

## PLYMOUTH CITY COUNCIL

<b>Subject:</b>	Adoption of new Byelaws Regulating Activities of Acupuncture, Electrolysis, Tattooing, Cosmetic Piercing and Semi Permanent Skin Colouring
<b>Committee:</b>	Cabinet
<b>Date:</b>	9 August 2016
<b>Cabinet Member:</b>	Cllr John Riley
<b>CMT Member:</b>	Kelechi Nnoaham (Director of Public Health)
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<b>Ref:</b>	AN/ 012016
<b>Key Decision:</b>	No
<b>Part:</b>	I

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### **Purpose of the report:**

Plymouth City Council has adopted Part VIII of the Local Government (Miscellaneous Provisions) Act 1982, which requires persons undertaking acupuncture, tattooing, ear piercing and electrolysis to be registered with the Council. Byelaws made under the Act have been adopted to regulate the hygiene and cleanliness of the premises, people and equipment.

Fashion has now seen the growth in new techniques of cosmetic body piercing and semi permanent skin colouring, which carry the same risk of transmission of blood borne virus but are not controlled by the existing byelaws. The Local Government Act 2003 extended the 1982 Act to include these new activities.

It is proposed that Plymouth City Council adopts new model byelaws produced by the Department of Health, with the existing byelaws to be repealed. This report submits the national model byelaws for approval and the commencement of the statutory process.

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### **The Corporate Plan 2013/14 -2016/17:**

**Caring Plymouth** – Skin piercing is a high risk activity for the transmission of blood borne infections and post treatment infections. The adoption of these byelaws will enable the enforcement of standards to the activities of body piercing and semi-permanent colouring.

**Growing Plymouth** – These treatments are gaining popularity. Public confidence in the safety of these treatments is paramount to their continued growth in addition to having consistent standards across all businesses. The combining of different byelaws and the associated fee structure will reduce administrative burdens on businesses.

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## **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

Businesses already pay a one off fee to register with the local authority therefore these changes place no additional burden on the authority, but do provide a new enforcement option. There will be no additional income or expenditure associated with the use of these byelaws.

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## **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

The provisions are designed to protect residents from the risks of infection associated with skin piercing activities

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## **Equality and Diversity**

Has an Equality Impact Assessment been undertaken? Yes.

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## **Recommendations and Reasons for recommended action:**

That Cabinet considers this report and recommends that Council resolves to:

- 1) Adopt the new byelaw to set minimum standards of cleanliness and hygiene in the carrying out of Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis as set out in Appendix I.
- 2) Authorise officers to carry out the necessary procedure in relation to the creation of the new byelaw (which includes application to the Secretary of State for confirmation of the byelaw and publishing a notice in the local newspaper of the intention to do so)
- 3) Authorise the Common Seal of the Council to be applied to the new byelaw
- 4) Revoke the existing byelaws upon the coming into force of the new byelaw.

Body piercing and semi permanent skin colouring pose high risks of transmission of blood infections and therefore it is important to ensure that the practices, premises and people involved are clean and hygienic. Changes to the legislation allow these activities to be regulated and it is recommended that the model byelaws be adopted to set minimum standards.

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## **Alternative options considered and rejected:**

The recommendations offer protection for the general public from the risk of blood borne and post treatment infections from the recent growth in new skin piercing practices. Not adopting the byelaws would leave premises and customers unprotected and unsupervised due to the inability to adequately regulate the activities.

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## **Published work / information:**

**Chartered Institute of Environmental Health.**

*Tattooing and Body Art Toolkit.* London : CIEH, 2013

**Local Government (Miscellaneous Provisions) Act 1982.**

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

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	

**Sign off:**

Fin	ODPHF PHC161 7 001	Leg	2588 3/ag/ 21.6. 16	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

## **Adoption of New Byelaws Regulating Activities of Acupuncture, Electrolysis, Tattooing, Cosmetic Piercing and Semi Permanent Skin Colouring.**

### **1.0 Background**

- 1.1 Plymouth City Council has adopted Section 15 of the Local Government (Miscellaneous Provisions) Act 1982, which requires persons undertaking acupuncture, tattooing, ear piercing and electrolysis to be registered with the Council. Byelaws were also adopted by the Council to regulate these separate activities.
- 1.2.1 Activities that pierce or impregnate the skin carry the inherent risk of blood borne diseases such as Hepatitis B, C and HIV viruses and post treatment infections. It is important that the premises and operator practices are clean and hygienic.

### **2.0 Current Issues**

- 2.1 Since the making of the original byelaws there has been an increase in the popularity of cosmetic body piercing and semi permanent skin colouring. Piercing of parts of the body, other than ears, and temporary tattooing (e.g. eyebrows) using semi permanent dyes are now routinely performed at a number of permanent premises. The risks of transmission of blood borne diseases and post treatment infections with these new activities are similar to the previous controlled activities.
- 2.2 The Local Government Act 2003 amended the 1982 Act to include cosmetic piercing and semi-permanent colouring. These provisions have required proprietors of such businesses to register themselves and their premises, but there have been no byelaws relating to the cleanliness and hygiene of premises, practitioners and equipment.
- 2.3 The Department of Health has produced a new model byelaw to reflect current infection control advice and industry practice, and has been prepared taking into account the views of local authorities and trade associations issues. This single model byelaw includes acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis and the controls are better than those currently in force.
- 2.4 A charge may be made for registration to contribute towards the cost of inspection and regulation. It is anticipated that enforcement of the new byelaw will be met from existing resources.

### **3.0 Adoption Procedure**

- 3.1 The function of making or amending byelaws is a function of Full Council by virtue of Part B of the Council's constitution and therefore cannot be delegated to any other committee or officer. A resolution must be passed by Full Council as detailed below before the procedure to create the new byelaw can be commenced. The procedure for adopting byelaws is specified in Section 236 of the Local Government Act 1972.
- 3.2 All byelaws must be confirmed by the relevant Secretary of State. The Government Department with responsibility for confirming this byelaw is the Department of Health. The steps which would be required include:-
  - 1. Council approves the model byelaw
  - 2. The byelaw is formally sealed
  - 3. The Council advertises the byelaw in a local newspaper and invites representations to the Secretary of State

4. The sealed byelaw is sent to the Secretary of State for confirmation
5. The Secretary of State decides whether to confirm the byelaw
6. The byelaw comes into force after one month following confirmation by Secretary of State.

#### 4 0 **Impact**

- 4.1 Existing businesses registered with the Council will not require any further approval, but will need to comply with the new byelaws. These new byelaws will allow for consistent regulation across all skin piercing activities and compliance with the latest byelaws.

## **Appendix I: Model Byelaws**