

18 December 2014		ITEM: 5
Licensing Committee		
Adoption of legislation to allow for improved regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis within Thurrock		
Wards and communities affected: All	Key Decision: Not applicable	
Report of: Tony Sprackling - Principal Environmental Health Officer		
Accountable Head of Service: Gavin Dennett - Head of Public Protection		
Accountable Director: David Bull – Director of Planning and Transportation		
This report is Public		

Executive Summary

To enable the Council to regulate the provision of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis in Thurrock, the Council needs to make a resolution to adopt Sections 14-17 inclusive of the Local Government (Miscellaneous Provisions) Act 1982 and once that resolution is passed and implemented, to then adopt a model bylaw. The model bylaw orders that persons and premises undertaking these activities register with the council, and it enables the council to place conditions on the registrations.

By adopting the legislation and creating a bylaw it will ensure that any person carrying out acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis has to be registered with the local authority. A fee is payable for the registration, and the registration has conditions attached to it, for the purpose of securing the cleanliness of the premises, the cleanliness of persons registered and assisting registered persons, and the cleansing and where appropriate sterilisation of instruments, materials and equipment. Any breach of these conditions could result in formal action.

There are a number of premises in Thurrock which provide these facilities and in the interests of health and safety, such premises should all operate to a similar enforceable standard.

1. Recommendation(s)

- 1.1 That Licensing Committee recommend Council agree to adopt Sections 14-17 inclusive of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003 Section 120, which deals with the regulation of Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis**
- 1.2 That Licensing Committee recommend to Council that following the implementation period for the adoption of the resolution in relation to Sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by The Local Government Act 2003 Section 120, the Council adopt the model bylaw which can be found in Appendix 2.**

2. Introduction and Background

- 2.1 Skin Piercing activities include: acupuncture, tattooing, ear piercing, electrolysis, cosmetic piercing (piercing of the body including the ear) and semi-permanent skin colouring (including micro-pigmentation, semi-permanent make-up and temporary tattooing).
- 2.2 At the Environmental Health Committee on the 2nd July 1987 and the Policy and Resources Committee on the 8th July 1987 it was agreed that Sections 14-17 inclusive and the model bylaw for the purposes of the registration of premises for acupuncture, tattooing, ear piercing and electrolysis and also the registration of persons undertaking those trades be adopted from the 1st September 1987.
- 2.3 There is, however, no obtainable evidence to suggest that the notification process as laid out in Section 13 of the Local Government (Miscellaneous Provisions) Act 1982 had been followed or that the bylaw was forwarded to the Secretary of State for adoption, therefore the relevant sections and the bylaw cannot be enforced as it has not been fully adopted.
- 2.4 By adopting the sections and creating a bylaw it allows the Council to put conditions on registrations relating to the cleanliness and hygiene of the premises, practitioners and equipment. This is intended to increase health protection and reduce the risk of transmission of blood-borne virus infections such as HIV, hepatitis B and C and other infections.

3. Issues, Options and Analysis of Options

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 requires that persons undertaking skin piercing activities obtain a registration from the local authority, and a person cannot undertake skin piercing activities as listed in the bylaw unless they obtain a registration for skin piercing.

- 3.2 The bylaw is to ensure that the premises are following safe procedures, and relate to the cleanliness of the premises, practitioners and equipment.
- 3.3 The fee is reviewed and set on an annual basis through the fee report which Council agrees.
- 3.4 Premises which are to be used for skin piercing may need to have works undertaken to conform to the conditions such as providing and fitting a wash hand basin to each treatment room with hot and cold running water. The practitioner will need to ensure safe procedures and working methods are in place.
- 3.5 Each premises where skin piercing is to be undertaken will receive a visit from a Thurrock Council Officer to ensure the conditions are being met, and visits will be made to the premises throughout the existence of the registration for the premises, to ensure continued compliance with the bylaw to protect members of the public.
- 3.6 All premises where skin piercing will be undertaken will need to conform to the same standard which will ensure uniformity amongst the premises.

4. Reasons for Recommendation

- 4.1 The adoption of the Sections and the creation of a bylaw will ensure that residents and visitors using premises carrying out skin piercing and related activities are meeting a standard which will help to ensure the persons health and safety.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Discussion with the Director of Public Health who supports this proposal.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The adoption of the bylaw will contribute to meeting the Council's priority of protecting and promoting our clean and green environment and building pride, responsibility and respect.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

Work Associated with this activity will be funded within the existing budget. The fee is reviewed on an annual basis through the fees and charges report.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Democratic Services

The local authority has an obligation to protect public safety and prevent the transmission of diseases; this activity contributes to the fulfilment of this duty.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

This activity does not impact disproportionately on any group of persons that have protected characteristics.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

n/a

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Minutes of Environmental Health Committee 2nd July 1987
- Minutes of Environmental Health Committee 17th September 1987
- Minutes of Policy and Resources Committee 8th July 1987

Copies of these minutes are available if needed, please contact the author.

9. Appendices to the report

- Appendix 1 - Section 13 – 17 of The Local Government (Miscellaneous Provisions) Act 1982, as amended by The Local Government Act 2003 section 120,
- Appendix 2 - Model Bylaw: Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Report Author Contact Details:

Nicola Watson
Environmental Health Officer
Public Protection