



Report to Licensing Committee

Date: 15th June 2022

Reference number:

Title: Regulation of Cosmetic Piercing and Skin-colouring Businesses

Cabinet Member(s): Councillor Mark Winn

Author and/or contact officer: Ian Snudden

Ward(s) affected: all wards

Recommendations:

1. That Members agree and approve the harmonised fees for the registration of persons who undertake skin piercing and related activities and the premises where skin piecing and related activities take place with effect from 1st July 2022.

Reason for decision: This recommendation will harmonise the level of charging for the registration of persons who undertake skin piercing and premises where skin piercing activities take place in order to provide a consistent level of charging across the Buckinghamshire district.

1. Executive summary
 - 1.1 Currently there are different registration charging structures across the legacy areas. This report seeks Member's approval for the adoption of a common charging policy.

2. Content of report

Harmonisation of fees

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to charge reasonable fees for the registration of persons carrying out the business of skin piercing and the premises in which these activities take place. The fee covers the initial inspection(s) associated with registration, checking

training qualifications and competency of the operator, advising the business about the requirements of the byelaws and best practice, and associated administration.

- 2.2 However, there are currently historic differences in charging policy in each of the legacy areas which should be harmonised in order to provide a consistent level of service across the district. The current charges are in Appendix 1. Benchmarking with neighbouring authorities shows similar disparities in charging structures.
- 2.3 There is no statutory requirement for public consultation when setting fees under the Act and it is for the Licensing Committee to agree these fees. Fees should be set at a level to ensure full cost recovery whilst also being fair and providing value for money for the businesses. Councils are required, however, to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost but not make a surplus.
- 2.4 The general methodology behind the review of these fees is determined by the document 'Open for business: Local Government Association (LGA) guidance on locally set licence fees'. The core principles in the LGA guidance are that fees should be non-discriminatory; justified; reasonable and proportionate to the cost of the processes associated with a licensing scheme; clear; objective; made public in advance; transparent; and accessible. It is also an accepted principle that licensed activities should be funded on a cost-recovery basis, paid for by those benefiting from the licensed activity, rather than drawing on the public purse.
- 2.5 Fees should be reviewed on an annual basis, taking into account of any increase in the Retail Price Index (RPI) and where appropriate, an increase will be applied to the fees to recover related increased costs to the Council. If another inflationary measure is prescribed by Government in the future, then this would also be applied.
- 2.6 The registration of a business or operator is a one-off application and there are no other ongoing costs that the Council will incur. Therefore, the proposed application fees relate solely to the cost of the authorisation procedures and are based on the time taken to process a registration application, provide advice and guidance to applicants, inspect premises and carry out checks on operators.

Registration of premises and proprietor	£220
Registration of an additional operator	£60
Replacement copy or administrative changes to a Certificate	£30

Registration is a one-off process and is not renewed, unlike a licence, and therefore the change in this fee structure will not impact upon any expected budgetary income.

3. Other options considered

- 3.1 The proposed fees strike a balance between enabling the local authority to recover its reasonable costs from processing registration applications and what the benchmarking evidence supports. Members have the ability to amend the proposed fees or to do nothing and keep the existing fee structure as it is.
- 3.2 If the harmonised fees are not adopted however, then businesses in each legacy area will be subject to different fees across the Buckinghamshire district with some businesses being disadvantaged over those in neighbouring legacy areas.
- 3.3 Currently all legacy areas have adopted the provisions of sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 which requires registration of businesses and persons who perform skin piercing namely tattooing, ear piercing, electrolysis and acupuncture. All legacy areas have also adopted byelaws for the control of such businesses. In addition, the legacy CSB area has also adopted byelaws which cover cosmetic piercing and semi-permanent skin-colouring.
- 3.4 The adoption of byelaws enables local authorities to compel persons carrying on businesses which are registered under the Act to ensure the cleanliness of the premises, the sterilisation of equipment and materials and the hygiene of operators in accordance with the byelaws. The adoption of such byelaws is intended to increase public protection and reduce the transmission of blood borne virus infections such as HIV, hepatitis B, hepatitis C and other infections.
- 3.5 Since there is a disparity across the Buckinghamshire district in terms of the adoption of the registration provisions in the Act and the adoption of byelaws for cosmetic piercing and semi-permanent skin-colouring, work is currently taking place to allow a further report to be presented recommending the provisions of sections 14 – 17 of the Act are adopted, to ensure harmonisation of registration provisions and that byelaws for cosmetic piercing (piercing of the body including the ear), semi-permanent skin-colouring including micro pigmentation, semi-permanent make-up and temporary tattooing, electrolysis and acupuncture are made in accordance with the necessary procedures and for these to be confirmed by the Secretary of State for Health and Social Care and that once confirmed, that the related existing legacy byelaws are revoked.

4. Legal and financial implications

- 4.1 The proposed charges have been set based upon the approximate time taken to process an application. The purpose of the charge is to recover the Council's reasonable costs and is not intended to generate any additional income or profit. The proposed charges are roughly similar to those previously charged in the legacy areas and neighbouring authorities and therefore it is anticipated that businesses will not be disproportionately impacted by the changes.

5. Corporate implications

- 5.1 The proposed pricing structure is such that it should not deter businesses from registering, thus providing greater oversight of skin piercing activities within the County.

6. Local councillors, community boards consultation & views

- 6.1 The recommendations in this report are not specific to any one area in Buckinghamshire and so no specific local councillor or community board engagement has been carried out.

7. Consultation and communication

- 7.1 Depending upon the outcome of the review, any pricing policy changes will be publicised on the authority's web pages. Existing skin piercing businesses will also be informed of the adoption of new byelaws and the changes in the fee structure.

8. Next steps and review

- 8.1 If approved, the revised prices and policy will be advertised on the authority's website. Any change in the charging policy will take effect from 1st July 2022.
- 8.2 To present a future report to the Licensing Committee recommending the adoption of the provisions of sections 14 – 17 of the Act and corresponding byelaws.

9. Background papers

- 9.1 None

10. Your questions and views (for key decisions)

- 10.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01494 732057 or email ian.snudden@buckinghamshire.gov.uk