

**New Byelaws for Acupuncture, Tattooing,
Semi-permanent Skin Colouring,
Cosmetic Piercing and Electrolysis (To
seek approval to adopt legislation)**

**Report of Corporate Director, Neighbourhood Services
Councillor Bob Young, Cabinet Portfolio Holder for Strategic
Environment**

Purpose of the Report

- 1 The purpose of this report is to seek approval to adopt legislation that will enable the creation of new byelaws in respect of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis.

Background

- 2 The Local Government (Miscellaneous Provisions) Act 1982 introduced specific controls for certain skin piercing activities such as ear piercing, tattooing, acupuncture and electrolysis. The controls enable Local Authorities to require the registration of such activities to ensure that operators meet hygienic standards. The principal reason for the introduction of the controls was related to the risks of transmission of blood borne diseases such as Aids and Hepatitis.
- 3 Since the initial controls were introduced there have been a number of developments in skin piercing primarily associated with fashion trends. Consequently the current practices of what are known as cosmetic body piercing for studs, rings etc., and also semi-permanent skin colouring are in effect unregulated. Local Authorities have expressed concern for a number of years that these practices also pose potential health risks for the transmission of blood borne diseases.
- 4 In recognition of these concerns the Government introduced, through Section 120 and Schedule 6 of the Local Government Act 2003, powers to require the registration of businesses which provide cosmetic piercing and skin colouring services. The powers must first be adopted by a Local Authority and regulation will be subject to compliance with a set of model byelaws.

Current Position

- 5 Following local government review, any byelaws that had been previously adopted by the 7 former district authorities were transferred to Durham County Council and remain in force in the geographical areas of the former districts.
- 6 These byelaws do not contain provision to deal with issues relating to cosmetic skin piercing, other than ear piercing, or semi-permanent skin colouring. It is considered desirable to take this opportunity to harmonise the bye-laws across the County as well as making provision for the control of cosmetic skin piercing and semi-permanent skin colouring.
- 7 In order to create a single set of byelaws covering the whole of County Durham, Council must first resolve that Sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) will apply to the area of County Durham.
- 8 Following the adoption of the legislation a further report will be submitted to the County Council requesting that model byelaws are adopted by Durham County Council.

Recommendations and reasons

- 9 To agree that:
 - i) Durham County Council resolves that the following provisions of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to the area of this Council:

Section 14 – Acupuncture

Section 15 – Tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis;

Section 16 – Provisions supplementary to Sections 14 and 15;

Section 17 – Power to enter premises (acupuncture etc.);
 - ii) These provisions will come into force on 14 May 2013.

Background papers

Local Government Act 2003: Regulation of Cosmetic Piercing and Skin-Colouring Businesses, Guidance on Section 120 and Schedule 6, Department of Health.

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Appendix 1: Implications

Finance

The legislation allows for reasonable fees to be charged for registration of persons carrying on businesses of cosmetic piercing which should cover the cost of introducing and enforcing the requirements of any byelaws.

Staffing

Fees from registration will be reinvested in the service, and it is expected that the introduction and enforcement of any byelaws can be met from existing resources.

Risk

A risk assessment was carried out for the submission of the report of November 2010; no reportable risks were identified. There is no change to this risk assessment.

Equality and Diversity/ Public Sector Equality Duty

An assessment as carried out for the submission of the report of November 2010; Adoption of new byelaws will ensure all operators of skin piercing businesses are treated equally. There is no change to this assessment.

Accommodation

None

Crime and Disorder

None

Human Rights

None

Consultation

None

Procurement

None

Disability Issues

None

Legal Implications

Legal Services have been consulted regarding this report. The report, if approved will apply Sections 14, 15, 16 and 17 of the Local Government (Miscellaneous Provisions) Act 1982 to County Durham and allow the council to create the byelaws referred to in the report.