

Cheltenham Borough Council
Council – Monday 11 October 2010

Regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Accountable member Cabinet Member Housing and Safety, Councillor Klara Sudbury

Accountable officer Assistant Director – Operations, Rob Bell

Service Manager – Barbara Exley

Accountable scrutiny committee None applicable

Ward(s) affected All

Executive summary To update the regulation of skin piercing activities within the Borough to include semi permanent skin colouring and all cosmetic piercing.

Recommendations That the byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis be adopted and sealed by the Council as set out in Appendix 2 to the report.

That the Borough Solicitor and Monitoring Officer be authorised to take all of the necessary steps in connection with the making of those byelaws including the affixing of the common seal to the byelaws, giving public notice and applying to the Secretary of State for Health for their confirmation

That, subject to the confirmation of the proposed new byelaws, the existing byelaws relating to acupuncture, tattooing, ear-piercing and electrolysis made by the Council on 6 March 1986 and confirmed by the Secretary of State for Health on 27 June 1986, be revoked.

Financial implications	<p>The introduction of the new bye law will result in additional income to the council from additional businesses now required to register with the council. Licence fees currently due are £65 for a personal licence and £95 for a premises licence per application.</p> <p>Contact officer: sarah.didcote@cheltenham.gov.uk 01242 264125</p>
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<p>Legal implications</p>	<p>Byelaws in respect of the matters referred to in this report are made under S.15 Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003. Under the Local Authorities (Functions and Responsibilities) Regulations 1999 and the Council's Constitution, the approval of byelaws is reserved to Full Council.</p> <p>Following approval by Full Council and the affixing of the Common Seal of the Council, the making of the byelaws will be advertised in the local press and placed on deposit at the Municipal Offices for a period of 1 month. During this time the public may make representations or objections on their content to the Secretary of State for Health. After the expiry of the public notice period the Borough Solicitor and Monitoring Officer will apply for confirmation of the byelaws. The Secretary of State will take any representations he has received into account before making his final decision. Byelaws will come into operation on the 1st of the month following the date of confirmation by the Secretary of State.</p> <p>S.16 of the 1982 Act provides for an offence if any person is found to carry on a practice referred to in this report without having registered with the Council or carrying on such a practice in contravention of byelaws made by the Council.</p> <p>Contact officer: sarah.farooqi@tewkesbury.gov.uk 01684 272693</p>
<p>HR implications (including learning and organisational development)</p>	<p>No direct HR Implications arising from this report.</p> <p>Contact officer: julie.mccarthy@cheltenham.gov.uk 01242 26 4355</p>
<p>Key risks</p>	<p>It is envisaged that there will be minimal operational impact with the adoption of the consolidated bye laws.</p> <p>Intervention at premises that undertake any of these activities is included in the current work plan and all newly registered activities/persons will be included in our subsequent annual work plans.</p> <p>There are no significant corporate risk implications to the Council.</p>
<p>Corporate and community plan Implications</p>	<p>The health impacts of not introducing the new bye laws far outweigh any perceived impact on any of our communities and businesses.</p>

1. Background

- 1.1 In 1986 the Council resolved to adopt Sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 dealing with the provisions for acupuncture, tattooing, ear piercing and electrolysis services to the public. Following this resolution bye-laws regulating these activities were prepared and sealed (made) on the 6th March 1986 and confirmed by the Secretary of State for Health on 27th June 1986. The bye-laws took effect on 1st August 1986.
- 1.2 A copy of the current bye-laws are available in Appendix 1.
- 1.3 In the light of developments in the industry, the Local Government Act 2003 was introduced which amended the current provisions of the 1982 Act to include cosmetic piercing and semi-permanent skin-colouring. It is as a result of this that the Council is now giving them consideration to revoking the existing three sets of bye-laws and replacing them by making new, updated, consolidated bye-laws that deal with these additional activities.

2. Reasons for recommendations

- 2.1 The existing bye-laws currently adopted by this Council cover acupuncture, tattooing, ear piercing and electrolysis. However, since this legislation came into effect, additional processes are being widely used by businesses that present the same health risks as those originally covered but are not within the scope of the current bye-laws in Cheltenham. The processes currently not within the scope of the current bye-laws are body piercing of any kind, micropigmentation, semi-permanent make-up and temporary tattooing.
- 2.2 Adoption of the new bye-laws will ensure that all businesses offering any form of cosmetic piercing and semi-permanent skin colouring as well as tattooing, ear piercing and electrolysis are required to register with the Borough Council. The Council will in turn monitor the businesses for compliance and all will be subject to the same requirements. In addition, members of the public using these businesses will be afforded the same level of protection, which is currently only enforceable against those businesses covered by the existing bye-laws.
- 2.3 The Council is committed to reviewing and updating legislation in line with Government guidance.
- 2.4 Businesses that are registered under the existing bye-laws will be automatically covered by the new bye-laws and will not have to re-register with the Council under the new requirements. However, their registration will now also cover the additional processes as listed in paragraph 2.1 above.

3. Alternative options considered

- 3.1 No alternative options are available as the proposed bye-laws are model form produced by the Secretary of State for Health.

4. Consultation and feedback

- 4.1 The consultation process required by the adoption of bye laws will be followed. The new bye laws will be advertised in the local press and a copy deposited at the Council offices for inspection for at least a month before application to the Secretary of State for confirmation.

5. Performance management – monitoring and review

- 5.1 Progress in regulatory activities will be monitored and reviewed as part of the existing quarterly outcomes review currently undertaken within the team

Report author: Louise Boyle – Environmental Health Officer

Appendices :

- 1. Copies of existing bye-laws which came into force on 1st August 1986**
- 2. Copies of proposed bye-laws**

