



Northern Ireland
Assembly

COMMITTEE FOR
HEALTH, SOCIAL SERVICES AND
PUBLIC SAFETY

OFFICIAL REPORT
(Hansard)

**Sunbeds Bill: Chief Environmental
Health Officers Group**

17 June 2010

NORTHERN IRELAND ASSEMBLY

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AND PUBLIC SAFETY**

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Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Dr Kieran Deeny
Mr Alex Easton
Mr Tommy Gallagher
Mr Sam Gardiner
Mr John McCallister
Mrs Claire McGill
Ms Sue Ramsey
Mr Jim Wells

Witness:

Mr Sean Martin) Chief Environmental Health Officers Group

The Chairperson (Mr Wells):

We move on to an evidence session with the Chief Environmental Health Officers Group. With us is Sean Martin, the head of environmental health at Larne Borough Council. I understand that Lynda Fitzsimmons is unwell and unable to make it, but I am sure that you will be able to fill in for her. You were present for the previous evidence session and will, therefore, have seen our format. We received your briefing paper and are interested in hearing a 10-minute presentation.

After that, we will throw the session open to members; you have had a forewarning of the type of questions that will be asked.

Mr Sean Martin (Chief Environmental Health Officers Group):

I thank the Committee for Health, Social Services and Public Safety for the opportunity to provide information on our view of the Sunbeds Bill.

The Chief Environmental Health Officers Group has been involved with the issue of sunbeds for some time. We have had members on the Northern Ireland melanoma strategy implementation group since it was established. We have also had membership on the sunbed working group since it was established. Initially, that group focused on improving the use of sunbeds in council facilities. By the end of 2005, all councils in Northern Ireland had removed sunbeds from their premises, which demonstrated a strong commitment. Much evidence about the health effects of ultraviolet (UV) radiation and sunbeds was starting to emerge at that time. The majority of sunbeds in council premises were in leisure centres, and so on, and a link was being drawn between health and sunbed use. We believed that it was important for councils to break that link, and a strong message was sent out.

In 2007, all 26 councils conducted a survey to establish the number of premises in Northern Ireland that provided sunbeds. That survey reported that 332 premises provided sunbeds. As the Chairperson said earlier, those sunbeds could be found in hairdressers, fitness clubs, hotels, retail premises and at the back of ice-cream shops. They were located in every type of premises conceivable. Anecdotal evidence from that survey suggested that the number of sunbeds had increased and that they were much more visible on the high street.

I will answer a question that was asked in the previous evidence session. Our group asked about membership of the Sunbed Association. Some 79% of respondents said that they were not members; 16% said that they were members; and 5% — the person who was present — did not know. Therefore, the percentages presented by us and by the Sunbed Association are roughly the same. Our group found that 16% said that they were definitely members of the association, and the Sunbed Association said that that figure is 20%. Those estimates are quite close and should give the Committee some indication about membership.

In general, the Chief Environmental Health Officers Group welcomes the proposals and

believes that they will improve standards. If the legislation is backed by a comprehensive public information campaign, we hope that it will increase public awareness of the health risks of UV generally and sunbed use specifically. Environmental health staff have considerable experience of enforcing similar health protection legislation, and we will make our comments from that basis. I intend to focus on those aspects of the Bill with which we have concerns rather than go through the entire Bill. I will pick out a few clauses that have been highlighted in the briefing paper that I sent to the Committee. We believe that what has been tabled will be effective in achieving the aims of the Bill.

Clause 1 —“Prohibition on allowing use of sunbeds by persons under 18” — is one of the main provisions. We have concerns about the drafting of the Bill, in that it might be difficult for us to enforce. We would have to prove that someone had used a sunbed for the offence to have been committed. We examined the drafting of the Sunbeds (Regulation) Act 2010 in England, which it is somewhat different and includes two additional paragraphs. Section 2(1)(b) creates an offence for an offer to be made to allow a sunbed to be used by a person under 18 years of age. The offence is committed once a person has been identified and told that he or she can use a sunbed, rather than after a person has used a sunbed. Section 2(1)(c) provides that a person under 18 years of age is not permitted to enter a restricted zone. In other words, if a person who is under 18 years of age is allowed to enter a sunbed zone, that in itself is an offence. The rationale for that is that two people may arrive at a premises and one of them may be aged 18 and provide the appropriate identification but be accompanied by a person who is under 18 years of age. If the two people enter the tanning booth, there is no means of controlling whether the 18-year-old or the person who is under 18 years of age uses the sunbed.

Those two additional paragraphs in the English legislation do not appear in our legislation or in the Public Health etc. (Scotland) Act 2008 (Sunbed) Regulations 2009. However, we believe that they are necessary. The mystery shopper — or, as we call it, the test purchase — has been referred to. If we were to use that as a means of securing or testing whether premises were complying with the requirement, we would not ask the person aged under 18 to go to the point of using a sunbed. Obviously, the information is that UV exposure increases health risks. Therefore, we believe that clause 1 needs to be redrafted or additional subsections or paragraphs added so that an offence is created once approval is given for a person to use a sunbed, as opposed to a sunbed actually being used.

We also question the wording “appearing to be” in clause 1(4). We see no reason for that wording to be included because it adds an element of doubt. Therefore, we believe that there should be a slight change in the drafting so that it is clear that it is only those documents mentioned in clause 1(4) that are acceptable.

We also draw members’ attention to the penalty in the Sunbeds (Regulation) Act 2010 with regard to that offence in England and Wales, which has been set at £20,000. The Bill sets the penalty at level 4, which is £2,500, so there is a huge disparity. As I understand it, the Scottish legislation has also set the penalty at level 4. Therefore, Northern Ireland’s proposals are similar to those in Scotland.

Clause 4 deals with supervision. We welcome its inclusion and believe that it is an important aspect of the Bill. However, we question the need to include clause 4(2) and feel that the provision is weakened as a result. It is our view that a suitable defence is available under clause 4(3), and that point has been highlighted by the Sunbed Association: it is possible for people to be on the premises but not provide appropriate supervision. We believe that that defence is inconsistent with clause 1 about the need to prevent sunbed use by people who are under 18 years of age. We feel that a suitable defence is available in clause 4(3) — that of due diligence — and that there is no need for clause 4(2), which, we believe, weakens the clause.

We also have experience of premises where it is possible to pre-purchase a large number of tokens. When people first go to a premises, they provide their details and buy many tokens, but the use of those tokens is not supervised. We would be concerned if clause 4(2) remained in the Bill. Those premises would have to change their practices in order to comply with clause 1, but that is the current situation. They are not unsupervised in the sense that no one is there, but there is a certain amount of unsupervised use.

Clause 6 deals with the duty to display an information notice, which we support. We also feel that a statement could be clearly displayed, stating that it is not legal to allow people under the age of 18 to use sunbeds, as is the case with the sale of tobacco products. That could be part of the information requirement so that it is clear to anyone who enters such premises that it is illegal to allow anyone under the age of 18 to use a sunbed.

Clause 7 relates to the prohibition on provision or display of other information. We believe

that that is an important clause and cannot understand why the penalty is set at level 1. The intention of the Bill is to ensure that appropriate information is available to people who are over the age of 18 so that they can make an informed choice about the use of sunbeds. If that is the case, it is important that contradictory information is not presented. We think that clause 7 is quite important and cannot understand the level of penalty.

The Chairperson:

We have just heard from the Department that it is dealing with that issue. You are pushing on an open door there.

Mr Martin:

It undermines clauses 5 and 6 not to set a reasonable level of penalty.

Clause 13 relates to fixed penalties for certain offences. During earlier evidence sessions, the Department suggested that fixed penalty levels may have been set between £50 and £100. We believe that fixed penalty notices can be useful, but there can be a contradiction in terms. There is a question over whether it is appropriate to use fixed penalty notices in health protection legislation. However, if fixed penalties are set at a reasonable level, and their issue leads to the premises accepting that they have done something wrong, that is an appropriate sanction. Prosecution is still available to the enforcing authority for premises that do not use a fixed penalty notice as an appropriate warning to improve their practice. It is important that there should be some debate about setting fixed penalties at an appropriate level.

One reason why we support the use of fixed penalties is that much time and effort can be spent on legal proceedings. The Committee might find this hard to believe but Larne Borough Council recently took two prosecutions in relation to the sale of tobacco products to persons under the age of 18. The associated legal costs were £1,800, and the council was awarded around £300 back from the court. The penalties applied by the courts was, in one case, an absolute discharge and, in the other case, a £100 fine. Sometimes, penalties and health protection measures applied by the courts do not support the reality of the situation. Fixed penalties could be used as an indicator of a first offence, after which we could move to a prosecution, and it is to be hoped that the courts would support us by applying an appropriate penalty.

In conclusion, we think that the introduction of the legislation should be supported by a

comprehensive information campaign, perhaps led by the Public Health Agency, highlighting the health risks associated with ultraviolet radiation and sunbeds in particular. We hope that such a campaign, along with the legislation, would improve the situation.

The Chairperson:

This is a fluid situation, because the Department has been listening carefully to some of the concerns that have been expressed in various public evidence sessions. It has brought forward amendments to the Bill to try to meet those concerns, the obvious one being licensing. Your figure of 332 premises works out at about 13 or 14 for each council area. Belfast probably has about three times that figure, and Moyle might have five. Councils license dogs, issue public entertainment licences, petroleum licences and licences for caravans. From a practical point of view as an environmental health officer, do you see the legislation placing a great burden on the 26 councils? It certainly would not have been a great burden if it had applied to an 11-council model.

Mr Martin:

The way in which councils administer the system will not place a great burden on them. You mentioned a number of licensing regimes. Larne Borough Council licenses 60 places for public entertainment, it issues more than 3,000 dog licences, and it has six premises that have petroleum licences. Licensing of sunbed premises is at the lower end of that scale. We have the data for each council on the number of sunbed parlours or salons, and, in most council areas, the amount is in single figures.

If a licensing scheme were properly designed and well thought through, the administrative burden would not be huge. From our perspective, given efficiency considerations, the cost should be covered by the fee that is set. That is not to say that the fee will be large and in the range of the figures that were given in evidence earlier, but the fee for licensing should cover the cost to the council of administering the scheme.

The Chairperson:

From your perspective, do you have a rough idea of what the price of a licence might be? I do not wish to pin it down to the last shilling and penny, but what do you think?

Mr Martin:

It is difficult to gauge, because it will depend on the licensing scheme that the Department introduces and on the requirement that will be placed on councils. Entertainment licence fees range from £100 to the largest fee for an indoor place, which costs £1,000. I think that the fee for a sunbed licence will be closer to the bottom end than to the top end. Councils will not seek to make any money out of a licensing scheme; they will seek purely to cover the costs and the burden of administering the system. A requirement from the Department on councils to inspect the premises every three months would result in a different cost to that which would result from a requirement to inspect premises once a year. The detail of the scheme will determine the cost.

The Chairperson:

The witness from the Sunbed Association made the point that its staff cannot demand access to a sunbed premises. I presume that that restriction does not apply to a council and that you can go anywhere you want.

Mr Martin:

Yes we can, and we currently have access to those premises through other powers. The Sunbeds Bill clearly gives us the power to enter premises. If entry were refused, we could get a warrant and make entry if we felt that that were necessary. The Bill contains those powers.

The Chairperson:

I can see the attraction of on-the-spot fines from an administrative point of view. However, it means that there is no court appearance, no bad publicity, and no track record is built up. Is a fixed penalty notice appropriate for the offence covered by clause 1? If a premises are caught out with a person who is under 18 years of age under a lamp and whose identification has not been checked, it must surely result in a court case.

Mr Martin:

The question of fixed penalty notices is difficult. On some legislation, we find that they are an effective and efficient way to deal with matters. You may feel that fixed penalty notices are appropriate for dealing with some offences in connection with health protection matters, and, for other offences, such as that which clause 1 covers, fixed penalty notices are not appropriate. If a fixed penalty notice is not felt to be appropriate, it is important that, should the matter be taken to court, the penalty is substantial and that the court supports the legislation and sends out a strong

message by applying the penalty.

The Chairperson:

If the Bill had suggested licensing, would your group have supported it?

Mr Martin:

In its original submission, the Chief Environmental Health Officers Group suggested that we start off with registration and move to licensing as a progression. Undoubtedly, a properly designed licensing scheme would give us much greater control. The challenge is in achieving a balance between designing a scheme that achieves the aim of the legislation in the area of health protection and which does not create a huge administrative burden, either for the industry or for the council. If we can do that, a licensing scheme will be useful.

The Chairperson:

I take it that you were not interested in incorporating sunbed licensing into public entertainment licences, as happens in some London boroughs.

Mr Martin:

No, we were not.

The Chairperson:

I can see all sorts of difficulties with such an approach. It is quite bizarre, given that they are two totally different aspects of the law.

Mr Martin:

Sometimes, when people know that something needs to be controlled, they look for solutions and end up with ones that do not always fit properly. That is the case with entertainment licensing provisions.

The Chairperson:

Claire McGill raised a point earlier, so I will break with protocol and let her ask her question next.

Mrs McGill:

You did not comment on authorised officers and enforcement. The Bill allows for an authorised officer to be someone who is not an officer of the council. I can see some difficulties with that. Clearly, you have thought the issue through, so you should be in a position to say who the authorised officers who are not part of a council’s environmental health staff will be.

With licensing and enforcement, are there other occasions when authorised officers are not officers of the council?

Mr Martin:

In Larne Borough Council, we do not authorise anybody who is not an officer of the council. There may be certain circumstances in which particular areas of expertise would be needed, and a council might authorise someone from outside to undertake a function on its behalf. Perhaps the intention in the provision is to allow councils the flexibility to do that. By authorising someone, the council has a certain amount of control because it can remove or restrict the authorisation.

Most of the legislation that is enforced by environmental health officers states “an authorised officer of the council”, and a council then decides on an appropriate officer. In this case, the appropriate officer is most likely to be an officer from the environmental health division, because our other duties bring us into contact with the types of premises covered in the Bill.

If councils are given the duty to enforce the legislation, it is likely that environmental health officers will be afforded the task. However, as I said, most of legislation does not specify that enforcement must be done by environmental health officers. Instead, “an authorised officer of the council” is mentioned.

Mrs McGill:

You say that other legislation refers to “an authorised officer of the council”. Does the Bill take account of that in clauses 12, 13 and 14?

In the previous evidence session, I mentioned that Dr Anna Gavin’s submission refers to strong enforcement by environmental health staff. Could a member of environmental health staff not be an officer of the council?

You said that somebody who is not an officer of the council could be used if he or she had some expertise. You have obviously considered that and identified who such a person might be in the context of the Bill.

Mr Martin:

When councils consider the legislation and the skills base that is available to them to enforce it, most of them are likely to conclude that environmental health officers are the most appropriate people. The Chief Environmental Health Officers Group would welcome environmental health officers enforcing the legislation.

We have a track record on considering issues that are related to sunbeds. As I said, we conducted a comprehensive survey, of which Dr Gavin is aware. That is why she made her comments. She is aware that the Chartered Institute of Environmental Health has been heavily involved in issues connected to sunbed use, which is why she said that she feels that we are the appropriate people to enforce the legislation.

The Chairperson:

We do not have casinos here, but there are some in places such as Blackpool and Manchester. Why do we not have a rule that nobody under 18 years of age gets through the door, as is the case with casinos? Is that not a clear-cut way to monitor the situation? In other words, if your inspectors arrive and there is a 15-year-old on the premises, there can be no argument about whether there is an obligation to hire a bed or whether that person is in a restricted zone. If that person is in the building, the operator is in trouble.

Mr Martin:

The difficulty is that sunbeds are located on retail premises. They are located in fitness clubs, hairdressers and in other types of premises that people attend other than to use sunbeds. That approach would solve the problem, but the nature of the industry and the premises are such that it would not work. Casinos are set up for gambling, which is why people attend them. However, a sunbed could be located at the back of a shop that sells ice cream.

The Chairperson:

How do you define a restricted zone? That will be very difficult in those circumstances.

Mr Martin:

The Committee should, perhaps, consider the English legislation, which refers to restricted zones. The Sunbeds (Regulation) Act 2010 seeks to define those zones and exclude persons who are aged under 18, other than persons who are there to clean beds or to work on behalf of the owner, from those parts of the premises. In that Act, the zone is restricted to the part of the premises where the sunbeds are, and it explains that at some length with the use of definitions. That is similar, but slightly different, to your suggestion.

The Chairperson:

That is useful. The witness from the Sunbed Association made the point that there is a difference between any type of supervision and supervision by someone who is suitably qualified to supervise. She gave the example of an owner saying that a cleaner was there to supervise. Do you want our legislation to contain a requirement that the supervisor must be suitably qualified?

Mr Martin:

That would strengthen the legislation. Given the measures in the Bill, it would be wholly appropriate to require the person who provides the supervision on the premises to be appropriately trained. Unless that person is appropriately trained, he or she will not know that a person under the age of 18 cannot use a sunbed and will not know all the other requirements on the need to provide information. We would support that idea.

The Chairperson:

Are there any training programmes in Northern Ireland?

Mr Martin:

No, there are not. Our 2007 survey flagged up the need for an agreed training programme for such premises, and the Chartered Institute of Environmental Health has been involved in the design of that. If it designs a programme, it will put it through the quality control analysis (QCA) process, and it will be accredited.

The Chairperson:

Most Committee members are councillors and, therefore, are aware of your work. Does it not surprise you that, during all the public comment, we have heard absolutely nothing from the vast majority of sunbed operators who are not members of the Sunbed Association? Has your group

had any contact with them?

Mr Martin:

The only contact has been through the 2007 survey, which flagged up real concerns about the standard of management on some premises. The information that we gathered in 2007 was fed to the Committee on Medical Aspects of Radiation in the Environment (COMARE) for its consideration. It was an extensive piece of work. All 26 councils participated, and we found that 332 premises offer the use of sunbeds. However, the survey discovered that 69% of premises could not find an operating manual for their sunbed. That was not the situation on the day alone, because we gave them an opportunity to supply that information when they laid their hands on it. Two thirds of businesses did not have an operating manual for their sunbeds.

The Chairperson:

That is very worrying. I must ask you a question that I asked the previous witness. An environmental health officer was previously known as a public health officer. The new title sounds much more intellectual. Did your group consider supporting the Royal College of Nursing's (RCN) view that sunbeds are an unnecessary luxury and that, given that people are dying from melanoma as a result of their use, they should be banned?

Mr Martin:

We need to protect vulnerable people, and, in the case of sunbeds, that is age related. Medical evidence supports the view that the earlier that people use sunbeds, the greater the risk to their health. Therefore, it is a good idea to ban the use of sunbeds by persons under the age of 18. However, for adults, it is about informed consent.

In other words, as long as we provide all the necessary information about health effects to ensure that a person is fully aware of them so that they can make an informed choice and that the premises are safe and properly run, the Chief Environmental Health Officers Group would not, I suppose, support an outright ban on the use of sunbeds. However, the appropriate measure is to control the use of sunbeds to prevent vulnerable people who are under 18 years of age from using them and to ensure that the correct information is available to those who do use them so that they can make an informed choice.

The Chairperson:

The Department's other major sensible amendment is that, in addition to licensing, it will extend the controls over the use of sunbeds that are hired out, for example, to someone who is getting married so that all the bridesmaids can have a lovely tan for the big day. The amendment will mean that such hired-out sunbeds will be subject to exactly the same controls as those in a tanning parlour. How will that be enforced?

Mr Martin:

It is difficult. We are working on research to establish how many businesses hire out sunbeds to people for use in their own homes and where those businesses are. Sometimes, such operators are not located on business premises; they may operate out of a garage, and most of their sunbeds stay in people's homes until there is somewhere else for them to go.

A registration requirement for such businesses would be a useful means of control; then we would know where they were and could follow up on their practices. Often, we find out about such businesses through local knowledge; people phone us with information. If someone has hired a sunbed but has not been provided with information about how to use it safely and about its health effects, they may phone to tell us.

If we were aware that operators were not complying with requirements, we could set up a test purchase exercise — a mystery shopper — to test how someone hired a sunbed on our behalf and whether they provided us with the information that they are supposed to and whether the bed itself was safe.

The Chairperson:

Say, for example, that Mrs Jones's teenage daughters invite all their friends round for a go on her sunbed while she is at work. Has an environmental health officer the power to knock the door and demand to see how that sunbed is being operated? How would you enforce compliance?

Mr Martin:

Most legislation that environmental health officers enforce relates to a business activity; the scenario that you describe is about the use of a sunbed in a person's home. We do not see ourselves going to those lengths. If the information is provided that sunbeds can damage health or that people under the age of 18 cannot use them, we would hope that responsible parents would

take appropriate steps to ensure that any children of theirs who are under the age of 18 would not use sunbeds.

The Chairperson:

The Committee is considering whether the Children (Northern Ireland) Order 1995 offers a redress of prosecution for child neglect. Say, for example, someone in Larne Borough Council gets a phone call saying that a Mrs Jones in Carnlough had gone away and that six or seven young girls — or young fellows, although young girls would be more likely — have been using her sunbed all day and that no one was doing anything about it. Would you have the power to go to Carnlough to stop that happening?

Mr Martin:

No, we would not.

The Chairperson:

Who would control such a situation?

Mr Martin:

Unless there is an amendment that I have not seen, I do not think that the Bill covers such a contingency. Councils would have no powers to cover it. We would not seek powers to force entry into domestic property; it would be a very difficult area. Similar discussions will have taken place on the effect of passive smoking on those under 18 years of age when people smoke in their own homes or cars. Health protection legislation has not pushed that far yet, and, when and if it does, it will be very difficult to enforce.

The Chairperson:

I should add that all those who live in Carnlough are law-abiding citizens and that such a scenario would never happen.

Dr Deeny:

As a Committee, we must be careful where we take this issue. I can take on board what the RCN has said, but we do not want a society in which the authorities can storm people's houses because they suspect parents are allowing their kids to use sunbeds, or are smoking or drinking too young. A happy medium must be reached. Parental and personal responsibility has a role to play, and

that is where education comes in.

I can understand where the RCN is coming from in wanting to ban sunbeds, but do we then ban cosmetic surgery? I know people who have cosmetic surgery simply because they want to look better, and banning it would cause uproar. Indeed, cosmetic surgery is becoming more and more popular across the world, with people getting their chins and noses done to look better.

We need to be very careful with the direction we take, because we do not want a completely regimented state in which the authorities can storm people's houses. Perhaps "storm" is too strong a word, but you know what I mean. It should be left to education and parental responsibility, which we seem to be taking more and more out of parents' hands and making decisions for them.

The Chairperson:

If the RCN raises such an important issue, the Committee is obliged to test the other witnesses on it.

Dr Deeny:

That is why I am participating in the debate and talking about all sides. As I said before, a friend's wife, a young woman, died some years ago of malignant melanoma, and I know how serious the issue is. However, rather than getting carried away with the emotions of the issue, we must realise that there is a certain amount of parental and individual responsibility involved. That is the education message that we should be trying to put across.

The issue of underage sunbed use is very similar to underage drinking, because it will harm the user if it is not done sensibly, intelligently and responsibly. However, the authorities should not be able to go into people's houses and tell them that they are giving a 16-year-old a drink.

You mentioned earlier the difficulty of policing the legislation if two people go into a tanning booth and one of them is under 18 years of age. In my leisure centre, trained supervisors are employed to ensure that people who are under 18 years of age do not get out of their depth while swimming. Could that same principle not be used for sunbeds to solve the problem that you raised? It is a practical problem that could be easily addressed.

Mr Martin:

It could be easily addressed by making it an offence to allow two people into a restricted zone if one of them is under 18 years of age. One purpose of the legislation is to prevent the use of sunbeds in commercial premises by persons under the age of 18. The Sunbeds (Regulation) Act 2010 that applies in England and Wales refers to situations in which such users turn up and enter a restricted area. For reasons of privacy, no one else would be able to go into those areas to supervise the users.

Dr Deeny:

Why not? Surely it is no worse than someone wearing a bikini in a swimming pool.

Mr Martin:

Once people enter a sunbed area, it is different.

Dr Deeny:

Are you saying that they whip all their clothes off? *[Laughter.]*

Ms S Ramsey:

You tell us. *[Laughter.]*

The Chairperson:

Perhaps that could be rephrased for the Hansard report of this meeting. Thomas: follow that.

Mr Buchanan:

I will go in a different direction. *[Laughter.]* Should an operator or supervisor ask a sunbed user to sign a form that states that he or she fully understands the dangers of sunbeds? For example, earlier Ms Banks explained the different skin types and how skin type 1 burns and does not tan. The information may be given to users, but they could use the sunbed and then argue that they did not understand the information. Should users be asked to sign a form indicating that they fully understand all the information that is given to them regarding their skin type or the dangers of a sunbed and the harm that it could cause?

Mr Martin:

Some premises do that. People's skin type is assessed, they are told their skin type, and the risks

and contraindications are explained to them — for example, if people have a previous medical history, have moles or are on certain medications. People are then asked to sign a form indicating that they understand. That is done on a client's first visit; he or she does not do it every time, but it is done by operators who hold good client records. They do not find it too difficult to do, so it is not unreasonable for that to be a requirement.

Mr McCallister:

What are your thoughts on what would happen if we go down the road of licensing? Would you suggest licensing the premises or the operator? What are the links between different councils if an operator is operating in different premises or is banned in one council area but moves to another? How do you see that working?

Mr Martin:

Perhaps we should have a single licensing scheme for the 26 councils. In relation to creating efficiency, it could be one licensing scheme, with perhaps one council administering that on behalf of the other 25 councils. That would then allow for communication because all the information would be on one database. That will be considered when a licensing scheme is being designed. It would be more efficient to it in that way, and it would also help with information.

Mr McCallister:

Would that be licensing individual operators, the premises or both?

Mr Martin:

A named individual at a particular premises would be licensed. Someone would apply for a licence for those premises and would receive a personal licence to operate that business at those premises. If that same person operated another business in another area, he or she would apply for a second licence relating to that address. There would be an application from a named individual for a particular premises.

The Chairperson:

That has been very useful. Most members seem to have had their questions well answered. We realise that there is a slight difficulty, in that the Department has now proposed amendments, which we supplied to you. You may not have seen them yet; they are either on their way to you or you have just received them. We will send the Department's responses to all witnesses, and if

there is anything that you feel that you need to write to us about, we would like to hear from you.

It is unusual that the Department is showing flexibility and amending as we go along rather than waiting until the Bill reaches the Floor of the House. That has been very useful; I take it that you speak for all 26 councils in a unified voice.

Mr Martin:

They are the views of the Chief Environmental Health Officers Group. We certainly have members in the 26 councils. As I understand it, many councils may have provided written evidence to the Committee. I am not purporting to represent the 26 councils, only the Chief Environmental Health Officers Group.

The Chairperson:

Thank you very much.