



Northern Ireland  
Assembly

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COMMITTEE FOR  
HEALTH, SOCIAL SERVICES AND  
PUBLIC SAFETY

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**OFFICIAL REPORT**  
(Hansard)

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**Sunbeds Bill: Sunbed Association**

17 June 2010

**NORTHERN IRELAND ASSEMBLY**

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HEALTH, SOCIAL SERVICES  
AND PUBLIC SAFETY**

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17 June 2010

**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

**Witnesses:**

Ms Kathy Banks           )       Sunbed Association

**The Chairperson (Mr Wells):**

We will now move on to the evidence session. We are joined by Kathy Banks, who has flown in from across the water to be here, which is much appreciated. Kathy represents the Sunbed Association for all of the UK, not only Northern Ireland. Is that correct?

**Ms Kathy Banks (Sunbed Association):**

Yes.

**The Chairperson:**

You are welcome. I hope that you have gained a sense of how the Committee operates from watching the earlier part of the meeting. Before Kathy gives evidence, I inform members that the Department has conceded on the issue of licensing. It is important that everyone is aware of that. The Department has stated that it is considering including the licensing for sunbed operators in Northern Ireland in subordinate legislation. That is a major change from the initial draft of the legislation.

**Ms Banks:**

I am aware of that, yes.

**The Chairperson;**

I point out that significant development in case you want to comment on it. We have just received a copy of the amendment. Have you seen that yet?

**Ms Banks:**

The latest document that I have seen is the Sunbeds Bill. I am not sure when that was published.

**The Chairperson:**

We will give you a copy of the amendments. The Department's proposals for subordinate legislation to enable licensing have just been given to the Committee. It is vital that the association see those as quickly as possible; we will give you a copy as soon as we can.

As is normal practice at the Committee, you have 10 minutes in which to make an opening presentation, after which members will ask questions. If you miss anything, feel free to use one of the questions as an opportunity to make a point that you had intended to raise. If, thereafter, you have any further comments, you may make those during the wash-up at the end of the session.

**Ms Banks:**

Thank you, Chairman. The Sunbed Association is the trade association for the UK sunbed

industry. We represent the manufacturers of sunbed tubes and tanning equipment. However, the biggest chunk of our membership comprises tanning operators, such as dedicated tanning salons, hair and beauty salons with sunbeds, leisure centres with sunbeds and fitness clubs with sunbeds.

Our main aims are, primarily, to ensure high standards of operation throughout the industry and to protect the welfare of people who use sunbeds. We have a stringent code of practice to which all members must commit. We inspect members' premises to ensure that they are working to the code of practice and that high standards are being achieved and maintained. We also provide a range of services, such as training programmes, sunbed insurance, health and safety, display merchandise, record cards, information leaflets, and so on. The association was launched in 1995 and, as with any trade association, is non-profit making. Membership to the association is voluntary. I have been with the association since its launch in 1995.

Overall, we do not have a major problem with the Sunbeds Bill. I am sure that the Committee is aware that the Scottish Government introduced sunbed legislation that came into force on 1 December 2009. The legislation banned under 18s from using sunbeds in commercial outlets and from hiring or purchasing them for home use. The regulations created a legal requirement prohibiting the unsupervised use of sunbeds in unstaffed tanning salons. Therefore, staff must always be on duty. Sunbed operators are also legally required to display a poster with a health warning and to provide health warning information to users.

I am sure that the Committee also knows that the Westminster Parliament passed the Sunbeds (Regulation) Act on 8 April 2010. The Act bans under 18s from using commercial salons. It also prescribes for the further regulation of unstaffed salons and the display of health information, and it will come into force in England and Wales in around April next year.

I will now move on to speak about the version of the Sunbeds Bill that I have seen. We do not have a problem with the proposal to ban under 18s from using sunbeds; in fact, we support that. There has always been an age restriction in place under the Sunbed Association's code. At present, no one under 16 may use our members' sunbeds, not even with parental consent. Proof of age is required, if necessary, because some under 16s will claim that they are aged 16 in an attempt to use a sunbed. Our code is amended to come into line with any legal requirements as they come into force. At present, for example, the code states that under 16s may not use sunbeds. However, it states that our members in Scotland must comply with Scottish law,

whereby sunbed users must be 18.

The association has no problem with the proposal that sunbed use must be supervised. We have never supported unstaffed tanning salons, and we do not include such salons in our membership, because they cannot meet our code of practice. We would, therefore, support a regulation that bans such salons or forces them to be staffed.

There is a clause on the provision and display of health information. I stated in my written evidence that there is a standard format of information, which is supplied not only by Sunbed Association members but, I am aware, by the majority of non-members. The information comprises a standard list of contraindications to sunbed use, such as that no one who is aged under 18 should use a sunbed — I will use 18 from now on, because that reflects the age restriction that is coming into force. No one who has had skin cancer, or who has fair, sensitive skin that simply burns and never tans should use sunbeds. There are also circumstances in which medical advice should be sought before use. That is standard information, and it is also included in the European standard.

We do not consider the clause that refers to the prohibition of the provision or display of health information, other than the information required in clauses 5 and 6, to be necessary. Existing regulation, the Consumer Protection from Unfair Trading Regulations 2008, already prohibits the display of misleading or unproven health claims. Those regulations deal with the display or provision of misleading or unproven information.

We support the clause on protective eyewear. Our code also states that protective eyewear must be provided. In fact, it goes further and states that, if someone refuses to wear protective eyewear, he or she should be refused use of the sunbed. If people say that they do not want the protective goggles and will not wear them, the operator must say that they cannot use the sunbed. However, if someone takes the goggles, goes into the sunbed room, shuts the door and decides not to wear the goggles, we can do nothing about that. A member of staff cannot stand over the person to make sure that he or she does not take off the goggles. However, users are warned about eye damage, and goggles are provided.

Our written evidence suggests that the clause on unsupervised tanning salons be strengthened to state that appropriately trained staff should be on duty at all times when the premises are open

to the public. We suggested that because we are aware that, in some unstaffed tanning salons, a cleaner may be present. That gives the impression that the tanning salon is staffed, but the cleaner knows nothing about the operation of sunbeds.

We support training and include that in our code of practice. The association has two training programmes. I have brought with me today our in-house training, which comprises a manual and a DVD that runs for about 10 minutes. Tanning salons purchase those from us and train themselves in-house. We also run an online training course, which is programmed in conjunction with the Open College Network (OCN). The online training course comes with certification from the OCN. The time that it takes for people to complete the online training depends on their depth of knowledge when they start. It will take people with no knowledge 60 hours and those with some in-depth knowledge less time. Both our in-house and online training programmes are available not only to members but to non-members, although we charge non-members more.

Clause 10 on the requirements in relation to sunbeds is a little vague and does not give any indication of what those requirements might be. I assume that the Committee will specify those at some stage. In my written evidence, I stated that that particular clause should incorporate the requirement for tanning equipment to be safe. "Safe" is defined by The Electrical Equipment (Safety) Regulations 1994 and The General Product Safety Regulations 2005. Those are legal obligations and require that any equipment that is placed on the market for use must be safe.

The up-to-date scientific definition of safe tanning equipment is contained in European Standard EN 60335-2-27, which governs the manufacture and use of tanning equipment. It specifies a new maximum irradiance level for tanning equipment of 0.3 watts per sq m. The European Union, which agreed that new level, stated that any tanning equipment above that level, which is placed on the market or used, is unsafe and poses a risk to public health. We support the new irradiance level and have asked the Government to bring it into force as quickly as possible for all tanning equipment, because anybody who operates equipment that exceeds that level is operating unsafe equipment. Therefore, clause 10 should incorporate that new safety level for UV tanning equipment. It is already a legal requirement, but it should probably be specified in the Bill.

**The Chairperson:**

Thank you. Your association was founded in 1995 and is the trade association for the industry in

the UK. How representative of the industry in Northern Ireland is your association? Although I know the answer to that question, other members of the Committee may not.

**Ms Banks:**

We represent about 20% of the industry in the UK. Unfortunately, I do not know the total number of tanning outlets in Northern Ireland.

**The Chairperson:**

How many members do you have in Northern Ireland?

**Ms Banks:**

We probably represent 20% of the industry in Northern Ireland.

**The Chairperson:**

Am I right in thinking that the more responsible elements of the industry are likely to join your association and comply with all your regulations and that those that are less respectable do not?

**Ms Banks:**

That is absolutely right. Our members are the responsible operators in the industry who want to do things right, be members of their trade association and support the industry. That is demonstrated through our inspection programme. We hardly ever have to disqualify an operator from our association because of bad practice, because they all operate correctly. It is also clear that, in addition to unstaffed tanning salons, which are not permitted to be members of the association, rogue operators are unlikely to join the Sunbed Association.

**The Chairperson:**

We received evidence from Dr Anna Gavin, who is the director of the N. Ireland Cancer Registry and an expert on the incidence of cancer in Northern Ireland. Unfortunately, her evidence is that certain elements of the industry have extremely low standards. She suggests, for instance, that 71% of operators in Northern Ireland do not know the UV doses of the machines that they use; 16% of premises use high-dose devices only; and 9% allow the unsupervised use of sunbeds. Those figures demonstrate that the less regulated part of the sector in Northern Ireland is extremely poorly managed.

**Ms Banks:**

That is probably true. I am not saying that every operator who is not a member of our association is a rogue operator. There are responsible operators who, for whatever reason, have chosen not to become members of the association. However, we are also aware that some operators are not up to scratch. That is probably where the proposed regulations for Northern Ireland would step in to make sure that they operate properly.

Some operators turn a blind eye to a child who is much younger than 16 coming into their salon. At present, a law against that exists only in Scotland — it will come into force in England, Wales and Northern Ireland. However, reputable operators will not allow a young child to enter their tanning salon and will show them the door.

The suppliers provide sunbeds to tanning salons, along with information about their UV output. They also supply information about when the tubes should be changed to ensure that the beds function properly. A member of staff on duty at a tanning salon would not necessarily be able to answer a question about the UV output of the tanning equipment, but the owner should know.

**The Chairperson:**

When people were asked about the UV strength of the lamps during spot checks, they replied that they did not know.

**Ms Banks:**

A member of staff who is asked that question during a spot check is unlikely to know the answer.

**The Chairperson:**

Various researchers have come up with the widely quoted statistic that, on average, 100 people die in the United Kingdom each year as a result of the abuse or misuse of sunbeds. Does your association accept that statistic as accurate?

**Ms Banks:**

No. That study was conducted some years ago at Newcastle General Hospital by Professor Brian Diffey. In a quantitative study, he took a set of statistics, made a calculation and stated that, potentially, 100 people could die from sunbed use each year. However, they do not. In any case,



it would be difficult to prove that someone had died specifically from sunbed use. When his study was published and picked up by the media, Professor Brian Diffey was the first to come forward to say that that was not the case and that his study was quantitative.

**The Chairperson:**

Since 1984, the incidence of melanoma in the United Kingdom has risen by 300%. Something is leading to a radical increase in the amount of skin cancer, particularly among young females.

**Ms Banks:**

We are not saying that there is absolutely no risk of damaging your skin or getting skin cancer from sunbeds. We are saying that, if people use sunbeds moderately and responsibly, the risk is minimal. It is not the use of the equipment that concerns us, it is the abuse. People who choose to ignore instructions and advice and continue to overdo it increase their risk of skin damage. Of course, that applies to natural sunlight as well.

One of the Sunbed Association's primary aims is to ensure that people understand the tanning process and the risks of abusing tanning equipment, so that they use sunbeds moderately and sensibly. A few years ago, consumer research found that well over 80% of sunbed users were knowledgeable of the risks associated with the abuse of tanning equipment and overexposure to natural sunlight. The majority of people use sunbeds responsibly, but a few will always do what they want and overuse them. Those are the sort of people whom we try reach to tell them to step back and use sunbeds sensibly.

**The Chairperson:**

Folk who use sunbeds sensibly are likely to be patrons of your members' salons, which are well managed. Since the Bill was published, I have been looking out for tanning establishments as I drive around Northern Ireland. It is amazing how many of them are located in areas of social deprivation, and a tanning salon is often to be found between a video store and a chippy. It must be well known that some folk in those areas spend a significant proportion of their income support, supplementary benefit or low pay in those establishments. Could the industry be accused of targeting folk who may not be in a position to acquire the information that would enable them to use sunbeds sensibly?

**Ms Banks:**

I have read a report that reflects exactly the point that many tanning salons are found in areas of deprivation. However, if you look at the picture throughout the UK, there are pockets in which many more tanning salons are found than elsewhere. Liverpool, which is probably the tanning capital of the UK, has three or four sunbed salons on every street, and the competition is fierce. Liverpoolians simply like to be tanned. Similarly, Glasgow has a high number of tanning salons. Such salons charge extremely low prices for tanning. In Liverpool, people do not expect to pay more than about £1.50 per session. In more affluent areas, such as Surrey, sunbed sessions are more expensive. As I said, there are pockets around the UK in which a tanning culture prevails, which explains the high number of sunbed salons.

**The Chairperson:**

Your mentioning those sorts of areas does not inspire me, because places such as Liverpool and Glasgow have a large degree of deprivation. It seems, therefore, that the industry targets folk who probably do not read any of the brochures, medical advice and information that are required to use a sunbed safely. As you say, you represent only 20% of the industry, and it is more than likely that tanning salons in such areas are not members of your association.

I will ask one final question, because quite a few folk want to join the discussion. Late in the day, the Department has wisely acceded to the demands of the Committee and Assembly Members by suggesting a licensing system. Those who gave evidence at earlier sessions were probably not aware that that was coming. However, it is important that we address the issue. If all salons in Northern Ireland eventually had to be licensed, meaning that any that stepped out of line and consistently flouted regulations would lose their licence and have to shut up shop, how would your association feel?

**Ms Banks:**

We do not have a problem with licensing in principle. Parts of the UK already operate a system of licences for tanning salons. All that we ask is that the requirements of the licence are reasonable and based on our code of practice and that the annual licensing fee is reasonable.

I am not sure whether you are aware that, in Scotland, where the Government wanted to do something about its many unstaffed tanning salons before the regulation came into force, some local authorities, to ensure that tanning salons were staffed, brought them under the provisions of

the public entertainment licence. That forced tanning salons to be staffed while open to the public, but the rest of the public entertainment licence's requirements are completely irrelevant.

**The Chairperson:**

A public entertainment licence covers boxing, dancing, music events, and so forth.

**Ms Banks:**

Yes. It covers discos, circuses and such events. The City of Edinburgh Council, for example, included tanning salons in public entertainment licensing. That simply meant that unstaffed salons had to be staffed. Unfortunately, it also meant that all the reputable operators in Edinburgh had to get a licence, which, because it covers public entertainment, costs approximately £800 to apply for and about £600 each year to renew.

We are not opposed to licensing provided that the requirements and the annual licence fee are reasonable. Most London boroughs already have special treatments licensing, as do Birmingham City Council and Nottinghamshire County Council. A special treatments licence is a licence to operate or provide a service for anything that affects the skin, including tanning, tattooing, body piercing, and so on.

**The Chairperson:**

What are the fees for those licences?

**Ms Banks:**

In London, the fee varies from one borough to the next. The lowest that I have seen is about £60 a year, and the highest is about £300 or £400 a year.

**The Chairperson:**

We will not go down the entertainment licence route.

**Ms Banks:**

Good.

**The Chairperson:**

The Department has made no such proposal. Many members are district councillors, and we

could write a book about entertainment licences —

**Ms Banks:**

The London boroughs also require staff to be trained. Our training programme is quoted in the licence as an acceptable form of training.

**Mrs O'Neill:**

Thank you for your presentation. Your members sign up to your code of practice, but how do you monitor whether they maintain their standards?

**Ms Banks:**

We carry out an inspection programme.

**Mrs O'Neill:**

Do you operate a system of random checks?

**Ms Banks:**

Member salons undergo an initial inspection when they join, and subsequent inspections take place every two years. We had two inspectors, but now we have only one, who covers the entire UK. It is a commitment of membership that an inspection cannot be refused.

**Mrs O'Neill:**

You have a training programme that is available to members. A group has been set up to consider what type of mandatory training programme the Department could introduce. Are you or the association involved in that group?

**Ms Banks:**

No.

**Mrs O'Neill:**

Given how long the association has been on the go, one would think that you should be involved in developing some sort of training.

**Ms Banks:**

We would be happy to be involved.

**Mrs O'Neill:**

We will talk to the Department about that next week.

**Ms Banks:**

Our programme and online training course are the only comprehensive sunbed training programmes in the UK.

**Mrs O'Neill:**

You do not consider it necessary to include the prohibition of the claimed health benefits of sunbeds, such as clearing problem skin or being good for bad backs, but surely it would not do any harm.

**Ms Banks:**

We do not consider it necessary because existing regulation prohibits the making of misleading and unfounded claims. That regulation is one of the Consumer Protection from Unfair Trading Regulations 2008, which are enforced by Trading Standards. Action has been taken against a few tanning salons for displaying information that Trading Standards considered to be in contravention of those regulations.

**Mrs O'Neill:**

Surely, the line in the legislation would strengthen that, and there is no need to remove it.

**Ms Banks:**

We are simply saying that regulations already exist.

**Mr McCallister:**

Are the association's inspections unannounced?

**Ms Banks:**

No. The inspections are prearranged. We would love to carry out spot checks, but we cannot. We have been advised that, if we performed spot checks, we would be in breach of trespassing

regulations. We must tell our members when our inspector is coming. If inspectors simply turned up at the door, the salon owners would have every right to say that they were not expecting them and to tell them to go away.

**Mr McCallister:**

Does that not defeat the purpose of inspections to some extent?

**Ms Banks:**

We would like to carry out spot checks.

**Mr McCallister:**

Those are checks on your members. Surely, if they follow your code, to which they have signed up, spot checks should present no problem.

**Ms Banks:**

That is what we would like to do, and that is what we believe that we should do. However, the legal advice is that to do so would breach trespassing regulations.

**The Chairperson:**

My problem with that is that, if my Chief Whip said that an inspection of my constituency office was to take place next Thursday morning, you can bet your bottom dollar that everything would be shiny and all the teeth would be white.

**Ms S Ramsey:**

As normal.

**The Chairperson:**

As, of course, it is. In other words, everything would be spick and span for that visit. The Chief Whip would get a representative view of what goes on in the office anyway, but that may not be true of other cases. Members of your association should be made to sign an agreement that your association can inspect any time of night or day and that members will not prohibit your entry.

**Ms Banks:**

We would like to do that. As I said, it is the reputable side of the industry that joins our

association. Those people do things correctly anyway, and, therefore, they do not paint a different picture on the day of their inspection. Unless we can get round the trespassing regulations, we cannot carry out spot checks.

**The Chairperson:**

You could do what is done with cigarette sales, whereby council offices send in people to buy the product.

**Ms Banks:**

The local authority does that.

**The Chairperson:**

Yes, but you could hire someone to go round —

**Ms Banks:**

The association is not a local authority.

**The Chairperson:**

Your association could employ someone to visit a random sample of sunbed establishments, buy the product and report back to you with information on which establishments provided sun visors and which establishments turned away potential customers because they looked as though they were under the age of 18. Could that be a way around the problem?

**Ms Banks:**

You mean mystery shopping. Yes, that could be a way around it.

**Mr McCallister:**

I accept that you want to carry out arranged inspections, but a certain percentage of spot checks and mystery shopping, which the Chairperson suggested, would give a good indication of the state of the industry.

**Ms Banks:**

Stories about sunbeds frequently appear in newspapers. Some time ago, a particular newspaper — it may have been the ‘Daily Mail’ — sent mystery shoppers to many tanning salons in the UK

and published its findings. I cannot remember the percentage of salons that were part of our membership, but the newspaper specified that, of the salons that it investigated, nothing was wrong with any that were members of the Sunbed Association. The salons did not have a clue who the mystery shoppers were, and the ones in which bad practice was found were not members of the Sunbed Association. That demonstrates my point that the reputable side of the industry tends to join us and operates properly every day.

Furthermore, it is difficult to get sunbed insurance now. The industry is viewed by many insurance companies as high risk, and insurance companies will not offer insurance to high-risk areas. We suffer in the same way that the scaffolding and fast food industries suffer. Where there is a potential for claims, insurance companies simply do not want to know.

However, a comprehensive insurance policy is available through our association. It is available only to registered members, because that gives the insurance company a guarantee that it is insuring reputable, not cowboy, salons. The insurance policy requires members to be registered, to comply with the code and to have gone through our training programme. Therefore, if, for example, parents were to make a claim against one of our members for allowing their 14-year-old into the salon, the insurance company would not pay out. As the majority of our members take out our insurance policy, they do not make silly slip-ups, in the knowledge that the insurance company would not pay out should a claim be made.

**Ms S Ramsey:**

Thank you, Kathy, for your presentation. Your code of practice states that the minimum age for using a sunbed is 16 years. I assume that you will amend that to 18 years.

**Ms Banks:**

The code has been amended to state that any association member in Scotland must comply with the Scottish regulations and that members must not allow anyone who is under 18 to use sunbeds.

**Ms S Ramsey:**

If your code of practice already states that members must not allow anyone who is under 16 to use sunbeds, why not leave it at that?



**Ms Banks:**

Our code of practice has always stated that members should not allow anyone who is under 16 to use sunbeds.

**Ms S Ramsey:**

If your code of practice were to remain that members should not allow anyone who is under 16 to use sunbeds, it would show that the industry was being proactive.

**Ms Banks:**

Are you asking whether the code should be changed now to ban under 18s from using sunbeds?

**Ms S Ramsey:**

No. I suggest that you keep the current ban on under 16s in the code of practice.

**Ms Banks:**

If new legal requirements were introduced, we could not do that. Any legal requirements override our code of practice, which is voluntary.

**Ms S Ramsey:**

I assume that members who sign up to your organisation can go one step further by bringing in a code of practice that says that, even if the law specifies 18 as the minimum age, they can reduce that to 16. According to your presentation, the minimum age had been 18, but your code of practice reduced it to 16.

**Ms Banks:**

No, our code has always specified that under 16s, not under 18s, could not use sunbeds.

**Ms S Ramsey:**

I am not saying that your code ever specified the age of 18. If the law states that under 18s cannot use sunbeds, will your code of practice state that the ban must be increased from under 16s to under 18s?

**Ms Banks:**

Yes.

**Ms S Ramsey:**

So, there is no talk about retaining the current ban on under 16s?

**Ms Banks:**

No. Under 18s in Scotland are already banned from using sunbeds. When the under 18 rule is introduced in England, Wales and Northern Ireland, the code will be amended accordingly. The code is amended as the legal requirements are introduced. However, our members can voluntarily ban under 18s from using their sunbeds.

**Ms S Ramsey:**

That is the point that I am trying to make.

**Ms Banks:**

Yes. They can voluntarily choose to ban under 18s.

**Ms S Ramsey:**

Alternatively, can they stay with the current ban on under 16s?

**Ms Banks:**

Yes, they can stay with the current code that specifies under 16s and voluntarily choose to ban under 18s. There is only one reason why we have not yet amended the code to state that all our members throughout the UK must not allow under 18s to use their sunbeds. If a 16- or 17-year-old were to be turned away from a member tanning salon that could not, under our code, permit under 18s, that individual could simply walk down the road and use a non-member salon. That would be silly, and, therefore, we see no point in our putting in place such a ban now, but we will do so when it becomes a legal requirement.

**Ms S Ramsey:**

Only 20% of salons are members of the association, which is not very good. Does the association encourage its members to report bad practice?

**Ms Banks:**

Are you referring to the bad practice of competitors?

**Ms S Ramsey:**

If you notice bad practice as you go about your daily business, do you report it?

**Ms Banks:**

Members of the public have complained to the association about particular salons that they did not consider were good or that did not carry out certain obligations.

**Ms S Ramsey:**

What does the association do with such complaints?

**Ms Banks:**

If that salon is not a member of the association, we cannot take any action.

**Ms S Ramsey:**

Do you report such salons to the relevant authorities?

**Ms Banks:**

We can report non-members to environmental health for it to inspect. However, we have no authority to take action against salons that are not members of the association.

**Ms S Ramsey:**

Have you reported cases of bad practice to environmental health?

**Ms Banks:**

Yes. We have reported non-members to environmental health. However, we must be careful about how we approach tanning salon owners who complain about bad practice in a local tanning salon, in case they are simply inventing a complaint against a competitor. Some years ago, in the Great Yarmouth area, the owners of one tanning salon were accused of breaking windows above other salons. An attempt was made to involve us, but we said that we were sorry and that it was a matter for the police, not the Sunbed Association.

**Ms S Ramsey:**

My final question relates to a point that the Chairperson and John raised. Have any members ever

turned you away when you tried to make a formal visit? Has the association ever cancelled a membership?

**Ms Banks:**

We have cancelled memberships after an inspection, but only a very few. If, on inspecting a member salon, we find a serious breach of the code of practice, we cannot shut that salon down, because we have no authority to do so. However, we can disqualify that salon from membership. In all the years that I have been involved in the association, no more than two or three members have been disqualified. One was an unstaffed tanning salon, but we discovered that it was unstaffed only when we went to inspect it. Another salon refused to keep any records of client sessions. Salons that refuse to keep any records have no control over their clients' use of sunbeds.

**Ms S Ramsey:**

That does not stop them operating. In the cases that you mentioned, was the information that compelled you to expel them from your organisation passed to the relevant authorities?

**Ms Banks:**

No, because, apart from in Scotland, there is no sunbed regulation under which the authorities can take action. If a salon in England, Wales or Northern Ireland knowingly allows a 12-year-old to use its sunbeds, it cannot be prosecuted, because there is no regulation. Similarly, if a salon refuses to keep customer records, it cannot be prosecuted, because there is no regulation that specifies that records must be kept.

**Dr Deeny:**

Thank you, Kathy, for coming over to be with us. I am a GP. I do not want to be a killjoy, because sunshine is good for people, and it makes them happy. However, we must be sensible because, as you said, the overuse and abuse of sunbeds lead to health problems. I was interested in what you said about the criteria for sunbed use. You stated that fair-skinned people who burn easily are not allowed to use them, but that others are. How is that enforced? I would be allowed to use a sunbed because I have dark skin, but someone such as Claire may not. Who makes that decision?

I read the proposals for legislation and licensing that include, for example, giving powers to

authorised officers to allow them to make unexpected inspections of sunbed salons. I presume that such inspections should be annual to allow salons to keep their licences. That is only right. If you do not have the power to arrive unannounced, why do people want to be part of your association?

I hope that licensing will be introduced, because we must be sensible and ensure that young people, who perhaps do not know that they are putting their lives in danger, do not use sunbeds. Would it not be easier for operators to retain their licence if they belonged to an association such as yours, which has the power to regulate its members and carry out unannounced spot checks? If I were to join your association, I would want it to demonstrate that I was a responsible operator. I would also want the association to try to help me to retain my licence.

**Ms Banks:**

That is a valid point. As I said, the reputable side of the industry tends to join our association anyway. I know a guy in Manchester, for example, who owns several salons. He shows his membership certificate to every new customer who comes through his door and points that his salon is a member of the Sunbed Association. That means that he meets our code of practice, does everything properly and looks after his customers. He goes out of his way to display his membership to his customers. He says that that helps him to retain his customers. They keep coming back because they like the feeling that he operates correctly.

Your first point was about skin types. The person to whom you referred, who has extremely fair skin, burns easily and never tans, is skin type 1. Typically, people with skin type 1 simply do not tan in natural sunlight; they simply go red and burn. That group must not use sunbeds, because they simulate sunlight. A sunbed is not a magic machine. If people do not tan outdoors, they will not tan on a sunbed; they will burn. They also waste their money, because they will not get a tan. Therefore, it is clear that people with skin type 1 must not be allowed to use tanning equipment.

**Dr Deeny:**

Who has the authority to decide that a person has a particular skin type?

**Ms Banks:**

The customer makes that decision.

**Dr Deeny:**

Is that a personal responsibility?

**Ms Banks:**

Legally, the customer must be provided with information on how to skin-type themselves. The customers must decide their skin type. The tanning salon operators and their staff cannot make that decision. It is possible that they would mistakenly tell a person with skin type 1 that he or she was skin type 3 and could use a sun bed. If, subsequently, that person was to get burned through using a sunbed, the loophole for the insurance company would be that the operator had made a wrong decision.

In addition, people with skin type 1 normally have very pale skin and red hair, but not always. Skin type 1s may also have pale skin, but black hair. Therefore, skin typing information is provided to the customers, and they must decide on their skin type. There will be cases of customers not answering the questions accurately, because they do not wish to be refused use of the sunbed.

**Dr Deeny:**

If your association were able to ensure, for example, that salons were subject to unannounced annual checks, Committee members would encourage sunbed businesses to become members. It is a bit worrying that 80% of sunbed businesses in Northern Ireland are not attached to any organisation. A way round that may be for the Sunbed Association to insist on a condition of membership that the authorised officer must visit members' premises once a year. You would not be trespassing, because you would be asking businesses to allow themselves to be inspected. That would help salons to operate correctly and to keep their licence.

**Ms Banks:**

The association's insurance policy used to be available throughout the UK. Some years back, the insurance company that we use decided not to offer the policy to any tanning salons in Northern Ireland.

**The Chairperson:**

Why are we not surprised? "Not available in Northern Ireland" features in many insurance

advertisements for everything from cars to fire protection.

**Ms Banks:**

Yes, I know. I am not aware of anyone offering sunbed insurance in Northern Ireland.

**The Chairperson:**

Is there a reason for that? Has there been a particular claim?

**Ms Banks:**

Sunbed insurance, as I said, is regarded as a high-risk area. However, Northern Ireland was regarded as an even higher risk area, and, therefore, insurance companies withdrew.

**The Chairperson:**

As a community, we lodge the odd claim or two. The Department will clearly not go down the route of self-regulation. The 26 councils will carry out the inspections. After all these years, only one in five sunbed businesses has decided to sign up to your association. That indicates a serious problem: there is a responsible minority and a large number of operators who could not be bothered even to join the association, despite all the benefits that it provides. That suggests that they are not prepared to follow the rules.

I must ask a controversial question, because the Committee heard evidence last week from the Royal College of Nursing (RCN). The college went much further than the Bill and proposed the banning of sunbeds, full stop. The RCN argued that sunbeds were an unnecessary cosmetic luxury, except under strictly controlled circumstances in hospitals, where there may be medicinal or clinical reasons for being exposed to UV. However, the RCN witnesses said that sunbeds were totally unnecessary, could lead to deaths and that the industry should be closed down. I hardly expect you to agree with that, but, in view of some of the bad press that the industry has received, do you understand where they are coming from?

**Ms Banks:**

I do not see why sunbeds should be banned. I accept that they provide cosmetic tanning. As I said earlier, we have never said that sunbeds are without risk. Our position is that the risk should be minimised. Everything that we do every day of our lives involves risk.

**The Chairperson:**

Some things in life are necessary, but the RCN's view is that getting a suntan under an electric tube is not.

**Ms Banks:**

It is a free country. People should be able to choose what they want to do. If individuals want to tan, they should be able to tan.

That brings us back to ensuring that everybody tans sensibly. There may be a case for regulating the industry to bring the standards of operation up to scratch. We have done that on the basis of self-regulation, but we represent 20% of the industry. Even were there a case for introducing regulation to ensure high standards of operation, the effect of that on reducing the total incidence of skin cancer would be minimal. The former health education authority stated that people have a much greater chance of increasing their risk of skin cancer from overexposure to natural sunlight than from sunbeds.

We need only look at people who, despite all the educational information from Cancer Research UK, sit in their offices all year round, go on holiday to hot countries, sprawl out on the beach and get seriously burned. Anyone who does that, particularly if they do so more than once, risks skin damage. The point to be made about sunbeds is that people can control the exposure and use them for much shorter periods to ensure that their skin tans and does not burn. It is only when people start to burn on sunbeds by having double sessions or by using several tanning salons on the same day, which they are told not to do, that the risk of skin damage kicks in. However, if people use sunbeds responsibly, the risk is minimal. We strongly believe that, whatever anyone says about the increase in the incidence of skin cancer, that is more likely to be a result of overexposure to outdoor natural sunlight than to sunbeds.

**The Chairperson:**

Here we are in one of the UK's foremost cancer research institutes. The opposing argument is that, when someone gets melanoma, society must pick up the expensive bill for that person's diagnosis and treatment. That could be viewed as an unnecessary cost. The argument could be made that, if the sunbed industry adds to that in any way, it is a luxury that we cannot afford. I am not saying that the Committee is heading in that direction, but that argument was made to the Committee by a responsible organisation. The use of sunbeds is a freedom. However, the



taxpayer is forced to pick up the bill when something goes terribly wrong.

**Ms Banks:**

First, it would have to be proven that someone's skin cancer was a result of sunbed use. How could one say that someone developed melanoma from using a particular sunbed in a particular salon? How could that ever be proven in a court of law? We are not saying that it could never ever happen, but we question how that could be proven.

I return to the suggested ban. The Department of Health in the UK said that, if the Government do not ban cigarettes, alcohol and other items that carry serious risk, why should they ban sunbeds? A sunbed is an approved product of European standard.

**The Chairperson:**

Thank you very much for your evidence, both written and oral.

**Ms Banks:**

Thank you for inviting me.

**The Chairperson:**

Thank you for flying over to see the Committee. I understand that you must catch a flight home. However, if you have time, you are welcome to stay for the evidence from the Chief Environmental Health Officers Group. It has been extremely useful to have heard your evidence.

**Ms Banks:**

Thank you very much, Chairman. I am happy to leave a copy of my training programme.

**The Chairperson:**

It is worth pointing out that the Committee received no comment whatsoever from anyone else in the sunbed industry.

**Ms Banks:**

Were they invited?

**The Chairperson:**

A public ad asking for information was placed in the newspapers. Our request was well publicised, but we heard nothing from the industry in Northern Ireland. That omission is not our fault, but it is worrying that representatives of the industry were not even prepared to come forward.

**Ms Banks:**

We informed our members in Northern Ireland that we would represent them.

**The Chairperson:**

It is the other 80% that I am worried about. We have not heard a cheep from them at all.

**Ms Banks:**

I will leave my training programme.

**The Chairperson:**

Please do.