

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

5 MARCH 2014

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

PROPOSAL TO ADOPT PART VIII OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982: RELATING TO THE PROPOSED ADOPTION OF THE NEW MODEL BYELAWS FOR ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

1. Purpose of Report

1.1 The purpose of this report is to seek approval to:-

- adopt a revised Byelaw in respect of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis
- to update the powers to register and regulate these activities, to ensure appropriate hygiene standards
- to revoke the existing separate byelaws and to follow the statutory process for publicising and consulting on Byelaws

2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 Link to Priority 5 – Working together to tackle health issues and encourage healthy lifestyles. See 3.1 and 4.1 below.

3. Background

3.1 In recent years the range of skin piercing practices on offer to the public has expanded to include the practice of cosmetic piercing and semi-permanent skin colouring. All of these procedures carry potential health risks which can include skin infections, allergic or toxic reactions to the substances used and the transmission of blood borne viruses such as hepatitis or HIV. The existing Byelaws are outdated and require replacement.

4. Current situation / proposal

4.1 The Welsh Government has produced a model byelaw for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis which requires the registration of businesses undertaking these practices. The Byelaw incorporates current infection control advice and industry best practice. As such, it provides greater protection to the residents of the County Borough of Bridgend. It is proposed that the new byelaws should be translated into Welsh and Bridgend County Borough Council should follow the Statutory procedure regarding consultation and publication of the new Byelaws based on the Welsh Government model attached at Appendix A.

- 4.2 Procedurally Council is required to resolve that the provisions of sections 14 to 17 of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 apply to the County Borough administrative area. The procedure is set out in section 13 of the Act. The sections are as follows:
- 14. Acupuncture
 - 15. Tattooing, ear-piercing and electrolysis
 - 16. Provisions supplementary to sections 14 and 15 (offences)
 - 17. Power to enter premises
- 4.3 It is proposed that the adoption of powers will apply to all descriptions of persons contained in Section 15 of the Act.
- 4.4 Should Council agree, notice is required to be published in a local newspaper for 2 consecutive weeks. The resolution cannot come into force unless at least 28 days have passed since the first publication of this notice. To give sufficient time for this it is proposed that the resolution will come into effect on 17th April 2014.
- 4.5 Once this resolution has come into effect, the local authority can commence the procedure to adopt the new model byelaw and it is proposed that it be resolved that the statutory procedure to do so be commenced as soon as possible.
- 5. Effect upon Policy Framework & Procedure Rules**
- 5.1 There is no effect upon the Policy Framework and the Procedure Rules.
- 6. Equality Impact Assessment**
- 6.1 None
- 7. Financial Implications**
- 7.1 The financial implications of the adoption of powers under Section 13 of the Local Government (Miscellaneous Provisions) Act 1982 is largely limited to the advertising costs. The cost of adopting the new model byelaw consists of the cost of translation into Welsh and advertising costs. These will be met from budget.
- 8. Recommendation**
- 8.1 To resolve that the provisions of Sections 14 to 17 of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 apply to our area including all of the descriptions of persons contained within Section 15(1) and that this resolution shall come into force on 17th April 2014.
- 8.2 To resolve that the statutory procedure for the adoption of the Model Byelaws (Wales) for Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis as attached at Appendix A be commenced after the 17th April 2014.

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Background documents

Model Byelaws (Wales) for Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis