

Present: Councillor Kathleen Brothwell (*in the Chair*),
Councillor Jane Loffhagen, Councillor Alan Briggs,
Councillor Liz Bushell, Councillor Loraine Woolley,
Councillor Bill Bilton, Councillor Adrianna McNulty,
Councillor Ralph Toofany, Councillor Pat Vaughan and
Councillor Gary Hewson

Apologies for Absence: Councillor Biff Bean, Councillor Ronald Hills, Councillor
Bob Bushell, Councillor Jackie Kirk, Charlesworth and
John Cunliffe

4. Declarations of Interest

No declarations of interest were received.

SITTING AS THE LICENSING COMMITTEE OF THE LICENSING AUTHORITY UNDER THE LICENSING ACT 2003

5. Introduction of powers to allow suspension and revocation of Personal Licences under Section 132A of the Licensing Act 2003

Ian Cullen, Licensing Team Leader:

- a) presented the Licensing committee with a report informing the committee of amendments to the Licensing Act 2003 made by the Policing and Crime Act 2017 and to introduce new procedures relating to these changes
- b) explained that Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave licensing authorities the power to revoke or suspend personal licences. This was a discretionary power: licensing authorities were not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters
- c) stated that should licensing authorities choose to use this power, the process which must be undertaken by the licensing authority to suspend or revoke a personal licence was set out at Section 132A of the Licensing Act 2003 and outlined in Appendix A of the report
- d) highlighted that before making a decision regarding the status of a personal licence, the authority must invite the licence holder to make representations regarding:
 - the relevant offence, foreign offence or immigration penalty,
 - any decision of the Court in relation to the personal licence, and
 - any other relevant information (including information regarding the licence holder's personal circumstances)
- e) highlighted in brief, the general procedure for Revoking or Suspending a Personal Licence as outlined at Appendix D of the report
- f) invited members comments and questions.

Question: If a personal licence was revoked, where would it be referred to after?

Response: It would potentially go to the Magistrates Court, in the past it had gone back to Licensing Committee.

Question: If there were numerous processes to go through, including the 21 days appeal process and any representations, how long would the process take for suspension or revocation in total?

Response: Representations had 28 days to appeal and a hearing would take place 20 days after so it would effectively be around two months.

Question: If a personal licence holder wasn't adhering to their terms, would there be any effect on the premises that they're the licence holder of?

Response: If it was a completely separate offence to being a licence holder it would be irrelevant, however, if there was a link their premises licence would be reviewed.

RESOLVED that:

- a) amendments to the Licensing Act 2003, made by the Policing and Crime Act 2017, which gave the Licensing Authority powers to suspend or revoke a personal licence be noted
- b) the Licensing Sub-Committees of the Licensing Act 2003 Committee held the authority to suspend or revoke a personal licence be confirmed
- c) the general procedure in regards to revoking or suspending a Personal Licence as set out in Appendix D be approved
- d) the hearing procedure and timescales, that currently applied to contested applications for the grant of a personal licence (as laid down in the Licensing Act 2003 (Hearings) Regulations 2005), would be applied to the procedures for decisions on whether to revoke or suspend a personal licence.

6. Confirmation of Minutes - 17 September 2019

RESOLVED that the minutes of the meeting held on 17 September 2019 be confirmed.

7. Hackney Carriage and Private Hire minutes of previous meeting - 24 October 2019

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 24 October 2019 be received.

8. Registration of Premises and Skin Piercers relating to the activities of Body piercing and Semi-Permanent Skin-Colouring

Emma Credland, Environmental Health Officer:

- a) presented a report to the committee to seek approval to update the current bylaws regarding tattooing, acupuncture, cosmetic piercing (including ear piercing), electrolysis and semi-permanent skin-colouring under one set of consolidated model Byelaws
- b) explained that the proposed update to the skin piercing Byelaws was to expand the definition of 'ear piercing' to include 'semi-permanent' make-up and cosmetic (body) piercing and introduce a 'variation of existing registration fee'. This update would allow the registration of such activities and aid in regulation of these activities and would allow cost recovery for Officer time spent re-issuing skin piercing registrations
- c) highlighted that it was important that this industry was effectively regulated due to the risks associated with the treatments offered. There was the potential risk of transmission of Blood Borne Viruses (BBV) such as Hepatitis B and C and HIV, as well as other infections, and potential physical damage and bleeding if treatment was completed incorrectly. The recommendations would ensure greater protection to those undergoing these treatments by ensuring that businesses providing any of the aforementioned treatments operated hygienically and in a manner which would minimise the risk of infection to their customers
- d) referred to the proposed draft Byelaws as set out in Appendix A of the report
- e) invited members questions and comments.

Question: Had there been any evidence of things going wrong with body piercing?

Response: Not locally. Nationally there had been an incident involving a young girl with an ear piercing.

Question: What was the definition of semi-permanent brows?

Response: It involved a small blade piercing the skin providing a hair effect on the brow area. It was popular with people who lacked in hair altogether.

Question: Was there any cost involved in altering the Byelaws?

Response: None other than Officer time. It would introduce the ability to change the facilities of a premises and it would require the individual carrying out the activity to have their certificate updated.

Question: How would the City of Lincoln Council track down businesses that were currently operating?

Response: Some businesses had been in touch and had given us their contact details. The majority of advertising would be through social media which would help officers gauge whether businesses were operating unlawfully.

Question: Was there an annual fee that had to be paid?

Response: No, only a one off registration fee would be required at the beginning. An applicant would need to re-apply and pay a new fee if they moved to another authority.

Question: Were there many premises operating unlawfully?

Response: Unfortunately, yes and the local authority would only find out about them if something went wrong.

Question: If something did go wrong, would the Council be liable?

Response: The individual would put a claim in against the business and Officers would investigate it. If they had registered with the Council it was assumed that they had met the Byelaws. If not, it would need to be investigated as a separate matter.

Question: If the owner of a premises that was already registered wanted to expand the business, would the premises need to re-register?

Response: It would be dealt with on a case by case basis depending on what and where they were moving to. A full visit may need to be carried out to determine the outcome.

RESOLVED that the Licensing Committee considered the proposed draft of Byelaws as set out in Appendix A of this report and referred the report to full Council to approve the following:

- Adopting by resolution sections 14 and 17 of Part VIII of the 1982 Act (as amended by the 2003 Act) in their entirety, to come into force at a date set within the administrative area of City of Lincoln Council for the proper regulation of tattooing, acupuncture, cosmetic piercing (including ear piercing), electrolysis and semi-permanent skin-colouring, to ensure greater protection to those undergoing these treatments by ensuring that businesses providing such treatments operate hygienically and in a manner that would minimise risk of infection to their customers.
- Authorising the making of Byelaws regulating the practise of acupuncture under Section 14(7) of the 1982 Act as soon as section 14 of that Act was adopted as in point 8.2 above within the administrative area of City of Lincoln Council.
- Authorising the making of the Byelaws regulating the practises of tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis under Section 15(7) of the 1982 Act as soon as section 15 of the 1982 Act was adopted as in point 8.2 advice within the administrative area of City of Lincoln Council. The Strategic Director for Communities and Environment be authorised to make the consolidated Byelaw attached at Appendix A made under the provisions of Sections 14(7) and 15(7) of the 1982 Act, as amended, and take all necessary steps to secure their confirmation with the Secretary of State and carry them into effect

- That the Council's common seal be affixed to the Byelaws and that following advertisement, the Byelaws be submitted to the Secretary of State for Health for approval.