

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **18 March 2014**

Report of: **Director of Regulatory and Democratic Services**

Subject: **NOTICE OF COUNCIL RESOLUTION REGARDING TATTOOING,
SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING
AND ELECTROLYSIS**

SUMMARY

This report highlights the need to adopt additional provisions that will give this Authority specific powers to exercise regulatory control over persons carrying on the business and practice of cosmetic piercing and skin-colouring in relation to the Byelaws adopted under section 15 of the Local Government (Miscellaneous Provisions) Act 1982.

RECOMMENDATION

That the Council be recommended to adopt Section 120 of the Local Government Act 2003 to enable the existing Byelaws made under Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 to be extended to apply to cosmetic piercing and semi-permanent skin colouring.

INTRODUCTION

1. The Byelaws for Skin Piercing and Tattooing were adopted under the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA1982). The purpose of these Byelaws was to secure the cleanliness of registered premises and fittings and the operators were also to be registered to secure their personal cleanliness whilst giving these treatments.
2. In 2003 the Department of Health arranged for provisions to be included in the Local Government Act 2003 (LGA2003), section 120 Schedule 6 to amend section 15 of the Local Government (Miscellaneous Provisions) Act 1982. The measures came into force in April 2004.
3. The provisions in section 120 of the LGA2003 add cosmetic piercing and semi-permanent skin-colouring businesses to section 15 of the LGMPA 1982 so that local authorities may compel persons carrying on such businesses to register operators and their premises.
4. Section 120 also introduced new terminology for simplicity and clarity as follows:
 - Ear piercing and cosmetic body piercing are encompassed in the single term **“cosmetic piercing”**.
 - Micro-pigmentation, semi-permanent make-up and temporary tattooing are covered by the umbrella term **“semi-permanent skin-colouring”**. Semi-permanent skin colouring is defined as **“the insertion of semi-permanent colouring into a person’s skin”**.This approach allows for other similar activities to be covered in future.
5. In recent years there has been an increase in these types of treatment within the Borough and therefore it is now appropriate to adopt the additional provisions.

PROPOSAL

6. The Guidance to the Act allows local authorities who have already adopted the Byelaws for Skin Piercing and Tattooing under section 15 of the LGMPA1982 to automatically apply the registration and byelaws regime to cosmetic piercing and semi-permanent skin colouring.
7. Section 16 of the LGMPA 1982 also applied to cosmetic piercing and semi-permanent skin colouring businesses. It provides for offences and non-custodial penalties (summary conviction and fine) for trading without local authority registration (whether of a person or premises) on conviction. When cancellation of registration happens, the court may order a fine, increased on a daily basis for late surrender of the cancelled registration certificate. There is also an offence of not displaying a certificate of registration or byelaws (for which a person is liable on summary conviction to a fine).
8. The Fees in place under the LGMPA 1982 will also apply to both cosmetic piercing and semi-permanent skin colouring.

RISK ASSESSMENT

9. There are no significant risk considerations in relation to this report.

CONCLUSION

10. That Fareham Borough Council be advised to adopt the provisions of the LGA 2003 outlined in this report to enable the local authority to automatically apply the registration and byelaws regime to semi-permanent skin colouring and cosmetic piercing that has already been adopted for skin piercing and tattooing.

Background Papers:

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

Reference Papers:

None.

Enquiries:

For further information on this report please contact Mandy Hovey (Ext 4428).