

**Wiltshire Council**

**Council**

**29 July 2014**

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**Cosmetic Piercing and Skin Colouring – Adoption of Legislation and Byelaws**

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**Summary**

Council is asked to approve the re-adoption of sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 and for the making of new byelaws to regulate premises carrying out various skin piercing activities. These measures will allow the Council to regulate the cleanliness and hygienic practices of premises on which skin-piercing businesses are operating.

This has been considered by the Licensing Committee which has recommended the proposals to Council. The adoption of byelaws is a matter reserved for Council.

**Proposals**

**That Council:-**

- 1. formally re-adopt the provisions of sections 14 to 17 of the Local Government ( Miscellaneous Provisions ) Act 1982, providing for the regulation of premises conducting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, to come into effect on 1<sup>st</sup> October 2014;**
- 2. agree to make a consolidated set of byelaws for the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis, as set out in the model byelaws attached as Appendix 1 to this report, for submission to the Secretary of State for Health for confirmation, following the completion of the process to re-adopt the relevant sections of the 1982 Act and**
- 3. agree that the current byelaws relating to cosmetic piercing and semi-permanent skin colouring, which had previously been made by the predecessor district councils, as set out in the table in paragraph 6. of the proposed new byelaws, be revoked on the confirmation of the new model byelaws**

**Reason for Proposal**

Re-adoption of the legislation is proposed in order to consolidate the previous resolutions of the predecessor district authorities with a view to ensure certainty in any enforcement action taken under the legislation.

Whilst the byelaws adopted by the predecessor district councils remained in force following Local Government Reorganisation, not all of them cover all of the various types of skin piercing activities. The proposed new byelaws will address this issue.

**Maggie Rae**  
**Corporate Director**

## **Wiltshire Council**

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### **Purpose of Report**

1. The purpose of this report is to seek approval for the re-adoption of sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 and for the making of new byelaws to regulate premises carrying out various skin piercing activities. These measures will allow the Council to regulate the cleanliness and hygienic practices of premises on which skin-piercing businesses are operating.

### **Relevance to the Council’s Business Plan**

2. “People are protected from harm as possible and feel safe”

### **Main Considerations for the Council**

3. The ability of local authorities to regulate various skin-piercing activities is set out in sections 14 – 17 of the Local Government ( Miscellaneous Provisions) Act 1982 (‘the 1982 Act’). These sections are adoptive, which means that they only apply to a particular area if and when they are adopted by the district council for that area.
4. Section 14 of the 1982 Act provides that persons and premises carrying out the business of acupuncture must be registered with the local authority and allows the Council to make byelaws regulating the cleanliness of premises and fittings, the cleanliness of operators and the cleansing and sterilisation of instruments, materials and equipment.
5. Section 15 of the 1982 Act originally made similar provisions in relation to tattooing, ear-piercing and electrolysis. Section 16 makes it an offence to operate unregistered premises, or breach any byelaws that have been made. Section 17 gives authorised officers of the Council a power of entry into relevant premises.
6. These provisions in sections 14-17 of the 1982 Act were adopted by all four of the district councils in Wiltshire between 1984 and 1985. All of the district councils also made byelaws regulating the activities covered in sections 14 and 15.
7. In 2003, section 15 was amended to also cover cosmetic piercing ( i.e. all body piercings in addition to ear piercing) and semi-permanent skin colouring

(including micro-pigmentation, semi-permanent make-up and temporary tattooing)

8. Only North Wiltshire District Council adopted revised byelaws to cover the extended scope of section 15.
9. Therefore, although all of the byelaws remain effective following local government reorganisation, the scope of regulation is not consistent across the whole county. It is therefore appropriate to make new byelaws to encompass all of the activities covered by the amended legislation to replace the various byelaws made by the individual district councils, which can then be revoked. Model byelaws have been made by the Department of Health and it is these that are now proposed to be made to cover the whole of the Wiltshire Council area.
10. Although the adoptions of the 1982 Act made by the district councils in 1984 and 1985 remain valid, it is considered that it would be beneficial to consolidate the adoption resolutions for reasons of consistency and to enable certainty in any enforcement action that may need to be taken.
11. There is a requirement to advertise the adoption of the legislation in two consecutive weeks in a local newspaper at least 28 days before it becomes effective. For this reason, it is proposed that the re-adoption takes effect on 1<sup>st</sup> October 2014, to allow time for this process.
12. It is proposed that, once the re-adoption becomes effective, the revised byelaws will be made and sealed. There is then a requirement to give public notice of the making of the byelaws and there is a period of one month for any representations on them to be made. After that time, the byelaws would be submitted to the Secretary of State for confirmation.

## **Background**

13. These proposals were originally submitted to the Licensing Committee in February 2012, where they were approved. Unfortunately, they were not referred on to full Council at that time. Therefore the proposals were again submitted to the last meeting of the Licensing Committee in June 2014. The Committee endorsed the previous decision and again recommended re-adoption of the skin-piercing legislation in the 1982 Act and the making of the consolidated byelaws.

## **Safeguarding Implications**

14. It is an offence to tattoo any person under the age of 18 years (Tattooing of Minors Act 1969) regardless of parental consent. A person under the age of 18 years may receive body piercing provided they have received written permission from, or the treatment is performed in the presence of, the person's parent or guardian.

Nipple and genital piercing is prohibited on minors, regardless of parental consent and is considered an offence under the Sexual Offences Act 2003.

## **Public Health Implications**

15. Cosmetic piercing and skin colouring carries a high risk of blood borne viral infection such as Hepatitis B and Hepatitis C if infection control procedures are not observed. These proposals would allow the Council to regulate the cleanliness and hygienic practices of skin piercing businesses more effectively

## **Environmental and Climate Change Considerations**

16. None

## **Equalities Impact of the Proposal**

17. None

## **Risk Assessment**

18. There are no significant risks arising from the re-adoption of the legislation and the making of new consolidated byelaws.

## **Risks that may arise if the proposed decision and related work is not taken**

19. As mentioned, the adoption of sections 14-17 of the 1982 Act by the former district councils remains valid, as do the byelaws made by them. However, the byelaws relating to cosmetic body piercing and semi-permanent skin colouring only apply to the former North Wiltshire D.C. area. The Council currently is not able to regulate these activities across the whole of the county.

## **Financial Implications**

20. Section 14 and Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to charge reasonable fees for registration of persons and premises carrying out the business of skin piercing. The fee might cover initial inspection(s) associated with registration, advising the business about registration and associated administration.

Currently (2014-15) Wiltshire Council charges a fee of £122.00 to register a premises and person and a £15.00 fee for each additional person to be registered.

There will be a cost to Wiltshire Council to advertise the adopted legislation and associated byelaws.

## **Legal Implications**

21. There are legal procedures that have to be following to both re-adopt the legislation and to make the consolidated byelaws, which are summarised in the report. Once these procedures are complete, it should be easier to take any enforcement action that may be required in relation to these activities.

## **Options Considered**

22. Council asked to consider approving the re-adoption of sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 and approve the making of model byelaws after the adoption process has been completed

## **Conclusions**

23. It is recommended that the Council approve the re-adoption of re-adoption of sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 and agree that the model byelaws are to be made after the adoption process has been completed.

**Maggie Rae**  
**Corporate Director**

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8<sup>th</sup> July 2014

## **Background Papers**

Unpublished documents relied upon in the preparation of this report:

None

## **Appendix**

Proposed byelaws

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