

TITLE	ADOPTION OF BYELAWS FOR DERMAL TREATMENTS
FOR CONSIDERATION BY	Licensing and Appeals Committee 3 July 2017
WARD	Non specific
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PURPOSE OF REPORT

The Committee is asked to consider adopting Byelaws to regulate cosmetic piercing and semi permanent skin colouring, acupuncture, tattooing, electrolysis and ear piercing under one set of consolidated model Byelaws. Frequently the registered practitioners and premises undertake treatment for more than one activity and so by consolidating the Byelaws the effect will be to improve operation efficiency and help local businesses to more easily understand the regulatory activity.

It is important for this industry to be effectively regulated due to the risks associated with the treatments being offered. There is the potential risk of transmission of blood borne viruses (BBV) for example HIV, Hepatitis B and C, as well as other infections, potential physical damage and bleeding if the treatment is completed incorrectly.

The Local Government Act 2003 amended the Local Government Miscellaneous Provisions Act 1982 to include cosmetic (body) piercing and semi permanent skin colouring within the list of treatments the Local Authority can regulate.

OUTCOMES

Inclusion of Section 120 Schedule 6 would bring operators of cosmetic piercing and skin coloring practices /businesses under the legal control of the Council

RECOMMENDATIONS

The Committee agrees the model byelaws and recommends the Council pass a resolution to adopt the Model Byelaws: Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis as set out in Annex 1 to this report.

SUPPORTING INFORMATION

Cosmetic piercing (piercing of the body including the ear) and semi-permanent skin colouring (including micropigmentation, semi permanent make-up and temporary tattooing) which last approximately 8-10 years has grown in popularity over the years. All these processes, and in particular tattooing and ear piercing, carry a potential risk of BBV transmission if infection control procedures are not observed. (e.g. use of sterile equipment for each client).

Until the change in legislation local authorities in England, outside London and in Wales did not have the powers to make byelaws controlling the cleanliness and hygiene of premises used for these practices, other than those used in conjunction with the business of tattooing, ear piercing, electrolysis and acupuncture. Present byelaws control standards of those activities.

Within Wokingham Borough Council at present we have 23 premises and 47 practitioners registered for conducting tattooing, ear piercing, electrolysis and acupuncture.

Officers inspect on application to ensure standards of cleanliness and procedures are place in line with the Byelaws.

Certificates of registration are issued subject to compliance with the Byelaws that relate to each specific treatment and subject to the satisfaction of the local authority as to the person's skills, knowledge and suitability to carry out these treatments. The model Byelaws exist to secure the hygiene of the treatment, the practitioner and the treatment room.

Training to ensure the competency of practitioners is not set out within the Byelaws. It is instead specified in non statutory advice and guidance that is frequently issued by a range of trade organisations. The report therefore does not ask the Committee to approve competency guidance prior to registration of practitioners as it has no statutory basis. Officers will, as in the practice in other industries, cover competency of practitioners by using the powers within the Health and Safety at Work Act 1974 which places a duty on business not to expose customers to risk. In practice the practitioner would informally be asked to obtain suitable training and/or supervision, and as a last resort served with a legal notice requiring training.

The registration scheme for acupuncture, tattooing, electrolysis and ear piercing were adopted by this council following the implementation of the Local Government Miscellaneous Provisions Act 1982.

In 2003 the Department of Health produced new model Byelaws to cover Cosmetic Piercing and semi permanent skin colouring. The proposal is to update the existing byelaws which will provide a similar and consistent standard across all treatments. It will reduce the burden for businesses for complying with and displaying several sets of Byelaws where more than one type of treatment is offered.

If agreed by Committee and subsequently Council, there is a prescribed procedure to be followed by the local authority prior to adoption of the model Byelaws. In summary the procedure involves advertising the intention to adopt the Byelaws in a local newspaper, and having a copy available for the public to view at no charge in named Council offices. After not less than a calendar month the submission can then be made to the Secretary of State for confirmation.

Corporate Implications (this must include Financial Implications)

There will be a cost involved in the newspaper advertisement, however there will be income generated with at present unregistrable operators becoming eligible for registration.

Reasons for Decision

Inclusion of Section 120 Schedule 6 would bring operators of cosmetic piercing and skin coloring practices /businesses under the legal control of the Council

Alternative Options considered, if any
None

List of Background Papers
Department of Health: Regulation of Cosmetic Piercing and Skin-Colouring businesses – February 2004
CIEH Tattooing and Body Piercing guidance Toolkit
Model Byelaws: Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis

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