

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

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### **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.

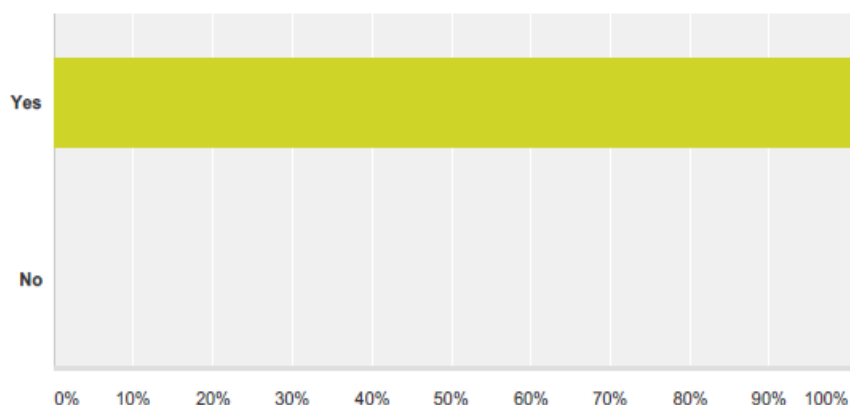
8. In recognition of these concerns the government introduced further controls, through Section 120 and Schedule 6 of the Local Government Act 2003, powers to require the registration of businesses which provide cosmetic piercing and semi-permanent skin-colouring services. The powers must first be adopted 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

### Q3 Do you think that there should be one consolidated byelaw to cover all businesses of this nature?

Answered: 3 Skipped: 0



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

<b>Committee:</b>	Council
<b>Committee date:</b>	27 September 2016
<b>Head of service:</b>	Adrian Akester
<b>Report subject:</b>	Adoption of a new, single byelaw consolidating existing acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis regulations.
<b>Date assessed:</b>	19 September 2016
<b>Description:</b>	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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	To ensure the correct regulation of 'skin piercing activities'
<u>S17 crime and disorder act 1998</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Health and well being	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Impact			
Eliminating discrimination & harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural and built environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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**