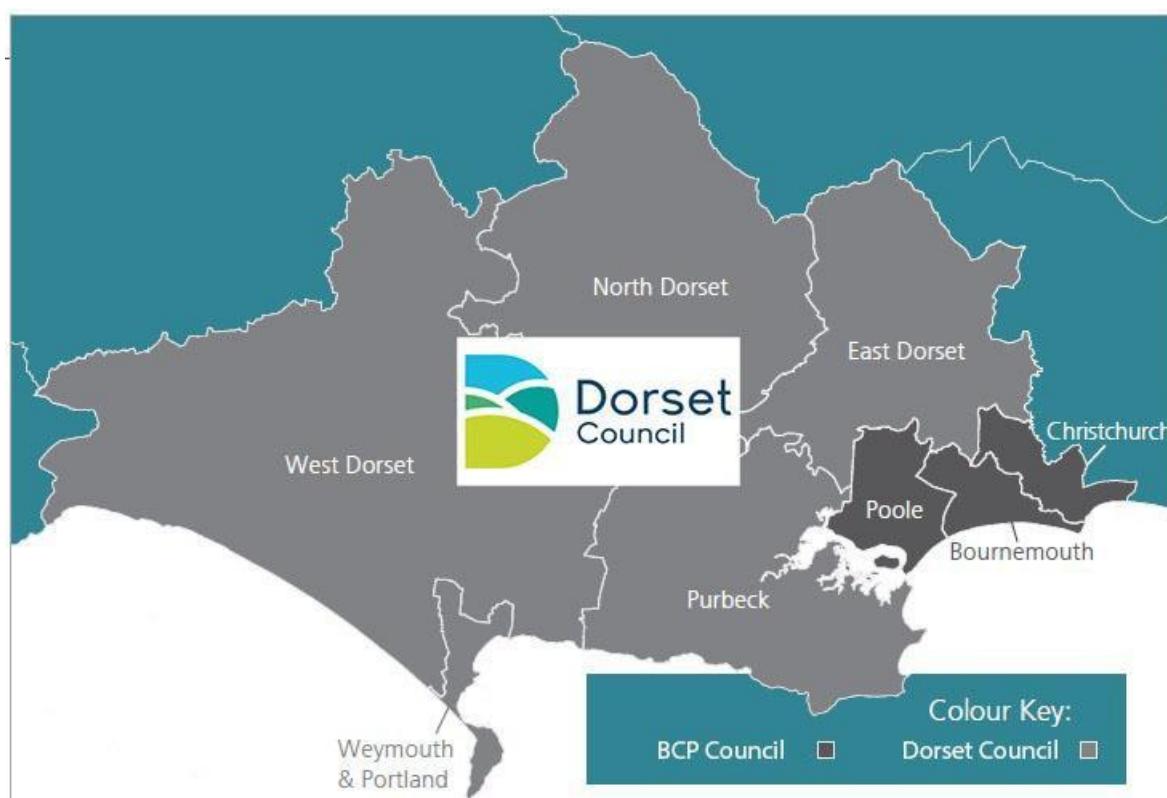
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This Policy is intended to provide general guidance only. It does not constitute a definitive statement of law. Applicants who require legal advice on a specific licensing topic relating to small commercial vessels are advised to seek independent advice. Text in the shaded boxes is advisory or explanatory and is intended only to give assistance to applicants, licence holders and authorised persons.

1 INTRODUCTION

- 1.1 The Council operates a scheme for the licensing of boatmen and pleasure boats operating within the Dorset Council administrative boundary.
- 1.2 Dorset Council is the Licensing Authority.



- 1.3 The purpose of this policy is to provide applicants for licences and other users of the licensing service with advice and information on the Authority's requirements for licensing small commercial vessels and the skippers of such vessels. It is also intended to ensure that the Licensing Authority applies consistent standards when determining licence applications.

The policy is underpinned by, and draws its authority from the following legislation:

- The Public Health Acts Amendment Act 1907
- Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998
- Merchant Shipping (Small Commercial Vessels and Pilot Boats) Regulations 2004

The policy has been prepared with due regard to the following codes of practice and guidance:

- The Code of Practice for the Safety of Small Vessels in Commercial Use for Sport or Pleasure

Operating from a Nominated Departure Point (Maritime and Coastguard Agency)

- Marine Guidance Note MGN 280 (Maritime and Coastguard Agency)
- Recommendations and Regulations Affecting the Licensing and Operation of Small Craft (South West Regional Standing Committee on Safety of Small Craft).
- Inland Waters Small Passenger Boat Code (Maritime and Coastguard Agency)
- Code for the Design, Construction and Operation of Hire Boats (British Marine/AOIA)

1.4 The following organisations and individuals have been consulted during the review of Policy:

- Maritime and Coastguard Agency
- South West Regional Ports Association
- Weymouth, Bridport and Lyme Regis Harbourmasters
- Owners and skippers of vessels licensed under the Council's licensing scheme
- Boatmen licensed under the Council's licensing scheme

This Policy was formally adopted by the Council on **XX XXX XXXX**.

The Policy will be reviewed and updated at least every five years (or more frequently if required.)

1.5 The Authority will endeavor to adhere to the Policy when considering licensing issues but reserves the right to depart from the Policy where there are compelling reasons for doing so. The Authority will provide a written explanation for any departure from policy guidelines.

1.6 The Authority recognises that this Policy cannot cover every conceivable safety scenario or guarantee complete safety for the public. Compliance with the policy will help to ensure that, so far as is reasonably practicable, passengers using licensed/certificated vessels are protected from harm. However, the final responsibility for the safety of passengers rests with the skipper and crew of the vessel.

1.7 This policy does not regulate activities which fall under the jurisdiction of the Weymouth, Bridport or Lyme Regis Harbourmaster. Please see Annexes 6 – 8.

2 AIMS AND OBJECTIVES

2.1 This Policy supports two of the Authority's strategic goals:

- Communities for all
- Grow our economy

2.2 The key objective of the Policy is the protection of public health and safety. Public safety is at the heart of the licensing regime and this aspect of the Policy will generally take precedence over other licensing considerations.

2.3 Small commercial vessels providing pleasure trips are an important attraction for tourists and form part of the traditional maritime 'scene' in Dorset. The Policy will seek to promote this activity wherever practicable provided there is no conflict with policy objective 2.2.

3 THE LICENSING REGIME

3.1 Vessels operating within the Dorset Council area

3.1.1 The Authority licenses vessels in the following categories:

- (i) South West Category 1: small boats including (but not limited to) paddle boards, beach floats, pedaloes, canoes, water-ski craft, power surfboards, sailboards, self-drive hovercraft, self-drive motorboats, jet-skis and parascending craft let for hire not in the charge of a licensed skipper.
- (ii) South West Category 2: small boats in the charge of a licensed skipper plying for hire or let for hire (e.g. for fishing, sailing or tourist trips). (NB. The Authority may only license vessels for up to 12 passengers. Above this limit, application must be made to the MCA or to other relevant certifying authority.)

3.1.2 The area of operation is confined to Category C waters as defined by Merchant Shipping Notice MSN 1837 (M) and SW Regional Standing Committee on Safety of Small Craft.

3.1.3 General Requirements - Vessels

3.1.3.1 Construction and Seaworthiness

In order to determine whether a vessel is suitable and safe for commercial use by the public, the Authority will require a thorough examination of the vessel, its structure and its fixtures and fittings¹. The design of the hull, its construction and the materials and equipment used should be appropriate for the intended use of the vessel and its area of operation. The examination of the vessel must be undertaken by an authorised person at the applicant's expense. The examiner must be chosen from the list of approved examiners which is published on the Council's website and should be either a qualified marine surveyor or a person who is considered to have the relevant professional qualifications or practical experience and expertise to undertake such examinations. Following examination, the authorised person will submit a report to the Authority on the vessel's general safety and seaworthiness. A licence will not be granted without a satisfactory report from the authorised person. A report will only be accepted if it has been completed no later than one calendar month before the date it is submitted to the Council.

The examination regime will be based on the 5 year cycle specified in the MCA's *Code of Practice for the Safety of Small Vessels in Commercial Use for Sport or Pleasure Operating from a Nominated Departure* as follows:

Year 1	Initial compliance examination. Physical examination of the vessel carried out by a qualified marine surveyor or competent person. (At least part of the examination must be conducted with the vessel out of the water).
Year 2	Examination of vessel by owner/managing agent.
Year 3	Examination of vessel by owner/managing agent.
Year 4	Examination by surveyor (in water inspection).
Year 5	Examination of vessel by owner/managing agent.

New vessels should comply with an appropriate standard such as *ISO 12215 Small Craft Hull Construction and Scantlings*.

Existing vessels should be able to demonstrate at least five years' history of safe operation.

Lifejackets must be serviced annually.

Vessels may be subject to an independent inspection by the Harbour Master or other competent Council Officer to check safety equipment and ensure compliance with conditions of licence.

It is the responsibility of the owner of the vessel and/or the person in charge of the vessel to ensure that the vessel and its fixtures, fittings and safety equipment are maintained in a safe and seaworthy condition. Any accident or damage which adversely affects the safety of the vessel must be reported to the Authority within 24 hours (or, if the accident occurs at a weekend, before the end of the next working day) and the vessel made available for inspection by an authorised officer or authorised person. Depending on the severity of the damage, the Authority may decide to suspend the licence in the interests of public safety until such time as any damage or defects are repaired.

No alterations to the construction of the vessel may be made without obtaining prior written permission from the Authority. In cases where the Authority is unable to assess the safety implications of any alterations, the Authority may seek expert technical advice from another licensing/certifying authority, an authorised person or any other organisation which, in the opinion of the Authority, has the relevant knowledge and/or expertise.

In the interests of public safety, the Authority applies a number of restrictions on licences:

- The vessel may only be used for the carriage of passengers between 1st April (or Good Friday if that date is before 1st April) and 31st October in any year and during the period from one hour before sunrise and one hour after sunset.
- vessel must only be operated during daylight hours;
- vessel must only be operated in favourable weather i.e. wind, sea and visibility conditions which are deemed by the skipper to be safe for the vessel to operate in.

The responsibility for determining if weather conditions are 'favourable' rests with the skipper of the vessel. In the event of a vessel being operated in weather conditions which are unsafe or unfavourable and which result in loss of life or injury, liability will rest with the skipper and/or the vessel owner.

3.1.3.2 Safety Management System

In the interests of public safety, the vessel owner/skipper must have a safety management system in place for the vessel which should contain, as a minimum:

- a health and safety policy for the protection of crew and passengers
- procedures for dealing with emergencies (e.g. man overboard)
- procedures for reporting accidents including 'near misses'
- Operating schedule and Risk Assessments

It is legal requirement to report all accidents (Merchant Shipping (Accident Reporting and Investigation) Regulations 1994).

3.1.3.3 Insurance

The vessel must have adequate passenger liability and third party insurance cover. The Authority will require applicants to produce a current certificate of insurance with minimum public liability indemnity of £5,000,000.

This is the recommended minimum level of public liability indemnity. Given the potential level of any claim for loss of life or injury arising from an accident, boat owners are strongly advised to take advice from their insurer on an appropriate level of cover sufficient to meet possible claims.

3.1.3.4 Conditions

The Authority may attach conditions to the grant of a Boat Licence. Licence conditions will be reasonable and proportionate and will generally be attached where the Authority believes they are required in the interests of public safety. The Authority's current conditions appear at Annex 1.

These are the Authority's standard conditions applicable to all licensed vessels. Where necessary, the Authority may attach specific conditions to a licence if there is a demonstrable safety requirement.

3.1.3.5 The Licence

A laminated or waterproof copy of the boat licence must be displayed in a prominent place in the vessel where it can be readily seen by passengers and kept on display at all times during the term of the licence.

3.1.4 General Requirements – Skipper

3.1.4.1 Competence

In the interests of public safety, the Authority will need to be satisfied that the person in charge of the vessel has the necessary level of competence to operate it safely.

The Authority will require an applicant for a Skipper's Licence to have obtained one of the following qualifications:

- Certificate of Competency – Yachtmaster Ocean*
- Certificate of Competency or Service – Yachtmaster Offshore*
- MCA Boatmasters Licence*
- RYA/DfT Certificate of Competency or Service – Coastal Skipper
- RYA/DfT Advanced Powerboat Certificate
- RYA/DfT Day Skipper Theory & Practical Certificate
- RYA/DfT Powerboat Level 2 Certificate

Certificates of competency should carry the following endorsement: *“valid for vessels of up to 24 metres in length used for commercial purposes”*.

On initial application and at any other time the Authority deems appropriate the applicant will be required to undergo a test of skipper's competence. This will be carried out by the Authority's Harbourmaster and will cover a range of appropriate skills and knowledge (see Annex 2).

Holders of qualifications identified by * above may be subject to an exemption from a skipper's licence. This will be subject to the competency test and recommendation by the Harbour Master.

A one-day short range (approved SRC) VHF radio course would be expected for vessels which are fitted with VHF equipment.

Where there is no radio, the skipper should know how to use the available equipment to contact assistance from any point on the route – e.g. a mobile phone, PA, loud hailer, or mega-phone for

use on rivers or canals.

An applicant for a Skipper's Licence must be at least 18 years of age.

3.1.4.2 Medical Examination

In order to be satisfied that a person is medically fit to operate a vessel, the Authority will require applicants to undergo a medical examination with a registered GP. The examination will be required at the following intervals:

- On initial application
- Every five years until age 65
- Annually after age 65

The medical examination must be carried out by a registered General Practitioner using the Authority's standard medical report and endorsed with the surgery's official stamp. Medical reports which do not have the official stamp will not be accepted. Applicants should note that they must pay the cost of the medical examination. In the event of any dispute about an applicant's or licence holder's medical condition, the Authority reserves the right to refer the matter to the local NHS Occupational Health Department for a second opinion.

Where an applicant can produce current documentary evidence of medical fitness, the Authority may, at its discretion, exempt the applicant from the requirement to undertake a medical examination. The Authority will accept the following certificates as exemptions:

- Seafarer's Medical Certificate (ENG1)
- MCA Medical Certificate (ML5)
- CAA commercial pilot's licence
- HSE diving medical certificate
- DVLA Group 2 Driver's Licence
- RNLI medical certificate

A licensed skipper must notify the licensing authority in writing within seven days of diagnosis of any adverse medical condition which may render him/her unfit to operate a vessel.

3.1.4.3 Criminal Convictions

In order to protect public safety, the Authority will vet every applicant for a Skipper's Licence to ensure they are fit and proper persons to deal with the public. Vetting will be carried out by means of a criminal conviction certificate issued under s.112 of the Police Act 1997 (a basic Criminal Record Disclosure). The applicant/licence holder will be responsible for obtaining the disclosure and must submit this with their application. The disclosure must be no more than one month old at the time the application is submitted to the Authority.

The Authority will require a basic disclosure to be provided on initial application and every three years thereafter during the period of the licence. All such records will be treated in total confidence and will only be seen by authorised officers of the Authority. Applicants should note that they must pay the cost of obtaining the disclosure.

If the disclosure reveals unspent criminal convictions which may, in the opinion of the Lead Licensing Officer, put the public at risk, the application will be determined by the Authority's Licensing Committee or a sub-Committee of that Committee. If the Authority is satisfied that

granting a licence would put the public at risk of harm, it may refuse to grant/renew, suspend or revoke the licence.

3.1.4.4 Conditions

The Authority may attach conditions to the grant of a Skipper's Licence. Licence conditions will be reasonable and proportionate and will generally be attached where the Authority believes they are required in the interests of public safety. The Authority's current conditions appear at Annex 3.

The grant of a licence does not obviate the need for vessels and/or skippers to comply with relevant bye laws made by the local/navigation authority or the port/harbour authority for the area in which the vessel operates.

3.1.4.5 The Licence

The licence must be kept in a secure place and made available for inspection on request by an authorised officer or authorised person.

3.2 Operators Licence (South West Category 1)

3.2.1 General

No person shall let for hire or reward any licensed vessel in South West Category 1 (when not in charge of a licensed boatman) without having first obtained a licence from the Local Authority (herein called an Operators Licence).

In the interests of public safety, the Authority will need to be satisfied that the person holding the Operators Licence has the necessary level of competence to operate safely. Depending on the proposed activities the applicant may require a competency test with the Harbourmaster.

3.2.2 Marking and Inspection

Every vessel before being let for hire or reward shall have exhibited in some conspicuous part the name of the licensed owner and the total number of person allowed to be carried. The Operators Licence may be suspended if at any time an authorised Officer of the Local Authority shall be of the opinion that any of the vessels on hire is unfit to carry passengers.

3.2.3 Persons in Charge

The Licensee shall be responsible that no motor boat, mechanically propelled boat or sailing boat shall be let for hire or reward unless a competent person(s) be placed in charge thereof by the licence holder and remain in charge so long as the hire shall last.

Persons under 18 years of age must be accompanied by an adult at all times.

In cases where vessel(s) let for hire are remote from the competent person, then the licensee shall ensure that there are sufficient competent persons to maintain visual contact with the hired vessel(s) at all times and provide sufficient means of immediate rescue in the event of an incident.

The Licensee shall ensure that the equipment is maintained in a proper state and that hirers are provided with sufficient information about the craft and its equipment to enable it to be used safely for the intended purpose and that hirers are competent for the intended operation. Hirers also need to be provided with navigational and tidal information of the estuary and prove an understanding of International collision regulations.

The licensee shall ensure that procedures are in place to alert the emergency services in the event of an incident, report and record to the licensing authority all incidents that have or could have led to injury.

3.2.4 Specific Requirements

The spectrum of different vessels which may be licensed makes a “one size fits all” approach impractical. The Authority will use the guidance provided in Annex 4 of this policy to assist in determining what factors are considered during the licensing process.

3.3 Vessels Which Go To Sea

- 3.3.1 Any vessels which go to sea will need to be registered with the MCA or one of their authorised Certifying Authorities. Further information can be obtained from the Licensing Team or the MCA direct.

4. ROLE OF THE LICENSING COMMITTEE

4.1 Committee Powers

- 4.1.1 The Licensing Committee is responsible for discharging the Authority’s statutory licensing and regulatory function. The Committee will determine and approve the Authority’s policy in relation to the licensing of small commercial vessels. Any significant revisions or amendments to the policy must be approved by the Committee.
- 4.1.2 The Committee will receive reports from the Service Manager Licensing & Community Safety, as appropriate, on matters relating to the licensing and certification of small commercial vessels.
- 4.1.3 The Committee will also, where appropriate, consider contraventions of the law, the Authority’s bye-laws, conditions of licence and/or codes of practice and may take such action as it considers necessary in order to protect the public. This may include cancellation, suspension and revocation of licences and certificates. This function may be carried out by a sub-Committee of the Licensing Committee in accordance with established procedures.
- 4.1.4 Any person aggrieved by a decision of the Licensing Committee (or sub-Committee) has the right to appeal to the Magistrates’ Court within 21 days of notification of the decision.

4.2 Delegated Powers

Certain functions of the Licensing Committee may be carried out by an authorised officer of the Authority under delegated powers

5. ENFORCEMENT

- 5.1 The Authority will work in co-operation with licence holders and the owners/skippers of certified vessels to address any safety concerns or instances on non-compliance with the law, bye laws,

conditions of licence or codes of practice. Where the authority is unable to satisfactorily resolve such issues, it may take such enforcement action as it considers necessary for the protection of the public.

- 5.2 Enforcement action will be taken in accordance with the Authority's Enforcement Policy which can be viewed on the Authority's website.
- 5.3 Enforcement may be carried out by the Licensing Authority acting on its own initiative or in conjunction with the Maritime and Coastguard Agency or with any other agency the Authority considers to be appropriate to the circumstances of the case.
- 5.4 The Authority has the power to suspend or revoke licences issued under its own licensing scheme (see Annex 1, section 9 and Annex 3, section 8).

6. FEES

The Authority has the power to charge a fee to cover the reasonable costs of administering and enforcing its licensing scheme. Fees will normally be reviewed annually.

If a licence is surrendered or cancelled, the Authority may, at its discretion, refund part of the licence fee. Refunds will be calculated pro-rata on the basis of any whole months remaining prior to expiry of the licence.

The current fees can be viewed on the Authority's website.

ANNEX 1 – CONDITIONS ATTACHED TO BOAT LICENCE (Dorset Council Licensing Scheme)

1. Limit of Operational Area

The licence covers licensable activities within the Dorset Council administrative boundary

2. Restrictions on Operation

The vessel may only be used for the carriage of passengers between 1st April (or Good Friday if that date is before 1st April) and 31st October in any year and during the period from one hour before sunrise and one hour after sunset.

The vessel may only be used for the carriage of passengers in favourable weather conditions i.e. wind, sea and visibility conditions which are deemed by the skipper to be safe for the vessel to operate in.

3. Construction and Seaworthiness

All boats shall be subject to regular examination as set out in 3.1.3.3. of the Council's Policy. The examination shall be carried out by an authorised person approved by the Local Authority. The vessel must be inspected out of the water at least once every five years.

The surveyor or authorised person shall provide a detailed report on the structural condition of the hull, the structural fastenings and the vessel's safety equipment. The survey shall include a brief examination of propulsion machinery and electrical and pumping installations but only in so far as these affect the seaworthiness of the craft.

In carrying out the examination the surveyor or authorised person will be guided by the relevant provisions of the MCA inland waters small passenger boat code.

The licensing authority may waive or reduce any requirement or restriction on account of the special circumstances of any boat in the trade in which it is engaged.

The Authority's licensing scheme in no way exempt a vessel from compliance with any relevant statutory requirements of the Department for Transport or Maritime and Coastguard Agency.

4. Insurance

All licensed boats shall carry public liability and third party insurance with minimum indemnity cover of at least £5 million.

5. Equipment

Each licensed boat or vessel shall be provided with the equipment listed in the attached schedule for Category 2 vessels. The equipment shall be maintained in good order and will be inspected annually by an authorised person. Where a higher standard of equipment is required for any boat by reason of any statutory order or any requirement of the Department for Transport or the MCA,

such higher standard shall be applied.

When the boat or vessel is let for hire or used for the carriage of passengers it shall

- (i) be kept free from oil, refuse and fuel spillages;
- (ii) not carry any loose cans of petrol on board under any circumstances;
- (iii) not be used for towing any other boat or craft, except in cases of emergency.

6. Safety Lanyard Cord

In vessels which are designed or adapted for the installation of a safety lanyard cord ("kill cord"), the skipper of the vessel should wear the cord at all times in accordance with RYA safety guidelines when operating the vessel where ever and when ever possible.

In the event a lanyard cannot be used the boat should be operated at the slowest safe speed for the estuary and at least one other person on board should be aware of how to stop the engine immediately.

7. Information in Vessel

A laminated or waterproof copy of the boat licence must be displayed in a prominent place in the vessel where it can be readily seen by passengers and kept on display at all times during the term of the licence.

8. Accidents and Damage

Any accident, collision, grounding or damage which adversely affects the safety of the vessel shall be reported to the Authority within 24 hours or (where the incident occurs at a weekend) before the end of the next working day. 'Near misses' must also be reported as these may indicate potential safety problems and help to avoid future accidents.

9. Suspension/Revocation of Licence

The Authority may suspend or, revoke the licence of any vessel on the following grounds:

- that the vessel has suffered damage which renders it unsafe for public use
- failure to comply with the provisions of the Public Health Acts Amendment Act 1907
- failure to comply with a condition of licence
- failure to comply with any Authority harbour bye law
- that the action is necessary or desirable in the public interest

Any person aggrieved by a decision of the Authority to suspend, revoke or to refuse to renew a licence may appeal to a Magistrates' Court. Any appeal must be made within 21 days of notification of the Council's decision.

SCHEDULE OF EQUIPMENT FOR CATEGORY 2 VESSELS

1. Painter (Mandatory in categories 2, 3, 4, 5, 6).
2. Bilge pump (if practicable) and bailer and bucket.
3. Approved alternative means of propulsion (e.g. paddles).
4. Lifejackets available for 100% passengers and crew. Lifejackets may be of solid buoyancy or inflatable type and should have a minimum buoyancy rating of 150 Newtons in accordance with BS/EN 396. (See general note (v)).
5. A minimum of two lifebuoys with buoyant line of at least 18 metres in length.
6. Together with the lifebuoys in (5) above, approved buoyant apparatus to support 100% of passengers and crew.
 - (a) This buoyant apparatus may be made up of standard DfT lifebuoys, buoyant apparatus, built-in buoyancy but not lifejackets.
 - (b) Regard may be had to built-in buoyancy only if adequate and suitable grab lines or rails or bilge keels are provided and maintained.
7. Notice stating
 - (a) Location and effect of local weather signals
 - (b) Restrictions on area of operation and
 - (c) Emergency procedures.
8. Sailing craft licensed under these rules shall be provided with one safety harness to B.S.I. specifications for each person on board.
9. Powered craft > 6 metres in length: a hand-powered or power driven fire pump with sea hose connections capable of delivering a jet of water to any part of the vessel OR 1 multi-purpose fire extinguisher with a minimum fire rating of 13A/113B PLUS 1 multi-purpose fire extinguisher with minimum fire rating of 5A/34B. Fire extinguishers must bear a valid certificate of inspection and must be tested annually

Powered craft < 6 metres in length: 1 multi-purpose fire extinguisher with minimum fire rating of 5A/34B. Fire extinguishers must bear a valid certificate of inspection and must be tested annually
10. A hand-powered or power driven fire pump with sea and hose connections capable of delivering a jet of water to any part of the vessel (vessels > 6 metres only)
11. At least one fire bucket with lanyard.
12. Anchor and rope. Anchors of suitable mass for the type and size of vessel and appropriate for the area of operation. Anchor rope should be of suitable length for the depth of water in the area of operation.

13. Buoyant heaving line at least 30 metres in length with MCA approved rescue quoit.
14. Boat hook
15. Klaxon, foghorn, or other approved noise signal.
16. A sufficient first aid kit.
17. Navigation lights.
18. Approved orange smoke floats or orange smoke flares (two).
19. Suitable tool kit.
20. One water resistant torch.
21. VHF radio tuned to the appropriate emergency frequency for the area of operation (if applicable)..
22. Knife.

General Notes

- (i) The licensing authority may waive or reduce any requirement or restriction having regard to the special circumstances of any vessel in relation to its type of construction, standard of equipment and the trade in which it is engaged.
- (ii) Where a higher standard of equipment of equipment than those recommended is required for any vessel by reason of any statutory order or provision or by any requirements of the DfT or MCA such higher standard shall be applied.
- (iii) Where practicable licensed self-drive motor boats shall be fitted with propeller guards. Such craft are to be fitted with a notice displaying the operational limits of the boat and a warning notice that the craft is not to enter areas buoyed for swimmers.
- (iv) Where a Calor gas installation is fitted to any licensed vessel, the installation, where practicable, shall comply with the provisions of Merchant Shipping Notice No. 984 relating to Open Flame Gas Installations.
- (v) Lifejackets relying entirely on oral inflation are not suitable for emergency use unless they are inflated and worn at all times while the vessel is being operated. A minimum of two lifejackets suitable for children must be included within the total number of lifejackets provided.

ANNEX 2 – COMPETENCE REQUIREMENTS FOR SKIPPER (Dorset Council Licensing Scheme)

POINTS FOR TESTING	PASS	FAIL	REMARKS
1. Local Knowledge (local regulations, signals, lights, tidal conditions etc.)			
2. Emergency procedures (fire, collision, man overboard etc.)			
3. Regulations for preventing collisions at sea			
4. Distress signals			
5. Use of compass			
6. Use of anchor			
7. Weather reports			
8. Buoyage			
9. Common Chart Symbols			
10. Common Knots			
11. Simple First Aid			
12. Distress and Rescue			
13. Boat handling			
14. Engine knowledge			
15. Passenger safety (safety briefing)			
16. Sea Survival			
17. Communications (use of radio etc.)			

Report and Recommendations.....

.....

.....

.....

Has applicant demonstrated satisfactory level of competence to skipper vessel? YES/NO

Signature of Examiner.....

Date.....

Print Name.....

ANNEX 3 – CONDITIONS ATTACHED TO SKIPPER’S LICENCE (Dorset Council Licensing Scheme)

1. Period of licence

All licences are issued annually with effect between 1st April (or Good Friday if that date is before 1st April) and 31st October in any year.

2. Medical Examination

A medical examination will be required at the following intervals:

- On initial application
- Every five years to age 65
- Annually after age 65

Holders of a Skipper’s Licence must notify the Authority in writing within seven days of any deterioration in their health that may affect their capabilities of handling a vessel.

3. Vetting of Applicants

An applicant for a Skipper’s Licence must produce a criminal conviction certificate issued under s.112 of the Police Act 1997 (a Basic Criminal Disclosure). Once a licence has been granted, the licence holder will be required to produce a new certificate every three years.

The holder of a Skipper’s Licence must notify the Authority in writing within seven days of any criminal conviction, caution or other offence incurred during the period of the licence.

4. Passenger Safety

Prior to the commencement of any hiring, a licensed skipper must give a formal safety briefing to all passengers on the vessel. The safety briefing must include:

- an explanation of the location and use of safety equipment such as liferafts, lifejackets, lifebuoys and the procedures to be followed in the event of an emergency;
- procedures for the recovery of a person from the water;
- location of fire fighting equipment;
- advice on the weather and sea conditions likely to be encountered, and
- procedures for safe embarkation/disembarkation when entering and leaving harbour.

Safety cards will be considered an acceptable way of providing the above information.

5. Accidents

A licensed boatman must report any accident or damage to the vessel within 24 hours (or, if the accident occurs at a weekend, before the end of the next working day) and make the vessel available for inspection by an authorised officer of the Authority or an authorised person.

6. Alcohol and Drugs

A licensed Skipper or crew member must not under any circumstances operate a licensed vessel when under the influence of alcohol and/or drugs.

If alcohol is provided for consumption by passengers on board the vessel, this must be authorised

by way of a premises licence issued by the local licensing authority under s.18 of the Licensing Act 2003 or a Temporary Event Notice given under s.100 of the Licensing Act 2003.

6. Qualifications, Certificates

Where a person has been granted a Skipper's Licence on the basis of an existing skipper's certificate issued by another authority, he/she must notify the Authority in writing within seven days of any suspension or revocation of that certificate by the issuing authority. In such circumstances, the Authority may suspend or revoke the person's Skipper's Licence or may require him/her to undertake a competence test.

7. Identity Badge

When in charge of a vessel, a licensed Skipper must wear prominently on his/her person or prominently display on the vessel an identity badge issued by the Authority.

8. Conduct

A licensed Skipper must behave in a civil and courteous manner to passengers and must provide such reasonable assistance as passengers may require, particularly when boarding and leaving the vessel.

9. Suspension/Revocation of Licence

The Authority may suspend, revoke or refuse to renew the licence of any licensed Skipper on the following grounds:

- failure to comply with the provisions of the Public Health Acts Amendment Act 1907
- failure to comply with a condition of licence
- failure to comply with any Council harbour bye law
- conviction for a criminal offence which, in the opinion of the Authority, renders the licence holder unsuitable or unfit to hold a licence
- that the action is necessary or desirable in the public interest

Any person aggrieved by a decision of the Authority to suspend, revoke or to refuse to renew a licence may appeal to a Magistrates' Court. Any appeal must be made within 21 days of notification of the Council's decision.

ANNEX 4 – LICENSING GUIDANCE

The spectrum of different vessels which may be licensed makes a ‘one size fits all’ approach impractical; the following guidance, as detailed in appendix A of the recommendations and regulations affecting the licensing and operation of small craft, is provided to assist licensing authorities determine what factors to consider during the licensing process.

Beach floats Pedaloers	Licence the operator Restrict area of operation (eg not allowed in areas of strong tidal currents or waterways) Operator to provide safety boat, the skipper of which is to be licensed, or means of retrieving floats/pedaloers
Surfboard/bodyboard hire	Licence the operator Encourage operator to provide safety boat, the skipper of which is to be licensed, or have alternative means of retrieving surfers Restrict area of use to within visual range of operator and/or lifeguard if practicable All participants to wear buoyancy aids or life jackets.
Canoes/ Stand Up Paddleboards (SUPs)	Licence the operator. SUP operators should be encouraged to adopt the ‘BSUPA code of conduct’. Operator to provide safety boat, the skipper of which is to be licensed All participants to wear buoyancy aids or life jackets Canoes to have sufficient internal buoyancy to remain afloat when filled with water Canoe or SUP to have leash, handrail or rope (as appropriate) to which participant can hold onto in the event of entering the water/capsize Restrict area of operation (e.g. not allowed in areas of strong tidal currents, weirs or waterways)
Power surfboard	Licence the operator Restrict use to areas free of bathers Users to wear life jackets or buoyancy aids
Windsurf or sail board	Licence the operator, who should be RYA qualified Operator to provide safety boat, the skipper of which is to be licensed Participants to wear life jackets or buoyancy aids Each board to carry some form of safety signaling device (eg radio or other apparatus) Restrict use to areas free of bathers
Hovercraft	Licence the operator , who must hold a Certificate of Competence by the Hover Club of Great Britain Limited Operator to provide safety boat, the skipper of which is to be licensed Users to wear life jackets or buoyancy aids Fan(s) to be safely screened Each craft to be fitted with control system which automatically throttles back Hovercraft registration certificate, plus CAA Hovercraft Safety Certificate MSA hovercraft operating permit Restrict use to areas free of bathers
Self-drive motorboats	Licence the operator Operator to provide safety boat, the skipper of which is to be licensed Restrict to areas free of bathers Motorboats to be fitted with propeller safety guard All participants to wear buoyancy aids or lifejackets Every user to be given safety instruction prior to taking control of the craft, to include areas of use, means of attracting attention in case of difficulty,

	navigational orientation (e.g. explanation of buoyage in the area etc.) and Collision Regulations
Personal water craft (PWC) e.g. jet ski, flyboard	Licence the operator Restrict use to areas absolutely free of bathers and other water users (although it may be permissible to allow jet skis and water-skiers may use the same designated area) Operator to provide safety boat, the skipper of which is to be licensed Users to wear life jackets or buoyancy aids Every user to be given safety instruction prior to taking control of the craft
Water skiing	Operator and each boat to be licensed Operator should hold British Waterski and Wakeboard (BWSW) Coach Licence and conform to codes of practice At least 2 people in the boat when towing a person on skis (driver and observer) when towing a person on skis Boat driver should hold at least Ski Boat Driver Level 2 or equivalent Restrict use to areas absolutely free of bathers and other water users (although it may be permissible to allow jet skis and water-skiers may use the same designated area) Area of take off and drop off to be marked and direction of circulation to be specified Every participant to wear life jacket or buoyancy aid
Parascending/ parasailing	Operator and each boat to be licensed Boat skipper to be licensed At least 2 people in the boat (driver and observer) when towing a person Every participant to wear life jacket or buoyancy aid Restrict to areas absolutely free of bathers
Kite Surfing	Operator to be licensed Operator to provide safety boat, the skipper of which is to be licensed Restrict to areas free of bathers Participants to wear life jacket or buoyancy aid
Water taxi carrying no more than 12 passengers	Licence the boat and skipper

Notes

Operators should be required to display notices stating:

“No person should attempt to use one of these craft unless he or she can swim at least 40 metres fully clothed”

Safety boats. Where a safety boat is required it must either be afloat or ready for immediate launch.

Life jackets and buoyancy aids must be CEN or MCA approved.

ANNEX 5 – DEFINITIONS

‘Authorised officer’	an officer of the licensing authority authorised in writing to carry out licensing duties in relation to the licensing of boats, boatmen and small commercial vessels.
‘Authorised person’	a person who by reason of relevant professional qualifications, practical experience or expertise is authorised by the certifying authority to carry out examination of licensed or certified vessels.
‘Authority’	Dorset Council
‘Category C Waters’	tidal rivers and estuaries and large, deep lakes and lochs where the significant wave height could not be expected to exceed 1.2 metres at any time.
‘Category D Waters’	tidal rivers and estuaries where the significant wave height could not be expected to exceed 2.0 metres at any time.
‘Certifying Authority’	an organisation appointed and approved by the Maritime and Coastguard Agency for the examination and certification of vessels under the Code of Practice for the Safety of Small Commercial Vessels Operating from a Nominated Departure Point.
‘Commercial Use’	use in the course of business for private gain or profit.
‘Competence Test’	an examination of a person’s skill and ability to operate a vessel together with an assessment of their knowledge of the local maritime area and regulations.
‘Daylight’	one hour before sunrise until one hour after sunset.
‘Designated Person’	a person designated by the Authority to oversee the examination and certification of vessels under the NDP Code of Practice.
‘Favourable weather’	wind, sea and visibility conditions which are deemed by the skipper to be safe for a small vessel to operate in.
‘Licensing Authority’	Dorset Council Licensing Authority
‘Nominated Departure Point’	the designated point of departure of the vessel as specified on the vessel’s certificate.
‘Passenger’	any person carried on a vessel except: a person employed or engaged in the business of the vessel; a person being carried in the event of an emergency; a child under one year old
‘To sea’	beyond category D waters or category C waters if there are no category D waters

Annex 6 – Weymouth Harbour Sea Area Jurisdiction

[Weymouth Harbour Jurisdiction](#) (click link to follow)

Annex 7 – Bridport Harbour Jurisdiction

[Bridport Harbour Jurisdiction](#) (click link to follow)

Annex 8 – Lyme Regis Harbour Jurisdiction

[Lyme Regis Harbour Jurisdiction](#) (click link to follow)

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General Licensing Committee

21 May 2025

Byelaws for the regulation of businesses involved in acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing, and electrolysis – Publication of Byelaws for consultation

For Decision

Cabinet Member and Portfolio:

Cllr G Taylor, Health and Housing

Local Councillor(s):

All Councillors

Executive Director:

R Partridge, Interim Director of Public Health & Prevention

Report Author: Laura Brewer

Job Title: Service Manager Food, Safety and Port Health

Tel: 01929 557275

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Report Status: Public

Brief Summary:

To gain the approval of the General Licensing Committee to publish the Byelaws based on the Department of Health's model, for the regulation of businesses involved in acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, to go out to public consultation.

Following consultation, to consider the results and make recommendation to Full Council for the adoption of the Byelaws.

Recommendation:

The committee is recommended to:

- (a) agree that the proposed skin piecing Byelaws be published for consultation;
- (b) authorise the Service Manager for Food, Safety and Port Health to make any minor editorial changes to the proposed Byelaws, prior to the document being issued for consultation;
- (c) recommend to Full Council that the Byelaws be adopted unless the consultation has resulted in significant proposed changes to the Byelaws in which case these will be brought back to your Committee to ratify.

Reason for Recommendation:

There is a need for Byelaws to be introduced for the protection of public health through the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis to reduce the risk of transmission of blood borne virus infections such as HIV, Hepatitis B and Hepatitis C and other infections.

The current legacy framework for the regulation of piercing is not consistent and there is a need to standardise the requirements to an appropriate level.

1. Background

- 1.1 Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 originally provided for the regulation only of tattooing, acupuncture, ear piercing and electrolysis. This was subsequently amended by the Local Government Act 2003 to substitute the more comprehensive term 'cosmetic body piercing' for 'ear piercing' to accommodate the growing practice of piercing other parts of the human body, and to regulate the relatively new practice of semi-permanent skin colouring which have developed in the interim.

- 1.2 This amendment to the Local Government (Miscellaneous Provisions) Act 1982 Act was triggered by the need to increase health protection and reduce the risk of transmission of blood borne virus infections such as HIV, Hepatitis B and Hepatitis C and other infections.
- 1.3 On 12 February 2007, the Department of Health issued revised model Byelaws for the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis, under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003). Part VIII allowed local authorities to introduce Byelaws.
- 1.4 The model Byelaws were adopted by two of the previous five district council's administrative areas: West Dorset District Council and Weymouth & Portland Borough Council, before Local Government Reorganisation in 2019.
- 1.5 However, in the East Dorset; North Dorset and Purbeck District Councils' administrative areas, the councils had previously undertaken only the regulation of the practices of acupuncture, tattooing, ear-piercing and electrolysis. Copies of the Byelaws are included at Appendix B.
- 1.6 Because the model Byelaws have not been adopted in East Dorset, North Dorset or Purbeck by the previous administration there is discrepancy across legacy council areas. This means there is discrepancy in the enforcement action which could be taken based on where the premises were located.
- 1.7 Following Local Government Reorganisation, on 1 April 2019 Dorset Council took on responsibility for local government services previously delivered in Dorset through the five district administrations.
- 1.8 In North Dorset; East Dorset and Purbeck officers only have powers to regulate those businesses offering acupuncture, tattooing, electrolysis and ear piercing and but in West Dorset, Weymouth and Portland officers can regulate other associated activities including cosmetic piecing (now widely offered) and semi-permanent make up.
- 1.9 This has been the case since Local Government Reorganisation, but internally we have put together consistent processes and procedures for the registration and inspection of tattooist, piercers, electrolysis and acupuncture to ensure that the risk from blood borne diseases is controlled.

- 1.10 Subsequently, it is proposed to introduce Byelaws based on the Department of Health's model for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, for Dorset Council area, revoking all the existing Byelaws. See Appendix 1 for the proposed Dorset Byelaws based on the Department of Health's model.
- 1.11 The adoption of the Byelaws under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003) part VIII 1982 Act would mean that in all areas of Dorset any breaches of the Byelaws would carry with it the possibility of criminal prosecution. It would be an offence under Section 16 (2) of the 1982 Act for any person to contravene the proposed Byelaws, which upon conviction could result in a fine of up to £1,000. The Court upon conviction would also have the power to cancel any registration under the 1982 Act.
- 1.12 Adoption of the Byelaws would also mean that we have consistency in North Dorset; East Dorset and Purbeck areas in the consistent regulation of body piercing and semi-permanent skin-colouring.
- 1.13 This consolidation has been delayed because the Health and Care Act 2022 introduced plans for a licensing scheme for aesthetic practitioners completing non-surgical cosmetic procedures who operate in England.
- 1.14 The wording of the Act meant that Local Authorities were under the impression that acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis would be captured by the new licensing regime.
- 1.15 When the subsequent consultation was released in autumn 2023, it was clear that the proposed licensing scheme would not encompass Local Authority registered piercers. As part of this consultation, it was stated that the Government do not intend for the scheme to cover all those procedures currently subject to local authority registration under the Local Government (Miscellaneous Provisions) Act 1982, such as tattooing, piercing or acupuncture. The Government's intention is to cover high-risk, invasive procedures, as these procedures currently present the highest risk to the public.
- 1.16 Therefore, the registration regime under the Byelaws will continue for Local Authorities alongside a licensing scheme for cosmetic treatment administered by the health care regulator.

- 1.17 Therefore, we now need to undertake to adopt the Byelaws based on the Department of Health model for the Dorset area.

2. Financial Implications

- 2.1 The introduction of the Dorset Council Byelaws will replace existing byelaws and therefore the resources are already in place to register piercing premises along with associated administration and enforcement.
- 2.2 There will be cost implications for adopting the Byelaws and advertising the consultation. However, registration income may be increased following the introduction of the Byelaws and this will cover the additional costs.

3. Natural Environment, Climate & Ecology Implications

- 3.1 There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations

4. Well-being and Health Implications

- 4.1 There could potentially be a positive impact on the health and wellbeing of the public as regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis would increase health protection and reduce the risk of transmission of blood borne virus infections such as HIV, Hepatitis B and Hepatitis C and other infections.

5. Other Implications

- 5.1 There are no other implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council

6. Risk Assessment

- 6.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7. Equalities Impact Assessment

- 7.1 An initial assessment has been carried out which has concluded there is no need to carry out a EqlA, this position will be reviewed after the public consultation. This assessment is attached as Appendix C.

8. **Appendices**

- 8.1 Appendix A: Draft Byelaws for Dorset Council. “Dorset Council – Byelaws for the Regulation of Acupuncture, Tattooing, Semi-Permanent Skin-colouring, Cosmetic Piercing and Electrolysis”.

- 8.2 Appendix B: Existing Byelaws in place relating to the five district areas, to be revoked, namely:

- i. North Dorset District Council Byelaws (x3) for: Acupuncture, Tattooing and Ear Piercing and Electrolysis

dated 8th January 1986 and confirmed by the Secretary of State for Social Services on 29th May 1986;

- ii. Weymouth and Portland Borough Council - Byelaws for the regulation of Cosmetic Piercing and Skin Colouring businesses dated 30th November 2009 and confirmed by the Secretary of State for Health on 16th June 2010;

- iii. West Dorset District Council – Byelaws for the regulation of Acupuncture, Tattooing, Semi-permanent Skin-colouring, Cosmetic Piercing and Electrolysis dated 2nd July 2010, confirmed by the Secretary of State for Health on 18th August 2010;

- iv. East Dorset District Council –Byelaw for regulation of Acupuncture, Tattooing and Ear piercing Wimborne District Council 22nd Feb 1985, confirmed by the Secretary of State on 14th May 1985

- v. Purbeck District Council – Byelaws for Acupuncture, Tattooing, Ear piercing and electrolysis 25th March 1992

- 8.3 Appendix C: Equalities Impact assessment

9. **Background Papers**

Chartered Institute of Environmental Health (CIEH) Tattooing and Body [piercing guidance](#).

10. **Report Sign Off**

- 11.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)

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DORSET COUNCIL

**BYELAWS FOR THE REGULATION OF
ACUPUNCTURE, TATTOOING, SEMI-PERMANENT
SKIN-COLOURING, COSMETIC PIERCING AND
ELECTROLYSIS**

BYELAWS FOR THE REGULATION OF 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 Dorset 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;

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

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

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

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

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

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

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

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
 - (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
 - (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2) (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

1.—(4) (1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;

- (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
- (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

2.—(5) (1) For the purpose of securing the cleanliness of operators, a proprietor—

- (a) shall ensure that an operator—
 - (i) keeps his/her hands and nails clean and his/her 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.
- (6) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.
- (7) 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/her 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/her hand; or
 - (d) the operator is handling items that may be contaminated with blood or other body fluids.

3. 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).

4. The byelaws relating to:

(a) North Dorset District Council Byelaws (x3) for:

- i. Acupuncture
- ii. Tattooing
- iii. Ear Piercing and Electrolysis

dated 8th January 1986 and confirmed by the Secretary of State for Social Services on 29th May 1986;

(b) Weymouth and Portland Borough Council - Byelaws for the regulation of Cosmetic Piercing and Skin Colouring businesses dated 30th November 2009 and confirmed by the Secretary of State for Health on 16th June 2010;

(c) West Dorset District Council – Byelaws for the regulation of Acupuncture, Tattooing, Semi-permanent Skin-colouring, Cosmetic Piercing and

Electrolysis dated 2nd July 2010, confirmed by the Secretary of State for Health on 18th August 2010;

(d) Wimborne District Council – Byelaws x3 for:

- i. Acupuncture;
- ii. Tattooing;
- iii. Ear Piercing and Electrolysis

dated 22nd February 1985 and confirmed by the Secretary of State for Social Services on 14th May 1985;

(e) Purbeck District Council –Byelaws x 3 for:

- i. Acupuncture;
- ii. Tattooing;
- iii. Ear Piercing and Electrolysis

confirmed by the Secretary of State for Health on 25th March 1992.

are revoked.

On the day of 2025

**THE COMMON SEAL of
DORSET COUNCIL** was
hereunto affixed in the presence of:

Authorised Signatory

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).***

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ACUPUNCTURE BYELAWS

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 the North Dorset District 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 needle boxes designed for the 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 at least daily with a suitable disinfectant;

g. Where tables or couches are used, they shall 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 the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the 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 3 a 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 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 sole 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

Given under the Common Seal of the North Dorset District Council this

8th day of January 1986

The foregoing byelaws are hereby confirmed by the Secretary of State for Social Services on 29 May 1986 and shall come into operation on 1 July 1986.



BYELAWS

for Acupuncture made by North Dorset
District Council in pursuance of section
14(7) of the Local Government (Miscellaneous
Provisions) Act 1982.

TATTOOING BYELAWS

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 North Dorset District 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 purposes 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 needle boxes designed for the 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 shall 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 the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the 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 -

- 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 clean and inert;
- iii. the containers used to hold the dyes for each customer are either disposed of at the end of each 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;

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 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 sole 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

Given under the Common Seal of the North Dorset District Council this

8th day of January 1986

The foregoing byelaws are hereby confirmed by the Secretary of State for Social Services on 29 May 1986 and shall come into operation on 1 July 1986



BYELAWS

for Tattooing made by North Dorset District Council in pursuance of section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

EAR PIERCING AND ELECTROLYSIS BYELAWS

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 North Dorset District 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 needle boxes designed for the purpose. When 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 treatment 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 shall 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 the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the 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 consisted 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 3 a 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 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

Given under the Common Seal of the North Dorset District Council this

8th

day of

January

1986



The foregoing byelaws are hereby confirmed by the Secretary of State for Social Services on 29 May 1986 and shall come into operation on 1 July 1986.



BYELAWS

for ear piercing and electrolysis made by
North Dorset District Council in pursuance
of Section 15(7) of the Local Government
(Miscellaneous Provisions) Act 1982.

WEYMOUTH AND PORTLAND BOROUGH COUNCIL

**BYELAWS FOR THE REGULATION OF
COSMETIC PIERCING AND SKIN COLOURING BUSINESSES**

**IN PURSUANCE OF SECTIONS 14(7) AND/OR 15(7) OF THE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**I HEREBY CERTIFY THAT
THIS IS A TRUE COPY**

SIGNED..

.....

WEYMOUTH AND PORTLAND BOROUGH COUNCIL
BYELAWS FOR THE REGULATION OF
COSMETIC PIERCING AND SKIN COLOURING BUSINESSES

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

- (3) (a) Subject to sub paragraph (b), where premises are registered under Section 15(2) (tattooing, semi permanent skin colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) sub paragraph (a) shall not apply if the only treatment to be given in such premises is ear piercing or nose piercing using a hygienic piercing instrument.
3. (1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment:-
- (a) An operator shall ensure that:-
- (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in the treatment:-
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi permanent skin colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi permanent skin colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use;
- (b) A proprietor shall provide:-
- (i) adequate facilities and equipment for:-
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used
 - (ii) sufficient and safe gas points and electrical socket outlets;

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

4. (1) For the purpose of securing the cleanliness of operators a proprietor:-

(a) shall ensure that an operator:-

- (i) keeps his hands and nails clean and his nails short;
- (ii) keep 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.

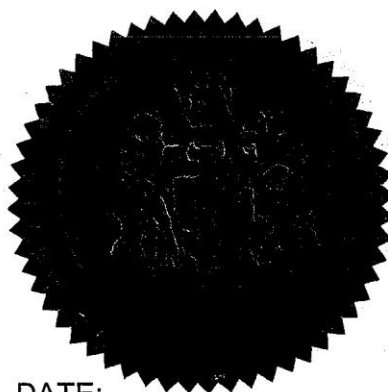
(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if:-

- (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 to control the cleanliness and standard of premises, equipment and personnel involved in acupuncture, tattooing, ear piercing and electrolysis that were made by the Borough Council of Weymouth and Portland on the Twenty-eighth day of November 1985 and were confirmed by the Assistant Secretary of the Department of Health and Social Security on the Seventh day of May 1986 are revoked.

THE COMMON SEAL of WEYMOUTH AND)
PORTLAND BOROUGH COUNCIL was)
hereunto affixed in the presence of:-)



LEGAL SERVICES MANAGER

DATE:
30 November 2009.

The foregoing byelaws are hereby confirmed by the Secretary of State for Health

on *16/06/10* and shall come into operation on *16/07/10*

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).***

WEST DORSET DISTRICT COUNCIL

**BYELAWS FOR THE REGULATION OF
ACUPUNCTURE, TATTOOING, SEMI-PERMANENT
SKIN-COLOURING, COSMETIC PIERCING AND
ELECTROLYSIS**

BYELAWS FOR THE REGULATION OF 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 West Dorset District 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;

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

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

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

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

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

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

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

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
 - (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
 - (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading "No Smoking", and "No Eating or Drinking" is prominently displayed there.
- (2) (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

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

- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;

- (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
- (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

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

- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);

- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and
 - (b) shall provide—
 - (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.
- (2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.
- (3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—
 - (a) the client is bleeding or has an open lesion on an exposed part of his body; or
 - (b) the client is known to be infected with a blood-borne virus; or
 - (c) the operator has an open lesion on his hand; or
 - (d) the operator is handling items that may be contaminated with blood or other body fluids.

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

6. The byelaws relating to acupuncture, tattooing, ear piercing and electrolysis that were made by West Dorset District Council on the 29th January 1987 and were confirmed by the Department of Health and Social Security on 12th May 1987 are revoked.

On the 2nd day of July

2010

THE COMMON SEAL of WEST DORSET)
DISTRICT COUNCIL was hereunto affixed)
in the presence of:-)

[Redacted]

Chairman Leader

Chief Executive

[Redacted]



12470/10

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on 18.08.10 and shall come into operation on 20.09.10

[Redacted]

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).***

WIMBORNE DISTRICT COUNCIL

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 Wimborne District Council in pursuance of Section 14(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. These byelaws shall extend and apply to the whole of the Administrative District of Wimborne.

2. 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 the 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.

3. For the purposes 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 needle boxes designed for the 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 items specified in 4b below are placed, immediately prior to treatment, have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant;

g. Where tables or couches are used, they shall 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.

4. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the 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 4 a 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 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 sole 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.

The Common Seal of WINBORNE DISTRICT COUNCIL was hereunto affixed this 22nd day of February 1985



The foregoing byelaws are hereby
confirmed by the Secretary of
State for Social Services on
14 May 1985 and
shall come into operation on
1 July 1985.



Department of Health and Social
Security

NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

A. Proprietors 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 £400. 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 practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

WIMBORNE DISTRICT COUNCIL

BYELAWS

for

ACUPUNCTURE

WIMBORNE DISTRICT COUNCIL

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 Wimborne District Council in pursuance of Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. These byelaws shall extend and apply to the whole of the Administrative District of Wimborne.

2. 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 the 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.

3. For the purposes 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 needle boxes designed for the 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 items specified in 4b 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 shall 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.

4. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the 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 -

- 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 clean and inert;

iii. the containers used to hold the dyes for each customer are either disposed of at the end of each 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 hot and cold water readily available at all times on the premises

iv. adequate storage for all items mentioned in byelaw 4 a 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 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 sole 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.

The Common Seal of WIMBORNE DISTRICT COUNCIL was hereunto affixed this 22nd day of February 1985



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

Department of Health and Social
Security

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 £400. 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 any such business is carried on by or under the supervision of such a person.

WIMBORNE DISTRICT COUNCIL

BYELAWS

for

TATTOOING

WIMBORNE DISTRICT COUNCIL

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 Wimborne District Council in pursuance of Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. These byelaws shall extend and apply to the whole of the Administrative District of Wimborne.

2. 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 the 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.

3. For the purposes 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 needle boxes designed for the 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 treatment 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 items specified in

4b 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 shall 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.

4. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the 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 4 a 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 sole 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.

The Common Seal of WIMBORNE DISTRICT COUNCIL was hereunto affixed this 22nd day of February 1985



The foregoing byelaws are hereby confirmed by the Secretary of State for Social Services on 14 May 1985 and shall come into operation on 1 July 1985.

Department of Health and Social Security



NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

A. Proprietors 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 £400. 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.

MINNESOTA DISTRICT COUNCIL

BYELAWS

for

EAR PIERCING and
ELECTROLYSIS



PURBECK DISTRICT COUNCIL

ACUPUNCTURE BYELAWS

Byelaws for the purpose of securing the cleanliness of registered premises and fittings therein and registered 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 Purbeck District 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 practice of acupuncture;

"The treatment area" means any part of the 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 materials 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 needle boxes designed for the 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 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant;
 - (g) Where tables or couches are used, they shall 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 the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the 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 3(a) and (b) above, so that those items shall be properly stored in a clean and suitable place 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 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 sole 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.

The Common Seal of
Purbeck District Council
was here unto affixed
in the presence of

Legal Services Manager

The foregoing byelaws are
hereby confirmed by the
Secretary of State for Health
on 25th March 1992 and shall
come into operation on 1st May
1992

Assistant Secretary
Department of Health

Certified to be a true copy of the Byelaws as confirmed

Administrative Services Manager

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

A. Proprietors 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 a 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 a business of acupuncture 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.



TATTOOING BYELAWS.

Byelaws for securing the cleanliness of registered premises and fittings therein and registered 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 Purbeck District 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 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 the 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 leak proof, or use a leak proof 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;

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- (e) All needles used in treatment are placed after use in separate covered and leak proof re-useable boxes, or disposable needle boxes designed for the purpose. Where re-useable 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 3 (b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down with disinfectant between the treatment of different clients, and thoroughly cleaned at the end of the day;
 - (h) Where table or couches are used, they shall 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 the cleansing and, so far as is appropriate, the sterilisation instruments, materials and equipment used in connection with the 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:-
 - (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 clean and inert;
 - (iii) the containers used to hold the dyes for each customer are either disposed of at the end of each 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;

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- (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 3(a) 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 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 sole 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.

The Common Seal of
Purbeck District Council
was here unto affixed
in the presence of

Legal Services Manager

The foregoing byelaws
are hereby confirmed by
the Secretary of State
for Health on 25th March
1992 and shall come into
operation on 1st May 1992

Assistant Secretary
Department of Health

Certified to be a true copy of the Byelaws as confirmed

Administrative Services Manager

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

A. Proprietors 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 in 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, under the suspension or cancellation 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 a 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 any such business is carried on by or under the supervision of such a person.



EAR PIERCING AND ELECTROLYSIS BYELAWS

Byelaws for the purpose of securing the cleanliness of registered premises and fittings therein and registered 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 Purbeck District 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 V111 of the Act;

"Proprietor" means any person registered under Part V111 of the Act;

"Treatment" means any operation in effecting ear piercing or electrolysis;

"The treatment area" means any part of the 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 purposes 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) 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

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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-useable boxes, or disposable needle boxes designed for the purpose. Where re-useable 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 premises 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 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down with a suitable disinfectant;
- (f) Where tables or couches are used, they shall 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 the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the 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;

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- (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 3(a) 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 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 sole 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.

The Common Seal of
Purbeck District Council
was here unto affixed
in the presence of

Legal Services Manager

The foregoing byelaws
are hereby confirmed by
the Secretary of State
for Health on 25th March
1992 and shall come into
operation on 1st May 1992

Assistant Secretary
Department of Health

Certified to be a true copy of the Byelaws as confirmed

Administrative Services Manager

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

A. Proprietors 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 in 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, under the suspension or cancellation 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 a 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 a business of ear piercing or of electrolysis 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.

Equality Impact Assessment (EqIA)

Before completing this EqIA please ensure you have read the guidance on the intranet.

Initial Information

Name:	Laura Brewer
Job Title:	Food, Safety and Port Health Service Manager
Email address:	Laura.brewer@dorsetcouncil.gov.uk
Members of the assessment team:	Laura Brewer / Marc Hortin
Date assessment started	January 2021
Data assessment completed	February 2021
Review:	After public consultation
Version No:	1

Part 1: Background

Is this (please tick or expand the box to explain)

Existing	
Changing, updating or revision	
New or proposed	X
Other	

Is this (please tick or expand the box to explain)

Internal (employee only)	
External (residents, communities, partners)	X
Both of the above	

What is the name of the policy, strategy, product or service being assessed?

Introduction of Byelaws for the regulation of businesses involved in acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing, and electrolysis, made under Part VIII of the Local Governments (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003)

What is the policy, strategy, project or service designed to do? (Include the aims, purpose and intended outcomes of the policy)

The protection of public health through the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis to reduce the risk of transmission of blood borne virus infections such as HIV, Hepatitis B and Hepatitis C and other infections.

What is the background or context to the proposal?

Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 originally provided for the regulation only of tattooing, acupuncture, ear piercing and electrolysis. This was subsequently amended by the Local Government Act 2003 to substitute the more comprehensive term 'cosmetic body piercing' for 'ear piercing' to accommodate the growing practice of piercing other parts of the human body, and to regulate the relatively new practice of semi-permanent skin colouring which has grown up in the interim.

The model Bylaws were adopted within three of its previous five district councils' administrative areas: West Dorset District Council, Purbeck District Council and Weymouth & Portland Borough Council. However, in the East Dorset and North Dorset District Councils' administrative areas, the Council has previously undertaken only the regulation of the practices of acupuncture, tattooing, ear-piercing and electrolysis.

This means there is discrepancy in the enforcement action which could be taken based on where the premises were located.

Therefore, it is proposed to introduce Byelaws based on the Department of Healths model for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, for Dorset Council, revoking all the existing Byelaws.

Part 2: Gathering information

What sources of data, information, evidence and research was used to inform you about the people your proposal will have an impact on?

Data from the following sources:

- Idox information on registered skin piercers
- Officer intel from visits to registered skin piercers
- Information contained in the CIEH Tattooing and Body Piercing Toolkit

Consultation will also take place with:

- Registered skin piercers
- The public

Their responses will be considered once received and ahead of the adoption of the Byelaws and will also be contained in an updated EQIA.

What did this data, information, evidence and research tell you?

Data and service knowledge/information suggests that:

The adoption of the byelaws will unlikely have a negative impact on any of the protected characteristics, the introduction will provide protection equally to all.

Is further information needed to help inform this proposal?

A public consultation will be carried out to provide further information to complete this assessment.

Part 3: Engagement and Consultation

What engagement or consultation has taken place as part of this proposal?

If agreed a public consultation will be undertaken for 12 weeks, the results will be utilised to complete this assessment.

How will the outcome of consultation be fed back to those who you consulted with?

A consultation report will be produced and will be published on the Council's website.

Please refer to the Equality Impact Assessment Guidance before completing this section.

Not every proposal will require an EQIA. If you decide that your proposal does not require an EQIA, it is important to show that you have given this adequate consideration. The data and research that you have used to inform you about the

people who will be affected by the policy should enable you to make this decision and whether you need to continue with the EqlA.

Please tick the appropriate option:

An EqlA is required (please continue to Part 4 of this document)	
An EqlA is not required (please complete box below)	X

This policy, strategy, project or service does not require an EqlA because:

The adoption of these Byelaws will ensure consistent standards across all skin piercing businesses within Dorset Council. The council is not responsible for who uses these services but for ensuring that any skin piercing activities are undertaken in a safe and hygienic manner. We do not anticipate any adverse impacts on businesses already registered as the standards will be applied consistently.

EqlA Sign Off

Officer completing this EqlA:	Marc Hortin/Laura Brewer	Date:	24/02/2021
Equality Lead:	Susan Ward-Rice	Date:	25 February 2021
Equality & Diversity Action Group Chair:	Dr David Bonner	Date:	26 February 2021

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General Licensing Committee

21 May 2025

Weymouth Tariff Increase

For Recommendation to the Portfolio Holder

Cabinet Member and Portfolio:

Cllr G Taylor, Health and Housing

Local Councillor(s):

All Cllrs

Executive Director:

R Partridge, Interim Director of Public Health & Prevention

Report Author: Aileen Powell

Job Title: Licensing Team Leader

Tel: 01258 484022

Email: Aileen.Powell@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: To determine the maximum level of fares that can be charged by Hackney Carriage Proprietors in the Weymouth and Portland zone for the next three years.

Recommendation:

- i. To recommend to the Cabinet Member and Portfolio Holder the new tariffs for the Weymouth hackney carriage zone as set out at Appendix 3.
- ii. To recommend to the Cabinet Member and Portfolio Holder that the trade consultation of the new tariffs is commenced.
- iii. To recommend to the Cabinet Member and Portfolio Holder that if no trade responses are received the public consultation advertisement is proceeded with.

Reason for Recommendation: To ensure openness and transparency in the Council's decision making, and to ensure that those persons affected by changes are given the opportunity to have an input into it.

1. **Background**

- 1.1 [The Dorset Council Taxi Licensing Policy](#) creates two hackney carriage zones that operated in the Dorset Council area, one for the general area and one for the Weymouth and Portland area. The Weymouth and Portland zone remains in place to retain the restriction on the number of vehicles that can operate as hackney carriages within the town. Each zone has a different tariff set due to the different types of typical journeys that occurs in each area.
- 1.2 The [Local Government \(Miscellaneous Provisions\) Act 1976](#) sets out the legislative provisions for setting the tariff. The process followed is for the Cabinet Member to make decisions based on the recommendations of the Licensing Committee. The steps required are; -
- a) to agree what tariff to send out for a consultation with the trade,
 - b) to consider any comments from that consultation and decide whether to amend the tariff or re-consult
 - c) to agree to do a public consultation by way of a public notice
 - d) to consider any responses to the public consultation and decide whether the new tariff comes into effect with or without modifications

This report is to recommend step a) to the Cabinet Member for decision.

2. **New Fares**

- 2.1 The fares for Weymouth were last changed in April 2024.
- 2.2 The Weymouth Private Hire and Hackney Carriage Association have requested small rises for each of the next three years, as they believe that smaller annual increases are accepted by the travelling public better than infrequent larger ones.
- 2.3 The request with the existing tariff and the proposed new tariffs can be found at Appendix 1.
- 2.4 It has also been requested that the Licensing Authority raise the soiling charge to match that in the rest of Dorset.

3. **Financial Implications**

The funding for the consultation of the fares will come from existing budgets. The Taxi and Private Hire Licensing regime is self-funding, so any advertising costs are met from this. There are no further financial implications arising from the recommendations of this report.

4. **Natural Environment, Climate & Ecology Implications**

There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

5. **Well-being and Health Implications**

There could potentially be an impact on the health and wellbeing of the public if the hackney carriage fares are set too high, which could make this form of transport inaccessible to some. The same could however be said if the fares are set too low resulting in a reduction of vehicles as they become uneconomical to run.

6. **Other Implications**

There are no other implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

7. **Risk Assessment**

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

8. **Equalities Impact Assessment**

An EqIA was prepared as part of the wider Dorset Council Taxi Licensing Policy consultation.

9. **Appendices**

Appendix 1 - Existing and Proposed Tariff

10. **Background Papers**

Local Government (Miscellaneous Provisions) Act 1976

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PROPOSED TARIFFS WEYMOUTH AND PORTLAND 2025-2027 (INCLUSIVE).

Draft 2

Tariff 1: Day Rate	Current	Autumn 2025 (ASAP)	1 April 2026	1 April 2027
Initial	2.90	3.10	3.20	3.30
1 st Mile	5.70	5.90	6	6.10
Additional Miles	2.20	2.50	2.60	2.70
Waiting time	10p/ 20 secs	10p/ 20 secs	10p/ 20 secs	10p/ 20 Secs

Tariff 2: Night Rate	Current	Autumn 2025 (ASAP)	1 April 2026	1 April 2027
Initial	3.50	3.70	3.80	3.90
1 st Mile	6.50	6.70	6.80	6.90
Additional Miles	2.60	2.80	2.90	3
Waiting Time	10p/ 20 secs	10p/ 20 secs	10p/ 20 secs	10p/ 20 Secs

Tariff 3 C 4 to be adjusted appropriately in line with 50% and 100% uplift.

Proposed increase to Soiling charge to £100 seeking parity with rest of Dorset.

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