

<b>SUBJECT:</b>	<b>REGISTRATION OF PREMISES AND SKIN PIERCERS RELATING TO THE ACTIVITIES OF BODY PIERCING AND SEMI-PERMANENT SKIN-COLOURING</b>
<b>DIRECTORATE:</b>	<b>DIRECTORATE OF COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>EMMA CREDLAND – EHO FOOD, HEALTH AND SAFETY TEAM</b>

## **1. Purpose of Report**

- 1.1 To update current Byelaws as described in the report regarding tattooing, acupuncture, cosmetic piercing (including ear piercing), electrolysis and semi-permanent skin-colouring.

## **2. Executive Summary**

- 2.1 The proposed update to the skin piercing byelaws, to expand the definition of 'ear piercing' to include 'semi-permanent make-up and cosmetic (body) piercing' and introduce a 'variation of existing registration fee'. This update will allow the registration of such activities and aid in regulation of these activities and will allow cost recovery for Officer time spent re-issuing skin piercing registrations.
- 2.2 The Committee are asked to consider adopting revised Byelaws to regulate skin piercing activities, namely tattooing, acupuncture, cosmetic piercing (including ear piercing), electrolysis and semi-permanent skin-colouring under one set of consolidated model Byelaws.
- 2.3 It is important that this industry is effectively regulated due to the risks associated with the treatments offered. There is the potential risk of transmission of blood borne viruses (BBV) such as Hepatitis B and C and HIV, as well as other infections, and potential physical damage and bleeding if treatment is completed incorrectly. The recommendations will ensure greater protection to those undergoing these treatments by ensuring that businesses providing any of the aforementioned treatments operate hygienically and in a manner which will minimise the risk of infection to their customers.
- 2.4 The Local Government Act 2003 ('2003 Act') amended the 1982 Act to include cosmetic (body) piercing and semi-permanent skin-colouring within the list of treatments the Local Authority can regulate. Earlier Byelaws adopted in 1984 covering tattooing, acupuncture, electrolysis and ear piercing were not updated, and it is now felt prudent to update these Byelaws to include these additional activities.
- 2.5 The Council may levy a reasonable fee for registration (which can include the initial inspection costs, advising businesses and associated administration) and it is proposed that the current fee for those treatments currently covered by the Byelaws (premises registration £160.10 and personal registration £30.70) be

applied to ensure a consistent and fair approach to all such applicants.

### **3. Background**

- 3.1 Part VIII of the 1982 Act originally provided for the regulation of tattooing, acupuncture, electrolysis and ear piercing only. This was subsequently amended by the 2003 Act to substitute the term 'ear piercing' with the more comprehensive term 'cosmetic piercing' to accommodate the growing practice of piercing other parts of the human body, and to regulate the relatively new practice of semi-permanent skin-colouring which has grown in the interim.
- 3.2 This amendment to the 1982 Act was triggered by the need to increase health protection and reduce the risk of transmission of BBV and other infections.
- 3.3 Each of the areas regulated by the 1982 Act required enactment of its own set of Byelaws, requiring five sets of procedures. Model Byelaws had only been issued by the Department for Health for three of the five areas of regulation. This slowed down the adoption of the revised Byelaws by Local Authorities considerably.
- 3.4 On 7<sup>th</sup> September 2006, the Department for Health issued a revised model Byelaw for the 1982 Act which consolidated all five areas of regulation into one single Byelaw, considerably simplifying the adoption process.
- 3.5 City of Lincoln Council has previously undertaken the regulation of the practices of tattooing, acupuncture, electrolysis and ear piercing within its administrative area. However, the growing popularity of these activities and the addition of new activities of cosmetic piercing and semi-permanent skin-colouring means that it is advisable to introduce mandatory regulation for all of these activities through bringing into force Part VIII of the 1982 Act, in its amended form post - 2003 Act. Current active registrations within the City of Lincoln Council administrative area are:
  - 130 Tattooists at 41 premises
  - 284 Acupuncturists at 47 premises
  - 122 Persons undertaking electrolysis at 35 premises
  - 167 Ear piercers at 69 premises.

This does not mean that they are all currently practicing the said activity.

- 3.6 By registration of these activities the business is able to demonstrate to customers and other interested parties that they are regulated by City of Lincoln Council. Consequently customers can look for registered premises and persons' certificates on display within the business. This information has to be kept as a public register, which would also be made available on the City of Lincoln Council website.
- 3.7 The adoption of the Byelaws under the 1982 Act would generally replicate the existing guidance issued by City of Lincoln Council, but would further provide that any breach of this guidance would carry with it the possibility of criminal prosecution. It would be an offence under Section 16(2) of the 1982 Act for any person to contravene the proposed Byelaws, which upon conviction could result in a fine of up to £1000. The Court upon conviction would also have the power to cancel any registration under the 1982 Act, effectively causing any persons convicted to cease to lawfully practice in these disciplines, and incurring a further

offence should they practice unregistered.

- 3.8 An updated minute specifying the adoption of the 1982 Act, including the amendments introduced by the 2003 Act, and making of the Byelaws under it would need to be produced to the Magistrates Court prior to any prosecution for offences under the Byelaws for the avoidance of doubt, as proof of the existence and validity of the Byelaws for the Court to retain and apply for their future use.
- 3.9 The adoption of the new consolidated Model Byelaw by the Department of Health indicates that further revision of this area of law in the near future is unlikely and it should make the adoption of such Byelaws simpler and cheaper.
- 3.10 At Appendix A is the new Model Byelaw as adapted for City of Lincoln Council. Only a Byelaw under this provision substantially similar to the Model Byelaw will be confirmed by the Secretary of State.

#### **4. Proposal**

- 4.1 It is recommended that City of Lincoln Council bring fully into force the entirety of Part VIII of the 1982 Act (as amended by the 2003 Act) within its administrative area by a resolution under Section 13 of Part VIII of the 1982 Act. In addition to authorise the making of a full set of Byelaws under the 1982 Act (as amended by the 2003 Act) in accordance with Model Byelaw issued by the Department of Health on the 7<sup>th</sup> September 2006.
- 4.2 To bring Part VIII fully into force, a date will need to be specified in a resolution of the Council when these provisions will fully come into force. Following the making of the resolution, but before coming into force, it will be necessary for the City of Lincoln Council to publish a notice for two consecutive weeks in a local newspaper that they have passed a resolution under section 13 of the 1982 Act. The first publication of this notice has to be at least 28 days before the day specified in the resolution for the coming into force of these provisions.
- 4.3 Once Part VIII of the 1982 Act has fully come into force then City of Lincoln Council may institute the procedure for the introduction of Byelaws under Section 14(7) of the 1982 Act for acupuncture and Section 15(7) of the 1982 Act for tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.
- 4.4 It is proposed to start the procedure for the enactment of the Byelaws as soon as Part VIII of the 1982 Act has been brought fully into force. The procedure for adoption of Byelaws is set out in Appendix B.
- 4.5 To introduce a charge of £15 for cost recovery of Officer time spent re-issuing Certificates of Registration. It is proposed that this cost be introduced from 1<sup>st</sup> April 2020.

#### **5. Strategic Priorities**

##### **5.1 Let's drive economic growth**

The process of registrations allows advice, guidance and inspections to be completed covering topics such as infection control and premises hygiene.

Businesses and practitioners will be provided with advice and support to assist them in compliance with regulatory requirement and encourage best practice to ensure that their business is hygienic, safe and successful.

## 5.2 Let's enhance our remarkable place

It is widely recognised that there is a risk associated with the provision of these treatments specifically linked with the transmission of BBV and other infections. Additionally there is a risk of physical damage and bleeding if treatment is completed incorrectly. By regulating these activities the Council can enhance our remarkable place through advice, guidance and if necessary enforcement on infection control and premises hygiene.

## 6. **Organisational Impacts**

### 6.1 Finance (including whole life costs where applicable)

The cost of making the Byelaws would be borne out of existing resources. There would be minor costs associated with placing the advertisements in local newspapers.

The cost of enforcement of the Byelaws would be met from existing resources already allocated to enforcement of the current Byelaws and therefore should not entail any additional expenditure or increase in the number of officers. Existing staff within the Food, Health and Safety Team can absorb these duties.

As the Council already registers premises and practitioners for tattooing, ear piercing, acupuncture and electrolysis, the required procedures and processes are already in place. Officers are already familiar with the requirements pertaining to hygiene and cleanliness of the premises, practitioners and equipment, therefore the financial burden will be minimal.

Any fee and charge level will be set in line with existing charges and reviewed annually by the Service Manager. Any changes to fee levels will need to be approved by Council and include consultation with relevant parties.

### 6.2 Legal Implications including Procurement Rules

The making of Byelaws is a function that can only be exercised by full Council. As noted in the report, before a Byelaw, regulating the practice of acupuncture under section 14(7) and the practice of tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis under section 15(7) of the 1982 Act, the Council first pass a resolution to adopt sections 14 to 17 of Part VIII of the 1982 Act as amended by the 2003 Act, on the basis that this amendment introduces wider definitions of cosmetic piercing and covers the new practices of semi-permanent skin-colouring not recognised by the 1982 Act.

### 6.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

Considerations from the Councils equality impact assessment have been incorporated into this report. There is no perceived impact upon equality, diversity and human rights as this is an amendment to activities already being undertaken by the Council. Please find the completed Equality with Human Rights Analysis Toolkit at Appendix C.

#### 6.4 Human Resources

Existing staff within the Food, Health and Safety Team can absorb these duties.

#### 6.5 Land, Property and Accommodation

Not applicable.

#### 6.6 Significant Community Impact

Not applicable.

#### 6.7 Corporate Health and Safety implications

Not applicable.

#### 6.8 Communications

The Communication Team will be asked to arrange for the publication of the intention to adopt the Byelaws in at least one local newspaper. They will also be asked to advertise on the Council's public website.

Relevant businesses and persons will be written to directly to inform them of the impending changes as set out in Appendix D.

### **7. Risk Implications**

#### 7.1 (i) Options Explored

Consideration has been given to continuing without adoption of the amendments made under the 2003 Act leaving skin piercing activities of the body and semi-permanent skin-colouring an unregulated activity within the administrative area of City of Lincoln Council. This would leave members of the public at risk of BBV and other infections from such unregulated activities possibly resulting in increased health care costs and decreased quality of living.

#### 7.2 (ii) Key risks associated with the preferred approach

There is negligible risk to the Council and no mitigation is required.

## **8. Recommendation**

- 8.1 That the Licensing Committee consider the proposed draft of Byelaws as set out in Appendix A of this report and make a recommendation to full Council to approve the following:
- 8.2 Adopting by resolution sections 14 and 17 of Part VIII of the 1982 Act (as amended by the 2003 Act) in their entirety, to come into force at a date set within the administrative area of City of Lincoln Council for the proper regulation of tattooing, acupuncture, cosmetic piercing (including ear piercing), electrolysis and semi-permanent skin-colouring, to ensure greater protection to those undergoing these treatments by ensuring that businesses providing such treatments operate hygienically and in a manner that will minimise risk of infection to their customers.
- 8.3 Authorising the making of Byelaws regulating the practice of acupuncture under Section 14(7) of the 1982 Act as soon as section 14 of that Act is adopted as in point 8.2 above within the administrative area of City of Lincoln Council. Authorise the making of the Byelaws regulating the practices of tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis under Section 15(7) of the 1982 Act as soon as section 15 of the 1982 Act is adopted as in point 8.2 advice within the administrative area of City of Lincoln Council. The Strategic Director for Communities and Environment be authorised to make the consolidated Byelaw attached at Appendix A made under the provisions of Sections 14(7) and 15(7) of the 1982 Act, as amended, and take all necessary steps to secure their confirmation with the Secretary of State and carry them into effect.
- 8.4 That the Council's common seal be affixed to the Byelaws and that following advertisement, the Byelaws be submitted to the Secretary of State for Health for approval.

**Is this a key decision?**

No

**Do the exempt information categories apply?**

No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?**

No

**How many appendices does the report contain?**

Appendix A – Byelaws for the regulation of skin piercing activities.  
Appendix B – Procedures for Adoption of Byelaws  
Appendix C – EIA

**List of Background Papers:**

None

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**Appendix A**

**City of Lincoln Council**

**Byelaws**

For the Regulation of

Acupuncture, Tattooing, Semi-Permanent Skin-Colouring,  
Cosmetic Piercing and Electrolysis

## **City of Lincoln Council**

### **Byelaws**

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by City of Lincoln Council in pursuance of sections 14(7) or 15(7) or both of the Act.



## Interpretation

1.(1) In these byelaws, unless the context otherwise requires —

“**The Act**” means the Local Government (Miscellaneous Provisions) Act 1982;

“**client**” means any person undergoing treatment;

“**hygienic piercing instrument**” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either —

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“**operator**” means any person giving treatment, including a proprietor;

“**premises**” means any premises registered under sections 14(2) or 15(2) of the Act;

“**proprietor**” means any person registered under sections 14(1) or 15(1) of the Act;

“**treatment**” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“**the treatment area**” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that —

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is

disposed of in accordance with relevant legislation and guidance as advised by the local authority;

- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected —
  - (i) immediately after use; and
  - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
- (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)

- (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)

- (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilisation of needles, instruments, jewellery, materials and equipment used in connection with treatment —

(a) an operator shall ensure that —

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment —

(aa) is clean and in good repair and, so far as is appropriate, is sterile;

(bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide —

(i) adequate facilities and equipment for —

(aa) cleansing; and

(bb) sterilisation, unless only pre-sterilized items are used.

(ii) sufficient and safe gas points and electrical socket outlets;

(iii) an adequate and constant supply of clean hot and cold water on the premises;

(iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.(1) For the purpose of securing the cleanliness of operators, a proprietor —

(a) shall ensure that an operator —

- (i) keeps his hands and nails clean and his nails short;
- (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide —

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if —

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to acupuncture, ear piercing, electrolysis and tattooing were confirmed by the Secretary of State on 15<sup>th</sup> June 1984 and brought into operation by City of Lincoln Council on 23<sup>rd</sup> July 1984 are revoked.

THE COMMON SEAL OF CITY OF LINCOLN COUNCIL was hereunto Affixed in the presence of:-

(Authorising Officer)

The foregoing byelaws are hereby confirmed by the Secretary of State for Health on and shall come into operation on

(Printed Name)

Member of the Senior Civil Service

Department of Health

## **NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

- The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.**
- The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.**
- The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.**
- The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.**
- The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent**

**skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.**

- The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.**
- The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.**
- The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).**
- The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.**
- The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist.**

## **APPENDIX B**

The procedure for adoption of Byelaws is set out in section 236 of the Local Government Act 1972. It would be for City of Lincoln Council to formally resolve to adopt the Byelaws set out in Appendix A. The resolution to make the Byelaws would be given at the same time as the resolution to bring into force Part VIII of the 1982 Act and would be conditional upon the provision coming into force.

The adopted Byelaws would then be made under the common seal of City of Lincoln Council, following which notice of the Council's intentions to apply for their confirmation by the Secretary of State for Health must be given in one or more newspapers circulating in Lincoln.

For at least one month after the date of the publication of the newspapers, a copy of the Byelaw must be held on deposit at the offices of the Council for inspection by the public at all reasonable hours, and the Council must provide any person who applies with a copy of any part of the Byelaw.

After a month for deposit has expired the application to the Secretary of State for Health would be undertaken by sending two sealed copies of the Byelaw, together with copies of the newspapers advertising the Byelaw, a statement concerning the deposit of the Byelaws and that no objections have been received, confirmation that the Byelaws are identical to the model Byelaws, and of the Council's adoption of sections 14-17 of the 1982 Act and compliances with section 12 of the 1982 Act.

On receipt of the sealed byelaws, provided no objections have been received, they will normally be stamped as confirmed by the Secretary of State and returned to the Council as soon as possible. Where an objection has been received following the advertisement of the Byelaw, the Council will be provided with copies of objections for its officers to comment upon, which in turn will be considered by the Secretary of State. Should the Secretary of State still be unclear as to the proper resolution of these objections then a Public Inquiry may be ordered to be held into the objections to the adoption of the Byelaw.



**APPENDIX C**

**Equality with Human Rights Analysis Toolkit**

**Section A**

<b>Name of policy / project / service</b>	<b>REGISTRATION OF PREMISES AND SKIN PIERCERS RELATting TO THE ACTIVITIES OF BODY PIERCING AND SEMI-PERMANENT SKIN-COLOURING, DIRECTORATE OF COMMUNITIES AND ENVIRONMENT, EMMA CREDLAND – EHO FOOD, HEALTH AND SAFETY TEAM</b>
<b>Background and aims of policy / project / service at outset</b>	To update current Byelaws to bring fully into force the regulatory framework of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') (as amended by the Local Government Act 2003) within the City of Lincoln Council's administrative area, including the provision of the making of byelaws for the proper regulation of businesses involved in five skin piercing activities, namely tattooing, acupuncture, cosmetic piercing (including ear piercing), electrolysis and semi-permanent skin-colouring.
<b>Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis</b>	EMMA CREDLAND – EHO FOOD, HEALTH AND SAFETY TEAM  LOUISE HARDING – TEAM LEADER FOOD, HEALTH AND SAFETY TEAM
<b>Key people involved <i>i.e. decision-makers, staff implementing it</i></b>	EMMA CREDLAND – EHO FOOD, HEALTH AND SAFETY TEAM  LOUISE HARDING – TEAM LEADER FOOD, HEALTH AND SAFETY TEAM

## SECTION B

This is to be completed and reviewed as policy / project / service development progresses

	Is the likely effect positive or negative? (please tick all that apply)			Please describe the effect and evidence that supports this and if appropriate who you have consulted with*	Is action possible to mitigate adverse impacts?	Details of action planned including dates, or why action is not possible
	Positive	Negative	None			
Age			✓	The proposed change to the Byelaws will not have an impact upon age.	NA	
Disability including carers (see Glossary)			✓	The proposed change to the Byelaws will not have an impact upon disability.	NA	
Gender re-assignment			✓	The proposed change to the Byelaws will not have an impact upon gender.	NA	
Pregnancy and maternity			✓	The proposed change to the Byelaws will not have an impact upon pregnancy or maternity.	NA	
Race			✓	The proposed change to the Byelaws will not have an impact upon race.	NA	
Religion or belief			✓	The proposed change to the Byelaws will not have an impact upon religion or belief.	NA	
Sex			✓	The proposed change to the Byelaws will not have an impact upon sex.	NA	
Sexual orientation			✓	The proposed change to the Byelaws will not have an impact upon sexual orientation.	NA	
Marriage/civil partnership			✓	The proposed change to the Byelaws will not have an impact upon marriage/civil partnership.	NA	
Human Rights (see page 8)			✓	The proposed change to the Byelaws will not have an impact upon human rights.	NA	

*\*Evidence could include information from consultations; voluntary group feedback; satisfaction and usage data (i.e. complaints, surveys, and service data); and reviews of previous strategies*

Did any information gaps exist?	Y/N/NA	If so what were they and what will you do to fill these?
	No	

**SECTION C**



**Decision Point - Outcome of Assessment so far:**

**Based on the information in section B, what is the decision of the responsible officer (please select one option below):**

- |   |   |
|---|---|
|   | <b>Tick here</b>                        |
| • <b>No equality or human right Impact</b> (your analysis shows there is no impact) - sign assessment below                         | [ <input checked="" type="checkbox"/> ] |
| • <b>No major change required</b> (your analysis shows no potential for unlawful discrimination, harassment)- sign assessment below | [ ]                                     |
| • <b>Adverse Impact but continue</b> (record objective justification for continuing despite the impact)-complete sections below     | [ ]                                     |
| • <b>Adjust the policy</b> (Change the proposal to mitigate potential effect) -progress below only AFTER changes made               | [ ]                                     |
| • <b>Put Policy on hold</b> (seek advice from the Policy Unit as adverse effects can't be justified or mitigated) -STOP progress    | [ ]                                     |

Conclusion of Equality Analysis (describe objective justification for continuing)	It is concluded that the proposed update to the skin piercing bye laws to consolidate the bye laws into one set of byelaws and to include skin piercing and semi-permanent does not impact upon equality or human rights. The update to the bye laws would have a positive impact upon the health and wellbeing of those practising skin piercing activities and those in receipt of them, as the update will allow these activities to come under the same level of regulation, advice and guidance as the current activities. The justification for this is because the aim of the changes is to enhance public protection for health & safety and infectious disease.
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When and how will you review and measure the impact after implementation?*	Monitoring of unexpected impact would be assessed case by case at the time of premises and individuals applying to register for the skin piercing activities to be covered by the updated byelaws.
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Checked and approved by responsible officer(s) (Sign and Print Name)	 SIMON COLBURN	Date	19 Sept 2019
Checked and approved by Assistant Director (Sign and Print Name)	 SIMON COLBURN	Date	19 Sept 2019.

## Appendix D

### FACT SHEET FOR BUSINESS

#### New Byelaws for Skin Piercing Activities

##### **Why do we need byelaws?**

City of Lincoln Councils Byelaws relating to skin piercing activities dates back to the 1980s. These were adopted to adequately control cleanliness in businesses carrying out tattooing, ear piercing, acupuncture and electrolysis. The Byelaws are now over 30 years old and need to be updated to take into account new ways of working and new treatments. The Local Government Act 2003 gives the Council the powers to introduce such changes by adopting new model Byelaws.

##### **When will the new Byelaws come into effect?**

We are currently working towards adoption of the new Byelaws and we will publicise when the new byelaws will come into effect.

##### **What are the proposed main changes?**

The Local Government Act 2003 amends the original but now outdated 1982 Act to include cosmetic piercing and semi-permanent skin-colouring business in addition to ear piercing, tattooing, electrolysis and acupuncture. This approach allows new or similar activities to be covered without the need for new Byelaws in the future.

Cosmetic piercing means puncturing or penetrating the skin of a client with pre-sterilised single use needles and the insertion of pre-sterilised jewellery or other adornment into the opening. Ear piercing and cosmetic piercing by piercing are now encompassed in one single term 'cosmetic piercing'.

Semi-permanent skin-colouring also known as micro-pigmentation means the insertion of pigment into the dermal layer of the skin. This includes semi-permanent make-up, such as lip liner, eye line and microblading of eyebrows for example.

##### **How will the changes to the Byelaws affect me?**

If you are business that carries out any of the above treatments and are not currently registered, you will need to comply with any changes to the Byelaws, including the improved hygiene standards. Details will be made available to you on adoption of the Byelaws.

##### **Will these Byelaws make any difference?**

Yes. The adoption of new model Byelaws will help to improve health and hygiene standards in these businesses. The Byelaws will apply to new cosmetic treatments not previously covered by the Byelaws. In essence, public safety will be served better by adopting these new Byelaws.

### **Do businesses have to re-register?**

No, businesses/individuals and premises already registered for activities covered by section 14 (acupuncture) and section 15 (tattooing, ear piercing and electrolysis) do not have to re-register.

### **What happens if I do not register?**

Section 120 of the Local Government Act 2003 essentially requires semi-permanent skin-colouring and cosmetic piercing businesses and individuals to register themselves and their premises with the Council. Section 16 of the Local Government Act 2003 provide for offences and for non-custodial penalties (summary conviction and fine) for trading without Local Authority registration or breaching Local Authority Byelaws.

### **Is there a fee for registration?**

Yes, the 1982 Act enables Local Authorities to charge reasonable registration fees for registration of persons carrying on a business of semi-permanent skin-colouring and cosmetic piercing and the registration of the premise when these activities are being undertaken. The fee covers initial inspection(s) associated with registration, advising businesses about registration and associated administration.

Registration is a one-off event per premises and individual. Fees are not required annually. We will inform you of the fees upon the adoption of the new Byelaws. They are likely to be in line with the current fees for registering a premises and individuals for tattooing, ear piercing, electrolysis and acupuncture.

### **Where can I get more information about this?**

You can contact the Food, Health and Safety Team by email at [environmental.health@lincoln.gov.uk](mailto:environmental.health@lincoln.gov.uk) or by telephone at 01522 873383.