

REPORT TO LICENSING COMMITTEE

Date of Meeting: 31 October 2017

Report of: Environmental Health and Licensing Manager

Title: Skin Piercing Registration

Is this a Key Decision?

No

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

Licensing is a Council function delegated to the Licensing Committee

1. What is the report about?

- 1.1 Every premises in Exeter where the business of tattooing, cosmetic piercing, acupuncture, electrolysis and/or semi-permanent skin-colouring (hereafter referred to collectively as skin piercing) takes place must be registered with the City Council under the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 Registration is only granted if the premises complies with the Council's byelaws for skin piercing. These cover standards for hygiene, cleanliness and infection control, there being a number of hazards associated with this activity, including bacterial infection and the transmission of blood-borne viruses such as hepatitis B/C and HIV.
- 1.3 Individuals carrying out skin piercing activities at these premises must also be registered with the City Council. Currently registration allows piercers to practice *only* at the premises named on their certificate of registration. This means that a piercer registered at premises X in the city could not pierce at premises Y unless they applied for, and were granted, registration there.
- 1.4 There is a fee (currently £90) to register a premises and one individual piercer. The fee covers the cost of a Council Officer visiting the premises to assess compliance with the byelaws plus the associated input from an Environmental Support Officer to update the piercing database and issue a registration certificate.
- 1.5 Additional piercers can be registered at an existing registered premises for a fee of £45. An application to register an additional piercer does not generally require a visit from a Council Officer but needs input from an Environmental Support Officer to update the piercing database and issue a certificate or registration.
- 1.6 This report seeks approval of the Licensing Committee to remove the current practice of issuing premises-specific skin piercing registrations to individuals and replace them with a personal registration which would allow the individual to carry out specified skin-piercing activities at *any* premises in the city registered for that activity which is registered for that activity.
- 1.7 This would make it far easier for registered skin-piercers to practice in more than one premises and would remove the need for the Environmental Support Team to issue new certificates every time a registered piercer moved premises in the city.
- 1.8 All registered premises will still be inspected by Environmental Health Officers to ensure that standards of hygiene, cleanliness and infection control are maintained.

2. Recommendations:

- 2.1 From 1 April 2018, registration for **persons** to carry out skin piercing is granted on a personal, rather than premises-specific basis. Existing (premises-specific) registrations are re-issued as personal registrations, meaning that persons may practice specified skin-piercing activities at *any* registered premises within the city of Exeter, provided that the premises is registered for that particular activity.
- 2.2 Existing and future registrations for skin piercing **premises** are (re)issued as premises-only certificates.

3. Reasons for the recommendation:

- 3.1 The reasons are explained in section 1, above but, to summarise, personal skin-piercing registration certificates makes it far easier for individuals to carry out specified activities at more than one location (provided that premises is registered for those activities) and there is less burden on the Environmental Support Team having to issue registrations every time a piercer moves.
- 3.2 It should also be noted that Plymouth City and Torbay Councils (both local authorities with a considerable number of skin piercers) issue separate premises and persons registrations (rather than combining them as Exeter currently does).

4. What are the resource implications including non financial resources.

- 4.1 There are 74 premises registered for skin piercing in the city and 239 individuals registered to practice within them. All will require a new certificate of registration and covering letter to explain the changes. These can be generated from within the existing Environmental Health database system.

5. Section 151 Officer comments:

The move from premises-specific to personal registration for skin piercing activities has no significant financial implications. If approved, the changes will be reflected in the Council's fees and charges with effect from 1 April 2018.

6. What are the legal aspects?

- 6.1 The Licensing Committee's responsibilities are set out in the Council's Constitution and include determining any matter of licensing policy referred to it by the Environmental Health and Licensing Manager.
- 6.2 Sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003) require that persons shall not carry on the practice of acupuncture, tattooing, cosmetic piercing, semi-permanent skin-colouring and electrolysis unless they and the premises in which those activities are carried on, are registered with the local authority.
- 6.3 Persons registered in accordance with the statutory provisions and carrying out the business of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or acupuncture shall only carry on that business in the area of the local authority. The statutory provisions also set out the position in relation to registered persons and the circumstances in which they are able to provide those services:

Section 14(2): A person shall only carry on the practice of acupuncture in any area in which this section is in force in premises registered by the local authority for the area under this section; but a person who is registered under this section does not contravene this subsection merely because he sometimes visits people to give them treatment at their request.

Section 15(2): A person shall only carry on a business... [of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis]...in any area in which this section is in force in premises registered under this section for the carrying on of that business; but a person who carries on the business of tattooing, semi-permanent skin-colouring and cosmetic piercing or electrolysis and is registered under this section as carrying on that business does not contravene this subsection merely because he sometimes visits people at their request to tattoo them or, as the case may be, to [carry out semi-permanent skin-colouring on them, pierce their bodies] or give them electrolysis.

Accordingly persons carrying on the services set out above are required to be registered with the local authority and are able to practise from a registered premises or to visit premises at the request of customers (so-called 'mobile operators').

- 6.4 Section 14(6) and 15(6) of the Local Government (Miscellaneous Provisions) Act 1982 permits a local authority to charge such reasonable fees as they may determine for registration.

7. Monitoring Officer's comments:

On the basis that the Council has resolved that the provisions of the Local Government (Miscellaneous Provisions) Act 1982 apply to its area, persons carrying on the practice of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis are required to register with the local authority. Persons providing the services set out above are able to provide those services in accordance with the provisions of section 14(2) and 15(2).

8. Report details:

- 8.1 Exeter City Council has a considerable number of premises and persons registered for skin piercing under the Local Government (Miscellaneous Provisions) Act 1982. A breakdown of these figures is available at Appendix A.
- 8.2 Registration of these premises, based upon compliance with the requirements of Exeter City Council's Skin Piercing Byelaws, provides assurance to members of the public that appropriate procedures are in place to prevent the usual risks associated with skin piercing.
- 8.3 The registration of individual piercers is generally an administrative function, premises themselves being inspected and registered separately.
- 8.4 It is not unusual to find piercers wishing to work in more than one registered premises (a semi-permanent skin-colouring practitioner visiting different salons on different days of the week, for example). Under the current scheme, there could be a considerable cost for that practitioner to be registered at each premises they visit; this could be prohibitively expensive if they visit many different locations.
- 8.5 The proposed changes allow registered individuals to practice at any registered premises in the city; they allow piercers (who are often self-employed) to grow their

business and give studios & salons the flexibility to employ registered piercers without having to wait for registration at that address.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The issue of personal skin piercing registration certificates, whilst maintaining an inspection regime for skin piercing establishments, will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

10. What risks are there and how can they be reduced?

10.1 There are few risks associated with the proposal. Once granted, registration does not expire or require renewal so the biggest risk is around data becoming obsolete (as is also the case with the existing registration scheme). A rolling programme of data checking (a phone call/questionnaire to all registered piercing establishments on an annual basis) by the Environment Support Team would keep this data up to date. The explanatory letter sent out with the registration certificate will remind piercers that they must tell the City Council of any changes in circumstances.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 The existing registration scheme protects the health of people undergoing any skin piercing activities by ensuring that only businesses which meet the city council's byelaws for hygiene and cleanliness are able to trade. The inspection and registration of skin piercing premises will remain under the proposed new scheme.

11.2 The Tattooing of Minors Act prohibits the tattooing of anybody under the age of 18. The Act is enforced by the police.

11.3 Whilst there is no specific age limit for cosmetic piercing, most piercers will not pierce anybody under the age of 16 without parental consent.

11.3 There are no identified equality concerns arising from this report.

12. Are there any other options?

12.1 The issue of individual registration certificates could remain linked to specific premises however, this would limit the ability of piercers to work elsewhere in the city without further financial outlay. The scheme would also be at odds with those registration procedures in place in Plymouth and Torbay, where personal registrations are issued.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003)
Exeter City Council Byelaws for the Regulation of Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis 2007

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

Appendix A – Skin Piercers Registered with Exeter City Council

Skin Piercing Activity	Number of Registered Premises	Number of Registered Practitioners
Acupuncture	21	41
Cosmetic Piercing	19	93
Tattooing	16	66
Electrolysis	13	22
Semi-permanent skin-colouring	13	17

(September 2017 data)