

Regulatory Committee

12.30pm, Monday, 5 February 2024

Public Entertainment Licensing – Sun Tan Centres

**Executive/routine
Wards**

All

1. Recommendations

- 1.1 Regulatory Committee is asked to:
 - 1.1.1 Note the content of this report and the results of the consultation; and
 - 1.1.2 Agree the revised fee structure for Sun Tan Centres at 4.5.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: andrew.mitchell@edinburgh.gov.uk Tel: 0131 529 4208

Public Entertainment Licensing – Sun Tan Centres

2. Executive Summary

- 2.1 After receipt of enquiries about the application fees charged for Public Entertainment Licences, Committee agreed to carry-out public consultation to inform a review of the fee structure for applications for Public Entertainment Licences from Sun Tan Centres. This report provides an update on the results of that consultation and recommends amendments to the fees charged.

3. Background

- 3.1 The Council is a licensing authority under [The Civic Government \(Scotland\) Act 1982 \(the Act\)](#). Sun Tan Centres are included in the Council's Public Entertainment Resolution and, as such, must hold a Public Entertainment Licence under The Act. The current number of licensed premises, and the sunbeds therein, are attached at Appendix 3.
- 3.2 The Act allows the Council to set fees for licences. The key underlying principle is set out in Paragraph 15 of Schedule 1 to the Act, which provides that the licensing authority shall seek to ensure that the total amount of fees received by the authority, is reviewed from time to time, and is sufficient to meet the expenses of the authority in exercising its functions under the Act. In other words, licensing fees must be set on a cost recovery basis.
- 3.3 On 2 October 2023, Committee [agreed](#) that a stakeholder consultation should be carried out with respect to the licence application fees applicable to Sun Tan Centres.

4. Main report

Consultation and responses

- 4.1 On 22 November 2023, the service wrote to stakeholders with an interest in Sun Tan Centres (Appendix 1), including licence holders, trade groups, Police Scotland, the Scottish Fire and Rescue Service and Environmental Health.

4.2 Limited responses were received. The full wording of the responses is included at Appendix 2.

4.3 The responses expressed that the relevant application in Edinburgh was priced higher than the same application in similar Scottish authorities. One response also expressed a desire for safety inspections to check compliance with UV ratings.

Application fees

4.4 The current application fee for a Public Entertainment Licence for a Sun Tan Centre is £318 per bed for one year, whether new or renewal. The rationale for this fee structure is historic. Information gathered indicates that it would be appropriate to revise the structure to take account of developments in modes of operation of Sun Tan Centre businesses, and to promote consistency of approach with other licensed activities.

4.5 As a result, it is proposed that the committee agrees the following fee structure, to take effect from 1 April 2024. The fee structure is based on relative size and reflects use of bands which are used elsewhere in the fee structure. The suggested fees reflect the cost of processing applications, including checking paperwork of certificates provided by the applicant, consultation with statutory and non-statutory consultees and any inspection of the property.

No. sunbeds on premises	Application fee for annual licence
1 – 5	£250
6 – 10	£350
11+	£600

4.6 In addition, the fees would cover any follow-up enforcement activity. The current practice, since the pandemic, is that Environmental Health inspect the premises of new applicants with, where necessary, Public Safety. The intention will be to inspect all premises as part of the next renewal application. Assuming a satisfactory outcome from that inspection, from 1 April 2025 applicants would then be eligible to seek a three year licence for the same fee as a one year licence. This would bring the sector into line with the Council's approach to the majority of licence types. The normal policy position is that an initial grant of a new licence will be for one year unless the applicant can persuade Committee that they should be treated as an exception from that policy position.

Other issues

4.7 One respondent suggested that licensing conditions should be amended to require that sunbeds comply with BS-EN 60335-2-27. It is the responsibility of operators to ensure that the electrical output levels of their sunbeds meet the recommended standard within the industry and ensure that the equipment is maintained in good condition. Environmental Health Officers do not routinely carry out testing of the

output levels of sunbeds but, should a complaint be made, then they may require/arrange for independent testing. It is not considered necessary or proportionate to amend licence conditions to require compliance with BS-EN 60335-2-27 at the present time.

5. Next Steps

- 5.1 If agreed by Committee, officers will arrange to inform the licence holders of the revised fee structure for Sun Tan Centres from 1 April 2024, and the possibility of a three year licence from 1 April 2025,

6. Financial impact

- 6.1 There will be a reduction in annual income, however, as the number of tanning business is low, any loss will be minimal. The proposals will still ensure full cost recovery with any reduction in revenue contained within the Licensing budget, which is generated entirely from Licensing income.

7. Equality and Poverty Impact

- 7.1 Not applicable.

8. Climate and Nature Emergency Implications

- 8.1 Not applicable.

9. Risk, policy, compliance, governance and community impact

- 9.1 Engagement took place with relevant stakeholders, including community and trade representatives.
- 9.2 Adopting a revised and updated fee structure will enhance transparency and accountability, and also demonstrate compliance with statutory requirements.

10. Background reading/external references

- 10.1 [Report to Regulatory Committee 2 October 2023.](#)
- 10.2 [Licence application fee list 2023/24.](#)

11. Appendices

- 11.1 Appendix 1 – Letter dated 22 November 2023.
- 11.2 Appendix 2 – Responses to letter.
- 11.3 Appendix 3 – Current numbers of sunbeds in Edinburgh premises.

Tanz Limited

4D Auchingramont Road
Hamilton

ML3 6JT

Date 22 November 2023

Our ref RS/TV/STL

Dear Tanz Limited

**Sun Tan Centre Licensing
Civic Government (Scotland) Act 1982**

I write to bring to your attention that at its meeting on 2 October the Regulatory Committee of the City of Edinburgh Council was presented with a report on Public Entertainment Licensing (links are include at the end of this letter).

That report included information on industry concerns about the current framework for the licensing of Sun Tan Centres in Edinburgh under the Civic Government (Scotland) Act 1982 ('the Act').

The Regulatory Committee agreed that a stakeholder consultation should be carried out in advance of making any adjustment to the relevant application fees. This would offer an opportunity for licence holders and their representatives to set out their views on how the sector has developed and how the fee structure might be reformed, taking into account the Council's requirements that all fees achieve cost recovery.

The Council would welcome your comments on:

- 1) The existing fee charged per sunbed; and
- 2) Any other aspect of the licensing of Sun Tan Centres.

Andrew Mitchell, Head of Regulatory Services, Directorate of Place

City Chambers, High Street, Edinburgh EH1 3YG
Tel 0131 469 5822 andrew.mitchell@edinburgh.gov.uk

I invite you to make submissions by email to licensing@edinburgh.gov.uk or by post to 'Licensing Service, Level 10' at the address below. Any submission should arrive by **Friday 15 December 2023**.

Yours sincerely



Andrew Mitchell
Head of Regulatory Services

Web Links:

Report on Public Entertainment Licensing

<https://democracy.edinburgh.gov.uk/documents/s61678/7.2%20-%20Public%20Entertainment%20Licensing%20-%20Application%20Fees.pdf>

Existing Fee Structure

<https://ww>

www.edinburgh.gov.uk/downloads/file/23569/civic-licence-fees

Appendix 2

From: Tanz Limited <info@tanztanning.co.uk>
Sent: Friday, November 24, 2023 9:41 AM
To: Licensing <Licensing@edinburgh.gov.uk>
Subject: Concerns about Public Entertainment Licence Fees

Dear Edinburgh Council

I trust this message finds you well. I am writing to express my concerns about the pricing for license fees for sun tan centres within our community. As a business owner in the area, I have been a committed supporter of local initiatives and have always valued the services provided by the council.

However, the substantial rise in license fees over the years has come to my attention and has raised questions about the fairness and reasonableness of the current pricing structure. I understand that councils may need to adjust fees to cover operational costs and support community services. Still, the extent of the fee hikes has left me and other community members feeling burdened and financially strained.

I have thoroughly reviewed the fee schedule and compared it with neighbouring councils. It appears that your council's fees are significantly higher in comparison with other councils as well as renewing licenses in a 3-year cycle as opposed to a yearly structure that your council adopts. While I appreciate the need for revenue generation, I believe it is crucial to strike a balance that ensures the financial sustainability of the council without placing an undue burden on residents and local businesses.

I would like to request more transparency regarding the factors that led to the decision on the pricing of these license fees. Understanding the rationale behind these changes will help me and others in the community appreciate the challenges faced by the council. Additionally, I am curious if there are any plans to reassess or reconsider the current pricing structure in response to community feedback.



High license fees not only affect businesses but also impact the overall economic well-being of the community. I believe it is in the best interest of both the council and its constituents to foster an environment that encourages local businesses to thrive.

Thank you for your attention to this matter. I look forward to hearing from you and appreciate your commitment to the well-being of our community.

Tanz Limited

From: Frank Taylor <frank@indigosun.co.uk>
Sent: Wednesday, November 29, 2023 11:13 AM
To: Licensing <Licensing@edinburgh.gov.uk>
Subject: Sun Tan Centre Licensing

Dear Mr Mitchell,

Renewal of Sunbed Licensing Fees

We operate 98 Tanning Salons, throughout the UK with locations from Inverness in the North, to London in the South. From our Headquarters in Stirling, we employ over 900 staff.

In the Edinburgh City Council area we have four locations, as shown in the attached BAR Chart. I have annualised all the licensing fees to highlight the differences in costs from which it is plain to see that Edinburgh stands out as 10 times more expensive than other Scottish Council Licensing Schemes.

I understand that the purpose of the fee is to recover the costs incurred by the council but as an operator in Scotland and England, I see no great differences in the license conditions and site inspections made to obtain or renew a license. Every year in Edinburgh, we seem to fill in the same forms with the same answers, apart from the 3 yearly Electrical Test Certificate.

The site inspections generally take about 15 minutes with the Council Officer inspecting paperwork and checking the rooms to ensure all relevant posters are displayed, and additional emergency stop buttons fitted. The number of sunbeds within the salon is irrelevant to the time spent on the inspection as most of the checks are done in the background. To streamline the system and make it fairer for salons and allow the council to recover costs I propose, the licensing renewal should take place every three years with

fees around the Scottish average of £200 per annum for each salon. This would mean each salon would pay £600 to renew the license every 3 years, irrespective of the number of the beds.

It should be pointed out that one deficiency in the licensing scheme relates to the UV emission level of sunbeds. At present the safe level governing sunbeds is 0.3 W/M2 which is equivalent to the mid-day mediterranean sun. there are no checks to establish the output level of sunbeds in Edinburgh, which is very concerning. We are subject to simple tests in various other licensed areas to check our sunbed output which eliminates rogue operators who put their customers at risk of burning.

I would ask the council to speak with the Sunbed Association for further information on this point to ensure compliance, as it could be a simple matter of writing to all salons within the area pointing out that you will be checking for compliance with 0.3 over the next 3 months. I am sure that once received, most salons would replace their sunbed lamps to comply.

In conclusion, my recommendations are as follows:

1. Sunbed salon license to be a flat fee similar to other Scottish areas.
2. Salon licenses to be renewed every 3 years.
3. Licensing conditions to be amended to make sunbeds 0.3 compliant. (BS-EN 60335-2-27)

I look forward to hearing the result of the consultation.

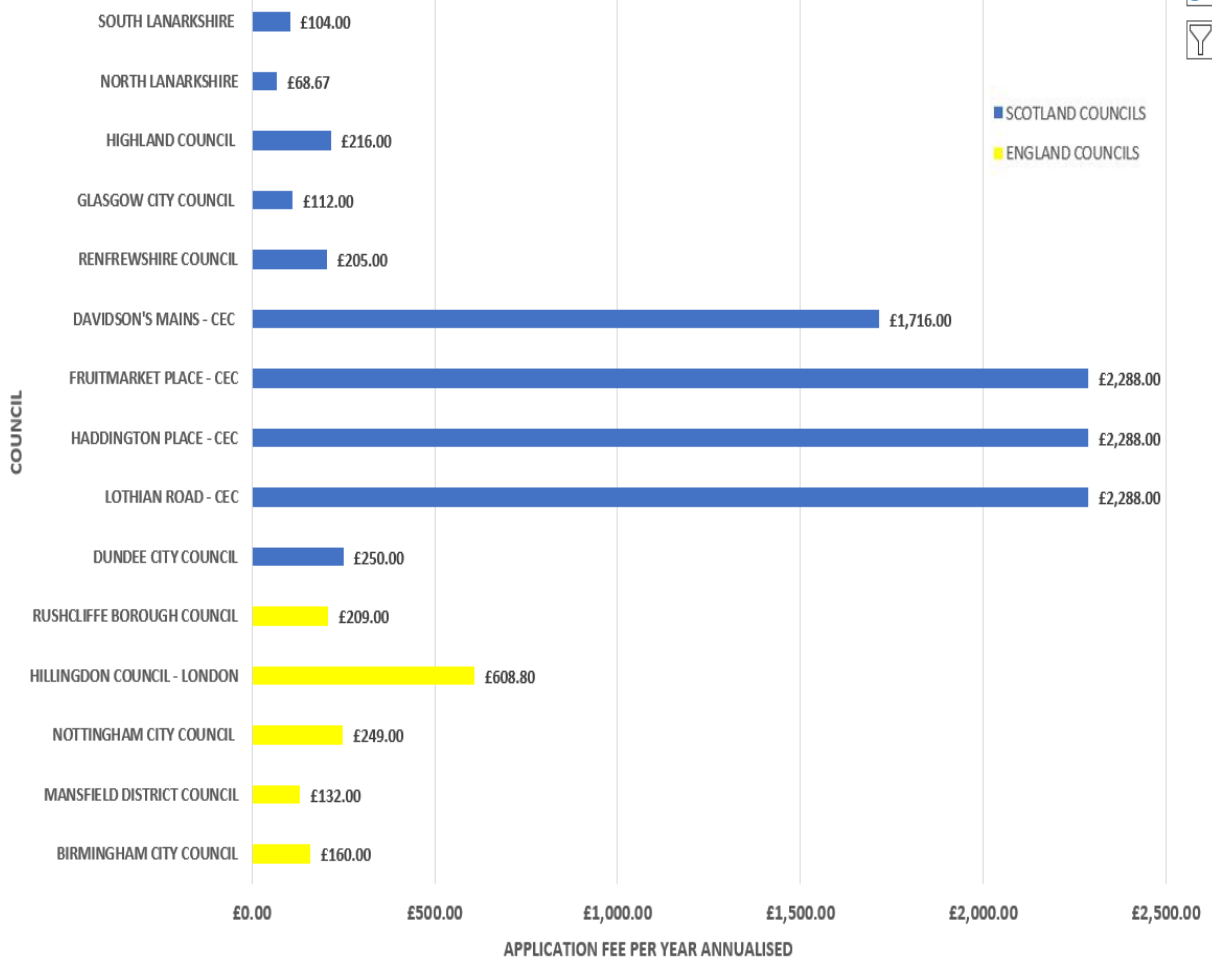
Yours faithfully

Frank Taylor

Managing Director



indigosun LICENCED LOCATIONS AND COSTS



Appendix 3

No. sunbeds	Premises
0	1
4	3
5	2
6	1
7	3
8	5
11	1
12	2
Total	18