

Meeting: LICENSING & REGULATORY COMMITTEE

Date of Meeting: 18<sup>th</sup> January 2010

Title of Report: THE REGULATORY POSITION IN RELATION TO ULTRA VIOLET TANNING EQUIPMENT

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This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

### Purpose of Report

To inform Members of the current regulatory regime in relation to Ultra Violet tanning equipment.

### Recommendation(s)

That Members note this Report and endorse the proposed project to inspect outlets in the Sefton area.

### Corporate Objective Monitoring

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening Local Democracy		√	
8	Children and Young People		√	

### Financial Implications

None

### List of background papers relied upon in the preparation of this report

None

## **Background**

1. The harmful effects of ultraviolet radiation have been known for many years. Whilst natural sunshine remains the biggest source, the use of ultraviolet devices such as sunlamps, sunbeds and tanning booths can significantly increase exposure. The injuries caused by ultraviolet radiation can be both short term, e.g. sunburnt skin or conjunctivitis, and long-term e.g. premature skin ageing, cataracts and skin cancer.
2. In 2006 the Scientific Committee on Consumer Products reported to the European Commission that in Britain an estimated 100 deaths occurred each year as a result of sunbed use. The Health and Safety Executive (HSE) has also stated that exposure before the age of 35 can significantly increase the risk of several types of skin cancer.
3. Recently, sensitivity on this issue has been heightened in the general population following a series of high profile cases of individuals being injured whilst using equipment. Two of the most serious cases occurred in Wales. Firstly, a 10 year old was seriously burned in Port Talbot after spending just 16 minutes on a sunbed at an unsupervised salon, and secondly a 14-year-old girl had to be rushed to hospital after suffering first-degree burns to 70% of her body. She had spent only 19 minutes on a sunbed in an unstaffed salon in Barry.
4. The growing acceptance of the damage that these appliances can cause, combined with these high profile incidents, has led to calls for tougher legislation from several quarters.

## **The Current Regulatory Position**

5. The Government has indicated its desire to strengthen legislation in this area. England is lagging behind the rest of the UK as devolved administrations have recently taken action. The only legislation which applies in England is the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. This legislation applies to all workplaces, not just sunbed centres. Therefore, it is quite general in nature and open to wide interpretation. No licensing regime exists in Sefton.
6. The HSE has recently reviewed its guidance and produced "Reducing health Risks from the use of Ultraviolet (UV) Tanning Equipment". This guidance summarises the current legal position and provides detail of accepted good practice when operating a sunbed business. The guidance is attached as Annex 1.
7. Scotland now has specific legislation. The Public Health etc (Scotland) Act 2008 regulates the use of UV tanning equipment. It is now illegal in Scotland to have unstaffed coin-operated facilities or to allow under 18s to use equipment.

8. In Wales, as a result of the above-mentioned tragedies, the National Assembly is currently considering introducing similar legislation. The Inquiry into these tragedies reported that while there is no wholly safe dosage, children and young people are particularly at risk. It concluded that the current regulatory framework provides insufficient safeguards against misuse.
9. The Health Minister in Northern Ireland has recently launched a consultation into the regulation of the sunbed industry. This is clearly being done with the intention of introducing similar legislation to the Scottish model.

### **The Situation In Sefton**

10. The situation in Sefton is no different to other areas of England, in that the generic legislation exists. However, because of the growing public concern on this issue the Health and Safety Team, within the Environmental Protection Department, have included a project on sunbed safety in its work programme for 2010/11. The project is designed to visit all establishments to ensure compliance with the current legislation and promote good practice amongst the trade. It will also place the Department in an excellent position to act when the Government eventually introduces appropriate legislation for this sector, in that a high level of intelligence, in relation to business performance, will already exist.