

EAST AYRSHIRE COUNCIL

**LOCAL GOVERNMENT LICENSING PANEL
16 MARCH 2006**

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SKIN
PIERCING AND TATTOOING) ORDER 2006**

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise the Panel of the provisions of the above Order affecting the Council as Licensing Authority, to seek authority to deal with applications under the Council's Scheme of Delegation and to set fees in respect of applications for grant or renewal of licences.

2. BACKGROUND

- 2.1 The Scottish Executive has taken steps to place tighter controls on skin/body piercing and tattooing to reduce the risk to members of the public through these practices.
- 2.2 Following consultation with public agencies, representative bodies and the industry, the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 has been made in terms of Section 44 of the Act.
- 2.3 The Order provides for the mandatory licensing of the industry with a view to improving hygiene levels within premises and generally reducing the risk to public health and comes into effect on 1 April 2006.

3 DISCUSSION

- 3.1 In terms of the Order, any person who carries on a business which provides skin piercing or tattooing, on or after 1 April 2006, shall require a licence in terms of Part 1 of the Civic Government (Scotland) Act 1982. Licences will normally be valid for a period of 3 years from the date of grant or renewal.
- 3.2 Licensing Authorities have 12 months within which to determine applications for the grant or renewal of licences.
- 3.3 The definition of skin piercing includes acupuncture, cosmetic body piercing and electrolysis, and tattooing is defined as 'the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro pigmentation.'
- 3.4 The Order provides standard pre-requisites in relation to premises and the facilities to be provided, along with standard conditions to be

imposed relating to hygiene and equipment whether the applicant is carrying on the activity 'wholly or mainly from premises' or not. The licensing authority may also impose such additional conditions as they deem necessary in terms of the general provisions of Part 1 of the Act.

- 3.5 Registered medical practitioners within hospitals and independent clinics are exempt from the provisions of the Order.
- 3.6 The Order also empowers authorised officers of the licensing authority to inspect premises and to conduct searches of unlicensed premises.
- 3.7 Transitional arrangements have been included in the Order to permit any person currently operating in this field, to continue trading where an application has been lodged with the licensing authority prior to 1 April 2006 and that application has not been finally determined.
- 3.8 For the information of Members it is estimated that there may be approximately 200 premises/persons throughout East Ayrshire that will require to be licensed.

4. FINANCIAL IMPLICATIONS

- 4.1 The licensing of the specified activities will be financed by way of application fees which individual authorities are required to set in terms of the Act.
- 4.2 The fee in respect of applications for grant or renewal of licences for Street Trading, Late Hours Catering, Window Cleaning, dealing in general Second Hand Goods and Public Entertainment purposes is currently set at £205.00. However, as the inspection of the premises and equipment in terms of this Order will require to be much more stringent and detailed, a fee of £250.00 is recommended in order to recover the estimated increase in the cost of inspections by Environmental Health Officers. The proposed fees are included in the recommendations contained in Paragraph 7 below.
- 4.3 For the information of Members, South Ayrshire Council has set fees of £280.00 for applications involving premises and £200.00 for those applications not involving premises. North Ayrshire Council has yet to set application fees.
- 4.4 The initial additional workload for the Environmental Health Service may have an impact on normal service provision in the short term.

5. LEGAL AND POLICY IMPLICATIONS

- 5.1 Consideration and approval of the matters raised within this report will allow the Council to fulfil its statutory obligations in terms of the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006.

6. CONCLUSIONS

- 6.1 The Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 has been made in terms of Section 44 of the Act and provides for the mandatory licensing of the industry with a view to improving hygiene levels within premises and generally reducing the risk to public health and comes into effect on 1 April 2006.
- 6.2 In terms of the Order, any person who carries on a business which provides skin piercing or tattooing on or after 1 April 2006, shall require a licence in terms of Part 1 of the Civic Government (Scotland) Act 1982.
- 6.3 It will be an offence in terms of Section 7(1) of the Act to carry on such a business without the required licence.
- 6.4 Transitional arrangements have been included in the Order to permit any person currently operating in this field, to continue trading where an application has been lodged with the licensing authority prior to 1 April 2006 and that application has not been finally determined.
- 6.5 An appropriate advertisement, advising of the requirement to be licensed, has been placed in the Public Notices sections of the Kilmarnock Standard and Cumnock Chronicle in their issues of week ending Friday 10 March 2006.

7. RECOMMENDATIONS

- 7.1 It is recommended that the Panel consider the contents of this report and agree: -
 - (i) that the licensing of skin piercing and tattooing in terms of the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006, be remitted to the Executive Director of Neighbourhood Services and that the Council's Scheme of Delegation be amended accordingly; and
 - (ii) that the following fees for applications be approved:-
 - (a) grant/renewal of licence involving premises £250.00
 - (b) grant/renewal of licence not involving premises £250.00

William Stafford
Executive Director of Neighbourhood Services

28 February 2006

WS/GS

LIST OF BACKGROUND PAPERS

NIL

Any person wishing to inspect of the background papers listed above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or e-mail john.crawford@east-ayrshire.gov.uk.