

## LICENSING COMMITTEE

<b>Date of Meeting</b>	Wednesday, 4 October 2023
<b>Report Subject</b>	Mandatory Licensing Scheme for Special Procedures
<b>Report Author</b>	Chief Officer: Planning, Environment & Economy

### EXECUTIVE SUMMARY

To outline the implications of the forthcoming requirement for the Mandatory Licensing of Special Procedures

### RECOMMENDATIONS

1	To note the contents of the report and await further information from Welsh Government.
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### REPORT DETAILS

<b>2.00</b>	<b>BACKGROUND TO SPECIAL PROCEDURES</b>
2.01	<p>A new licensing scheme for 'Special Procedures' will be introduced by Welsh Government around June 2024 (precise date is yet to be confirmed), under Part 4 of the Public Health (Wales) Act 2017.</p> <p>Special Procedures include tattooing, semi-permanent skin colouring, cosmetic piercing, acupuncture, dry needling and electrolysis.</p> <p>The main requirements of this regime will include:</p> <ul style="list-style-type: none"> <li>Practitioners must be licensed to carry out special procedures. It will be an offence to carry out special procedures without a licence;</li> <li>Business premises or vehicles must be approved. It will be an offence for a practitioner to perform any procedures from premises or vehicles that are not approved;</li> </ul>

	<ul style="list-style-type: none"> <li>• A full licence will last for three years and a temporary licence will last for seven days (to allow for events and conferences);</li> <li>• The licence will have to be displayed in the premises where the special procedure takes place;</li> <li>• Licence conditions will cover a practitioner's competence, the premises, the equipment and practices used, advice given before and after the special procedure and the records kept.</li> </ul>
2.02	The Welsh Government's intention through the introduction of this scheme is to reduce the health risks associated with these procedures. Most notably infections can occur at the site of the procedure and also improper and unhygienic practices may result in the spread of infectious diseases, such as blood-borne viruses.
<b>3.00</b>	<b>CURRENT POSITION</b>
3.01	At present there is inconsistency in Wales with respect to the enforcement of these procedures. Although a number of local authorities have adopted byelaws which place a duty on skin piercing practitioners to adhere to minimum standards (which were adopted in Flintshire by Full Council on 20.06.23), not all have followed this approach.
3.02	A further consideration is that currently local authorities are only able to refuse an application for skin piercing registration under the Local Government (Miscellaneous Provisions) Act 1982 if the applicant has already had a previous registration cancelled by the courts as a result of being found guilty of an offence (such as breaching a byelaw on hygiene).
<b>4.00</b>	<b>IMPLICATIONS OF PROPOSED LICENSING SCHEME FOR SPECIAL PROCEDURES</b>
4.01	The new regime will mean that local authorities are to be responsible for enforcing the licensing requirement of these practices and for keeping a register of special procedures licences issued by them.
4.02	If a local authority is satisfied that a licence holder has failed to comply with a mandatory licensing condition or has been convicted of a relevant offence, it may revoke a special procedure licence, either in full or in so far as it relates to the performance of a particular special procedure. Where the local authority has taken action, such as issuing a stop notice, revoking a licence or refusing an application, an individual has the right to make representations to the local authority and appeal to a magistrates' court against the decision.
4.03	Practitioners in this field will be required to demonstrate their competence to undertake these procedures through undertaking training and being subject to inspection by Environmental Health Officers. In addition, they will have to provide a Basic DBS as part of their licence application.
4.04	Those practitioners who are currently registered will need to move over to the new system. Time will be allowed for them and their premises to be assessed by officers and transferred to the new licensing system.

<b>5.00</b>	<b>IMPLICATIONS FOR LICENSING COMMITTEE</b>
5.01	Welsh Government have indicated that they expect this regime to sit under licensing committee structures and are in the process of formulating a consultation document for consideration which outlines their expectations in terms of governance. Officers will notify Members of this Committee when the consultation document is published. It is anticipated that contentious applications will be subject to sub-committee determination.
5.02	It is also anticipated that Members will be required to undertake training to enable them to determine applications as they could be subject to legal challenge.
5.03	It is likely that a new sub-committee will be required to determine licence applications. We await further direction from Welsh Government on this matter.

<b>6.00</b>	<b>RESOURCE IMPLICATIONS</b>
6.01	There is an expectation from Welsh Government that much of this additional work will be absorbed into existing work programmes which may impact other areas of service delivery.

<b>7.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
7.01	None at present, although when the consultation document regarding governance arrangements is published it will be shared with Members of this committee. It is anticipated that the document will be published during November 2023.

<b>8.00</b>	<b>RISK MANAGEMENT</b>
8.01	The additional pressures placed on Community and Business Protection due to these changes has been included within the Planning, Environment and Economy Risk Register.

<b>9.00</b>	<b>APPENDICES</b>
9.01	<b>None</b>

<b>10.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
10.01	<p><b>Contact Officer:</b> Sian Jones Community and Business Protection Manager</p> <p><b>Telephone:</b> 01352 702132</p> <p><b>E-mail:</b> <a href="mailto:sian-jones@flintshire.gov.uk">sian-jones@flintshire.gov.uk</a></p>

<b>11.00</b>	<b>GLOSSARY OF TERMS</b>
11.01	<p><b>Electrolysis</b> A technique used to remove unwanted hair, skin tags and blemishes from the face or body. This procedure works by sending an electric current through the skin, targeting the cells that are responsible for the growth and development of these blemishes.</p> <p><b>Tattooing</b> A tattoo is a marking made by inserting ink into the layers of skin to change the pigment for decorative or other reasons. It is done with a tattoo machine.</p> <p><b>Semi-permanent skin colouring</b> Semi-permanent colouring or cosmetic tattooing is a method of implanting pigmentation into the upper layer of the skin to create a cosmetic enhancement.</p> <p><b>Cosmetic piercing</b> Piercing or cutting part of the human body to create an opening in which jewellery may be worn.</p> <p><b>Acupuncture</b> Fine needles are inserted at certain points of the body for therapeutic or preventative purposes, most commonly for pain control.</p> <p><b>Dry Needling</b> Dry needling is a technique that acupuncturists, physical therapists and other trained healthcare providers use to treat mainly musculoskeletal pain and movement issues. The needles used for dry needling are thicker than those used for acupuncture.</p>