

AGENDA ITEM

FALKIRK COUNCIL

Subject: THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982
(LICENSING OF SKIN PIERCING AND TATTOOING)
ORDER 2006
Meeting: FALKIRK COUNCIL
Date: 5 December 2007
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. BACKGROUND

- 1.1 At the meeting of Falkirk Council on 27 June 2007, members approved the following:
- the conditions for the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006,
 - that an annual fee of £200 would be charged, and
 - that a report is prepared to provide an assessment of the fee structure in respect of skin piercing and tattooing licences.
- 1.2 The purpose of this report is to provide members with an assessment of the fee structure.

2. LICENSING AND INSPECTION PROCESSES.

- 2.1 The purpose of the above Order is to include skin piercing and tattooing businesses within the civic licensing regime to ensure proper operational practice including appropriate regard to health and safety of customers. It is also to ensure that the persons undertaking the activity are fit and proper to do so and that the premises are suitable for the operation of such activity. The types of businesses which carry out this type of activity are already subject to regulatory control in respect of health and safety and, therefore, these businesses should already be operating at a satisfactory level. The inspection of the premises which is the subject of the license application is carried out by Environmental Health Officers of Development Services Food and Safety Unit, who are the officers responsible for the enforcement of health and safety legislation.
- 2.2 The administration of the licence applications made in terms of the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 is the responsibility of Development Service's Licensing Section. Licensing staff carry out the administrative function, undertake the consultation process and, if required, prepare reports for submission to the Civic Licensing Committee.
- 2.3 Development Service's Fees and Charges 2007/2008 states the hourly charge for work carried out by Environmental Health Officers as £91. It is estimated that each inspection for compliance with the licence conditions should take, on

average, one and a half hours ie £136.50. The balance, £63.50, will pay for officer time in relation to the administrative duties.

- 2.4 It is anticipated that the officer time required to carry out the inspection and licensing functions for a new application will be the same as that required for a renewal. It is therefore recommended that a fee of £200 is reasonable for the initial and renewal applications in respect of a licence granted under the 2006 Order.

3. CONSULTATION

- 3.1 The Food and Safety Manager has been consulted in relation to this matter and has agreed that the annual licence fee of £200 will ensure at present that the Council is recovering all costs in relation to this activity.
- 3.2 The report to Falkirk Council detailed in paragraph 1.1 made reference to a comparison process that was carried out with 9 other local authorities in relation to the duration of skin piercing and tattooing licences and the fees charged. This process was carried out in January 2007 and it found that some authorities issued licences for a one year period, others for a three year period and there was no standard fee charged. Falkirk's neighbouring authorities, namely West Lothian Council and Clackmannanshire Council, had not, at that time, set a licence fee and duration. However, Stirling Council had set a fee of £200 for an annual licence. An updated list of fees for all Scottish local authorities is attached as Appendix 1.
- 3.3 In terms of the Civic Government (Scotland) Act 1982, the licensing authority is given specific powers to charge reasonable fees in respect of applications, in contrast to the liquor licensing process, where fees are set by statutory instrument. The licensing authority must set fees which are sufficient to meet the expense of fulfilling the requirements of the Act and, it is anticipated, that fees will be reviewed from time to time to ensure this.

4. RECOMMENDATION

- 4.1 **That Council note the contents of this report.**

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Director of Development Services
29th November 2007

Contact Officer: (Alison Cairns, Consumer Protection Manager 501005)

LIST OF BACKGROUND PAPERS

1. None