

REPORT TO: LICENSING COMMITTEE - 2ND MARCH 2006
REPORT ON: LICENSING OF SKIN PIERCING AND TATTOOING
REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)
REPORT NO: 167-2006

1.0 PURPOSE OF REPORT

1.1 To advise Members on the introduction of the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 which comes into force on 1st April, 2006.

2.0 RECOMMENDATION

2.1 It is recommended that the conditions in the appendices to the report be attached as conditions of licence and that the fee for a licence be fixed at £105 per annum.

3.0 FINANCIAL IMPLICATIONS

3.1 The cost associated with the grant of these licences will be recovered.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 None.

5.0 LOCAL AGENDA 21 IMPLICATIONS

5.1 None.

6.0 MAIN TEXT

6.1 The Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 comes into effect on 1st April this year.

6.2 The effect of the Order is that anyone carrying on a business which provides skin piercing or tattooing will require to hold a licence. The Order does not extend to the carrying on of the activity by a registered medical practitioner within a hospital or an independent clinic.

6.3 Where the activity relates wholly or mainly to premises, the Order specifies that the conditions at appendix 1 are met. In addition conditions 1 to 5 are pre conditions which must be met prior to the application being granted.

6.4 Where the application does not relate wholly or mainly to premises then the Order specifies that the standards at appendix 2 must be met. These should be adopted as formal conditions.

6.5 As well as the mandatory conditions in the Order, it is recommended that the following conditions are also attached to all licences:-

- (i) "The licence holder shall not carry out skin piercing or tattooing whilst under the influence of alcohol or drugs or whilst consuming alcohol or taking drugs".
- (ii) "Tattooing will not be carried out on any person under the age of 18".

6.6 This is without prejudice to the Committee's general power to attach any other conditions which it considers to be reasonable in any particular case.

6.7 The Order requires the activity to be licensed as from 1st April, 2006 but transitional provisions apply where an application is made before that date for the grant of an appropriate licence. In such a case the activity may be carried on without the licence until the Council has made a decision on the application, and, where a decision to refuse an application is then appealed to the Sheriff, until that appeal has been disposed of.

6.8 The Council has 12 months within which to consider any applications lodged. However it is anticipated that applications will be disposed of within three months.

7.0 CONSULTATIONS

7.1 The Depute Chief Executive (Finance) and the Head of Environmental Health and Trading Standards have been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

8.1 The Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006.

9.0 NAME Patricia McIlquham
Depute Chief Executive (Support Services).

17th February, 2006

MANDATORY CONDITIONS - PREMISES

1. Separate rooms are provided for:-
 - (i) the waiting area; and
 - (ii) the carrying out of skin piercing or tattooing.
2. The waiting area has displayed a notice advising:-
 - (i) that skin piercing and tattooing will not be carried out on any person under the influence of alcohol or drugs;
 - (ii) that skin piercing will not be carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing; and
 - (iii) that tattooing will not be carried out on any person under the age of 18.
3. The room to be used for the purposes of carrying out the skin piercing or tattooing has the following facilities:-
 - (i) a sink with hot and cold running water and which uses non-hand operated taps;
 - (ii) a paper towel holder containing paper towels;
 - (iii) a soap dispenser containing soap;
 - (iv) a washable bench or chair with disposable paper sheet;
 - (v) a dispenser containing alcohol solution;
 - (vi) a waste bucket with a pedal operated lid;
 - (vii) a sharps container for storage of needles after use; and
 - (viii) a first aid kit.
4. The following equipment is stored and properly maintained for use on the premises:-
 - (i) ultrasonic cleaners;
 - (ii) instrument baths; and
 - (iii) autoclaves and autoclaves pouches.
5. The premises are well ventilated and illuminated for the purposes of skin piercing and tattooing.
6.
 - (a) the accommodation and facilities within the premises are to be maintained in good repair and in a good state of cleanliness;
 - (b) only sterile single use disposable needles may be used for skin piercing or tattooing;
 - (c) for the purposes of tattooing, only sterile pigment or ink pre-packed in single use vials may be used;
 - (d) the activity of tattooing or skin piercing must be carried out by an operator wearing disposable vinyl or latex gloves, which must be changed for each client;

- (e) a supply of the following must be maintained -
 - (i) disposal vinyl or latex gloves;
 - (ii) disposable razors; and
 - (iii) disposable single use needles;
- (f) any equipment which is not disposable shall be thoroughly cleaned with fresh disinfectant after each use;
- (g) skin piercing shall not be carried out on a child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing.
- (h) any equipment which is disposable must be disposed of immediately after use in an appropriate waste receptacle.
- (i) for ear piercing, a sterile cartridge for ear piercing must be used;
- (j) for tongue piercing, a sterilised clamp must be used; and
- (k) information, in an easy to understand format, must be provided to prospective clients to explain -
 - (i) the process of the skin piercing or tattooing;
 - (II) the risks of the procedure; and
 - (iii) the after care requirements of the procedure

MANDATORY STANDARDS TO BE MET - NO PREMISES INVOLVED

1. Disposable vinyl and latex gloves must be worn and changed for each client.
2. The skin piercing or tattooing may only be carried out through use of disposable razors or single use needles.
3. Any seating used for the skin piercing or tattooing must be washable and covered with a disposable paper sheet which shall be renewed after each use.
4. Any equipment which is not disposable shall be thoroughly cleaned with fresh disinfectant after each use.
5. Any equipment which is disposable must be disposed of immediately after use in an appropriate waste receptacle.
6. For tongue piercing, a sterilised clamp must be used.
7. For ear piercing, a sterile cartridge for ear piercing must be used.
8. Skin piercing shall not be carried out on a child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing.
9. Information, in an easy to understand format, must be provided to prospective clients to explain:-
 - (i) the process of the skin piercing or tattooing;
 - (ii) the risks of the procedure; and
 - (iii) the after care requirements of the procedure.