

## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Tuesday, 20 <sup>th</sup> June 2023
<b>Report Subject</b>	Adoption of Skin Piercing Byelaws
<b>Report Author</b>	Chief Officer (Planning, Environment & Economy)

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend the adoption of byelaws in relation to skin piercing. These are in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982, Part VIII, sections 14 to 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 been undertaken with stakeholders regarding the requirements of the byelaws and no adverse responses were received.

In addition, the content of the proposed byelaws has been reviewed by the Constitution and Democratic Services Committee on 12 January 2023, and the changes they requested have been incorporated.

### **RECOMMENDATIONS**

1	To approve the formal adoption of byelaws relating to skin piercing.
2	To approve the formal adoption of the Local Government (Miscellaneous Provisions) Act 1982, Part VIII, sections 14 to 17, which will apply to the county of Flintshire as a whole with respect to skin piercing byelaws.

## **REPORT DETAILS**

<b>1.00</b>	<b>BACKGROUND</b>
1.01	The adoption of the proposed byelaws will aid the effective regulation of businesses who undertake skin piercing. 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.
1.04	There are a range of enforcement powers available to the Council once the byelaws have been adopted, these include Fixed Penalty Notices and undertaking legal proceedings for their enforcement.

<b>2.00</b>	<b>BACKGROUND TO THE ADOPTION PROCESS FOR SKIN PIERCING BYELAWS</b>
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 proposed byelaws enables Flintshire County Council to enforce businesses who undertake these activities if they fail to introduce minimum infection, prevention, and control measures to safeguard customers.
2.03	The amendments moved by the Constitution and Democratic Services Committee, from the original model byelaws drafted by Welsh Government, are as follows: <ul style="list-style-type: none"><li>▪ in part 1, change b) and c) to i) and ii), and consequently change d) to b)</li><li>▪ in part 1, insert "clean" means previously unused either (i) in the case of a single use item, at all, and (ii) in the case of a reusable item, since last thoroughly washed, disinfected and sterilised as appropriate and kept in a hygienic condition since"</li></ul>

	<ul style="list-style-type: none"> <li>In part 2(1)(h), delete "may" and replace with "must". Insert "assistance" before second "animals".</li> </ul> <p>In part 3(1)(b)(i)(aa) after "wherever possible", insert "and in all cases where a new premises is established after the commencement of these bylaws".</p>
2.04	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.
2.05	<p>Before these proposed byelaws can be adopted, a number of steps have had to be completed. The following have been undertaken to date:</p> <p>Twelve week consultation with all skin piercers registered by Flintshire County Council. No adverse responses were received.</p> <p>Publication of statement on website, social media and press with summary of consultation responses.</p> <p>Publication of notice to adopt the byelaws (subject to Council approval)</p> <p>Review of the byelaws by the Constitution and Democratic Services Committee on 12 January 2023.</p> <p>Additional six-week consultation following amended wording requested by the Constitution and Democratic Service Committee prior to the report going to Full Council.</p> <p>The formal endorsement of Cabinet at their meeting on 23 May 2023.</p>
2.06	Subject to the approval of Full Council, the byelaws will come into force on 1 <sup>st</sup> August 2023.

<b>3.00</b>	<b>RESOURCE IMPLICATIONS</b>
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, Environment and Economy Portfolio.

<b>4.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>
4.01	It is anticipated that the adoption of the byelaws will reduce the overall risk to public health and bring about greater compliance in establishments that undertake skin piercing activities.
4.02	<b>Ways of Working (Sustainable Development) Principles Impact</b>

	Long-term	Positive: Will potentially improve longer term health outcomes for service users.
	Prevention	Positive: Rigorous infection, prevention and control measures will prevent the spread of blood borne illnesses.
	Integration	No impact identified
	Collaboration	Positive: Flintshire County Council has worked closely with the county's registered skin piercers.
	Involvement	Positive: Active engagement through consultation.
<b>Well-being Goals Impact</b>		
	Prosperous Wales	Positive for the reputation of the skin piercing sector in Flintshire..
	Resilient Wales	No impact identified
	Healthier Wales	Positive: Improve health outcomes, as outlined in the report.
	More equal Wales	No impact identified
	Cohesive Wales	No impact identified
	Vibrant Wales	No impact identified
	Globally responsible Wales	No impact identified
4.03	Not anticipated to be any negative anti-poverty, equalities or environmental impacts of the scheme.	

<b>5.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
5.01	The required consultations have been undertaken, as outlined in paragraph 2.05.

<b>6.00</b>	<b>APPENDICES</b>
6.01	<p>Draft Byelaws that are proposed to be adopted. Link to Flintshire County Council website as follows:</p> <p><a href="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">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</a></p>

<b>7.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
7.01	<p>None.</p> <p><b>Contact Officer:</b> Sian Jones, Community and Business Protection Manager  <b>Telephone:</b> 01352 702132  <b>E-mail:</b> <a href="mailto:sian-jones@flintshire.gov.uk">sian-jones@flintshire.gov.uk</a></p>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
8.01	None.