

COSMETIC PIERCING AND SEMI-PERMANENT MAKEUP – PROPOSED CHANGES TO REGISTRATION FEES & BYELAWS

1. PURPOSE OF REPORT

- 1.1 New Forest District Council operates a scheme of registration for premises and persons who undertake the processes of ear piercing, tattooing, acupuncture and electrolysis. A fee is charged for this registration and inspections are carried out to ensure that good standards are met.
- 1.2 The legislation has been amended since the original charging scheme was agreed to include a range of other forms of body piercing – collectively termed cosmetic piercing and semi-permanent skin-colouring. Although the legislation gives officers powers to register these additional activities, the Council currently cannot charge for this work, nor are there any byelaws in place with which to regulate such activities. As a result, they are currently entirely unregulated when undertaken in domestic premises, and the Council's powers are limited to those contained in the Health and Safety at Work etc. Act 1974 for commercial premises.
- 1.3 The Council has three separate sets of byelaws for tattooing, ear piercing and electrolysis, and acupuncture. New, updated and consolidated byelaws have been produced by the Department of Health which include the newer practices of semi – permanent skin-colouring and cosmetic piercing.
- 1.4 This report seeks the Committee's approval to extend the existing registration fees for premises and for practitioners, to include cosmetic piercing and semi-permanent skin-colouring.
- 1.5 Further, approval is sought to introduce new consolidated byelaws for the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis. These would replace the existing byelaws for ear piercing, electrolysis, acupuncture and tattooing which would be revoked.

2. BACKGROUND - EXISTING ARRANGEMENTS

- 2.1 New Forest District Council registers premises which carry out ear piercing, tattooing, acupuncture and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982. Two fees are payable, one to register the premises, and one to register each person undertaking the procedure. Once an application has been made an inspection is carried out assessing the premises against the requirements in the published byelaws and existing health and safety legislation. Certificates of registration are issued following the inspection.
- 2.2 The registration process is an important mechanism to ensure that the Council is aware of, and can regulate skin piercing activities undertaken in the District. Inspections are carried out to check the cleanliness of premises, the structure and equipment, sterilisation arrangements, as well as the safe practices of operators.
- 2.3 Regulation 15 of the Local Government (Miscellaneous Provisions) Act 1982 was amended by the Local Government Act 2003. This had the effect of widening the treatments requiring registration to include cosmetic piercing which includes ear

piercing and cosmetic body piercing, as well as semi-permanent skin colouring, which includes micropigmentation, semi-permanent makeup and temporary tattooing.

- 2.4 A number of premises and practitioners in the District are now offering cosmetic piercing and semi-permanent makeup (25 are known of) and although these can already be registered under the existing Environmental Services Committee Minute (28 June 1984), there is no mechanism to charge for registration, and there are also no byelaws in place to regulate the activities undertaken.

3. PROPOSED BODY PIERCING REGISTRATION AND SETTING OF BYELAWS

- 3.1 Section 15(6) of the Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to charge reasonable registration fees for the registration of persons carrying on businesses of cosmetic piercing or semi-permanent skin-colouring. The fee can cover advising the business about registration, the initial inspection and any associated administration.
- 3.2 In respect of tattooing, electrolysis and acupuncture, the current fee for the registration of a premise is £135 and for the registration of a practitioner is £54. A lesser fee of £112 and £51 for premises and practitioner registration respectively is charged for ear piercers only.
- 3.3 It is proposed that a registration fee is also charged for cosmetic body piercing and semi-permanent skin colouring. The fee would be the same as that for tattooing, electrolysis and acupuncture (namely £135 for premises registration and £54 for a practitioner) as the regulation of such activities and the administrative work in issuing registrations are similar in both cases.
- 3.4 Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to make byelaws in relation to the cleanliness of premises and fittings, the cleanliness of operators and the cleansing and the sterilisation of instruments, materials and equipment. This ensures that these activities are regulated in all cases.
- 3.5 Byelaws are currently in place with respect to tattooing, ear piercing and electrolysis, and acupuncture only.
- 3.6 It is proposed that the model byelaws contained within the Department of Health guidance on Section 120 and Schedule 6 of the Local Government Act 2003 are adopted. These consolidated and updated byelaws would replace existing byelaws.

4. REGULATION

- 4.1 Regulation of identified individuals and premises will be undertaken in the same manner to which enforcement of other registered premises under the Local Government (Miscellaneous Provisions) Act 1982 is currently undertaken.

5. COMPARISON OF PROPOSED FEES

- 5.1 A comparison of fees and charges structures has been carried out with other local authorities both in Hampshire and in other surrounding Districts. A direct comparison is difficult as the means by which other Authorities charge differ, with some charging a combined fee, and others separate fees for a premises and practitioner as is the case at New Forest District Council. The overall average charge is £173 which is broadly comparable with the combined figure in the New Forest of £189. However, it should be

noted that unlike some other local authorities New Forest District Council charges a lesser amount of £163 for premises/persons undertaking ear piercing alone.

6. FINANCIAL IMPLICATIONS

- 6.1 The costs of implementing these provisions are estimated to be small and limited to officer time, and very small charges relating to the publication of proposed byelaws. Once implemented, the inspection and administrative functions of registration would be covered by payment of the fee.

7. ENVIRONMENTAL CRIME & DISORDER EQUALITY & DIVERSITY IMPLICATIONS

- 7.1 None

8. CONCLUSION

- 8.1 The process of registering skin piercing operations is important to ensure that standards of hygiene and cleanliness are maintained, and public health is safeguarded. Furthermore, registration helps to ensure that consumers can have the confidence that high standards are maintained and provides a level playing field for businesses.
- 8.2 Charging a fee for the process of registration of all types of skin piecing identified in the Local Government (Miscellaneous Provisions) Act 1982 will ensure that the registration of these processes is cost neutral.
- 8.3 Introduction of new consolidated byelaws will provide guidelines for inspections and a framework to ensure high standards are maintained for all types of skin piercing operations.

9. RECOMMENDATIONS

- 9.1 That the following be recommended to the Council for approval: -
- a) That the charging of fees, as set out in paragraph 3.3 above, for the registration of premises, and of practitioners undertaking cosmetic piercing and semi-permanent makeup in line with the current fees charged for tattooing, electrolysis and acupuncture be approved;
 - b) That the proposed changes to the fees and charges, be effective from 1 May 2018; and
 - c) That the adoption of the single consolidated byelaws for the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis for New Forest District Council, and the revocation of the existing byelaws, as set out in paragraph 3.6 above, be approved.

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Background Papers:

None