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<b>REPORT TO:</b>	ENVIRONMENTAL AND DEVELOPMENT SERVICE COMMITTEE	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	29 <sup>TH</sup> JANUARY 2015	<b>CATEGORY: DELEGATED/ RECOMMENDED</b>
<b>REPORT FROM:</b>	CHIEF EXECUTIVE	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	EMMA McHUGH 01283 595 716 <a href="mailto:emma.mchugh@south-derbys.gov.uk">emma.mchugh@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	ADOPTION OF BYELAWS FOR ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	ALL	<b>TERMS OF REFERENCE: EDS13</b>

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## **1. Recommendations**

- 1.1 That the existing Byelaws as to Tattooing adopted in 1985 are revoked and the new Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis are adopted.
- 1.2 That the Chief Executive is authorised to take the necessary action pursuant to the Act to ensure that the statutory provisions are complied with.

## **2. Purpose of Report**

- 2.1 To advise Members of the outcome of a consultation in relation to the new Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis.
- 2.2 To provide Members with the necessary information to be able to give full consideration to the recommendation contained in paragraph 1.1 of this report.

## **3. Detail**

- 3.1 In December 1982, the Council resolved to adopt sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") which required everyone offering acupuncture, tattooing, ear piercing and electrolysis to register with the Council. Following the resolution, Byelaws regulating these activities were prepared and sealed on 13<sup>th</sup> December 1984 and confirmed by the Secretary of State for Social Services on 13<sup>th</sup> June 1985. The Byelaws came into operation on 1<sup>st</sup> August 1985. A copy of the existing Byelaws is attached as **Appendix A**.

- 3.2 In 2003, the Government introduced the Local Government Act 2003 which amended the current provisions of the 1982 Act to include cosmetic piercing and semi-permanent skin-colouring.
- 3.3 Businesses offering cosmetic piercing and semi-permanent skin-colouring do not currently need to register with the Council even though they pose the same health risks as businesses already registered under the existing Byelaws. The processes not within the existing Byelaws are body piercing, micro pigmentation, semi-permanent make up and temporary tattooing.
- 3.4 Adoption of the new Byelaws will ensure that all businesses offering any form of cosmetic piercing and semi-permanent skin-colouring as well as acupuncture, tattooing, ear piercing and electrolysis will be required to register with the Council. In addition, members of the public using these businesses will be afforded the same level of protection as businesses registered under the existing Byelaws.
- 3.5 Businesses that are registered under the existing Byelaws will be automatically covered by the new Byelaws and will not have to re-register with the Council. Their existing registration will cover the additional services if they are already offering these services. If the existing businesses wish to offer any of the additional services after the introduction of the new Byelaws, they will be required to register the additional services with the Council.
- 3.6 The proposed Byelaws are the model Byelaws issued by the Secretary of State in the 1982 Act and the Local Government Act 2003. The Byelaws have been condensed into a single document covering all activities regulated by the 1982 Act. A copy of the proposed Byelaws is attached as **Appendix B**.

### **Consultation**

- 3.7 Officers conducted a consultation exercise on these proposals with existing licence holders and on the Council's website for a period of 8 weeks.
- 3.8 One response was received from an existing business. The response raised concerns over not letting people eat or drink in the treatment room and the type of alcohol gel dispensers to be used. Clarification and advice on both points have been provided to the operator and no amendments have been made to the proposed Byelaws.

### **4. Financial Implications**

- 4.1 There are no financial implications to the Council.
- 4.2 Recommendation 1.1 will have no financial implications on existing licence holders.

### **6. Corporate Implications**

- 6.1 These proposals will provide a clear framework for anyone wishing to start their own business which will contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity.
- 6.2 These proposals will also demonstrate to members of the public that South Derbyshire District Council takes the safety and welfare of people seriously, which contributes to the theme of safety and security.