



Licensing & Gambling Acts Full Committee
Tuesday 20 September 2022

The adoption of updated and consolidated Model Byelaws for the purposes of registration of a range of skin piercing treatments under relevant legislation

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Portfolio: Clean and Safer Environment

Ward(s) Affected: All

Purpose of the Report:

To enable the Committee to consider (1) the registration of businesses and/or persons providing cosmetic piercing or semi-permanent skin colouring, and premises where business is carried on; and, (2) the adoption of a single consolidated set of model byelaws produced by the Department of Health to regulate tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis businesses and the practice of acupuncture for the purposes of securing the cleanliness of premises, fittings and persons and where appropriate the sterilisation of equipment used in connection with a business.

Recommendations:

The Committee is recommended to:

1. Consider the model byelaws in Appendix 1 and to recommend to Council their adoption in accordance with its powers in Part VIII of the Local Government (Miscellaneous Provisions) Act 1982.

2. Recommend to Council to implement the powers contained in Part 8, Chapter 1, Section 120 of the Local Government Act 2003
3. Recommend to Council the authorisation to the Director of Place to affix the Council's Common Seal to the byelaws shown in Appendix 1, to adopt the byelaws and make application to the Secretary of State for confirmation of these byelaws.
4. Recommend to Council to revoke existing legacy byelaws at Appendix 2 upon adoption of the consolidated byelaws at Appendix 1.

1. Summary

- 1.1 This report proposes the registration of businesses (persons and premises) providing cosmetic piercing or semi-permanent skin colouring and the adoption of model byelaws applying to tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis businesses and the practice of acupuncture. Appendix 1 contains the Model Byelaws that would form the basis for this regulation.
- 1.2 The Model Byelaws at Appendix 1 provide a clear approach for regulation and understanding by businesses providing services listed at 1.1 above, as well as for the public. Once adopted, the Model Byelaws will provide for regulation of cleanliness, hygiene and infection control within these businesses. Implementation of the Local Government Act 2003 will require persons carrying on business of semi-permanent skin colouring and cosmetic piercing, and the premises where business is carried on, to register with South Norfolk Council.

2. Background

- 1.3 Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 provides powers to local authorities to regulate tattooing, ear-piercing and electrolysis, and Section 14 of the 1982 Act providing powers to regulate the practice of acupuncture, by requiring registration and observance of byelaws by businesses or persons undertaking these activities and the premises where business/practice is carried on.
- 1.4 Section 120 of the Local Government Act 2003 amends the Local Government (Miscellaneous Provisions) Act 1982 to include cosmetic piercing (ear piercing and cosmetic body piercing) and semi-permanent skin colouring (micropigmentation, micro-blading, semi-permanent make-up, and temporary tattooing) in the list of those activities which local authorities have powers to regulate.
- 1.5 The provisions within the Local Government Act 2003 add cosmetic piercing and semi-permanent skin colouring businesses to the Local Government (Miscellaneous Provisions) Act 1982 so that local authorities may require persons carrying on these businesses to register themselves and their premises.
- 1.6 The Local Government (Miscellaneous Provisions) Act 1982 provides that local authorities may make byelaws relating to:

- a) the cleanliness of registered premises and fittings,
 - b) the cleanliness of registered persons / persons assisting and,
 - c) the cleanliness and where appropriate the sterilisation of instruments, materials and equipment in connection with a business
- 1.7 A copy of the existing byelaws for ear-piercing and electrolysis, tattooing and the practice of acupuncture are provided at Appendix 2.
- 1.8 A consolidated set of model byelaws encompassing all types of skin piercing (acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis) were produced by the Department of Health as part of guidance issued to local authorities to regulate persons and premises where these activities are carried out. These Model Byelaws reflect current infection control advice and represent industry best practice.
- 1.9 The byelaws provide a clear approach for regulation and enforcement. As a single, multipurpose set of byelaws they are intentionally flexible and can be applied to one, several or all types of skin piercing/skin colouring activities. Further explanation of the consolidated Model Byelaws is provided at Appendix 3.
- 1.10 The adoption of these byelaws will regularise statutory requirements and enable officers to take the appropriate action if necessary to protect public health.

3. Current position/findings

- 1.11 The current byelaws provide for the regulation of persons and premises where ear-piercing and electrolysis, tattooing or acupuncture are carried out. The current byelaws do not include the regulation or registration of persons or businesses providing cosmetic piercing or semi-permanent skin colouring; treatments where there has been significant commercial growth and popular interest from members of the public in obtaining such treatments since the Local Government (Miscellaneous Provisions) Act 1982 was first enacted and byelaws covering South Norfolk were originally created.
- 1.12 The consolidated Model Byelaws were established by the Department of Health in 2004 and are widely implemented by local authorities. They provide an appropriate method for ensuring the protection of public health and do not place any unnecessary, excessive or disproportionate impacts on persons or businesses providing these treatments, beyond that required to protect the health and safety of the public by requiring suitable premises, equipment and infection control procedures.
- 1.13 The registration and regulation of these persons / businesses and adherence to the byelaws by persons / businesses is intended to protect the public by reducing the potential risk of infection from blood borne viruses and other infections and enables officers to take the appropriate action if required.

4. Proposed action

- 1.14 Adoption of the Model Byelaws and implementation of the Local Government Act 2003 will enable the council to register new persons / premises carrying out acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.
- 1.15 Officers will notify all registered persons / businesses carrying out these activities regarding adoption of the byelaws and provide a copy of the byelaws. Officers will also carry out monitoring visits to determine compliance with the byelaws and provide advice.
- 1.16 A copy of the Model Byelaws will be displayed on the council's website.

5. Other options

- 1.17 The council could decide not to adopt the Model Byelaws and not to require registration and compliance with Model Byelaws by businesses or persons carrying out cosmetic piercing or semi-permanent skin colouring.

6. Issues and risks

- 1.18 The adoption of model byelaws for the regulation of the businesses referred to in this report will protect the health and wellbeing of residents, and especially those vulnerable to infection.
- 1.19 The only way local authorities can effectively control skin piercing is by adopting the Model Byelaws. Without their adoption, South Norfolk Council would not be able to regulate hygiene practices to reduce the risk of infection in premises and by operatives offering body piercing and skin colouring procedures. There is a risk that affected skin piercers may fail to register with the council, and those that are already registered (under earlier byelaws) could breach the proposed byelaws, if they do not register for such extended treatments (where carried out).
- 1.20 Cosmetic piercing and skin colouring carries a risk of blood borne infection if infection control procedures are not carried out effectively. There are also risks of injury and permanent scarring. These risks will be mitigated by putting the consolidated Model Byelaws in place. Environmental Health Officers will conduct routine monitoring inspections of registered businesses, and will monitor for and investigate any unlawful business activity.
- 1.21 **Resource Implications** – The Local Government (Miscellaneous Provisions) Act 1982 enables councils to charge a reasonable fee for the registration of persons and premises carrying out the business of skin piercing. These fees will be reviewed in line with all fees and charges. In the meantime, the existing one-off

registration fee per practitioner of £75.50 would continue to apply, in line with the Council's adopted fees and charges for 2022/23.

- 1.22 Officers propose to review the registration of persons or premises carrying out acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis to ensure all activities are registered and conduct monitoring inspections to assess compliance with the byelaws. Any pending applications from persons or businesses providing semi-permanent skin colouring will be registered. These steps will be funded from existing budgets.
- 1.23 There will be a cost implication for the placing of notices in local newspapers covering the South Norfolk area for two consecutive weeks, publishing the byelaws to be adopted.
- 1.24 **Legal Implications** – Positive regulation is enabled by the recommendations in this report and registration enabled by the adoption of the model byelaws. Legal advice has been taken on the due process to be followed in the adoption of the model byelaws.
- 1.25 **Equality Implications** – An equalities and communities impact assessment has been undertaken, finding there will be no new impacts, and a copy is provided at Appendix 4.
- 1.26 **Environmental Impact** – Whilst these proposals relate to human health, no wider environmental impacts have been identified.
- 1.27 **Crime and Disorder** – The adoption of the byelaws and registration of these persons / premises will regularise these activities. No implications have been identified for crime or disorder.
- 1.28 **Risks** – Adoption of the byelaws enables local authorities to effectively control skin piercing by adopting the Model Byelaws. If the Model Byelaws are not adopted then the council will not be able to effectively regulate hygienic practises aimed at reducing the risk of infection in premises and by operatives offering body piercing and skin colouring procedures, and the consumer demand for these is increasing.
- 1.29 There is a potential risk of skin piercing operators failing to register with the council and those that are registered could breach the byelaws. All registered and new businesses will be provided with a copy of the updated byelaws and will be monitored during routine inspections, any information regarding non-registered activities will be investigated.

7. Conclusion

- 1.30 The process of adopting the Model Byelaws will be in accordance with the Local Government (Miscellaneous Provisions) Act 1982, providing for the public to be notified and invited to make representations. The consolidated set of Model Byelaws will enable the registration of persons / premises and the effective

regulation of practices carried out during acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis with regard to health and safety and the protection of public health.

8. Recommendations

- 1.31 Consider the model byelaws in Appendix 1 and to recommend to Council their adoption in accordance with its powers in Part VIII of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.32 Recommend to Council to implement the powers contained in Part 8, Chapter 1, Section 120 of the Local Government Act 2003.
- 1.33 Recommend to Council the authorisation to the Director of Place to affix the Council's Common Seal to the byelaws shown in Appendix 1, to adopt the byelaws and make application to the Secretary of State for confirmation of these byelaws.
- 1.34 Recommend to Council to revoke existing legacy byelaws at Appendix 2 upon adoption of the consolidated byelaws at Appendix 1.

Appendices

Appendix 1	Proposed Model Byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis
Appendix 2	Existing South Norfolk byelaws for tattooing, acupuncture, ear piercing and electrolysis
Appendix 3	Explanatory note to the consolidated model byelaws
Appendix 4	Equalities and Communities Impact Assessment

Background papers

1. Local Government (Miscellaneous Provisions) Act 1982 - Part VIII Acupuncture, Tattooing, Ear Piercing and Electrolysis
[Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](http://legislation.gov.uk)
2. Local Government Act 2003 - Section 120 regulation of cosmetic piercing and skin-colouring businesses
[Local Government Act 2003 \(legislation.gov.uk\)](http://legislation.gov.uk)
3. CIEH Tattooing and Body piercing guidance Toolkit
[tattooing-and-body-piercing-guidance-toolkit-july-2013.pdf \(cieh.org\)](http://cieh.org)

