

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	PUBLIC PROTECTION COMMITTEE	22 MARCH 2023	6
<b>COSMETIC PIERCING AND SEMI PERMANENT SKIN COLOURING</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

To advise Members of the changes in legislation relating to Cosmetic Piercing and Semi-Permanent Skin Colouring and to seek Committee approval for the adoption of Model Byelaws to effectively regulate activities relating to Cosmetic Piercing, Acupuncture, Tattooing, Semi Permanent Skin Colouring and Electrolysis.

### RECOMMENDATIONS

1. Apply Sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003 to the council's area in respect of the regulation of Cosmetic Piercing, Acupuncture, Tattooing, Semi Permanent Skin Colouring and Electrolysis, with effect from 1 May 2023.
2. Recommend that the Council carry out the necessary procedures to make, and seek confirmation by the Secretary of State of, byelaws as set out in the appendix, which will add cosmetic piercing and semi-permanent skin colouring to the scope of the council's byelaws.

### SUMMARY OF PREVIOUS DECISIONS

Environmental Health and Control Committee 6<sup>th</sup> February 1986:

(i) Resolved to apply sections 14, 15, 16 & 17 of the Local Government (Miscellaneous Provisions) Act 1982 to the Council's area with effect from 14<sup>th</sup> April 1986 and that those provisions shall apply to any person, carrying on the practise of acupuncture, or the business of tattooing or of ear piercing or of electrolysis.

(ii) Resolved to make That the byelaws respect of acupuncture, tattooing, ear piercing and electrolysis and apply to the Secretary of State for confirmation.

### CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓

Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

## REPORT

### THE 1982 ACT POWERS AND EXISTING BYELAWS

1. In 1986, the council adopted sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 act'), which then applied to the practices of acupuncture, tattooing, ear piercing and electrolysis. Adopting the provisions meant that anyone carrying out these practices would need to be registered with the council. The council also made [byelaws](#) to secure the cleanliness of premises, operators, instruments and equipment used in these activities.
2. The 1982 act did not originally extend to cosmetic piercing other than of the ear, or to semi-permanent skin colouring. Amendments made by the Local Government Act 2003 brought businesses carrying out those processes within the scope of the 1982 act. But those amendments did not automatically extend the registration scheme as it applied in Fylde, or the scope of the existing byelaws.
3. The registration scheme and existing byelaws therefore cover acupuncture, tattooing, ear piercing and electrolysis, but not other cosmetic piercing or semi-permanent skin colouring. To extend the coverage of the registration scheme and the byelaws, the council would need to re-adopt the relevant parts of the 1982 act and make new byelaws. The remainder of this report sets out why officers consider that these changes should be made and the procedure for making them.

### THE NEED TO EXTEND THE SCOPE OF THE PROVISIONS

4. Like ear piercings, acupuncture and tattooing, other cosmetic piercings and semi-permanent skin colouring carry a potential risk of Blood Borne Virus transmission if infection control procedures are not observed such as the use of sterile equipment for each client. The risks<sup>1</sup> can be minimised by ensuring safe working practices such as good cleanliness of the premises where the operations are taking place, and of the fixtures and fittings, good personal hygiene of the practitioners, correct cleaning and sterilisation or disposal of instruments, materials and equipment processes.
5. Extending the scope of the registration requirement and byelaws would ensure that all businesses are all equally registered, following safe procedures, and would ensure uniformity to the same standard, in order to protect the public.
6. It would be an offence to carry on such a business without complying with the registration requirements and an offence to breach the byelaws.

### PROCEDURE

7. The Public Protection Committee has the power to adopt the relevant provisions of the 1982 act, which would extend the scope of the registration scheme. A resolution to adopt the relevant provisions of the 1982 act must specify a date for the resolution to come into force, which must be at least one month after the date of the resolution. In contrast, only a full council meeting can authorise the making or amendment of byelaws
8. The committee is therefore asked (i) to pass a resolution applying sections 14 to 17 of the 1982 act to the council's area and (ii) to recommend the council to revoke the existing byelaws made on 8 April 1986 and replace them by byelaws that reflect the model byelaws as set out in the appendix.
9. Once the full council meeting has resolved to make the byelaws, they must be submitted to the Secretary of State for confirmation. At least one clear month before applying for confirmation, notice of the Council's intention to apply for confirmation must be given in one or more local newspapers circulating the area to which the byelaws will apply. A copy of the byelaws must be deposited at the Council offices

<sup>1</sup> See generally [Tattooing and Body Piercing Toolkit](#) published by Public Health England and the Chartered Institute of Environmental Health, 2013.

and be open to public inspection without charge, at all reasonable times of the month. The byelaws could not come into effect until they have been confirmed.

IMPLICATIONS	
Finance	No further implications arising directly from the report.
Legal	The Council has a duty to protect public safety and prevent transmission of diseases.
Community Safety	The Council has a duty to protect public safety and prevent transmission of diseases.
Human Rights and Equalities	No further implications arising directly from the report.
Sustainability and Environmental Impact	No further implications arising directly from the report.
Health & Safety and Risk Management	The Council has a duty to protect public safety and prevent transmission of diseases.

LEAD AUTHOR	CONTACT DETAILS	DATE
Anita Elliott	Email – anita.elliott@fylde.gov.uk	28 February 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Current byelaws for acupuncture, ear piercing, electrolysis, and tattooing.	8 <sup>th</sup> April 1986	<a href="https://new.fylde.gov.uk/wp-content/uploads/2019/05/documents-original-10.pdf">https://new.fylde.gov.uk/wp-content/uploads/2019/05/documents-original-10.pdf</a>
Tattooing and body piercing guidance toolkit	July 2013	<a href="https://www.cieh.org/media/2004/tattooing-and-body-piercing-guidance-toolkit-july-2013.pdf">https://www.cieh.org/media/2004/tattooing-and-body-piercing-guidance-toolkit-july-2013.pdf</a>

APPENDIX TO THE REPORT	
Model Byelaw	