Report to	Council	**Item**
	27 September 2016	
Report of	Head of citywide services	9
Subject	Adoption of a new, single byelaw consolidating existing acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis regulations.	

Purpose

To seek approval for the adoption of a single consolidated byelaw to replace the existing three byelaws, adopted in 1986 that regulate acupuncture, tattooing, ear piercing and electrolysis.

Recommendation

To adopt the consolidated model byelaws for the control of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, as set out in appendix A, and following the adoption of such byelaws the existing byelaws be revoked.

Corporate and service priorities

The report helps to meet the corporate priority a safe, clean and low carbon city

Financial implications

None

Ward/s: All Wards

Cabinet member: Councillor Kendrick –Neighbourhoods and community safety

Contact officers

Adrian Akester, head of citywide services 01603 212331

Background documents

None

Report

Background

1. The purpose of this report is to seek approval to adopt a new byelaw in respect of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.

2. The Local Government (Miscellaneous Provisions) Act 1982 introduced specific controls for certain skin piercing activities such as ear piercing, tattooing, acupuncture and electrolysis. The controls enable local authorities to require the registration of such activities to ensure that operators meet hygienic standards. The principal reason for the introduction of the controls was related to the risks of transmission of blood borne diseases such as HIV and Hepatitis.

3. Licencing committee resolved to adopt the Local Government (Miscellaneous Provisions) Act 1982 Part VIII Sections 14, 15, 16 and 17 which apply to acupuncture, tattooing, ear piercing and electrolysis on 8 April 1986, which came into effect from 1 June 1986 enabling the adoption of the existing byelaws.

4. The council currently has three separate byelaws which were adopted in 1986, these three byelaws cover the following topics:

    a) Acupuncture.
    b) Ear piercing and Electrolysis.
    c) Tattooing.

5. The proposed new model byelaws (acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) has been prepared for adoption. It encompasses the three existing byelaws and is extended to include a number of new treatments which have been developed since the implementation of the current byelaws.

6. At the introduction of the new model byelaws, the three existing byelaws will be revoked.

7. Since the initial controls were introduced there have been a number of developments in skin piercing, primarily associated with fashion trends. Consequently the current practices known as cosmetic body piercing and semi-permanent skin-colouring are in effect unregulated. Local authorities have expressed concern for a number of years that these practices also pose potential health risks for the transmission of blood borne diseases.

8. In recognition of these concerns the government introduced further controls, through Section 120 and Schedule 6 of the Local Government Act 2003, powers to require the registration of businesses which provide cosmetic piercing and semi-permanent skin-colouring services. The powers must first be adopted by a local authority and continued business registration will be subject to compliance with the established set of model byelaws.

9. The Local Government (Miscellaneous Provisions) Act 1982 Part VIII 15 (6) states a local authority may charge such reasonable fees as they may determine for registration. A business registration charge for each business covered by the byelaws is payable, also an individual registration charge per individual working within the premises is chargeable. These charges will cover the costs of registration and the subsequent inspection of premises.

10. The existing byelaws do not contain provision to deal with issues relating to cosmetic skin piercing, other than ear piercing, or to semi-permanent skin-colouring. It is considered prudent and in the interest of public safety to take this opportunity to make provision for the control of cosmetic skin piercing and semi-permanent skin-colouring.

11. Any persons or premises already registered for activities covered by section 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 Part VIII will be unaffected until that person subsequently provides a different form of cosmetic treatment, when a new registration will be required.

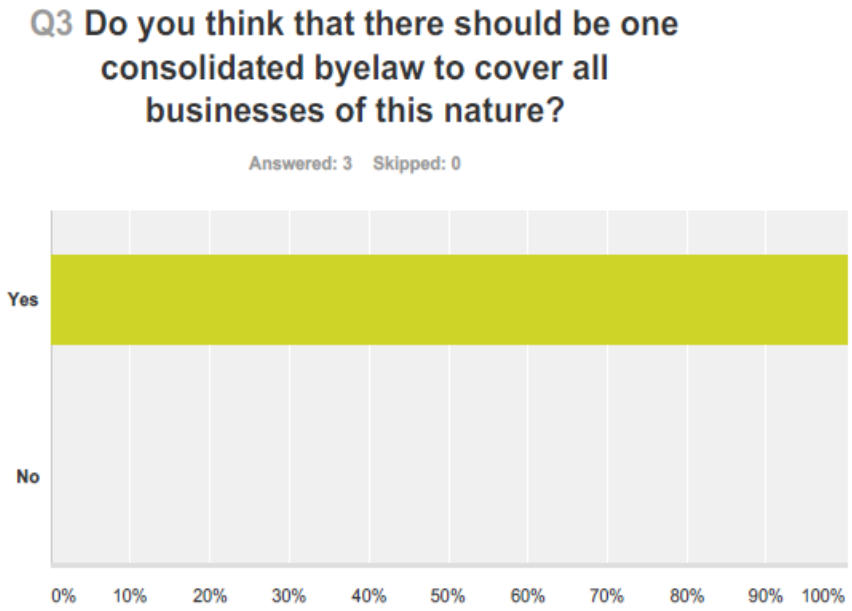
12. The byelaws provides a means for the local authority to secure:

    a) The cleanliness of premises and fittings.
    b) The cleanliness of the operators.
    c) The cleansing and, if appropriate, sterilisation of instruments, materials and equipment.

13. A consultation process has been undertaken which included: an advert detailing our wish to consolidate the byelaws and information on the proposed byelaws, being placed in a local tabloid for two consecutive weeks and the new byelaws were made available for public viewing for a period of one month, at the City Hall for free. A consultation also occurred using the council's website; the byelaws were available for viewing for a period of one month accompanied by an online survey, giving members of the public an opportunity to express their opinion. Three individuals responded to the survey and a detail of their feedback is displayed below:

Chart showing responses to online byelaws consultation

Proposed byelaw for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis



Answer Choices	Responses	
Yes	100.00%	3
No	0.00%	0
Total Respondents: 3		

Conclusion

14. Adoption of the new byelaws and revocation of the existing byelaws is necessary to afford the best public protection. Registration of premises and service providers ensures continued regulation of invasive treatments and reduces the likelihood of spread of blood borne viruses, it is necessary to adopt the new byelaws to maintain controls over an ever changing industry.

15. Existing byelaws do not cover modern treatments which present the same risk as those covered by existing byelaws and the adoption of the new byelaws will enable the authority to continue to protect public and secure the cleanliness of premises and equipment.

16. Therefore the following recommendation is suggested:

> "To recommend council to make the consolidated model byelaws for the control of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, as set out in appendix A, and following the making of such a byelaws the existing byelaws be revoked."

Licensing Committee decision

17. On the 8 September 2016 the licensing committee agreed to recommend council make the consolidated model byelaws for the control of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, as set o u t in appendix A, and following the making of such byelaws the existing byelaws be revoked.

Integrated impact assessment

NORWICH City Council

The IIA should assess **the impact of the recommendation** being made by the report
Detailed guidance to help with completing the assessment can be found here. Delete this row after completion

Report author to complete	
Committee:	Council
Committee date:	27 September 2016
Head of service:	Adrian Akester
Report subject:	Adoption of a new, single byelaw consolidating existing acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis regulations.
Date assessed:	19 September 2016
Description:	To seek approval for the adoption of a single consolidated byelaw to replace the existing three byelaws, adopted in 1986 that regulate acupuncture, tattooing, ear piercing and electrolysis.

	Impact			
Economic (please add an 'x' as appropriate)	**Neutral**	**Positive**	**Negative**	**Comments**
Finance (value for money)	☒	☐	☐	
Other departments and services e.g. office facilities, customer contact	☒	☐	☐	
ICT services	☒	☐	☐	
Economic development	☒	☐	☐	
Financial inclusion	☒	☐	☐	
Social (please add an 'x' as appropriate)	**Neutral**	**Positive**	**Negative**	**Comments**
Safeguarding children and adults	☐	☒	☐	To ensure the correct regulation of 'skin piercing activities'
S17 crime and disorder act 1998	☒	☐	☐	
Human Rights Act 1998	☒	☐	☐	
Health and well being	☐	☒	☐	To help ensure the safety from communicable diseases of those undergoing 'skin piercing activities'
Equality and diversity (please add an 'x' as appropriate)	**Neutral**	**Positive**	**Negative**	**Comments**
Relations between groups (cohesion)	☒	☐	☐	

	Impact			
Eliminating discrimination & harassment	☒	☐	☐	
Advancing equality of opportunity	☒	☐	☐	
Environmental (please add an 'x' as appropriate)	**Neutral**	**Positive**	**Negative**	**Comments**
Transportation	☒	☐	☐	
Natural and built environment	☒	☐	☐	
Waste minimisation & resource use	☒	☐	☐	
Pollution	☒	☐	☐	
Sustainable procurement	☒	☐	☐	
Energy and climate change	☒	☐	☐	
(Please add an 'x' as appropriate)	**Neutral**	**Positive**	**Negative**	**Comments**
Risk management	☐	☒	☐	Minimises risk to the council through the correct regulation of providers of 'skin piercing activities'

Recommendations from impact assessment
Positive
The consolidation of existing byelaws to regulate those businesses which provide cosmetic piercing and semi-permanent skin-colouring services will help ensure the safety of those undergoing treatments though proper regulation.
Negative
Neutral
Issues