



**AGENDA ITEM:
SUMMARY**

Report for:	Cabinet
Date of meeting:	30 January 2018
Part:	1
If Part II, reason:	

Title of report:	Regulation of cosmetic body piercing and skin colouring
Contact:	<p>Cllr Janice Marshall, Portfolio Holder for Environmental, Sustainability and Regulatory Services</p> <p>Author/Responsible Officer: Sally McDonald, Lead Licensing Officer</p>
Purpose of report:	<ol style="list-style-type: none"> 1. To adopt extended statutory controls for the regulation of all forms of cosmetic skin piercing, and of semi-permanent skin colouring; and 2. To update byelaws governing the conduct of all piercing, tattooing, acupuncture and electrolysis treatments.
Recommendations	<p>That Cabinet recommend Council resolve:</p> <ol style="list-style-type: none"> a) To apply sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 120 of the Local Government Act 2003, throughout the Borough of Dacorum, so as to require persons carrying on the practice of acupuncture; or the business of tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis to be registered with the authority; and b) To make byelaws under section 14(7) and 15(7) of the 1982 Act in connection with such registered persons and premises, to replace and update existing byelaws in respect of acupuncture; tattooing; and ear piercing and electrolysis.
Corporate Objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment

<p>Implications:</p> <p>'Value For Money Implications'</p>	<p><u>Financial</u> Public notice of the application of these provisions must be given in a local newspaper in two consecutive weeks. Existing registered premises would also need to be notified of any change in byelaws affecting their operations. It is envisaged that these costs would be met from existing budget.</p> <p><u>Value for Money</u> Businesses and practitioners performing ear piercing and tattooing are already required to register with the Council, this proposal will simply extend the range of procedures they carry out which are regulated under byelaws.</p>
<p>Risk Implications</p>	<p><u>Risk Implications</u> The procedures regulated under the provisions outlined in this report carry significant potential health risks, if operators do not have the required skill or expertise to carry out a treatment, or if the treatment is carried out in unhygienic conditions or with improper or non-sterile equipment. Appropriate regulation of these activities is seen as necessary to minimise such risks.</p> <p>Any byelaws made by the Council could potentially be refused approval by central Government. This risk is considered minimal, as the draft byelaws are consistent with a national model.</p>
<p>Community Impact Assessment</p>	<p>No impact anticipated.</p>
<p>Health And Safety Implications</p>	<p>Inspections of registered piercing/tattooing premises are already carried out, and a risk assessment has been undertaken for staff performing these inspections. This document will remain under periodic review, although it is not envisaged that any further risks will arise from the additional categories of regulated premises.</p>
<p>Monitoring Officer/S.151 Officer Comments</p>	<p>Monitoring Officer:</p> <p>The proposed byelaws will ensure that appropriate standards are imposed on those carrying out the regulated activities which will be to the benefit of those providing the services and users of the services.</p> <p>S.151 Officer</p> <p>The costs associated with the implementation of this decision can be covered from within existing budgetary provision.</p>
<p>Consultees:</p>	<p>Public notice must be given of the adoption of revised requirements and/or new Byelaws.</p>
<p>Background papers:</p>	<p>Draft Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis (appended)</p>
<p>Glossary of</p>	

acronyms and any other abbreviations used in this report:	
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1. BACKGROUND

- 1.1. Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 created an adoptive framework for the regulation of **ear piercing, tattooing, electrolysis** and **acupuncture** activities. In areas where the provisions have been adopted, both premises at which such activities are carried on and operators carrying out such treatments must have registered with the local Council, before any treatments may lawfully be carried out. Councils may also make byelaws governing the conduct of these activities, in respect of cleanliness and hygiene provisions.
 - 1.2. Dacorum Borough Council adopted controls for these activities on 12 October 1983, and passed three sets of byelaws under the legislation, containing separate (albeit similar) measures for ensuring hygiene and prevention of infection for tattooing, acupuncture, and ear piercing / electrolysis respectively. These byelaws are available to view on the [Council's website](#).
 - 1.3. Section 120 of the Local Government Act 2003 amended the 1982 Act to provide additional controls for new piercing treatments which had become more prevalent since the original Act was passed – specifically, **cosmetic skin piercing** (of any part of the body, including the ears), and **semi-permanent skin colouring** (also known as micropigmentation, semi-permanent makeup or temporary tattooing). These additional controls require a further adoption decision to be made by Councils, and though this appears to have been considered by Dacorum in the 2000's, no formal adoption decision has been located.
 - 1.4. Licensing officers are currently reviewing registration details, as it appears that a number of historic registrations were not transferred from paper records to computer databases in the 1990's/2000's. At present, 40 premises in Dacorum are registered for skin piercing activities, of which:
 - 18 may carry out acupuncture
 - 13 may carry out ear piercing
 - 9 may carry out electrolysis
 - 13 may carry out tattooing
- N.B. Some premises are registered for multiple activities*
- 1.5. Registrations are persistent – a business is only required to register when it first begins offering treatments of the above types, and the registration is henceforth valid indefinitely (although any new staff carrying out treatments at the premises must register separately). Registrations may be cancelled or suspended by the courts upon conviction for an offence under the Act, including for a breach of byelaws made by the Council.

2. PROPOSALS

- 2.1. Body modifications such as tattoos and body piercings continue to increase in popularity, while emerging trends for semi-permanent make-up and skin tinting which currently fall outside the treatments which the Council regulates, are also seeing these treatments becoming increasingly common. As these

all involve the piercing of the skin with needles, objects and dyes/colourings, these treatments are subject to similar public health concerns as the activities which are currently regulated, in respect of the hygiene and cleanliness of premises where procedures are carried out and the equipment and materials used, prevention of transmission of infectious diseases, and competency of persons carrying out such treatments.

- 2.2. It is therefore proposed to expand the list of piercing activities which the Council regulates to include those covered by the 2003 amendment. The mechanism for this would be a resolution made by Full Council, essentially readopting the full list of piercing activities.
- 2.3. Schedule 6 of the 2003 Act provides some transitional measures, essentially ensuring that existing registrations remain in force for the previously-regulated activities only. As some documents issued by the Council from 2007 onwards implied that the additional activities were already regulated, it is proposed to offer additional transitional provisions for existing registered premises, allowing them to amend their registrations to include the new activities, where they have already been safely and effectively carrying these out.
- 2.4. As the current byelaws are specific to the original list of regulated activities, it will be necessary to update these to include the new activities. At the same time, it is intended to consolidate the byelaws into a single set which apply to all activities. As there is significant common ground between the hygiene measures necessary regardless of the treatment type undertaken, this is seen as a logical step to take, and will reduce the potential for confusion, particularly at premises approved to carry out multiple treatments. Draft new byelaws are attached at Annex A, these are taken from a model provided by the Department of Health through the Chartered Institute of Environmental Health.
- 2.5. These proposals were considered and endorsed by the Licensing, Health & Safety and Enforcement Committee at a meeting on 28 February 2017, with a resolution to refer to Full Council via Cabinet.

3. RECOMMENDATION

- 3.1. That Cabinet recommend Council resolve:
 - a) To apply sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 120 of the Local Government Act 2003, throughout the Borough of Dacorum, so as to require persons carrying on the practice of acupuncture; or the business of tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis to be registered with the authority; and
 - b) To make byelaws under section 14(7) and 15(7) of the 1982 Act in connection with such registered persons and premises, to replace and update existing byelaws in respect of acupuncture; tattooing; and ear piercing and electrolysis.

Annex A
**Draft Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin
Colouring, Cosmetic Piercing and Electrolysis**
(see following document)