

Wiltshire Council

Licensing Committee

2 June 2014

Cosmetic Piercing and Skin Colouring – Adoption of Legislation and Byelaws

Summary

Wiltshire Council as a unitary authority has not yet adopted the legislation set in Part VIII of the Local Government (Miscellaneous Provisions) Act 1982, which allows the Council to regulate persons carrying out acupuncture, tattooing, and skin piercing. The Council must adopt this primary legislation before it can make any associated byelaws. There are revised model byelaws which will allow Wiltshire Council to regulate businesses which carry out skin piercing activities. The adoption of these provisions of the Act and the making of these byelaws will help protect human health from the spread of blood borne viral infection within Wiltshire and give control to the local authority to maintain these premises in a hygienic state.

Proposal(s)

To request that the Licensing Committee re-ratify its original decision made at the Licensing Committee meeting held on 6 February 2012, in view of the time that has elapsed since the earlier meeting.

Reason for Proposal

Due to an omission the decision of the Licensing Committee in February 2012 was never referred to Full Council to be formally adopted.

Maggie Rae
Corporate Director

Wiltshire Council

Licensing Committee

2 June 2014

Cosmetic Piercing and Skin Colouring – Adoption of Legislation and Byelaws

Purpose of Report

1. To request that the Licensing Committee re-ratify its decision made at the Licensing Committee meeting on 6 February 2012.

Relevance to the Council's Business Plan

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

Background

3. A report on Cosmetic Piercing and Skin Colour was presented to the Licensing Committee by Carla Adkins on 6 February 2012. Report is attached as Appendix 1.
4. At the meeting the on 6 February 2012, the Licensing Committee resolved the following:
 - i) To recommend to Council that the provisions of Section 14, 15, 16 and 17 of the Local Government (Miscellaneous) Provisions Act 1982 be adopted and should come into effect on 1 July 2012.
 - ii) To recommend to Council that byelaws in the form of the model set out appendix (page 144 – 147 of the agenda refers).
 - iii) The Committee recommend to the Council that the current byelaws which had previously been adopted by the ex-district councils be revoked on the confirmation of the new model byelaws.

A copy of the minutes is attached as Appendix 2.

5. Due to errors on behalf of the Licensing Team at that time, the matter was never advertised or referred to Full Council to be adopted.

Safeguarding Implications

6. 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

7. 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. The provisions of Section 120 and Schedule 6 of the Local Government Act 2003 amend Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and allow Local Authorities to regulate the cleanliness and hygienic practices of skin piercing businesses. The Council however cannot implement these provisions without first adopting the relevant part of the Act.

Environmental and Climate Change Considerations

8. None.

Equalities Impact of the Proposal

9. None.

Risk Assessment

10. Not to adopt the recommendations above will result in the Local Authority not being able to legally enforce hygiene standards within cosmetic piercing and skin colouring establishments thus reducing human health protection from the spread of blood borne viral infections within Wiltshire.

Financial Implications

11. 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.

12. 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.
13. There will be a cost to Wiltshire Council to advertise the adopted legislation and associated byelaws.

Legal Implications

14. These are set out in the body of this report. There is a requirement to publish notice that a resolution to adopt Sections 14 to 17 of the 1982 Act in two consecutive weeks in a local newspaper circulation in their area.
15. The first publication shall not be later than 28 days before the day specified in the resolution as the date on which these sections are to come into force.

Conclusions

16. It is recommended that the decision of the Licensing Committee on 6 February 2012 be re-ratified.

Maggie Rae
Corporate Director

Report Author: Linda Holland – Public Protection Team Leader - Licensing

16 May 2014.

Background Papers

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

Appendices

Appendix 1: Licensing Committee report dated 6 February 2012

Appendix 2: Minutes of Licensing Committee Meeting held on 6 February 2012
