

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	12 January 2023
Report Subject	Adoption of Skin Piercing Byelaws
Cabinet Member	Cabinet Member for Planning and Public Protection
Report Author	Chief Officer – Planning, Environment & Economy
Type of Report	Operational

EXECUTIVE SUMMARY

The purpose of this report is to recommend the adoption of Model Byelaws (as drafted by Welsh Government) in relation to skin piercing. These are in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982, Part VIII, sections 14 and 17.

The adoption of these byelaws will ensure there is greater regulation with respect to activities such as ear piercing, tattooing, acupuncture and electrolysis. The byelaws help to safeguard the public and improve compliance.

A consultation exercise has already been undertaken with stakeholders regarding the requirements of the byelaws, and no adverse responses were received.

RECOMMENDATIONS

1	To recommend the formal adoption of byelaws relating to skin piercing to Council.
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REPORT DETAILS

1.00	AN OVERVIEW OF WHY REGULATION IS IMPORTANT
1.01	The adoption of the proposed byelaws will aid effective regulation of businesses who undertake these practices. The vast majority of those who are registered with Flintshire County Council already adhere to the stringent hygiene standards set out in the byelaws. However, the growth in this sector,

	and the availability of low cost DIY kits, has seen new practitioners enter this field.
1.02	In Flintshire tattooing and skin piercing in all its forms is increasingly popular. Currently there are 43 registered premises and 78 registered practitioners
1.03	Public safety is the key driver to recommend the adoption of these byelaws. During skin piercing procedures blood and body fluids are released. This can pose a risk of blood borne virus transmission, including hepatitis A, B, and C and HIV. Some blood borne viruses, for example hepatitis B, can be transmitted by very small volumes of blood; too small to be visible to the naked eye. Such diseases can be debilitating and can have far reaching consequences.
2.00	BACKGROUND TO THE ADOPTION PROCESS FOR SKIN PIERCING BYELAWS
2.01	The Local Government (Miscellaneous Provisions) Act 1982 (The Act) gave powers to local authorities to regulate ear piercing, tattooing, acupuncture and electrolysis by requiring practitioners to register and comply with local byelaws. The Local Government Act 2003 amended the 1982 Act to include cosmetic piercing and semi- permanent skin colouring businesses in the list of those that local authorities have powers to regulate.
2.02	The Local Government Byelaws (Wales) Act 2012 came into force in March 2015 and provides the framework with which local authorities can adopt byelaws pursuant to the 1982 Act.
2.03	Before these proposed byelaws can be adopted a number of steps have had to be completed. The following have been undertaken to date: <ul style="list-style-type: none"> • 12 week consultation with all skin piercers registered by Flintshire County Council in December 2021. No adverse responses were received. • Publication of statement on website, social media and press with summary of consultation responses. • 8 week publication of notice to adopt the byelaws (subject to Council approval)

3.00	RESOURCE IMPLICATIONS
3.01	Any additional resourcing requirements due to increased enforcement action will be absorbed by the Health, Safety and Environmental Control Team, which sits within the Planning, Economy and Environment Portfolio.

4.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
4.01	It is anticipated that the adoption of the byelaws would reduce the overall risk to public health and bring about greater compliance.
5.00	CONSULTATIONS REQUIRED / CARRIED OUT

5.01	The required consultations have been undertaken, as outlined in paragraph 2.03.
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6.00	APPENDICES
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6.01	<p>Draft Model Byelaws that are proposed to be adopted. Link to Flintshire County Council website as follows:</p> <p>https://www.flintshire.gov.uk/en/Business/Health-and-Safety/Draft-byelaws-in-respect-of-acupuncture-tattooing-semi-permanent-skin-colouring-cosmetic-piercing-and-electrolysis.aspx</p>
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7.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
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7.01	<p>None</p> <p>Contact Officer: Sian Jones, Community and Business Protection Manager Telephone: 01352 702132 E-mail: sian-jones@flintshire.gov.uk</p>
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8.00	GLOSSARY OF TERMS
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8.01	None
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