

REPORT

To: PLANNING AND ENVIRONMENT (PROTECTIVE SERVICES) SUB COMMITTEE		Subject: INTRODUCTION OF LICENSING FOR SKIN PIERCING AND TATTOOING
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 3 October 2006	Ref: RS/58/802	

1. Purpose of Report/ Introduction

1.1 The Civic Government (Scotland) Act 1982 gives Ministers the authority to introduce licensing for any activity which shall be regulated in accordance with provisions specified in the licensing Order. The Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 has been approved by the Scottish Ministers and this report shall outline the response of North Lanarkshire Council.

2 Background

2.1 The activities associated with skin piercing and tattooing were the subject of investigation and consultation some years ago by the Scottish Executive. The response has been to introduce a licensing order to regulate the activities in the interests of health and safety and public health.

2.2 The specific provisions of the order require any person who carries on a business which provides skin piercing or tattooing after 1st April 2006 to be licensed, or have applied for a licence, or they shall be guilty of an offence. However, although the order was only published in March 2006 the Scottish Executive have indicated that it will be amended before December 2006 as a result of representations made by Local Authorities and practitioners.

2.3 The licensing order specifies a range of requirements which must be fulfilled by practitioners when they undertake skin piercing or tattooing activities, such as sterilisation practices, age restrictions, standards for premises and equipment and procedural requirements.

2.4 Some of the requirements introduced have been enforced by Environmental Health as part of the Health and Safety at Work enforcement inspections which have been undertaken in such premises for many years. Environmental Health will continue to enforce Health and Safety legislation in these premises and will also be responsible for licensing.

3 Proposals/Considerations

3.1 Environmental Health have prepared all appropriate application forms, guidance and advice and have in place all necessary administrative arrangements to implement this Order.

3.2 As it is proposed that the Order will be changed by December 2006, Environmental Health have not yet implemented the provisions of the original order. Application forms which take account of the amended Order will be issued to all affected premises when the amended Order is in force. However, a letter will be issued to all known premises advising of the licensing requirements and informing the persons concerned that they shall have to submit an application as soon as the amended order is in force.

3.3 The costs of licensing have to be met from application fees which the Council can set and review from time to time. The proposed fee structure for applications for Skin Piercing and Tattoo Licensing is detailed below:

Period of Licence	Fee (£)
Initial 3 Year	300
Renewal 3 Year	225

- 3.4 Part of the application process involves publicising the application by the posting of a notice at the premises concerned for a period of 21 days, to inform members of the public of the details of the application, and to specify how objections or representations relating to the granting of the licence can be lodged with the Council. Objections and representations can also be received from consultees such as Strathclyde Fire and Rescue and the Police.
- 3.5 It is proposed that applications which attract objections or representations be remitted to the General Purposes (Licensing) Sub Committee for consideration, and that such objections and representations are administered in the same manner as other licensing applications made under the Civic Government (Scotland) Act 1982. It is also intended that applications recommended for refusal shall be referred to this Sub Committee.
- 3.6 It is expected that most of the applications received will not attract objections or representations, and where those applications comply with the requirements of the Civic Government (Scotland) Act 1982, as amended by the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 and subsequent amendments, and the additional conditions included in Appendix 1 of this report, it is recommended that powers be delegated to the Director of Planning and Environment to grant such licence applications.
- 3.7 Licenses granted shall include the conditions specified in the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 and subsequent amendments, the pre-requisite conditions of the said Order and subsequent amendments, and the additional conditions included in Appendix 1 of this report.

4 Sustainability Implications

- 4.1 The recommendations to the committee are consistent with policy and there are no sustainability implications.

5 Corporate Considerations

- 5.1 The recommendations to the Committee are Consistent with Policy and there are no Financial, Personnel or Property Implications in this report. The report has been prepared in consultation with Legal Services.

6 Recommendations

- 6.1 That the committee notes the introduction of the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 and approves the implementation process and fees defined in this report.
- 6.2 That the Committee notes that applications that attract objections or representations, and those which are recommended for refusal, shall be remitted to the General Purposes (Licensing) Sub Committee for determination, and that this report shall be referred to the General Purposes Committee.
- 6.3 That the committee notes that the Director of Planning and Environment shall have delegated powers to grant all other licence applications.

C. Morgan

AP David M Porch
Director of Planning and Environment

For further information please contact Robert Steenson on 01236 616534.

Appendix 1: Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006

Licence Conditions to be included in addition to those specified in the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 and subsequent amendments.

Additional conditions where the activity is carried out wholly or mainly in premises

1. Adequate provision shall be made for the cleaning of equipment on the premises. Any sink provided for this purpose shall be suitably sized, provided with hot and cold water and suitably located within the premises.
2. Autoclave pouches used for the purpose of sterilisation shall only be used within an autoclave that has a pre-sterilisation vacuum stage.
3. Pressure systems used which fall within the scope of the Pressure Systems Safety Regulations 2000 shall be the subject of a written scheme of examination and shall be examined in accordance with that written scheme of examination, as required by Pressure Systems Safety Regulations, 2000.
4. Inserted jewellery used in piercing practices shall be sterile.
5. Items in close contact with a break in the skin or mucous membranes shall be sterile.
6. Records of treatment of all customers shall be made and kept for a minimum 2 years. Treatment records shall include: -
 - client's name and contact address;
 - age given;
 - date of treatment;
 - treatment plan (including actual treatment to be carried out ,area to be treated and any type of jewellery used);
 - relevant medical history.

Additional conditions where the activity is NOT carried out wholly or mainly in premises

1. Single use needles used for skin piercing and tattooing shall be sterile single use needles.
2. Any ultrasonic cleaner and autoclave used shall be properly maintained.
3. Autoclave pouches used for the purpose of sterilisation shall only be used within an autoclave that has a pre-sterilisation vacuum stage.
4. Pressure systems used which fall within the scope of the Pressure Systems Safety Regulations 2000 shall be the subject of a written scheme of examination and shall be examined in accordance with that written scheme of examination, as required by Pressure Systems Safety Regulations, 2000.
5. Inserted jewellery used in piercing practices shall be sterile.
6. Items in close contact with a break in the skin or mucous membranes shall be sterile.
7. Adequate provision shall be made by the mobile operator for hand washing before, after and as necessary during tattooing or skin piercing procedures.
8. Adequate provision shall be made for the cleaning of equipment. Any sink provided for this purpose shall be suitably sized, provided with hot and cold water and be suitably located.

9. Records of treatment of all customers shall be made and kept for a minimum of 2 years.

Treatment records shall include: -

- client's name and contact address;
- age given;
- date of treatment;
- address treatment carried out;
- treatment plan (including actual treatment to be carried out ,area to be treated and any type of jewellery used);
- relevant medical history.