



## Licensing, Health and Safety and General Purposes Committee

**Date:** Wednesday, 13 November 2013

**Time:** 6.00 pm

**Venue:** Committee Room 1 - Wallasey Town Hall

**Contact Officer:** Anne Beauchamp

**Tel:** 0151 691 8608

**e-mail:** [annebeauchamp@wirral.gov.uk](mailto:annebeauchamp@wirral.gov.uk)

**Website:** <http://www.wirral.gov.uk>

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### AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

**2. MINUTES (Pages 1 - 4)**

To approve the accuracy of the minutes of the meeting held on 2 October 2013.

**3. PROPOSED ADOPTION OF BYELAWS MADE BY WIRRAL BOROUGH COUNCIL WITH RESPECT TO ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS . (Pages 5 - 36)**

**4. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider any other business that the Chair accepts as being urgent.

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## **LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE**

Wednesday, 2 October 2013

<u>Present:</u>	Councillor	WJ Davies (Chair)	
	Councillors	S Niblock J Salter I Williams	G Watt P Williams
<u>Deputies:</u>	Councillors	A Sykes (In place of I Lewis) P Hayes (In place of C Blakeley)	
<u>Apologies:</u>	Councillor	P Glasman	

### **8 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

### **9 MINUTES**

**Resolved - That the accuracy of the minutes of the meeting held on 22 May 2013 be approved.**

### **10 REVIEW OF THE MEMBERSHIP OF THE LICENSING PANEL**

The Committee were invited to review the appointments to the Licensing Panel.

The Membership of the Licensing Panel was discussed by Members and it was

**Resolved –**

**(1) That Councillors A Jones and A Hodson replace Councillors P Glasman and A Sykes as Members of the Licensing Panel.**

**(2) That Councillors I Williams and M Sullivan replace Councillors B Mooney and S Hodrien and Councillor A Sykes replace Councillor L Fraser as Deputies of the Licensing Panel.**

### **11 DESIGNATED PUBLIC PLACES ORDER - BIRKENHEAD**

The Strategic Director of Regeneration and Environment sought Members' views upon the introduction of a new Designated Public Places Order within the

Parliamentary Constituency area of Birkenhead under the Criminal Justice and Police Act 2001.

Sergeant S Barrigan attended the meeting together with Sergeant M Roberts and Inspector Chris Lucan-Pratt.

Merseyside Police had provided a bundle of evidence to support their request for a DPPO in Birkenhead. Sergeant S Barrigan reported that there had been 108 incidents of street drinking related anti-social behaviour, 8 incidents of alcohol related anti-social behaviour and 12 incidents of street drinking related violence from 1 January to 30 July 2013.

Sergeant Barrigan advised Members that the Designated Public Places Order would be an important tool in reducing the number of incidents of alcohol related crime and disorder. He informed Members that Merseyside Police would use the additional powers provided by the DPPO to stop people drinking alcohol and confiscate any alcohol in a person's possession in the Birkenhead area. He reported that a petition had been received signed by 462 local residents/businesses who were in support of the request to have the DPPO extended.

Sergeant Barrigan and the Licensing Manager responded to questions from Members of the Committee.

It had been identified that there would be cost implications to introduce a DPPO in Birkenhead, however, the Licensing Manager advised that it would be implemented in the most cost effective way. Sergeant Barrigan also discussed the possibility of funding being provided through sources outside of the Council.

Members agreed that action needed to be taken to address the problems of people abusing alcohol and supported the proposals of Merseyside Police.

**It was moved by Councillor S Niblock and seconded by Councillor P Williams that -**

“the Council go out to consultation on the proposed DPPO and that the consultation be undertaken in an economically efficient way. If however the cost is prohibitive this must be reported back to a future meeting of this Committee.”

**Resolved – That the Council go out to consultation on the proposed DPPO and that the consultation be undertaken in an economically efficient way. If however the cost is prohibitive this must be reported back to a future meeting of this Committee.**

## 12 **SCRAP METAL DEALERS ACT 2013**

The Strategic Director of Regeneration and Environment advised Members of the additional powers and responsibilities imposed on local authorities as a consequence of the implementation of the Scrap Metal Dealers Act 2013.

The Licensing Manager reported that the new regime commenced on 1 October 2013 and that every Scrap Metal Dealer would be required to have a licence that

would be valid for a period of three years and that operating without a licence would be a criminal offence.

The Licensing Manager informed Members that upon scrutiny of the legislation, it had been determined that the delegation of the functions of the Scrap Metal Dealers Act 2013 could not be undertaken by this Committee and must be undertaken by the Cabinet.

The Licensing Manager responded to questions from Members and advised that a seminar would be held on 14 October 2013 in order to assist scrap metal dealers to comply with the new legislation.

The Chair requested that a further seminar be arranged in order that all Members of the Council may attend.

**Resolved –**

- (1) That the report be noted.**
  - (2) That a seminar be arranged for all Members of the Council regarding the Scrap Metal Dealers Act 2013.**
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## **WIRRAL COUNCIL**

### **LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE**

**13<sup>TH</sup> November 2013**

<b>SUBJECT:</b>	<b>PROPOSED ADOPTION OF BYELAWS MADE BY WIRRAL BOROUGH COUNCIL WITH RESPECT TO ACUPUNCTURE ,TATTOOING, SEMI-PERMANENT SKIN-COLOURING,COSMETIC PIERCING AND ELECTROLYSIS .</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR REGENERATION &amp; ENVIRONMENT - KEVIN ADDERLEY</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>BRIAN KENNY</b>
<b>KEY DECISION?</b>	<b>NO</b>

#### **1.0 EXECUTIVE SUMMARY**

The Department of Health has produced a consolidated model byelaw to embrace acupuncture , tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis. This report invites members to recommend to Council that a resolution be passed to affix the Common Seal of the Council to a Consolidated Byelaw “ the Wirral Byelaw “ which conforms with the Model Byelaw produced by the Department of Health. The Consolidated Wirral Byelaw would replace three sets of existing byelaws and would provide better controls over the practices of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis. The report also advises members of the required statutory procedure that would need to be carried out and suggests that a consultation exercise be carried out in respect of the proposed new byelaw with interested parties to run concurrently with the Statutory advertisement period.

#### **2.0 BACKGROUND AND KEY ISSUES**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982, permits Local Authorities if they so wish to regulate the practices of ear piercing, electrolysis, tattooing and acupuncture by requiring registration of Operators and premises and observance of

byelaws which relate to the cleanliness and hygiene of premises, practitioners and equipment. Inspections can also be made under the Health & Safety at Work etc. Act 1974. The Council introduced byelaws in 1985 in relation to ear piercing, electrolysis, tattooing and acupuncture and currently operates a registration scheme in respect of those operators and premises involved in these activities.

- 2.2 In recent years there has been increasing concern that activities such as body piercing and semi-permanent skin colouring, which were exempt from the 1982 legislation, could cause risk of transmission of blood borne virus infections such as hepatitis. Section 120 and Schedule 6 of the Local Government Act 2003 amends the 1982 Act to give Local Authorities additional powers relating to persons carrying on the business of “cosmetic piercing” and “semi-permanent skin-colouring”. The new provisions will require businesses to register themselves and their premises and to observe byelaws relating to the cleanliness and hygiene of premises, practitioners and equipment in order to increase health protection and reduce the risk of transmission of blood-borne virus infections.
- 2.3 The Department of Health has produced a consolidated Model Byelaw to embrace acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis. Adoption of the proposed new Wirral Byelaw, which conforms with the Model Byelaw would supersede the existing Byelaws in relation to acupuncture, tattooing, ear piercing and electrolysis, copies of which are attached to this report at Appendix A, B, and C.

### **3.0 MODEL BYELAWS**

- 3.1 The draft Wirral Byelaw which conforms with the Model Byelaw published by the Department of Health in relation to acupuncture, tattooing, semi – permanent skin colouring, cosmetic piercing and electrolysis is attached to this report at Appendix D.
- 3.2 Members should be aware that under the proposed new Wirral Byelaw, cosmetic piercing would include ear-piercing and any piercing of the skin and that “semi-permanent skin colouring” is an umbrella term for micro pigmentation, semi permanent make-up and temporary tattooing.



#### **4.0 STATUTORY PROCEDURE**

- 4.1 The procedure for introducing byelaws is contained in Section 236 of the Local Government Act 1972. The byelaw if approved would be made under the Common Seal of the Council, authorised by a Council resolution. Notice of intention to apply to the Secretary of State for confirmation of the byelaw must then be published in one or more local newspapers circulating in the area to which the byelaw will apply. A copy of the sealed byelaw must also be available on deposit for inspection by the public at the authority's offices during the same period. Any representations made during this period would be referred back to this Committee for consideration. Following this, if Members were still minded to adopt the byelaw, application is then made to the Secretary of State for Health to confirm the byelaw and fix the date on which the byelaw is to take effect. The byelaw does not come into effect until Confirmation is received from the Secretary of State.

#### **5.0 RELEVANT RISKS**

- 5.1 If the Wirral Byelaw is not adopted, Wirral Council Environmental Health Officers would not be able to legally enforce hygiene standards within cosmetic piercing and skin colouring establishments. This would significantly increase the risk of Blood Borne Viral infections spreading within Wirral.

#### **6.0 OTHER OPTIONS CONSIDERED**

- 6.1 None

#### **7.0 CONSULTATION**

- 7.1 It is a statutory requirement that copies of the sealed Byelaw must be available on deposit for inspection by the public without payment for at least one month before an application is made to the Secretary of State for their confirmation.
- 7.2 It is also a statutory requirement that a public notice must be placed in a local newspaper for at least one month before an application is made for the byelaw to be confirmed.
- 7.3 It is further recommended in addition to the above statutory requirements that a voluntary consultation be carried out with interested parties, such as those businesses and operators who are already registered under the current byelaws .

7.4 Any representations made in response to the statutory advertisement or to the voluntary consultation will be referred back to this Committee for consideration.

## **8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

8.1 None

## **9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

9.1 There are financial implications arising from officer time and resources spent while registering each premises. Section 15(6) of the Local Government (Miscellaneous Provisions) Act 1982 enables Local Authorities to charge reasonable registration fees for registration of persons carrying on businesses of cosmetic piercing or semi-permanent skin-colouring. The fee covers initial inspection(s) associated with registration and associated administration. The current fee for ear piercing, tattooing, electrolysis and acupuncture is £60 per premises and £60 per operator, which are approved in the annual Environmental Health Fees committee report. Additional fees introduced as a result of the extension of the byelaw e.g. those to be applied to semi permanent skin colouring and cosmetic piercing, will require approval from Cabinet and will be subject to a future Cabinet report.

## **10.0 LEGAL IMPLICATIONS**

10.1 The byelaw must be made, sealed and advertised in accordance with the statutory procedure in the Local Government Act 1972. Case law has set a precedent that the most appropriate legislation be used when undertaking enforcement action. The Local Government (Miscellaneous Provisions) Act 1982 contains specific requirements for the registering of individuals and businesses undertaking the above activities and this can not be enforced under any other existing legislation.

## **11.0 EQUALITIES IMPLICATIONS**

11.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?  
(b) No because there is no relevance to equality.

## **12.0 CARBON REDUCTION IMPLICATIONS**

12.1 None

### **13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

13.1 None

### **14.0 RECOMMENDATION/S**

That Council be requested to approve that :-

14.1 The Common Seal be affixed to the Wirral Byelaw as set out at Appendix D to this report.

14.2 The Strategic Director of Transformation and Resources (or his nominee) be authorised to carry out the required statutory procedure for the advertisement of a Notice of Intention to apply to the Secretary of State for Health for confirmation of the Wirral Byelaw and a copy of the sealed Wirral Byelaw be made available on deposit for a period of at least one month prior to application for said confirmation.

14.3 The Strategic Director of Regeneration and Environment (or his nominee) be authorised to carry out further non statutory consultation with interested parties concurrently with the advertisement period.

14.4 Any subsequent representations received during the advertisement period, or from the non-statutory consultation, be referred back to a future meeting of the Licensing, Health and Safety and General Purposes Committee for further consideration.

14.5 Subject to due consideration being given to any representations received the Strategic Director of Transformation and Resources (or his Nominee) be authorised if appropriate to apply to the Secretary of State for Health for confirmation of the Wirral Byelaw ( Appendix D to this report).

14.6 Subject to the adoption and subsequent confirmation of the Wirral Byelaw by the Secretary of State for Health, the existing Byelaws (Appendices A,B and C to this report) in relation to acupuncture, tattooing, ear piercing and electrolysis be revoked.

### **15.0 REASON/S FOR RECOMMENDATION/S**

15.1 The adoption of the Wirral Byelaw will enable Environmental Health Officers to legally enforce hygiene standards within cosmetic piercing and skin colouring establishments.

This will greatly contribute to preventing the spread of Blood Borne Viral infections to the residents of Wirral and people visiting Wirral.

**REPORT AUTHOR:** Colin Clayton  
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## **APPENDICES**

Appendix A – Existing byelaws relating to Acupuncture

Appendix B – Existing byelaws relating to Tattooing

Appendix C - Existing byelaws relating to Ear piercing and Electrolysis

Appendix D - Combined Model Byelaws Relating To Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing And Electrolysis

## **REFERENCE MATERIAL**

NONE

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>

METROPOLITAN

BOROUGH OF WIRRAL

BYELAWS

made by

Wirral Borough Council

with respect to

Acupuncture

P.J. MILLS  
Director of Administration  
and Legal Services  
Town Hall  
Wallasey  
L44 8ED

COMLAW2:A/BYELAWS  
LEGAL73:

WIRRAL B.C.  
DEPARTMENT OF  
ADMINISTRATION  
AND  
LEGAL SERVICES

FILE REF.....

DEED No. *B.10.149.*

METROPOLITAN BOROUGH OF WIRRAL

BYELAWS FOR THE AREA OF THE METROPOLITAN BOROUGH OF WIRRAL MADE UNDER  
SECTION 14 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982

ACUPUNCTURE

1. Interpretation:

- (a) In these byelaws, unless the context otherwise requires -

"The Act" means the Local Government (Miscellaneous Provisions) Act 1982;

"Client" means any person undergoing treatment;

"Operator" means any person giving treatment;

"Premises" means any premises registered under Part VIII of the Act;

"Proprietor" means any person registered under Part VIII of the Act;

"Treatment" means any operation in the practice of acupuncture;

"The treatment area" means any part of premises where treatment is given to clients.

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

2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -

- (a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;

- (b) The treatment area is used solely for giving treatment;

- (c) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;

- (d) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;

- (e) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
  - (f) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant;
  - (g) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
  - (h) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -
- (a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment -
    - (i) is clean and in good repair, and, so far as is appropriate, is sterile;
    - (ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
  - (b) An operator shall ensure that any needle, instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used on the client;
  - (c) A proprietor shall provide -
    - (i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - (ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - (iii) a suitable sink together with an adequate constant supply of clean hot and cold water conveniently accessible at all times on the premises;
    - (iv) adequate storage for all items mentioned in byelaw 3(a) and (b) above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.

4. For the purpose of securing the cleanliness of operators -

(a) An operator whilst giving treatment shall ensure that -

- (i) his hands and nails are clean and nails kept short;
- (ii) he is wearing clean and washable protective over-clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
- (iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
- (iv) he does not smoke or consume food or drink;

(b) A proprietor shall provide -

- (i) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap and detergent, and a nail brush.
- (ii) suitable and sufficient sanitary accommodation for operators.

THE COMMON SEAL of  
WIRRAL BOROUGH COUNCIL  
was hereunto affixed on  
the 28 day of  
November 1984 in the  
presence of:-



NUMBER IN SEAL BOOK - 13704

*Alan S. Linsley*  
Authorised Officer



The foregoing byelaws  
are hereby confirmed  
by the Secretary of  
State for Social  
Services on 26 April 1985  
and shall come into  
operation 1 June 1985.

*A.B. Barton*

A.B. BARTON  
Assistant Secretary  
Department of Health  
and Social Security



NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

- (A) Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down 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.
- (B) Section 16(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration, and of the registration of the premises in which the offence was committed if such premises are occupied by the person convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (c) Nothing in these byelaws shall extend to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

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METROPOLITAN

BOROUGH OF WIRRAL

BYELAWS

made by  
Wirral Borough Council  
with respect to  
Tattooing

P.J. MILLS  
Director of Administration  
and Legal Services  
Town Hall  
Wallasey  
L44 8ED

COMLAW2:T/BYELAWS  
LEGAL73:

WIRRAL B.C.  
DEPARTMENT OF  
ADMINISTRATION  
AND  
LEGAL SERVICES

FILE REF.....

DEED No. *B.10.169.*

METROPOLITAN BOROUGH OF WIRRAL

BYELAWS FOR THE AREA OF THE METROPOLITAN BOROUGH OF WIRRAL MADE UNDER  
SECTION 15 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982

TATTOOING

1. Interpretation:

- (a) In these byelaws, unless the context otherwise requires -

"The Act" means the Local Government (Miscellaneous Provisions) Act 1982;

"Client" means any person undergoing treatment;

"Operator" means any person giving treatment;

"Premises" means any premises registered under Part VIII of the Act;

"Proprietor" means any person registered under Part VIII of the Act;

"Treatment" means any operation in effecting tattooing;

"The treatment area" means any part of premises where treatment is given to clients.

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

2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -

- (a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;

- (b) The treatment area is used solely for giving treatment;

- (c) The floor of the treatment area is provided with a smooth impervious surface;

- (d) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;

- (e) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently

as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;

(f) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;

(g) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down with a suitable disinfectant between the treatment of different clients, and thoroughly cleaned at the end of each working day;

(g) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;

(h) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.

3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -

(a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment -

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

(ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;

(b) An operator shall ensure that -

(i) any needle, instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used on the client;

(ii) All dyes used for tattooing are bacteriologically clean and inert;

(iii) The containers used to hold the dyes for each customer are either disposed of at the end of each session's treatments for that customer, or are sterilised before re-use;

(c) A proprietor shall provide -

(i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;

- (ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
  - (iii) a suitable sink together with an adequate constant supply of clean hot and cold water conveniently accessible at all times on the premises;
  - (iv) adequate storage for all items mentioned in byelaw 3(a) and (b) above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators -
- (a) An operator whilst giving treatment shall ensure that -
    - (i) his hands and nails are clean and nails kept short;
    - (ii) he is wearing clean and washable protective over-clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
    - (iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
    - (iv) he does not smoke or consume food or drink;
  - (b) A proprietor shall provide -
    - (i) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap and detergent, and a nail brush;
    - (ii) suitable and sufficient sanitary accommodation for operators.

THE COMMON SEAL of  
WIRRAL BOROUGH COUNCIL  
was hereunto affixed on  
the 28 day of  
November 1984 in the  
presence of:-



NUMBER IN SEAL BOOK - 13705

*Robert Brinley*  
Authorised Officer



The foregoing byelaws  
are hereby confirmed  
by the Secretary of  
State for Social  
Services on 26 April 1985  
and shall come into  
operation 1 June 1985.

*A.B. Barton*

A.B. BARTON  
Assistant Secretary  
Department of Health  
and Social Security



NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

- (A) Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down 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.
- (B) Section 16(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration, and of the registration of the premises in which the offence was committed if such premises are occupied by the person convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (C) Nothing in these byelaws shall extend to the carrying on of the business of tattooing by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

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METROPOLITAN  
BOROUGH OF WIRRAL

BYELAWS

made by  
Wirral Borough Council  
with respect to  
Ear Piercing and Electrolysis

P.J. MILLS  
Director of Administration  
and Legal Services  
Town Hall  
Wallasey  
L44 8ED

COMLAW2:EP+E/BYELAWS

LEGAL73:

WIRRAL BC  
DEPARTMENT OF  
ADMINISTRATION  
AND  
LEGAL SERVICES

FILE REF.....

DEED No. *B.10.16.9*.....

METROPOLITAN BOROUGH OF WIRRAL

BYELAWS FOR THE AREA OF THE METROPOLITAN BOROUGH OF WIRRAL MADE UNDER  
SECTION 15 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982

EAR PIERCING AND ELECTROLYSIS

1. Interpretation:

- (a) In these byelaws, unless the context otherwise requires -

"The Act" means the Local Government (Miscellaneous Provisions) Act 1982;

"Client" means any person undergoing treatment;

"Operator" means any person giving treatment;

"Premises" means any premises registered under Part VIII of the Act;

"Proprietor" means any person registered under Part VIII of the Act;

"Treatment" means any operation in effecting ear-piercing or electrolysis;

"The treatment area" means any part of premises where treatment is given to clients.

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

2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -

- (a) All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings in any part of the premises used by clients and operators are kept clean and in such good repair as to enable them to be cleaned effectively;

- (b) The treatment area is used solely for giving treatment;

- (c) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;

- (d) All needles used in treatment are placed after used in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. When re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for

re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;

- (e) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
- (f) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down regularly with a suitable disinfectant;
- (g) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
- (h) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.

3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -

(a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment -

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

(ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;

(b) An operator shall ensure that any needle, instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used on the client;

(c) A proprietor shall provide -

(i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;

(ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;

(iii) a suitable sink together with an adequate constant supply of clean hot and cold water conveniently accessible at all times on the premises;

(iv) adequate storage for all items mentioned in byelaw 3(a) and (b) above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.

4. For the purpose of securing the cleanliness of operators -
- (a) An operator whilst giving treatment shall ensure that -

- (i) his hands and nails are clean;
- (ii) he is wearing clean protective over-clothing;
- (iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
- (iv) he does not smoke or consume food or drink;

- (b) A proprietor shall provide -

- (i) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap and detergent, and a nail brush;
- (ii) suitable and sufficient sanitary accommodation for operators.

NUMBER IN SEAL BOOK - 13706

THE COMMON SEAL of  
WIRRAL BOROUGH COUNCIL  
was hereunto affixed on  
the 28 day of  
November 1984 in the  
presence of:-



*Alan W. Bentley*  
Authorised Officer

The foregoing byelaws  
are hereby confirmed  
by the Secretary of  
State for Social  
Services on 26 April 1985  
and shall come into  
operation 1 June 1985.

*A.B. Barton*

A.B. BARTON  
Assistant Secretary  
Department of Health  
and Social Security



NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

- (A) Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down 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.
- (B) Section 16(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration, and of the registration of the premises in which the offence was committed if such premises are occupied by the person convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (C) Nothing in these byelaws shall extend to the carrying on of the business of ear piercing or of electrolysis as the case may be by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

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Byelaws  
Made by  
Wirral Borough Council  
With respect to  
Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic  
piercing and electrolysis

Joe Blott  
Strategic Director Transformation & Resources  
Wirral Borough Council  
Wallasey Town Hall  
Brighton Street  
Wallasey  
Wirral  
CH44 8ED

Wirral Borough Council

Byelaws made for the area of Wirral Borough Council made under Section 14 and Section 15 of the Local Government (Miscellaneous Provisions) Act 1982

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

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, sterilization 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 Wirral Borough 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 sterilization 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) sterilization, 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, tattooing, ear piercing and electrolysis that were made by Wirral Borough Council on the 28<sup>th</sup> November 1984 and were confirmed by Secretary of State for Social Services on 26<sup>th</sup> April 1985 are revoked.

The Common Seal of Wirral Borough Council  
was hereunto affixed on  
the ..... day of .....2013 in the  
presence of:-

Authorised officer

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

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 applies only to acupuncture (see section 14(8) of the Act).***