

---

**Meeting:** Licensing Committee

**Date:** 12 November 2014

**Subject:** Adoption of updated model byelaws for the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis

**Report of:** Marcel Coiffait

**Summary:** The purpose of this report is to recommend that the committee make a recommendation for Full Council to adopt a new single consolidated set of byelaws, based on a model byelaw produced by the Department of Health, to regulate acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.

---

Contact Officer: Richard Johns and Ben Salvatierra

Public/ Exempt: Public

Wards Affected: All

Function of: Full Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

Set out which of CBC's priorities the action supports and how, if not obvious. The Priorities are:

- Promote health and wellbeing and protecting the vulnerable.

### **Financial:**

1. Section 14 -15 of the Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to charge reasonable fees for registration of persons and premises carrying out the business of skin piercing. The fee covers initial inspection(s) associated with registration.
2. A notice of intention to apply for confirmation of the byelaws must be advertised in one or more local newspapers circulating in the area at least one month before making the application for confirmation to the Secretary of State. There will be costs incurred for the advertisement and such cost will be absorbed within existing budgets.

**Legal:**

- 3 Local Authorities have powers to adopt sections of the Local Government (Miscellaneous Provisions) Act 1982 Part VIII to make byelaws regulating the practice or business of acupuncture, tattooing or semi-permanent skin colouring, head, face or body piercing and electrolysis. Section 13 of the 1982 Act allows Local Authorities the option to introduce byelaws that businesses must observe relating to things like cleanliness of someone carrying out treatments such as acupuncture, or piercings, or others mentioned above. Byelaws can also relate to the cleanliness or require certain facilities are provided at treatment premises.

There is a process for adopting byelaws in relation to these treatments, piercings etc., which is set out in Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 and these need to be followed together with the general mechanics of adopting byelaws covered by section 236 of the Local Government Act 1972. Such processes include publishing notices of the byelaws to be adopted in the local newspapers.

Byelaws also have to be made by Full Council under Central Bedfordshire Council's own Constitution.

- 4 Central Bedfordshire Council currently use byelaws made by Mid Bedfordshire and South Bedfordshire District Councils to regulate treatments, piercings, etc. It is recommended that these are consolidated into one set of byelaws for Central Bedfordshire Council and given any updates needed.

So long as the procedures are followed in the 1982 and 1972 Acts mentioned above, and those procedures within the Council's own Constitution, there is very little risk of legal challenge to stop the Council adopting a consolidated version of byelaws previously in place for south and mid Bedfordshire. The draft byelaw attached has been checked by Legal and is approved.

It is recommended a consolidation and updated version of the byelaws is made to avoid confusion or challenge in future should legal action be taken against someone who may have breached the byelaws that name e.g. Mid Bedfordshire District Council but action is pursued by Central Bedfordshire Council.

**Risk Management:**

5. The only way the councils can effectively control skin piercing is by adopting the model byelaws. If the model byelaws are not adopted the council will not be able to regulate hygiene practices and reduce the risk of infection in premises and by operatives offering body piercing and skin colouring procedures.

The perceived risk are that skin piercing operators fail to register with the council and those that are already registered can breach the byelaws. As a preventative action, all registered and new businesses will be given a copy of updated the byelaws, in addition, Environmental Health Officers will monitor activities of registered businesses and also deal with illegal non- registered operators.

**Staffing (including Trades Unions):**

6. Not Applicable.

**Equalities/Human Rights:**

7. No equality implications have been identified.

**Public Health:**

8. Cosmetic piercing and skin colouring carries a high risk of blood-borne infection such as Hepatitis B,C and HIV if infection control procedures are not observed. There are also risks of injury and permanent scarring. The risks will be significantly mitigated if the byelaw is in place.

**Community Safety:**

9. Not Applicable.

**Sustainability:**

10. Not applicable

**Procurement:**

11. Not applicable

**RECOMMENDATION(S):**

**The Committee is asked to:**

- 1. Make a recommendation to the Full Council to use its adoptive powers in part VIII of the Local Government (Miscellaneous Provisions) Act 1982 to revoke the existing legacy byelaws and adopt harmonised updated byelaws.**
- 2. Ask Full Council to authorise the affixing of the Council's Common Seal to the byelaws shown in Appendix A**
- 3. Authorise the appropriate officer to carry out the necessary procedure including applying to the Secretary of State for confirmation.**

**Background**

12. Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis procedures carry a potential risk of blood borne virus (BBV) transmission if infection control procedures are not observed (e.g. the use of sterile equipment for each client). Recent years have seen increasing trends in the type and variety of cosmetic treatments on offer to the public. Some of these involve invasive methods which are not medical procedures, but yet carry with them the risks of blood borne and other infections such as Hepatitis B, Hepatitis C and Human Immuno-Deficiency Virus (HIV). The fashion for body piercing and tattooing (and other related procedures) remains popular and increasingly it is becoming apparent that unregulated operators are operating services from domestic properties or on a mobile basis.

13. Central Bedfordshire Council currently use byelaws made by Mid Bedfordshire and South Bedfordshire District Councils to regulate treatments, skin colouring, piercings, etc. It is recommended that these are consolidated into one set of byelaws for Central Bedfordshire Council and given any updates needed. By consolidating and updating the byelaws, it will raise the standards of hygiene where the procedures are carried out. In addition, it will avoid confusion or challenge in future should enforcement action be taken against someone who may have breached the byelaws under the name of the legacy Councils. The proposed Central Bedfordshire Council byelaw is attached at appendix A. The byelaw is based on the model byelaw produced by the Department of Health as part of the guidance they have issued to local authorities to regulate acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis. This is attached at Appendix B.

## **Registration**

14. Currently (2014-15) the council charges a fee of £155.00 to register a premises and £146.00 for an operator. A discounted registration fee of £46.00 is given to operators who are registered with a specialist professional body such as physiotherapists. This mainly applies when they offer acupuncture as part of the treatment provided.
15. For 2014-15 CBC has so far registered the following-  
21- operators (income) £3066.00  
3 - premises (income) £465.00
16. There are also pending applications for 2 premises and 2 operator registrations which will generate an income £602.00.
17. Councils are allowed to charge a one off fee for registration. The fee might cover initial inspection(s) associated with registration, advising the business about registration and associated registration.
18. Existing registered operators will be unaffected by the new byelaw. However, if they wish to make amendments to their registration details e.g. to carry out additional skin piercing procedures to what they were initially registered for, they will be required to notify the council to seek approval.

## **Appendices:**

Appendix A – Proposed Central Bedfordshire Council byelaws

Appendix B- Department of Health Model byelaws

## **Background Papers:**

Department of Health guidance on Section 120 and Schedule 6 of the Local Government Act 2003

Bylaws made under section 15 of the Local Government (Miscellaneous Provisions) Act 1982 by Mid Beds DC and South Beds DC in respect to Acupuncture, tattooing, semi-permanent skin colouring cosmetic piercing and electrolysis.

CIEH Tattooing and Body Piercing guidance Toolkit