



<b>Title of Report:</b>	<b>Cosmetic Piercing Business Prosecution</b>
<b>Committee Report Submitted To:</b>	<b>Environmental Services Committee</b>
<b>Date of Meeting:</b>	<b>8<sup>th</sup> June 2021</b>
<b>For Decision or For Information</b>	<b>For Information</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	<b>Healthy, Active and Engaged Communities</b>
Outcome	Delivery of statutory responsibilities
Lead Officer	Head of Health & Built Environment

<b>Budgetary Considerations</b>	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No N/A	Date:
	EQIA Required and Completed:	Yes/No N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No N/A	Date:
	RNA Required and Completed:	Yes/No N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No N/A	Date:
	DPIA Required and Completed:	Yes/No N/A	Date:

## 1.0 Purpose of Report

- 1.1 The purpose of this report is to advise members of the outcome of recent legal proceedings.

## 2.0 Background

- 2.1 The owner of a cosmetic piercing business, previously located at Railway Road, Coleraine, was prosecuted for multiple offences at Ballymena Courthouse on Friday 7<sup>th</sup> May 2021 in a case brought by Council's Health and Safety Team.
- 2.2 Christopher Ferguson, the owner of the business, was contacted and visited by Council Environmental Health Officers numerous times from September 2016 and was repeatedly advised of the requirement to register himself and the premises with Council for cosmetic piercing and the requirements of Council's Cosmetic Piercing Byelaws.
- 2.3 In the course of an investigation Council issued a Prohibition Notice prohibiting the practice of skin piercing taking place without adequate sterilisation however this was not complied with. Despite visits from Environmental Health Officers and complaints from members of the public the business continued to operate illegally. An unannounced visit was made to the premises by Environmental Health Officers and equipment connected with the business was removed thereby effecting immediate cessation of piercing activities at the premises.

## 3.0 Outcome

Mr Ferguson earlier pleaded guilty to the offences below and was sentenced as follows:

<b>Offence</b>	<b>Sentence</b>
Contrary to Article 5(2) of the Health and Safety at Work (N.I.) Order 1978 by carrying out the practice of cosmetic piercing without adequate sterilisation thereby committing an offence under Article 31(1)(a) of said Order.	4 months in custody suspended for 3 years
Breached a Prohibition Notice by carrying out the practice of skin piercing without adequate sterilisation contrary to Article 5(2) of Health and Safety at Work (N.I.) Order thereby committing an offence under Article 31(1)(g) of said Order.	4 months in custody suspended for 3 years
Failed to comply with Article 14(1) of The Local Government (Miscellaneous Provisions) (N.I.) Order 1985 by carrying out cosmetic piercing without being registered by the Council thereby committing an offence under 15(1) (b) of said Order.	£750 Fine

Offence	Sentence
Failed to comply with Article 14(2) of The Local Government (Miscellaneous Provisions) (N.I.) Order 1985 by carrying out cosmetic piercing in premises which was not registered with Council for that purpose thereby committing an offence under 15(1) (b) of said Order.	£750 Fine
Failed to comply with Council byelaws made under Article 14(7) of The Local Government (Miscellaneous Provisions) (N.I.) Order 1985 thereby committing an offence under 15 (2) (b) of said Order.	£750 Fine

Mr Ferguson was also ordered to pay £150 in legal costs; £84 in court costs and a £15 offender levy

#### **4.0 Recommendation**

**It is recommended** that the report be noted.