
Licensing & Regulatory Committee

20 December 2022

Name of Cabinet Member:

Not Applicable

Director Approving Submission of the report:

Director Streetscene and Regulatory Services

Ward(s) affected:

Not applicable

Title:

Skin Piercing Registration – Review of Fees

Is this a key decision?

No – although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive Summary:

This report seeks to inform the Committee of legislative powers to enable fee setting for skin piercing registration.

The Local Government (Miscellaneous Provisions) Act 1982 requires the person who carries out the practice of skin piercing to register the premises where the skin piercing business operates. Under the provisions of the Act, Local Authorities may determine reasonable fees for the registration of skin piercing activities. This gives Council's the power to set their own local fees that will enable it to recover reasonable costs.

Recommendations:

The Licensing & Regulatory Committee is recommended to:

1. Consider and approve the proposed fees for: -
 - I. Applications to register premises to undertake the practice of skin piercing and
 - II. Applications to register individuals, vary applications and other skin piercing services not previously charged for.
2. Delegate the authority to the Strategic Lead of Regulation to conduct an annual review of the fees and, where appropriate, amend if necessary.

List of Appendices included:

The following appendices are attached to the report:

Appendix 1: Proposed fees.

Appendix 2: Benchmarking data.

Background papers:

1. Local Government (Miscellaneous Provisions) Act 1982:

<https://www.legislation.gov.uk/ukpga/1982/30>

2. Coventry City Council Byelaws relating to acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis:

https://www.coventry.gov.uk/downloads/file/30675/skin_piercing_byelaws

Other Useful documents

None.

Has it been or will it be considered by Scrutiny?

Not applicable.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Not applicable.

Will this report go to Council?

Not applicable.

**Report title:
Skin Piercing Registration – Review of Fees**

1. Context (or background)

- 1.1 The City Council is required to register certain activities that require the puncturing of the skin for cosmetic purposes or acupuncture (this does not include the treatment by a qualified medical practitioner). The purpose of registration is to ensure satisfactory standards of hygienic practice and business management are met to minimise risk to the client and the operator.
- 1.2 When a needle, razor or other similar instrument breaks a person's skin, blood, serum or small fragments of tissue adhere to the instrument used. These can then be directly transferred to the blood stream of another person or could contaminate materials or other pieces of equipment. In this way infection can be transmitted. Viral infections that could be transferred through unhygienic skin piercing includes Hepatitis B and C and HIV (Human Immunodeficiency Virus). It is therefore imperative that adequate controls are in place.
- 1.3 The Local Government (Miscellaneous Provisions) Act 1982 requires the person who carries on the practice of skin piercing to register the premises where the skin piercing business operates.
- 1.4 Skin piercers must also comply with all relevant health and safety legislation such as the Health and Safety at Work etc Act 1974 as well as complying with any associated byelaws made by the Local Authority.
- 1.5 The City Council formally adopted a set of skin piercing byelaws in 1983 that set hygienic standards for skin piercing. Between 1983 and 2007, the byelaws were updated several times to take account of new skin piercing techniques e.g., body piercing and semi-permanent skin colouring.
- 1.6 Over recent years, the number of applications to register skin piercing premises has risen dramatically from 9 applications in 2014 – 15 to 68 applications in 2019 – 20. The number fell off after 2020 because of the pandemic, however, to date this year, 34 applications have been received and processed; thus, over the course of the year, application numbers are likely to reach pre pandemic levels.
- 1.7 Under the provisions of the Local Government (Miscellaneous Provisions) Act 1982, Local Authorities may determine reasonable fees for the registration of skin piercing activities. This gives Council's the power to set their own local fees that will enable it to recover reasonable costs.
- 1.8 The skin piercing regime has not been reviewed since 2007 and therefore the cost of registration has only risen in line with inflation. The current registration fee of £113.30 does not reflect the time spent by officers administering the scheme nor does it cover the costs of administering other elements of the scheme e.g., registering extra skin piercing practitioners, adding on extra skin piercing treatments to an existing registration, varying registrations etc. It is proposed therefore, to increase the fee charged for registering premises and introduce other local fees to enable cost recovery.

2. Fee Methodology

- 2.1 When fixing fees, the Council may consider all costs incurred by the Authority in carrying out their registration function. The proposed fees have been calculated by assessing the time it takes for each step in the process from the receipt to the determination of the

application. It also includes any site visits that take place. The time taken is assigned to different roles and the costs based on hourly rates. The proposed fees are provided in Appendix 1. It is also proposed that the fees are reviewed on an annual basis.

- 2.2 It should be noted that a benchmarking exercise has been undertaken of fees set by other Local Authorities for applications of these types. A summary is provided in Appendix 2.

3. Options considered and recommended proposal

- 3.1 There are two options available for the Licensing and Regulatory Committee to consider:

3.1.1 Option 1 is to approve the proposal contained within this report to charge the applicant(s) fees to recover the reasonable costs of the service(s) provided.

3.1.2 Option 2 is to continue to process these applications at the current rate or, for those not currently charged for, free of charge.

- 3.2 Your Officer recommends Option 1 in order to enable the Council to recover its reasonable costs in processing and determining applications of these types.

4. Results of consultation undertaken

- 4.1 No consultation is required to be undertaken however, it is recommended that whenever fees are set, an explanation is provided to potential applicants as to how the fees are calculated in order to promote transparency and reasonableness. Should Committee approve the proposed fees, a new skin piercing policy will be published on the Council's website that references this matter.

5. Timetable for implementing this decision

- 5.1 If approved, the decision to increase existing fees and introduce new fees for some applications, will take immediate effect.

6. Comments from Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

- 6.1 Financial implications

The proposed fees have been calculated on a full cost recovery basis, which considers both the direct and indirect costs associated with processing and determining the applications. When setting fees there is a statutory requirement to consider the income received for a registration scheme compared to the overall cost of delivering the scheme. The fee level must be set so that it does not generate income in excess of the cost of associated delivery.

- 6.2 Legal implications

The Council can set its own fees for licensing functions. The fee must be reasonable and cover the Council's costs in the administration of those types of applications.

Regulation 18 (4) of the Provision of Services Regulations 2009, requires that fees charged in relation to authorisations must be proportionate to the effective cost of the process. The proposed fees must recover the Council's costs in relation to the licensing process and cannot be used as an economic deterrent or to raise revenue. The proposed fees will enable the Council to recover its reasonable costs. The fees will be reviewed annually, and

an appropriate reduction or increase applied for the following financial year should a loss or surplus occur.

7. Other implications

7.1 How will this contribute to the Council Plan www.coventry.gov.uk/councilplan/?

It is the Regulatory Services Team's responsibility to ensure that members of the public in Coventry are not put at risk. This contributes to the Council's core aim of ensuring that citizens live longer healthier lives. Cost recovery of such applications will mean that costs are not taken from existing budgets.

7.2 How is risk being managed?

Decisions of Regulatory Services are open to challenge by way of Judicial Review. The fees and charges are designed to ensure compliance with legislation minimising the risk of legal challenge.

7.3 What is the impact on the organisation?

None

7.4 Equalities / EIA

This decision will not affect the service provision and therefore details of the Equalities Impact Assessment are not relevant in this case.

7.5 Implications for (or impact on) climate change and the environment

None

7.6 Implications for partner organisations?

None.

Report author(s): Nicola Castledine

Name and job title: Food and Safety Manager

Directorate: Place

Tel and email contact: 024 7697 2221 nicola.castledine@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Usha Patel	Governance Services Officer	Governance Services and Scrutiny	23/11/2022	23/11/2022
Davina Blackburn	Strategic lead of Regulation	Place	15/11/2022	22/11/2022
Names of approvers for submission: (officers and members)				
Cath Crosby	Lead Accountant	Place	23/11/2022	29/11/2022
Gill Carter	Regulatory Team Leader, Legal Services	Place	23/11/2022	25/11/2022
Kate Eales	HR Business partner	Place	23/11/2022	01/12/2022
Andrew Walster	Director Streetscene and Regulatory Services	Place	01/12/2022	07/12/2022

This report is published on the council's website: www.coventry.gov.uk/meetings