



## Report to Chief Executive

**Date:** 15 November 2022

**Title:** Date of effect of harmonisation of skin piercing registration requirements

**Cabinet Member(s):** Councillor Mark Winn, Cabinet Member for Homelessness and Regulatory Services.  
Councillor Heather Wallace, Chairman of Licensing Committee

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### Recommendations:

1. To exercise delegated power set out in paragraph 2.15(i)(c) in consultation with the Leader to resolve that:

The resolution made by full Council on 21 September 2022 item 6 is amended as indicated in italics and strike out as follows:

“That the provisions of Sections 14 to 17 inclusive of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) in relation to acupuncture, tattooing, *semi-permanent skin-colouring, cosmetic piercing ear-piercing* and electrolysis to apply to the Buckinghamshire Council area be ADOPTED by the Council, with effect from 1 ~~December 2022~~ *January 2023*”

**Reason for decision: The resolution before Full Council contained a typographical error by omitting certain words referred to in Part (2) of the resolution. The date the adoption of the provisions comes into effect needs to be changed to allow the appropriate statutory notices to be published and to clarify that the provisions of Section 15 are adopted in full.**

### 1. Content of Report

- 1.1 The adopted provisions relate to the registration of establishments that carry out the services detailed. Whilst some of these services currently require registration not all of them need to be registered and the registration requirements that are applicable do not apply to the whole of the Council's area.

- 1.2 Once the provisions have been adopted Section 13 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) (the Act) requires a notice to be published in the local press across the Council area setting out various matters relating to the adoption and the date the provisions will come into effect.
- 1.3 The notices cannot be published before the expiration of one month beginning with the day on which the resolution is passed and must be published no later than 28 days before the date stated in the resolution for the provisions to come into force. The notice must be for a consecutive period of 2 weeks.
- 1.4 There is insufficient time to comply with the statutory time periods before 1 December 2022.
- 1.5 This decision is considered to be urgent as having a consistent registration requirement covering all the services across the whole of the Council's area will help to protect individuals who are being provided with those services. If it is necessary to take the matter back before the Full Council implementation will be delayed by up to a month.
- 1.6 Section 15(1) of the Act relates to the registration of the business of tattooing; of semi-permanent skin-colouring; of cosmetic piercing; or of electrolysis.
- 1.7 Whilst the report to Council envisaged that the adoption of Section 15 and subsequent byelaws related to all the services set out in Section 15(1) of the Act, the wording of Part (1) of the resolution did not mention semi-permanent skin-colouring and cosmetic piercing. Although ear piercing was set out this would be covered by cosmetic piercing and is not required as a separate service. This was an error which should be corrected in order to ensure clarity about the registration requirements.
2. Other options considered
  - 2.1 None – this relates to a statutory time frame and requirement which must be complied with in order to implement the registration provisions which have been adopted.
3. Legal and financial implications
  - 3.1 None except as stated in the report.
4. Corporate implications
  - 4.1 Any such implications relate to the substantive adoption of the provisions and are set out in the report for full Council.

5. Local councillors, community boards consultation & views

5.1 Any such matters relate to the substantive adoption of the provisions and are set out in the report for full Council.

6. Consultation and communication

6.1 Any such matters relate to the substantive adoption of the provisions and are set out in the report for full Council.

7. Next steps and review

7.1 As soon as the effective date is changed arrangements can be made to publish the notices as soon as possible.

8. Key documents:

Report to full Council of 21 September 2022 (item 6)

<https://buckinghamshire.moderngov.co.uk/documents/s49887/Report%20to%20Council%2021-09-22%20byelaws%20FINAL.pdf>

