

Agenda Item 14.

TITLE	Adoption Of Bylaws For Dermal Treatments
FOR CONSIDERATION BY	Licensing and Appeals Committee 21 November 2017
WARD	Non-specific
LEAD OFFICER	Josie Wragg, Interim Director of Environment

PURPOSE OF REPORT

The Committee is asked to consider adopting a set of byelaws to regulate acupuncture, tattooing, electrolysis, cosmetic and ear piercing and semi-permanent skin colouring. Currently, whilst businesses which carry out dermal treatments are registered, there are no specific byelaws in place in the Wokingham Borough for premises which practise these treatments. These are instead currently issued as guidance to businesses.

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. Byelaws exist to secure the cleanliness and hygiene of the premises, practitioner and equipment.

It is often the case that registered practitioners and premises undertake treatment for more than one activity, so by using a consolidated set of byelaws the effect will be to improve efficiency for the registration of these businesses and to help the operators to more easily understand the regulation of their activities.

OUTCOMES

The adoption of the set of model byelaws as issued by the Department of Health in 2003 would mean that all operators carrying out dermal treatments would be required to observe consistent standard byelaws relating to cleanliness and hygiene. 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.

RECOMMENDATIONS

Recommendation 1

The Committee recommends the Council pass a resolution to adopt one set of Byelaws as set out in Annex A to this report; or

Recommendation 2

The Committee recommends the Council pass a resolution to adopt two sets of Byelaws; one specifically for the business and practice of acupuncture and one which combines tattooing, electrolysis, cosmetic piercing and skin colouring as set out in Annex B to this report.

SUPPORTING INFORMATION

Within Wokingham Borough at present we have 26 premises and 50 practitioners registered for conducting tattooing, ear piercing, electrolysis and acupuncture. Officers inspect premises and carry out a visit to that person wishing to carry on the practice of tattooing, ear piercing, electrolysis and acupuncture to ensure standards of cleanliness and procedures are in place in line with the content of the byelaws. Subject to the satisfaction of the local authority as to the person's skills, knowledge and suitability to carry out these treatments, certificates of registration are issued with guidance notes that relate to each specific treatment.

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 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 is 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 businesses not to expose customers to risk. The practitioner would be asked to obtain suitable training and/or supervision, and as a last resort served with a legal notice requiring training.

There are exemptions from the requirement for registration in respect of any persons carrying on the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a registered medical practitioner, which means a means a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act. Whilst acupuncture is carried out for medical reasons, the practitioners do not fall within the medical exemption as they are not registered within the meaning of the Medical Act 1983.

If agreed 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 are no implications arising from the recommendation in this report.

List of Background Papers

Department of Health: Regulation of Cosmetic Piercing and Skin-Colouring businesses – February 2004
Model Byelaws: Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis

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