

Licensing and Safety Committee

5 August 2025

Adoption of updated model byelaws to regulate acupuncture, tattooing, electrolysis, semi permanent skin colouring, cosmetic and ear piercing

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Summary

To seek approval for the adoption of consolidated model Byelaws to regulate premises carrying out acupuncture, tattooing, electrolysis, semi-permanent skin colouring, cosmetic and ear piercing within Medway.

This will also require revocation of the existing two sets of The City of Rochester Upon Medway Byelaws that regulate both tattooing, and ear piercing and electrolysis, in accordance with sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 120 of the Local Government Act 2003.

These Byelaws were adopted by Medway Council at its formation in 1998 and have remained in force since then.

1. Recommendations

- 1.1. That the Committee notes the consolidated model Byelaws to regulate acupuncture, tattooing, electrolysis, semi-permanent skin colouring, cosmetic and ear piercing,
- 1.2. That the Committee notes that Council will be requested to approve the adoption of the Byelaws, in line with many other local authorities, on 16 October 2025.
- 1.3. That the Committee notes that if the new Byelaws are adopted, Council will be requested to revoke the Byelaws currently in force, namely: 'Byelaws relating to ear piercing and electrolysis' and 'Byelaws relating to tattooing', made by the City of Rochester Upon Medway, under section 15 of the Local Government (Miscellaneous Provisions) Act 1982.

2. Budget and policy framework

- 2.1. The decisions to adopt the new model Byelaws, and revoke the old ones, are within the Council's policy and budget framework including the Council Plan.
- 2.2. The current Byelaws were made in 1985 and adopted by Medway Council at its formation in 1998. They are now outdated and do not adequately cover current skin piercing treatments available, nor current hygiene standards recommended by the Department of Health.
- 2.3. Adopting the current model Byelaws will improve hygiene standards, public protection and help to ensure consistency for businesses that operate in other local authorities.
- 2.4. If the Council decides to adopt the new model Byelaws, the current Byelaws will be superseded and will need to be formally revoked.

3. Background

- 3.1. The Local Government Act 2003 amended the Local Government Miscellaneous Provisions Act 1982 to include cosmetic (body) piercing and semi-permanent skin colouring, extending the range of skin piercing activities the Council can regulate to protect public health. Previous Byelaws have been adopted by the Council to include these two activities within the Council's remit.
- 3.2. It is important for this industry sector to be effectively regulated due to the risks associated with the type of skin piercing treatments being offered. There is the potential risk of transmission of blood borne viruses (BBV), for example HIV, Hepatitis B and C, as well as other potentially serious skin infections, potential physical damage and bleeding if the treatment is not undertaken correctly.
- 3.3. The model Byelaws are provided by the Department of Health (DoH). They will provide Medway Council with an updated framework for registering and regulating skin piercers within Medway.
- 3.4. The current Byelaws were adopted by Medway Council at its formation in 1998. They are now outdated and no longer represent skin piercing treatments available within Medway, nor the current hygiene standards contained within the updated model Byelaws from the Department of Health.
- 3.5. This is a dynamic industry sector and the range of skin piercing activities offered is constantly evolving. These latest Byelaws consolidate two previous sets of Byelaws and take into consideration the developments within the sector.
- 3.6. The adoption of these Byelaws by the Council would enable best practice and help bring consistency in public health standards with neighbouring local authorities which have already adopted the updated model Byelaws.

- 3.7. The adoption of the new model Byelaws will provide officers with updated standards to assess compliance against, with a view to improving skin piercing hygiene standards and public protection overall.

4. Options

- 4.1. Option 1 - To adopt the latest model Byelaws from the Department of Health for the reasons given above. The expected outcomes include clarity to local businesses and consistency with other local authorities. This proposal does not result in any additional costs to the authority, nor to local businesses. The current Byelaws will then need to be revoked.
- 4.2. Option 2 – The Council could create its only Byelaws. However, any deviation from the model Byelaws would require prior agreement from the Secretary of State before they could be adopted. This option would require significantly more work, with no discernible benefits and no guarantee that the Secretary of State would agree to them. This option is not recommended.
- 4.3. Option 3 – The Council can do nothing and retain the existing Byelaws. However, this would reduce clarity for local businesses and result in inconsistency in hygiene standards and enforcement with other local authorities. This option is not recommended.

5. Advice and analysis

- 5.1. The adoption of one consolidated Byelaw to replace the current older Byelaws will help to ensure that:
- Local business comply with nationally set standards.
 - Public health is better protected.
- 5.2. There are no implications for sustainability or diversity. The new model Byelaws are an updated version of our current ones and have been issued nationally by the Department of Health. Local authorities may choose to adopt them or not.

6. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
The Council does not adopt the updated DoH model Byelaws	Current Byelaws are out-of-date and do not reflect current practices and standards Inconsistency with neighbouring local authorities, causing confusion for businesses	The Council should adopt the updated DoH model Byelaws as recommended in this report	CIII

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

7. Consultation

- 7.1. The proposal reflects best professional practice based on the Department of Health model Byelaws and will replace the existing Byelaws in Medway. Accordingly, no consultation with the industry is proposed. However, the new Byelaws will be advertised in the local press as part of the adoption process, as required by the Department of Health.

8. Climate change implications

- 8.1. None.

9. Financial implications

- 9.1. These recommendations, if adopted, will be delivered within existing budgets and there will be no change to the registration fees agreed for 2025/26 by Council in February 2025.

10. Legal implications

- 10.1. The relevant statutory requirement is outlined under paragraph 4.1 in this report. The existing registration requirement and Byelaws for tattooing, semi-permanent skin colouring, electrolysis, cosmetic and ear piercing and acupuncture have proved to be effective controls at protecting public health.

- 10.2. If these latest model Byelaws are not adopted the Council will continue to have two separate sets of dated Byelaws which are confusing to local businesses and inconsistent with other local authorities.

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Appendices

Appendix 1 - Model Byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis: Department of Health

Background papers

None