

Consolidation of byelaws for skin piercing activities

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Decisions Plan: **Not applicable as this is not an executive matter**

Wards impacted: **All wards**

Recommendations: **It is recommended that the Council:**

- 1. Agrees to revoke all current skin piercing byelaws.**
- 2. Agrees to the adoption of the new consolidated West Suffolk byelaws, as contained in Appendix A to Report number: COU/WS/21/017, and supports the updating of guidance and webpages so that applicants are fully cognisant of appropriate requirements and practices.**

1. Context to this report

- 1.1 This paper provides details of draft byelaws for piercing activities carried out in the West Suffolk Council district. This report is being re-submitted to Council post the discussion held during the last meeting of Council on 28 September 2021 in connection with the wording of the byelaws linked to skin piercing. The wording has had a slight alteration as detailed under section 1.7 below. The rest of the byelaws and the content of this paper remains the same.
- 1.2 At present, there are two different byelaws for piercing activities, divided between the former Forest Heath and St Edmundsbury councils. Post the creation of West Suffolk Council ('Single Council'), a review of this position has been undertaken by the Environmental Health and Legal Teams and it is considered a good time to converge guidance and adopt a district-wide approach.
- 1.3 Currently, local authorities may choose to adopt the sections of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003) that require businesses performing cosmetic piercing, semi-permanent skin colouring, electrolysis, tattooing and acupuncture to:
- a. register themselves and their premises with the local authority; and
 - b. observe byelaws relating to the cleanliness and hygiene of premises, practitioners and equipment.

In aligning our byelaws we will be adhering to these recommendations.

- 1.4 In 2004, the Department of Health and Social Care published guidance relating to cosmetic piercing and semi-permanent skin colouring and byelaws. In 2010, the Government published a new consolidated set of model byelaws, which included updates to specific provisions around infection control advice and industry practice.
- 1.5 The model byelaws are still relevant and represent the standard practice among most local authorities. Since then, however, to ensure that council practice is flexible and applicants are supported, some authorities have provided additional bespoke guidance, either through their website or other format, detailing specific council requirements for applicants. In updating our byelaws we will take the opportunity to ensure this is actively promoted.
- 1.6 Consolidation of the byelaws and updating guidance will ensure that all registrations are legally enforceable and consistent across the district.

- 1.7 The new byelaws will follow the high standard set by Government. The model byelaws, previously adopted by St Edmundsbury Borough Council, will be adopted for the entire district. One minor amendment is proposed following a discussion at Council when this was discussed in September to clarify the model byelaws to remove the words 'by means of a hygienic piercing instrument' from section 3.1.a(iii). This will ensure that all cosmetic jewellery is provided in a sterile condition to the customer during skin piercing activities. A copy of the proposed byelaws can be seen in Appendix A.

2. Proposals within this report

- 2.1 It is proposed that the Forest Heath and St Edmundsbury byelaws be revoked and a West Suffolk set of legally enforceable byelaws, covering all activities, are created.
- 2.2 In addition, it is recommended that the council updates hygiene guidance and the relevant webpage, to ensure that licensees and applicants are fully cognisant of requirements and supported in understanding appropriate practice.
- 2.3 The proposed West Suffolk byelaws to be legally agreed at a meeting of Council to gain approval for the affixing of the common seal. The byelaws must then be placed on deposit for four weeks. Once this period is completed, the Legal team then have authority to carry out the necessary procedure to apply to the Secretary of State for confirmation.

3. Alternative options that have been considered

- 3.1 The alternative options are:
- to not consolidate the byelaws
 - to consolidate and adopt new byelaws, without improving supplementary guidance.
- 3.2 As it was a Single Council objective to consolidate and create a West Suffolk byelaw to cover skin piercing the first option was discounted. The second option was discounted as the improvements to supplementary guidance are in line with recognised best practice.

4. Consultation and engagement undertaken

- 4.1 No direct consultation has been carried out with businesses regarding the changes to the byelaws as there is no requirement to do so, as the content of the byelaw is not materially changing. Many businesses which carry out piercing activities are already registered with the

authority and this change will not create any additional burden for them.

5. Risks associated with the proposals

- 5.1 There are limited risks with the proposal, and it is an opportunity to align, standardise and improve awareness.

6. Implications arising from the proposals

- 6.1 Financial - The cost of consolidating and implementing the byelaws is relatively low and can be met from existing budgets. Local authorities are able to charge a reasonable fee to register persons and premises. There is a cost of around £200 to place a notice of the council's intentions to apply for confirmation from the Secretary of State in local papers in the area the byelaws will apply. This can be met from existing budgets.
- 6.2 Legal Compliance - Byelaws are made under powers conferred on local authorities by section 235 of the Local Government Act 1972 and the procedure set out at section 236 of that Act, summarised at 2.3 above, must be followed.
- 6.3 Personal Data Processing – None
- 6.4 Equalities - There are no inequalities requiring detailed assessment.
- 6.5 Crime and Disorder - Not consolidating the byelaws may negatively impact legal enforcement.
- 6.6 Environment or Sustainability - There is no environmental or sustainability issue.
- 6.7 HR or Staffing - None, the work can be undertaken within existing resources.
- 6.8 Changes to existing policies - This will not entail a change to current policy.
- 6.9 External organisations (such as businesses, community groups) - There is no impact on other organisations.

7. Appendices referenced in this report

- 7.1 Appendix A – copy of proposed byelaws