

General Purposes Committee

9 January 2019

Is the final decision on the recommendations in this report to be made at this meeting? **Yes**

Consolidated Model Byelaws for Skin Piercing and Other Beauty Treatments

Final Decision-Maker	General Purposes Committee
Portfolio Holder(s)	Councillor Dr Ronen Basu – Portfolio Holder for Sustainability
Lead Director	Paul Taylor – Director of Change and Communities
Head of Service	Gary Stevenson – Head of Housing, Health and Environment
Lead Officer/Author	Nollaig Hallihan – Food and Safety Team Leader
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

That the Department of Health consolidated Model Byelaws for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis, as set out at Appendix A to the report, be adopted.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

- A Prosperous Borough – the adoption one consolidated byelaw to replace the two current older byelaws ensures that local businesses comply with nationally set standards.
- A Confident Borough – the byelaws offer better protection to the public health.

Timetable	
Meeting	Date
Management Board	24 October 2018
Discussion with Portfolio Holder	Before 24 Oct 2018
General Purposes Committee	9 January 2019

Consolidated Model Byelaws for Skin Piercing and Other Beauty Treatments

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of requiring businesses to register to offer tattooing, skin piercing and other beauty treatments is to prevent the spread of infectious disease and protect public health. The model Byelaws contain recognised and accepted standards for achieving this protection and Tunbridge Wells Borough Council previously adopted earlier versions of the Department of Health Model Byelaws in 1998 and 2006.
 - 1.2 Since then the Department of Health has revised and consolidated the two previous individual Byelaws within one Byelaw to simplify the standards required for a wide range of beauty treatments such as; cosmetic piercing and semi permanent skin colouring, acupuncture, tattooing, electrolysis and ear piercing (referred to as special treatments).
 - 1.3 Frequently the registered practitioners and premises undertake more than one type of treatment and so by consolidating the Byelaws it will improve operational efficiency and simplify the standards for local businesses.
 - 1.4 In summary this proposal seeks to bring the Tunbridge Wells Borough Council Byelaws for special treatments up to date to reflect the current model Byelaws composed by the Department of Health (Appendix A).
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2. INTRODUCTION AND BACKGROUND

- 2.1 The Local Government Act 2003 amended the Local Government (Miscellaneous Provisions) Act 1982 to include cosmetic (body) piercing and semi permanent skin colouring, extending the range of skin piercing activities Tunbridge Wells Borough Council can regulate to protect public health. Previous Byelaws have been adopted by the Council to include these two activities within the Council's remit.
- 2.2 It is important for this industry sector to be effectively regulated due to the risks associated with the type of skin piercing treatments being offered. There is the potential risk of transmission of blood borne viruses (BBV), for example HIV, Hepatitis B and C, as well as other potentially serious skin infections, potential physical damage and bleeding if the treatment is not undertaken correctly.
- 2.3 This is a dynamic industry sector and the range of skin piercing activities offered is constantly evolving. These latest Byelaws consolidate two previous sets of Byelaws and also take into consideration the technological developments within the sector.

- 2.4 These model Byelaws have been adopted by Maidstone Borough Council and are in the process of being adopted by Swale Borough Council, the adoption of these Byelaws by Tunbridge Wells Borough Council would enable best practice and help bring consistency in public health standards expected across the Mid Kent Environmental Health Partnership.
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3. AVAILABLE OPTIONS

3.1 Option One – Do Nothing

Tunbridge Wells Borough Council would continue to have a special treatments regime where there are two different sets of Byelaws in place which reduces clarity for local businesses and results in inconsistency in public health expectations and enforcement across the Partnership. This is not recommended.

- 3.2 Option Two – Adopt the latest Model Byelaws (Appendix A) to ensure clear and consistent public health controls are implemented within businesses within this sector across the Partnership in line with the Department of Health's expectations.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option Two – Adopt the latest model Byelaws from the Department of Health for the reasons given above. The expected outcomes include clarity to local businesses and consistency across the Partnership.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The power to adopt Byelaws is delegated to the General Purposes Committee by Full Council; therefore it has not been necessary to consult other committees.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 All registered practitioners will be sent the relevant updated Byelaws with a covering explanatory letter. This is to ensure that registered practitioners are aware of the standards at which their business will be assessed. The updated byelaws will also be available on the Council's website. There will potentially be a Health and Safety Project run next year with regard to this and visits will be undertaken to all practitioners to assess compliance with the byelaws.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	The existing registration requirement and byelaws for tattooing, semi-permanent skin colouring, electrolysis, cosmetic piercing and acupuncture have proved to be effective controls at protecting public health. If these latest model byelaws are not adopted the Council will continue to have two separate sets of dated byelaws which are confusing to local businesses and inconsistent with other authorities within the Mid Kent Partnership.	Keith Trowell, Team Leader (Corporate Governance), MKLS 4 December 2018
Finance and other resources	None. Officer time is already spent undertaking visits to establishments who have applied for registration. Adopting the byelaws would give a consolidated and consistent hygiene criterion for businesses to meet.	Jane Fineman Head of Finance and Procurement 30 November 2018
Staffing establishment	None	Nicky Carter Head of HR, Customer Service and Culture 30 November 2018
Risk management	The adoption of the latest model byelaws will assist in protecting the health and safety of all people associated with non-medical skin piercing. The proposed byelaws reflect the model byelaws provided by the Department of Health.	Nollaig Hallihan Food and Safety Team Leader 30 November 2018
Data Protection	None	Jane Clark Head of Policy and Governance 29 November 2018
Environment and sustainability	None	Karin Grey Sustainability Manager 29 November 2018
Community safety	The existing byelaws have proved to be effective controls in protecting public health; however, they are somewhat piecemeal and dated. Adoption of the latest model Byelaws ensures we are following the latest standards expected by the Department of Health and as such will be protecting the public as far as possible who have these treatments undertaken.	Terry Hughes Community Safety Manager 29 November 2018

Health and Safety	None. Officers are already visiting these premises regarding new registrations, complaints etc.	Mike Catling Corporate health and Safety Advisor 29 November 2018
Health and wellbeing	Adopting the latest Department of Health model Byelaws will ensure we are able to enforce the latest standards which in turn will help to protect public health.	Stuart Smith Health Team Leader 29 November 2018
Equalities	Adoption of the preferred option will ensure that all businesses offering any type of non-medical skin piercing will have to comply with the latest model byelaws. No detrimental impact on the protected characteristics of individuals has been identified.	Jane Clark Head of Policy and Governance 29 November 2018

8. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- Appendix A: Model Byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis: Department of Health

9. BACKGROUND PAPERS

- None
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