

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, section 15, as amended by LOCAL GOVERNMENT ACT 2003, Section 120 and Schedule 6, Regulation of Cosmetic Skin Piercing and Skin Colouring Businesses – Model Byelaws**

**Submitted by:** Head of Environmental Health Services

**Portfolio:** Operational

**Ward(s) affected:** All

**Purpose of the Report**

To seek Committees approval for the adoption of Model Byelaws in respect of the regulation of cosmetic piercing and skin-colouring businesses.

**Recommendations**

That the Model Byelaws in respect of the regulation of cosmetic piercing and skin-colouring businesses be adopted.

That the provisions of sections 15, 16 and 17 of the Local Government (Miscellaneous Provisions) Act 1982 are extended to apply to the area of the Council in respect of semi-permanent skin-colouring and cosmetic piercing.

Authorise the affixing of the common seal to the byelaws.

Authorise the Chief Executive to carry out the necessary procedure and apply to the Secretary of State for confirmation.

Request that Legal Services initiate the procedure under section 236 of the Local Government Act 1972, ensuring that the seal is affixed and duly attested and an application is made to the Secretary of State for confirmation of the byelaws.

**Reasons**

To ensure that public health is protected.

To provide a deterrent to poor performing businesses.

To improve and maintain hygiene standards in the future.

**1. Background**

1.1 The Local Government (Miscellaneous Provisions) Act 1982 already provides for the making of byelaws for the regulation of persons carrying on the businesses of acupuncture, tattooing, ear piercing and electrolysis. It allows for the registration of those businesses and the recovery of the fees for the registration.

1.2 The council has made byelaws for the regulations of these types of skin piercing businesses and these became operative on 1<sup>st</sup> December 1984. Registration of skin piercing businesses has continued since this date.

1.3 Section 120 of the 2003 Act amends Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 so that local authorities outside London may require those carrying on skin piercing businesses and micro-pigmentation, semi-permanent makeup and temporary tattooing activities to register themselves and their premises.

1.4 These provisions also include the power for a local authority to adopt model byelaws on hygiene and cleanliness, bringing these businesses under the same regulatory framework that already exists for acupuncture, tattooing, ear piercing and electrolysis.

## 2. **Issues**

2.1 Guidance has been received from the Department of Health for the regulation of cosmetic piercing and skin colouring businesses. The guidance includes draft Model Byelaws that can be adopted by local authorities.

2.2 Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982 is extended for local authorities to make byelaws for cosmetic piercing and semi-permanent skin colouring for the purpose of securing:

- The cleanliness of premises and fittings;
- The cleanliness of the operators; and
- The cleansing and sterilisation of instruments, materials and equipment.

Copies of the draft Model Byelaws are attached as a background paper.

2.3 Guidance is also given on the procedure for seeking the Secretary of State's confirmation of such byelaws under section 236 of the Local Government Act 1972.

The first steps are for the council to pass a resolution to:

- Authorise the affixing of the common seal to the byelaws;
- Authorise the Chief Executive to carry out the necessary procedure and apply to the Secretary of State for confirmation; and
- Legal Services be requested to initiate the procedure under section 236 of the Local Government Act 1972, ensuring that the seal is affixed and duly attested and an application is made to the Secretary of State for confirmation of the byelaws.

## 3. **Proposal**

3.1 That the Model Byelaws in respect of the regulation of cosmetic piercing and skin-colouring businesses be adopted.

3.2 That the provisions of sections 15, 16 and 17 of the Local Government (Miscellaneous Provisions) Act 1982 are extended to apply to the area of the Council in respect of semi-permanent skin-colouring and cosmetic piercing.

3.3 Authorise the affixing of the common seal to the byelaws.

3.4 Authorise the Chief Executive to carry out the necessary procedure and apply to the Secretary of State for confirmation.

3.5 Request that Legal Services initiate the procedure under section 236 of the Local Government Act 1972, ensuring that the seal is affixed and duly attested and an application is made to the Secretary of State for confirmation of the byelaws.

#### 4. **Reasons for Preferred Solution**

- 4.1 Extensions of this legislation to cover the full range of cosmetic piercing and semi-permanent skin colouring that has been subject of much discussion and is welcomed. The new powers give the local authority greater control over the body piercing industry and the ability to enforce against those who carry out their business in an improper manner or unhygienic way.

#### 5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 5.1 Creating a cleaner, safer and sustainable Borough.
- 5.2 The community is not put at risk from poor hygiene standards in premises undertaking cosmetic piercing and skin-colouring.

#### 6. **Legal and Statutory Implications**

- 6.1 The adoption of the byelaws would allow the council to further improve standards within these premises and have an option to take legal action where those standards are not met. All activities are in accordance with the advice and guidance of the relevant Government bodies.

#### 7. **Equality Impact Assessment**

- 7.1 No issues have been identified.

#### 8. **Financial and Resource Implications**

- 8.1 Costs to the council of implementing these new provisions are estimated to be very small and will be offset by several factors. The council will be able to charge reasonable registration fees. The council will already be inspecting many of these businesses, as the premises may be registered for other skin piercing activities such as ear piercing, tattooing or electrolysis. In addition, the council inspects these businesses under health and safety at work legislation. Additional resources will not be made available by central government.

#### 9. **Earlier Cabinet/Committee Resolutions**

- 9.1 Members are referred to the report to your meeting in January 2004 of the introduction by the Local Government Act 2003 of the new powers to control body piercing that came into force on 1<sup>st</sup> April 2004.

#### 10. **Background Papers**

- 10.1 The Local Government (Miscellaneous Provisions) Act 1982  
The Local Government Act 2003  
Newcastle-under-Lyme Ear Piercing and Electrolysis Byelaws  
Commencement of Order SI 2003/2038  
Department of Health – ‘Regulation of cosmetic piercing and skin colouring businesses’  
(February 2004)

