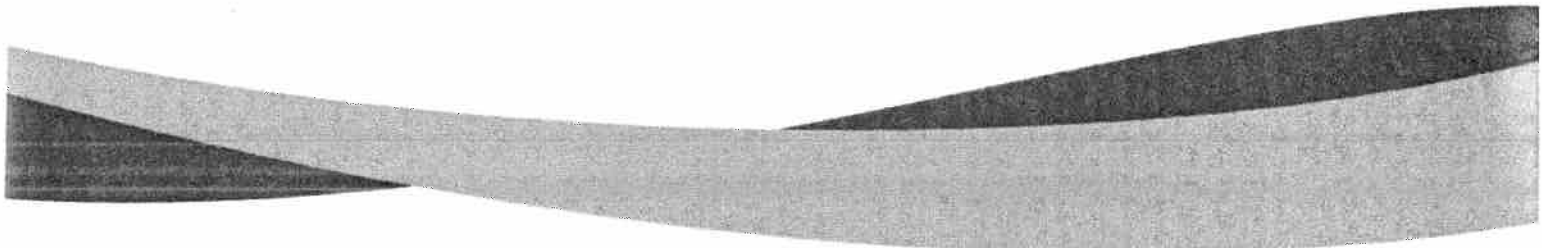




Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	21 June 2012	C1	Not applicable

Delete as appropriate	Non-exempt
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**Subject: APPLICATION TO REVOKE THE SPECIAL TREATMENT THERAPIST REGISTRATION
RE: MR EDIGIJUS GRIGALIUS, 49 HASSOCKS ROAD, LONDON, SW16 5HA**

1. Synopsis

1.1 This is an application by the Licensing Authority to revoke the special treatment therapist registration held by Mr Edigijus Grigalius following a successful prosecution at Highbury Corner Magistrates Court for offences under the London Local Authorities Act 1991.

2. Recommendations

2.1 To consider the application for revocation of a therapist registration issued under the London Local Authorities Act 1991.

2.2 The Committee can

- i. revoke the therapist registration; or
- ii. allow the therapist registration to remain in force.

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: Copy of therapist licence and expired special treatment premises licence;
Appendix 2: Brief outline of prosecution case, witness statements of Andrew Walker & Niall Forde and court decision; and
Appendix 3: Standard conditions for body piercing and tattooing in Islington.

3.2 Licensing History of Mr Edigijus Grigalius:

- On 8 May 2009 Mr Grigalius was found to be providing unlicensed special treatments in the Nags Head market. Officers warned Mr Grigalius and also wrote to Kawai & Nancy International limited, the owners of the Nags Head market, about the offences.
- On 11 May 2009, Mr Grigalius came into our offices for a formal meeting with one of the Council's Environmental Health officers about what improvement was needed to be made in order to comply with the minimum public health and safety requirements in order to tattoo the public at a premise in Islington.
- On 11 May 2009 Mr Grigalius submitted an application for a new special treatment licence for the premises. This licence was granted with conditions on 9 June 2009. This licence has been renewed on a six monthly basis since this date. In April 2012 Mr Grigalius failed to submit renewal application and the premises is now unlicensed.
- Andrew Walker a Senior Council Environmental Health Officer visited the on 15 September 2011 and in November 2012 and found serious breaches of the conditions of the special treatment licence issued to the Mr Grigalius. Andrew Walker visited the premises again on 9 January 2012 and found serious breaches of the special treatment licence issued to the Mr Grigalius.
- On 12 April 2012 Islington Council took Mr Grigalius to Highbury Corner Magistrates Court for prosecution for licensing offences. Mr. Grigalius attended the Court and was not represented. He pleaded guilty to the nineteen charges on the court register; all offences were breaches of conditions on his licence LN/1550-011011.
- The Court on passing sentence indicated that it had serious concerns about his attitude towards compliance, that he was putting people in danger by his cavalier attitude, and that the offence, particularly regarding condition 16, they took very seriously.
- The sentence passed was a fine £1,500 for the offences of breach of condition 16 (unwrapped needle tubes and grips were being used without further sterilisation). No separate penalty on the other offences, and costs of £500 were awarded against Mr Grigalius.
- In view of this decision the Council Licensing Team would request that the Licensing Regulatory Committee revoke the therapist registration of Mr Grigalius.

4. Conclusion and reasons for recommendations

- 4.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

Background papers:

London Local Authorities Act 1991

Final Report Clearance

Signed by


Service Director – Public Protection

Date

11/6/12

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Niall Forde

Tel: 020-7527-3227

Fax: 020-7527-3057

E-mail: niall.forde@islington.gov.uk

REGISTRATION OF PERSON TO GIVE LICENSABLE TREATMENTS

Licence No: ST-067-08

Islington Council, in pursuance of Rule 5(a) of the Council's Standard Conditions for annual special treatment licences, hereby registers:

EGIDIJUS GRIGALIUS

To be authorised to give the following treatments:

Tattooist

- I) *This registration is subject to the following conditions unless previously revoked or surrendered.*
- II) *Your identification card must be worn in a prominent, visible position at all times whilst you are providing licensable treatments at the premises licensed for special treatments. It will be available at all times for inspection, on demand, by police or by an authorised officer of the council.*
- III) *Should your identification card be lost, damaged or stolen you must notify the council and, if required, make an appropriate application for a duplicate card to be issued.*
- IV) *You must be decently and properly attired at all times.*

DATE _____ SIGNED _____

Assistant Director - Public Protection
159 Upper Street
Islington
London
N1 1RE
Tel: 020 7527 2000



ISLINGTON



LICENCE NUMBER: LN/11550-011011

SPECIAL TREATMENT PREMISES LICENCE

The Council of the Borough of Islington, under the provisions of Part II of the London Local Authorities Act 1991, hereby licenses:

Name: **MR EGIDIJUS GRIGALIUS**

Trading as: **ART SPEED TATTOO STUDIO**

to use the premises at: **UNITS 4-5 NAGS HEAD MARKET, 22 SEVEN SISTERS ROAD,
LONDON, N7 6AG**

to carry on an establishment for **SPECIAL TREATMENT**.

This licence authorises the following treatments:

Tattooing.

The licence is subject to the standard conditions for Special Treatment premises along with the following additional conditions:

1. Special treatments given to men and women may be provided subject to the therapist being registered with the Council for the treatment being given.
2. The maximum number of registered therapists providing treatments at any one time shall not exceed **1**.
3. The Licence is subject to the Additional Conditions 1 to 49 for Body Piercing and Tattooing.

This licence, unless revoked, is in force until **31 March 2012** or during the time that the licensee is the occupier of the premises, whichever is the shorter period, and is granted subject to the Standard Conditions for Special Treatment premises and to any additional conditions included in this licence.

Islington Council
Public Protection Division
222 Upper Street
London N1 1XR

Tel: 020 7527 3031
Email: licensing@islington.gov.uk


Service Manager - Commercial

1 October 2011
Date of Issue

BRIEF OUTLINE OF CASE

BRIEF OUTLINE OF THE CASE WITH SPECIFIC DATES AND ALLEGATIONS (IN CHRONOLOGICAL ORDER) INCLUDING ANY BACKGROUND DETAILS:-:

On 8 May 2009 Mr Grigalius was found to be providing unlicensed special treatments in the Nags Head market. Officers warned Mr Grigalius and also wrote to Kawai & Nancy International limited the owners of the Nags Head market about the offences.

On 11 May 2009, Mr Grigalius came into our offices for a formal meeting with one of the Council's Environmental Health officers about what improvement was needed to be made in order to comply with the minimum public health and safety requirements in order to tattoo the public at a premise in Islington.

On 11 May 2009 Mr Grigalius submitted an application for a new special treatment licence for the premises. This licence was granted with conditions on 9 June 2009. This licence has been renewed on a six monthly basis since this date.

2011

Andrew Walker a Senior Council Environmental Health Officer visited the on 15 September 2012 and found serious breaches of the conditions of the special treatment licence issued to the Mr Grigalius.

2012

Andrew Walker a Senior Council Environmental Health Officer again visited the on 9 January 2012 and found serious breaches of the special treatment licence issued to the Mr Grigalius. Witness statements setting out both visits enclosed as part of this report.

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Andrew John Douglas Walker

number of customers that was usual. He told me that he was open Monday to Saturday from 11am to 5 or 5.30pm and that on average he had around 3 customers/day. I then asked Mr Grigalius to confirm that he was the only person tattooing at the studio. Mr Grigalius told us that he let a man called "Val" tattoo customers at the unit on two occasions over the past two months. He said he had not checked whether "Val" had had any Hepatitis B vaccinations. Mr Grigalius said that he did not know the full name of "Val", or his address, or whether he would be returning to work at the business. I stressed to Mr Grigalius that allowing an unregistered, unknown man to tattoo customers with no evidence of Hepatitis B vaccinations constituted a serious breach of infection control. I also noted that it was a breach of licensing conditions in respect to "persons who can give treatment" (Condition 12, Special Treatment Premises), "records" (Condition 20(a), Special Treatment Premises) and the general requirement relating to Hepatitis B vaccination and certification (Condition 1, Body Piercing and Tattooing). I started looking at the customer consent/medical questionnaire forms. Mr Grigalius volunteered that he does not always complete consent forms with customers. He further told me that he recently had a customer return to him who alleged complications from a tattoo done some months ago. Mr Grigalius said that he had done the tattoo but had not filled-out a consent form with the customer. I stressed to Mr Grigalius that the consent form was a mandatory requirement of his licence as it includes a medical questionnaire that the tattooist must go through with the client before any work (Condition 21, Body

Dated the 18th day of January 2012

Signed Andrew Walker

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Andrew John Douglas Walker

Piercing and Tattooing) and there must be records kept on the premises of the names and addresses of all persons receiving treatments, the type of treatment given, the name of the person giving treatment and the date the treatment was given (Condition 20(b), Special Treatment Premises). In addition, when I looked around the unit I saw that there was no notice at the premises informing clients of the possible risks associated with tattooing (Condition 20, Body Piercing and Tattooing). I asked Mr Grigalius about his Public Liability Insurance cover. It appeared from the paperwork he showed me that his Public Liability Insurance had expired on 03/06/11. I asked Mr Grigalius where the sterilised equipment was that he would use, should a customer require a tattoo at that time. He pointed to a plastic container next to the tattooist's chair. In the box were unwrapped needle tubes and grips which Mr Grigalius said that he would use without further sterilisation. For that to have been acceptable they should have been sterilised some time within the previous 3 hours (Condition 16, Body Piercing and Tattooing). Yet Mr Grigalius volunteered that the tubes and grips had not been sterilised since at least the day before, and he could not substantiate how long before because he had stopped making sterilisation records (his last sterilisation record had been made on 30 May 2011). The items in the box represented all his equipment so he would not have been able to carry out any tattoos safely - yet it was during business hours and while we were there customers had already been in to request a tattoo. I noted this was a breach of condition 39 (Special Treatments) since the equipment was not

Dated the 16th day of January 2012

Signed 

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Andrew John Douglas Walker

being kept in a sterile condition until used. Mr Grigalius's personal hygiene was not satisfactory. It emerged that he did not wear disposable aprons during tattooing, which meant there was a risk of his clothing becoming contaminated - thereby possibly transmitting infectious diseases between clients. There were no disposable aprons for use at the unit. This was a breach of condition 45 (Special Treatments). I noted that the client's chair had a tear, exposing inner stuffing. This meant that it could not be effectively disinfected between clients. This should have been picked-up and remedied by Mr Grigalius's own management checks, particularly as the council had raised the same issue on a previous inspection. This was a breach of condition 35 (Special Treatments). When I asked to see the clinical waste collection records there were none available, although I saw an invoice for £25.92 from a company called "All Clear" dated 31 August 2011. As there were no waste transfer documents available and this was a breach of condition 42 (Special Treatments). The outside clinical waste bin was full and there were three full sharps bins inside his unit. The two sharps bins in the treatment area were overflowing with used needle-bars and these were exposed to access since the slide-fastenings on the tops were open. This was a breach of condition 14 (Body Piercing and Tattooing). After requiring action in respect of all the aforementioned issues, Ms Garner and I left the premises at 12:15pm. On 19 September 2011, I sent a letter to Mr Grigalius at his business address detailing the contraventions (Exhibit AW/1). On 18 November 2011 at 12pm I re-inspected Art Speed Tattoo Studio. Mr Grigalius confirmed that the man he had allowed to tattoo customers at the unit was Mr Voinicel Codrin Rosca of 176

Gurney Close, IG11 8JZ. . Mr Grigalius showed me a NHS receipt dated
Dated the 16th day of January 2012

Signed 

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Andrew John Douglas Walker

28 September 2011 for a Hepatitis B blood test - but it did not say what the result was or who had been tested. In any respect the date of the test was after my 15 September 2011 inspection - by which time Mr Rosca had already tattooed customers. Mr Grigalius told me that he would no longer be allowing others to tattoo at the studio. Mr Grigalius showed me a letter he had received from Percy Short & Cuthbert Solicitors dated 27 September 2011 relating to the customer he had told me about on 15 September 2011, and with whom he said he did not complete a consent form. He gave me a copy of it for the council file. I inspected a number of consent forms. I spoke with Mr Grigalius about the need to record the type/location of the tattoo on the forms as this information was commonly absent. I found two forms where the customer had written on the form that they had diabetes and yet Mr Grigalius went on to tattoo them. This is contrary to licensing condition 22 (Body Piercing and Tattooing) which stipulates that the tattooist in the case of certain conditions (including diabetes) must NOT tattoo unless written authorisation is obtained from a medical practitioner registered by the General Medical Council. The sterilisation records I saw were inaccurate, as Mr Grigalius had already written the day's record to say that sterilisation of his reusable equipment had started at 11:00 and ended at 11:35. Yet when I arrived at 12:00, the first (and only) sterilisation of the day had in fact yet to be completed. In addition, whilst the equipment under sterilisation was in the autoclave the studio was open for business and the only needle grips/tubes available for tattooing were loose and unwrapped in a plastic box next to the tattooist's chair. It was evident that they had not been sterilised since the day

Dated the 16th day of January 2012

Signed 

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Andrew John Douglas Walker

before. Therefore these items would no longer have been sterile (maximum of three hours permitted) and would not have been safe to use on customers. As on 15 September 2011, this was a breach of condition 39 (Special Treatments) since the equipment was not being kept in a sterile condition until used. Mr Grigalius still did not have a supply of disposable aprons to wear during tattooing, which meant there remained a risk of his clothing becoming contaminated which could act as a vehicle for the transmission of infectious diseases between clients. This was a breach of condition 45 (Special Treatments). On my 15 September 2011 inspection, I had raised the issue of a tear in the cover of the client's chair which was exposing stuffing. This meant that it could not be effectively disinfected between clients. Today I found even more tears in the chair - a total of 5 different areas of tearing which could not be effectively cleaned. In addition there was a tear in the seat of the tattooist's chair. I took photographs of the tears (Exhibits AW/2, AW/3, AW/4 and AW/5). This was a breach of condition 35 (Special Treatments). Mr Grigalius still hadn't arranged a clinical waste collection. There were no waste transfer documents available and this was a breach of condition 42 (Special Treatments). His outside clinical waste bin was full and he had three full sharps bins inside his unit. A sharps bin in the treatment area was filled above the maximum level with used needle-bars and these was exposed to access since the slide-fastening on the top was open. This was a breach of condition 14 (Body Piercing and Tattooing). Since all the waste storage facilities were also full on 15 September 2011, it was difficult to comprehend where clinical waste generated in the last two months had gone. I finished my inspection and left the premises. Later that day, I wrote to Mr Grigalius at his business address

Dated the 16th day of January 2012

Signed 

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Andrew John Douglas Walker

(Exhibit AW/6) about the contraventions. I wrote again to Mr Grigalius at his business address on 8 December 2011 (Exhibit AW/7). In that letter, I told him that I would visit again in January 2012 and that he would be prosecuted in the event of continuing non-compliance. I re-inspected Art Speed on 9 January 2012, arriving at 12pm, and met with Mr Grigalius who I found was smoking outside his unit. I started off by checking the consent forms that had been completed since my last visit on 18 November 2011. I found that amongst those forms only one customer had declared a relevant medical condition, and yet Mr Grigalius had again ignored the licence requirement to require written authorisation from a medical practitioner. This is a requirement of condition 22 (Body Piercing and Tattooing) in the event of a client declaring a condition listed in licensing condition 21 (Body Piercing and Tattooing). The record showed that on 4 January 2012 Mr Grigalius had carried out a tattoo (location and design omitted from the record) on a client who declared "Allergies - Nuts" and "Skin Condition - Eczema". Allergic reactions to foodstuffs and Eczema are each explicitly included on the condition 21 list and Mr Grigalius should not have tattooed the client without written authorisation from a medical practitioner registered by the General Medical Council. As on previous inspections, I found re-usable needle tubes and grips (29) loose in a plastic box next to the tattooist's chair. The Studio was open for business and the only other tubes and grips were in an autoclave which had not finished its cycle. For unwrapped equipment to remain sterile it should have been sterilised some time within the previous 3 hours (Condition 16, Body Piercing and Tattooing) and kept either in an autoclave or in a disinfected container (Condition 18, Body Piercing and Tattooing).

Dated the 16th day of January 2012

Signed 

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF **Andrew John Douglas Walker**

Yet the last sterilisation record was on 4 January 2011, which was 5 days before. This period was obviously way in excess of 3 hours, and neither was it apparent that Mr Grigalius had disinfected the box. This was a breach of condition 39 (Special Treatments) since the equipment was not being kept in a sterile condition until used. No attempt had been made to repair or cover the torn areas along the sides of the client's chair. This meant that it could not be effectively disinfected between clients. It was a breach of condition 35 (Special Treatments). There was still no evidence of a clinical waste collection, despite all the storage facilities already having been visibly full on my 15 September inspection. There were no waste transfer documents available and this was a breach of condition 42 (Special Treatments). Mr Grigalius told me that he had contacted the clinical waste collection company, and that they would either come later that day or else the next morning. At 12.40pm I cautioned Mr Grigalius and recorded the following interview in my notebook (Exhibit AW/8): **AW: Do you understand the caution? EG: Yes. AW: Are you happy answering questions in English? EG: Yes. AW: You are not under arrest. Do you want legal advice? EG: No. AW: Why, when I arrived were you smoking inside the covered market? EG: I know I'm not allowed to. It's my fault. I'm not going to do it again. AW: Before today, when was the last day you were open? EG: 4 or 5 Jan. AW: If someone came in now and wanted a tattoo, which tubes and grips would you use? EG: I would probably have to use the old ones, yes. AW: By "old ones", do you mean the ones in the box by your chair? EG: Yes, and they were sterilised on the 4 Jan. Are you building a case against me? AW: I am required to write down your**


Dated the 16th day of January 2012
Signed AW

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF **Andrew John Douglas Walker**

answers to these questions. EG: What's the reason? AW: The reason is because some of these issues are legal offences and it is possible you may be prosecuted. EG: Do you disinfect the box before placing the grips into it? EG: I wash it but I didn't disinfect it because I didn't know about it – now I'm going to do it. AW: How many tubes and grips are currently being sterilised in the autoclave? EG: Probably 6 or 7. AW: How many do you normally sterilise in one go? EG: I sterilise whatever tubes I've used the previous day. AW: When was your last clinical waste collection? EG: I don't remember exactly – I've had only one, probably a year ago. AW: Are you currently allowing others to tattoo here? EG: No. AW: I understand that you allowed a man called "Val" to tattoo here last year. Is that correct? EG: I didn't allow him to tattoo...he was an apprentice, here to learn. Customers knew he was an apprentice and agreed to be tattooed by him. He started the tattoo and I finished it. AW: On how many occasions? EG: Two times. AW: Why hadn't you checked that he'd had a Hep B jab? EG: I knew that he'd had the jab...I just didn't check the paperwork. When you told me, he brought the paperwork...but he wasn't registered because he wasn't a tattooist, he was only learning. AW: Can you remember the date of the tattoos? EG: No. AW: The Hep B paperwork you showed me was dated September 2011. EG: Yes...because he went for a check...he went for the jabs a long time before that...I asked for a check so he could prove he didn't have Hep B. AW: How did you know he'd had the jabs? EG: I spoke with him...I didn't know I'd done something illegal...he done under my supervision. AW: Is it true that you are being sued by a customer with

Dated the 16th day of January 2012
Signed 

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF **Andrew John Douglas Walker**

whom you did not fill-out a consent form? EG: Yes....it just slipped through somehow because normally I do. AW: What is she saying has gone wrong with the tattoo? EG: The ink spread a little bit under the skin...you can see little bruises/discolouration under the skin...the tattoo was alright. AW: Are you going to replace the torn chairs? EG: Yes. AW: When? EG: As soon as possible. AW: That's the end of my questions. Is there anything further you wish to add or clarify? EG: No. AW: Please could you read through my notes and sign that they are accurate? EG: I was reading while you were writing. AW: Shall we go through them? EG: No. Mr Grigalius then signed my notes as accurate and also wrote his address under his signature. I then left at 1.05pm. On 10 January 2011 at 12.15pm, I visited Art Speed again and saw Mr Grigalius. I asked if the clinical waste had been collected. It had not, and I saw that the outside clinical waste bin was full. There were no waste transfer documents available and this was a breach of condition 42 (Special Treatments).

Dated the 16th day of January 2012
Signed Andrew Walker

Statement of witness

*(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF **Niall Forde**

Age of witness (*if over 18 enter "over 18"*) **Over 18**

Occupation of witness **LICENSING OFFICER**

This statement, consisting of two pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I have been employed as a Licensing Officer with the London Borough of Islington since July 2005. I hold the Certificate of Higher Education in Licensing Law. On 15 September 2011 I was informed by Andrew Walker, a Senior Islington Council Environmental Health Officer, that he had visited Art Speed Tattoo, Units 4 -5 Nags Head Market, 22 Seven Sisters Road, London, N7 6AG. He informed me that the premises licence was found to be breaching the terms and conditions of his premises licence. The licence for this premise is held solely in the name of Mr Edigijus Grigalius. This licence was only granted with on 9 June 2009. This licence has been renewed on a six monthly basis since this date. I attached a copy of the most recent licence issued to the premises as "NF01", and a copy of the cover letter setting out conditions to which the licence is subject to as "NF02". A copy of the standard conditions for Special treatment premises in Islington is attached as "NF03", and a copy of the standards conditions for Body Piercing and Tattooing is attached as "NF04".

Dated the _____ day of _____

Signed _____

Whitton, Daniel

Subject: LBI v E Grigalius trading as Art Speed Tattoo Studio
ODMA DocID: ::ODMA\XX\CM\450340_1
ODMA File Name: \\dnadbsrv01\Casedocs\NPP\00001053\450340_1.msg

Dear Niall

I write to report on the outcome of the court hearing today.

Mr. Grigalius attended and was not represented.

He pleaded guilty to the nineteen charges on the court register - all offences were breaches of conditions on his licence LN/1550-011011.

The Court on passing sentence indicated that it had serious concerns about his attitude towards compliance, that he was putting people in danger by his cavalier attitude, and that the offence, particularly regarding condition 16 they took very seriously.
Sentence passed was as follows:

Fine £1,500 for the offence of breach of condition 16 (unwrapped needle tubes and grips were being used without further sterilisation as stipulated in condition 16). No separate penalty on the other offences.

Costs £500

Kind Regards

Mumtaz Keshani
Solicitor, Licensing & Prosecutions
Islington Council
LGC Legal Team of the Year 2011

T: 0207 527 3050
F: 0207 527 3425

DX: 122230 Upper Islington
E: mumtaz.keshani@islington.gov.uk
Alternative contact: Susan Hewitt 0207 527 3497 Please consider the environment - do you really need to print this email?

PUBLIC PROTECTION DIVISION
222 UPPER STREET, LONDON N1 1XR
STANDARD CONDITIONS
FOR BODY PIERCING AND TATTOOING
London Local Authorities Act 1991-2000

These conditions are to be read in conjunction with the Standard Conditions for Special Treatment Premises. They apply to all licensed body piercers and tattooists in Islington. Other conditions may be added to licences if circumstances warrant this.

GENERAL

1. A body piercer or tattooist must obtain a certificate from a Registered Medical Practitioner to show that he or she has been tested for Hepatitis B Antigens and Antibodies and has satisfactorily completed a Hepatitis B vaccination course. The certificate shall be submitted to the Public Protection Division. It is the responsibility of the holder of the Special Treatment Premises Licence to ensure that all staff are immunised against Hep B.
2. Under the Health and Safety at Work etc. Act 1974, license holders, as employers, are required to ensure that they provide all information, instruction, training and supervision necessary "so far as is reasonably practicable" to protect the health and safety of their employees. However, there are currently no recognised training courses; it is the duty of employers to provide adequate on-the-job training for employees. Proposed introductions:
 - a) Every applicant has worked for at least 1 year as a professional within licensed premises and can provide references to it.
 - b) All license holder are aware they, and every operator working under their licence, must be capable of demonstrating that they have sufficient knowledge, skills, training and experience commensurate with the procedures they are carrying out.
 - c) All operators must hold a current first aid certificate to foundation level.
 - d) Operators should be familiar with the preparation of risk assessments (or at least written methods statements acknowledging the risks involved in their business) for the work undertaken.

This should be recommended as part of ongoing training for apprentices/trainees.
3. A body piercer or tattooist must have undertaken an approved training course in first aid, such as the one-day "Basic First Aid" course. Such training courses are offered by the British Red Cross (00870 170 9222) or the St John Ambulance (020 7258 3456). There are other training organisations which advertise in Yellow Pages but please check with the Council whether a particular organisation is approved.
4. Branding is absolutely prohibited in Special Treatment Premises.



5. Body piercing, except nose and ear piercing, shall not be done to persons under the age of 18 years without prior written consent of that person's parent or guardian.
6. No piercing, except for nose and ear piercing, shall be done to persons under the age of 16 years. Nose and/or ear piercing shall only be done to persons under the age of 16 years with the prior written consent of the person's parent or guardian, unless the person is accompanied by a parent or guardian and they provide written consent at the time of piercing.
7. Notices giving the age restrictions on types of piercing should be prominently displayed in the premises.
8. The Licensee is advised that the Prohibition of Female Circumcision Act 1985 should be considered when requests for the piercing of female genitalia are made. Anything which goes beyond simple piercing may amount to mutilation and may therefore be prohibited by the Act.
9. The Licensee is advised that under the Tattooing of Minors Act 1969 it is an offence for any person, other than a medical practitioner or a person working under his direction, to tattoo a person under the age of 18 years.
10. The person performing the piercing/tattoo or the person having the piercing or tattoo shall not be under the influence of alcohol or drugs. Operators must not eat or drink during procedures.
11. It is illegal to smoke anywhere on the premises
12. Piercing or tattooing shall be done in a room/area which cannot be viewed by members of the public outside the premises or by visitors to the premises.
13. A licensed waste disposal contractor must be employed to collect and dispose of skin piercing needles (sharps) and paper towels, gauze, swabs, gloves etc., which could be contaminated with blood/body fluids from the premises.
 - a) Sharps must be disposed of in an approved yellow plastic box which conforms to BS7320 1990 and/or be UN type approved.
 - b) The other waste should be placed in suitable, clearly marked plastic sacks provided or approved by the contractor for the removal of clinical waste.
14. Sharps containers must not be overfilled and should be removed when three quarters full, sealed and labelled. They must not be placed in other trade waste sacks
15. Unless only sterile single-use equipment is used, an autoclave must be used to sterilise piercing and/or tattooing equipment. Pre cleaning should be carried out prior to sterilisation. The Licensee must ensure that the autoclave is safe, working efficiently and properly maintained.
 - a) All autoclaves should be operated in line with the manufacturers instructions and only loads for which the steriliser is designed should be processed through the system.
 - b) The Licensee must ensure that the autoclave is subject to a thorough examination by a competent person at a frequency prescribed by them in writing. Records of the thorough examination must be kept on the premises. The licence holder must keep a maintenance log for the autoclave.

16. Non-wrapped items processed in an autoclave should be used direct from the autoclave and/or sterilised items are to be used within 3 hours or re-sterilisation is required.
17. If the autoclave is not equipped with a post sterilisation drying phase non-wrapped equipment and/or packages must not be removed damp from and autoclave and subsequently dried.
18. Dried non-wrapped equipment which has been subject to complete drying within the autoclave, before the door is opened, can be stored in a dry, airtight disinfected container.
19. Injections of local anaesthetic may only be administered by a medical practitioner registered by the General Medical Council. Ethyl chloride must not be used.
20. Notices should be prominently displayed on the premises informing clients of the possible risks associated with piercing and tattooing to include, where appropriate:
 - a) Blood poisoning, e.g., septicaemia;
 - b) Localised severe swelling and trauma at and around the piercing site;
 - c) Scarring;
 - d) Localised infection at the piercing/tattoo site;
 - e) Migration and possibly rejection of jewellery;
 - f) Localised infections, e.g., sepsis or urethritis;
 - g) Allergic reactions to or potential embedding of jewellery;
 - h) Fainting;
 - i) Discomfort while healing
 - j) Blood loss
 - k) Possible allergic reaction to inks
21. The licensee and staff doing piercing/tattooing should be able to demonstrate knowledge of the possible contra-indications to the treatment and should discuss with the client (or parent or guardian if the client is under 16 years of age) his or her medical history to include the following conditions:
 - a) Heart disease, angina, pacemaker
 - b) Cellulitis
 - c) Skin conditions, e.g. eczema, psoriasis, dermatitis
 - d) Impetigo
 - e) Allergic responses to latex, anaesthetics, adhesive plasters, food stuffs and jewellery metals such as nickel
 - f) Haemorrhaging/haemophilia
 - g) Fainting
 - h) Seizures e.g. epilepsy
 - i) Diabetes
 - j) Blood borne viruses, e.g. HIV, Hepatitis B, C
 - k) Conditions that compromise the immune system

22. If the client suffers or has suffered from any of the above conditions no piercing/tattooing shall be carried out unless written authorisation is obtained from a medical practitioner registered by the General Medical Council.
23. A record must be kept for all customers indicating their name, address, date and type of piercing. It is recommended the records are kept for three years from the date of piercing, written consent from a parent or guardian shall also be kept.
24. A fully stocked basic first aid kit must be kept on the premises.

BODY PIERCING

25. Unless single-use equipment is used all instruments used for piercing and any jewellery inserted after piercing must be sterilised in an autoclave before use. For body piercing jewellery must be 14ct or 18ct gold, niobium, titanium and platinum. Incorrect gauges and surgical steel not recommended as a suitable material for body piercing jewellery.
26. A "no touch" technique, for example, using forceps, should be used as much as possible to reduce the risk of skin and soft tissue infections. Disposable rubber gloves must be worn.
27. Piercing guns designed for ear piercing must only be used on the outer perimeter and lobe of the ear, unless the instrument clearly states otherwise. It should be a disposable one such as the Coren (Newton Laboratories), the Medisept (Studex Manufacturing UK Ltd.) or the Blomdahl (Poly [UK] Ltd.). Butterfly clips must not be used on noses. Ear piercing instruments must be cleaned between uses, on each client, by thoroughly wiping down with an approved disinfectant immediately e.g. 70% alcohol.
28. Pre-packed, pre-sterilised, disposable hollow piercing needles shall be used followed by jewellery of the same diameter as the needle.
29. If the skin is to be marked for piercing it should be done prior to the cleansing of the skin. The marking should be done with a fine indelible pen (preferably gentian violet).
30. The skin in the area of the piercing must be intact. The skin shall be cleansed with a suitable disinfectant such as 70% ethanol or isopropyl alcohol swabs.
31. The piercer must ensure a clean operating field by means of disposable paper sheets.
 - a) Each operator is to maintain an acceptable standard of personal cleanliness at all times. Operators hands should be washed with liquid soap and hot water and dried with disposable paper towel. Single use disposable rubber gloves are to be worn for each client and changed when they come into contact with non-sterile surfaces.
32. An appropriate surface local anaesthetic may be applied to the area to be pierced using a clean disposable applicator, for example, a piece of sterile gauze for each application. Anaesthetics (creams, sprays) should only be used for the purpose intended by the manufacturer and for which they are licensed in the UK.
 - a) Operators must advise clients that an anaesthetic will be used and, in following the information provided by the manufacturer, discuss any potential allergy or contraindication with the client.

33. To minimise the risk of fainting, the client should be in a reclined position when piercing is carried out, except for tongue piercing as there is a risk of swallowing jewellery or the tongue itself.
34. The skin to be pierced should be steadied, if practicable, with sterile forceps or with gloved fingers or against a sterilised thimble. The needle should be held as far away from the tip as possible whilst still allowing good control of the tip of the needle. The jewellery should be pushed through following in the same direction as the needle.
35. Prior to piercing the tongue, cheek or lip the client shall gargle and rinse the mouth with antiseptic mouth wash.
36. No attempt shall be made to increase the size of a piercing until it has completely healed.
37. All clients shall be given verbal and written information about the aftercare of the piercing. A sample of the written advice shall be sent to the Public Protection Division.

TATTOOING

38. Each operator is to maintain an acceptable standard of personal cleanliness at times. Operators' hands should be washed with liquid soap and hot water and dried with disposable paper towel. Single use disposable rubber gloves are to be worn for each client and changed when they come into contact with non-sterile surfaces.
39. Tattooing should never be carried out within six inches of an infected area of skin or skin with an irritation.
40. The skin to be tattooed should be wiped over with a fresh pre-packed spirit swab. A single use disposable razor is to be used on each client.
41. The tubes, i.e., the holders for the stainless steel needle bars, must also be sterilised after each customer.
42. Single use, sterile disposable needles should be used. After use these must be "burned off" by flaming from the point to the soldered junction and discarded into a sharps container for disposal.
43. Re-usable needle bars must be ultrasonically cleaned and sterilised after each use.
44. Once a needle has been used on a customer it must not be returned to the tube - only unused (sterilised) needles may be placed in the tubes.
45. Needles must not be tested on the tattooist's skin.
46. Sterile forceps must be used for handling sterile needles and bars. These must be re-sterilised with each new batch of needles.
47. Capsule holders and forceps must be sterilised between clients.
48. Holding tubes for motors must be sterilised between clients.
49. Any non-disposable equipment that is liable to come into contact with blood or body fluids and cannot be sterilised, e.g. tattoo motors, should be adequately covered (where possible) to protect from such contact and should be thoroughly cleaned between clients e.g. 70% alcohol solution.
50. Materials used to cover equipment must be disposed of after every client.

51. Elastic bands used to secure the tattooing machine must be replaced after every client.
52. Single-use stencils are to be used on individual clients.
53. Fresh pigments in disposable sterile containers must be used for each client.
54. The pigment capsules must be disposed of after each client.
55. Where Vaseline is used for procedures, single-use packs should be used. Where this is not possible an appropriate amount of Vaseline must be dispensed, using a single-use implement, into a single-use pot/tray for every client.
56. Disposable wooden or plastic spatulas must be used to smear the Vaseline on the skin. Spatulas must only be used on one client and then discarded.
57. All clients shall be given verbal and written information about the aftercare of the tattoo. (A sample of the written advice shall be sent to the Public Protection Division.)