

CITY OF EDINBURGH COUNCIL

Item No 3

REGULATORY COMMITTEE

02 October 2023

DEPUTATION REQUESTS

Subject	Deputation
3.1 In relation to Item 7.2 on the agenda – Public Entertainment Licensing – Application Fees	Sun Bed Association (verbal and written submission) Balerno Childrens Gala Committee (verbal and written submission)
3.2 In relation to Item 9.1 on the agenda – Motion by Councillor Ross – Definition of City Centre Ward 11 for Market Operator Licences	Meadows Festival Edinburgh (verbal)

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CASE TO THE CITY OF EDINBURGH COUNCIL TO REVIEW SUNBED SALON LICENCE FEES

The Sunbed Association (TSA) seeks to establish a case for the City of Edinburgh Council (CEC) to review sunbed salon licence fees to be in line with other local authorities in Scotland.

TSA is a not-for-profit organisation representing best practice operators in the UK and Ireland's sunbed industry. Established in 1997, salons in membership must operate to TSA's strict Code of Practice which includes having properly trained staff, a well-run and maintained salon and, naturally, compliance with all relevant legislation and regulations. TSA places responsible tanning by those able to tan at the core of its ethos.

The relevant licence fee structure for sunbed salons was set up circa 40 years ago at a time when salons were all small-scale operations offering in the region of 3-4 sunbeds, or as part of a beauty salon with one or perhaps two sunbeds. At that time, CEC introduced a per sunbed licence fee structure in order to recover the costs to administer the scheme at no cost to the rate-payer.

Since that time, the sunbed salon profile has changed considerably, with the development of national chains and salons offering more sunbeds to accommodate demand. We assert this salon size evolution should not have realised additional work for council officials, with the checks required to ensure compliance with the licence conditions and processing of the application being consistent regardless of the number of sunbeds in a location. The annual salon inspection generally takes 15 minutes, with the council officer inspecting paperwork and checking rooms to ensure the required posters are displayed and emergency stops are fitted.

Sunbed salon licence fees were last set within CEC prior to February 2006. Currently, the annual application fee within CEC is levied at £318 per sunbed.

A member of TSA with a chain of salons throughout Scotland and England, recently undertook a review of the licencing fees paid across other local authorities (please see chart at Appendix). This review shows the average licence fee in Scotland (excluding CEC) to be just over £159 per salon, per annum (annualised where appropriate). Within CEC, the annual licence fee averages £2145 per annum. This represents a baseline average difference of more than 1249%. It is this disparity that TSA would welcome CEC reviewing.

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TSA would strongly advocate that across all areas, the sunbed industry has evolved and professionalised almost beyond recognition over the last 25 years. This is also borne out by the actual annual licensing-renewal inspection in Edinburgh generally taking no longer than 15 minutes. There have been significant advances in equipment technology and operational professionalism along with the introduction of legislation and regulations. These are all focussed on consumer safety and include:

- **AGE RESTRICTION: The Public Health etc (Scotland) Act 2008**
Prohibits the use of a sunbed by anyone under the age of 18 and requires the display and customer provision of prescribed health information.
- **EQUIPMENT UV EMISSION LEVELS: BS-EN 60335-2-27**
This Standard governing sunbed equipment requires all new sunbeds manufactured or traded to have a maximum UV output of 0.3W/m². This is the equivalent minute for minute to the Mediterranean mid-day summer sun.

In 2007 the EU published a Declaration that the maximum irradiance level for UV tanning equipment should be 0.3/m² and that any UV tanning equipment which exceeds this level is deemed to be unsafe. This was supported by in an Opinion by the Scientific Committee on Consumer Products (SCCP) and is recognised as current scientific knowledge. Within the UK this Standard is applied via the scope of The Electrical Equipment (Safety) Regulations 1994 and The General Product Safety Regulations 2005. Compliant equipment will carry the CE mark, the manufacturer's declaration that the equipment confirms to the Regulations.

- **SALON STAFF TRAINING: BS-EN 16489**
TSA's certificated training programme is accredited to this Standard and is accessible to members and non-members. It covers a wide range of topics for the professional sunbed salon operator to ensure the correct advice and information is provided to consumers about responsible tanning.
- **SALON MYSTERY SHOP AUDIT**
To ensure compliance with TSA's Code of Practice, member salons are Mystery Shopped annually by an independent specialist audit company. The audit will assess amongst other points: age verification, required information display, customer-screening for contra-indications to tanning, salon protocols, hygiene standards and equipment compliance.

In addition to the above, the sunbed industry is increasingly represented by professional salon chains where equipment standards and operational practices and protocols are applied as uniform across all sites. The ongoing investment by the chains continues to have a positive impact across the whole industry.

Recognising the resource challenges placed upon CEC staff to undertake annual tanning salon inspections; the approach of other local authorities in this regard; the evolution of the salon chain and indeed the available resource of managing regulatory compliance by industry, TSA would welcome a review by CEC to consider the following:

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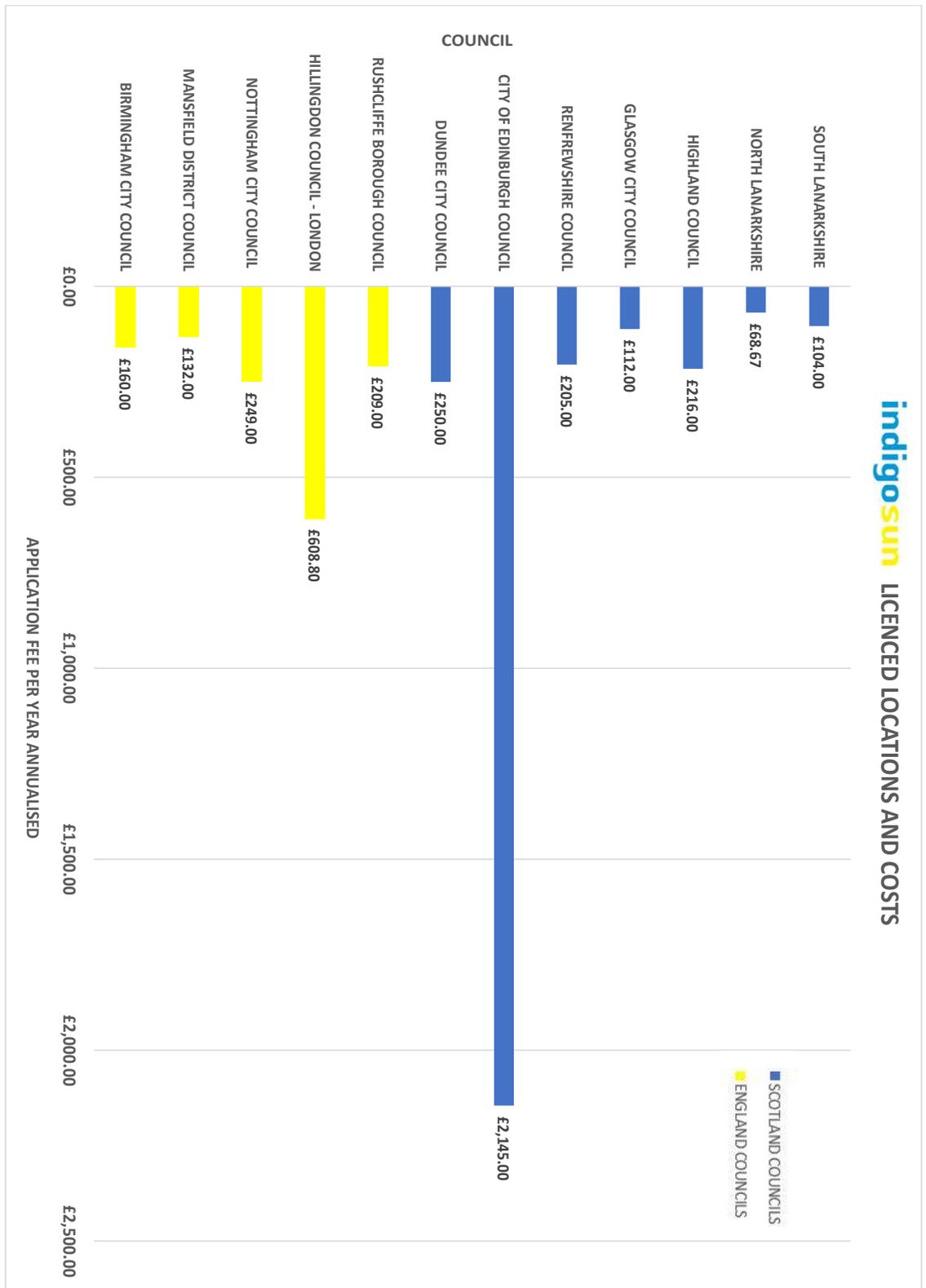
- Fee structure to be in line with other local authorities in Scotland
- An initial first year licence application for new sites. Fee per location, not per bed.
- Upon approval of the licence, an application for renewal every three years.

TSA would like to thank the Regulatory Committee for its consideration of this request.

GP/August 2023

Appendix attached.

APPENDIX – Licensed Locations and Costs



Deputation on Licencing Fees
Balerno Childrens' Gala
28.9.2023

Balerno Children's Gala Committee is a constituted group that has been in existence for approximately 75 years organising and running a series of events in Balerno for children and families, which culminates in a 'Gala Day'.

The Gala is very popular and always attracts good numbers, weather permitting. It is an important part of the community spirit in Balerno and is enjoyed by young and old.

During the Covid19 pandemic, we were obviously unable to have our usual Gala events, we hosted a small version in 2022, but then returned to our usual size and scale in 2023. As part of the process of holding a Gala Day we apply for all the required Council permits and licences, including a Public Entertainment Licence (cost £173).

To our astonishment, on applying for this we were advised we would have to also pay additional fees/charges as we were having 'amusement devices' (inflatables) on the Gala field. Costs for this below based on the number of 'amusement devices' we had.

Full costs:

£173 for application fee for PEL

£1700 out cost for hiring the inflatables

£2665 for between 6-20 'amusement devices' to be safety checked - so total cost of
£4538

(plus public liability insurance costing in excess of £1000 annually)

Having never knowingly been charged for anything like this in the past, we entered into a series of communications with Council officers to try and better understand the rationale and purpose for these charges. We were advised it was additional health and safety checks and that these charges were waived previously, the Council were now reinstating. Our inflatables were being installed and run by a company who have their own safety plans and insurance. (we have previously used a 'fairground' who always provided us with evidence of their insurance and safety certificates).

We decided, despite the difficulties, to try and raise the amount required so we could hold Gala 2023. We are very lucky to be part of a community that fully support us and due to local generosity we were able to pull together what was needed.

We had been advised, upon paying these fees, that on Gala Day itself a representative from the Council would come to the Gala field to inspect the inflatables, as per requirements. We attempted to get a name and time for this, but were unable to do so.

Gala Day arrived, but nobody from the Council did so we were in a position where we had paid a large sum of money for no apparent purpose. On contacting the Council following Gala Day to enquire about this, we were advised we would receive a two-

thirds refund on our fees, leaving us still wondering what the remaining third had paid for.

These charges are obviously a huge concern for us as a constituted group who do not work to make a profit. We basically break even when we run Gala, what we put out we generally get back in and then use to fund Gala Day the following year. Again, due to the Covid19 pandemic, we also found ourselves in a position where we had a lower than usual bank balance due to being unable to do our usual annual fund raising programme, so were extremely concerned about our ability to pay these charges. Had it rained, we would have made a loss on this event.

As an event that runs for only four hours, if the weather forces us to cancel or run reduced events, our income is lost. We were also advised that should this be the case, there was no refund available from the council. We are not a week or a month long festival. We run for four hours, once a year.

From a community perspective, we feel this is a real concern. At this time in the post pandemic world, we believe that our Gala provides an opportunity to bring people together, charges such as these being applied by the Council have the potential to strangle community events and disable local attempts to create a sense of community cohesion and provide an opportunity for people to come together.

We would be grateful if the Council would review and change its policy regarding these fees ensuring accessibility and clarity. It is difficult enough to run and organise community events such as these without adding in the need for large fund raising efforts at a time when we know there are families struggling with the cost of living crisis.