



Midlothian

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

LICENSING OF BUSINESSES – PROVIDING TATTOOING/SKIN PIERCING

NOTES FOR GUIDANCE

- 1 A Licence is required to carry on business providing tattooing/skin piercing.
- 2 Skin piercing includes acupuncture; cosmetic body piercing or electrolysis; and tattooing is the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro pigmentation. An exemption from the licensing regime is provided where a regulated health care professional carries on the activity.
- 3 Completed application forms must be accompanied by a sketch plan where the activity is carried on in premises and cheques/ postal orders made payable to Midlothian Council or cash. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 4 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.
- 5 **Subject to the provisions of the Rehabilitation of Offenders Act 1974, ALL CONVICTIONS MUST BE DECLARED including those not resulting in imprisonment or fines eg Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.**

If you are unable to provide this information you will be able to obtain it from Police Scotland You can submit a subject access request to Police Scotland by emailing: dataprotectionsubjectaccess@scotland.pnn.police.uk

or by writing to Data Protection Central Processing Unit, Information Management Unit, Police Scotland, Queen Street, Aberdeen, AB10 1ZA.

Your request must be accompanied by scans/ photos/ photocopies of two official documents which between them should confirm your date of birth and your current address.

Once the Chief Constable is satisfied as to your identity, Police Scotland have one month to reply to your request.

Further information and application forms can be found on the Police Scotland website on the following link:

<http://www.scotland.police.uk/access-to-information/data-protection/subject-accessrequests>

Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Licence has been granted, suspension.

- 6 Information about your level of knowledge, skill, training and experience in the activity must also be declared.
- 7 The fee is £377.00. If the business provides only cosmetic ear piercing and no other kind of skin piercing or tattooing the fee is £186.00. If granted the Licence will be for a period of three years.
- 8 Where the activity is being carried on in premises, the applicant shall, for a period of 21 days beginning with the date on which the application was submitted, display a Notice confirming that application has been made and after the expiry of the 21 day period, duly certify that this Notice has been posted.
- 9 Certain pre-conditions must be met before the Council grant the application, and (ii) other conditions will attach to the grant or renewal of all licences, eg one of the conditions attaching to the grant of any licence is that skin piercing should not be carried out on a person under the age of 16 years unless the consent of a person with parental rights and responsibilities is obtained. (In such a situation, the child would have to be accompanied by the person with parental rights who would have to give their consent in writing to the skin piercing.) (It is an offence to carry out tattooing on any person under the age of 18 years). The proposed, pre and mandatory conditions are listed in **Appendix I** hereto.
- 10 If skin piercing/tattooing is not to be carried out wholly or mainly in premises, the standards described in **Appendix II** must be met.
- 11 Best Practice information is shown at **Appendix III**.
- 12 The Council will consult the Chief Constable, Firemaster and Environmental Health and Planning Officers. The premises will be inspected prior to a final decision being taken.
- 13 It should be understood that any Licence does not carry with it the necessary consent or approval to any proposed development which may be required under Planning or Building Control legislation or under any other Statutes and Enactments.
- 14 If the property to which the application relates is owned by the Council, landlords' consent for the proposed use should be obtained.
- 15 There is attached at **Appendix IV** a statement that has been provided by Scottish Fire and Rescue Service about the responsibility of the person who has responsibility for the premises to ensure that a fire risk assessment is carried out by a competent person and to record outcomes.

Business Gateway Midlothian

If you are starting a business, or if you already run your own business and could use some extra support and advice please email BG@midlothian.gov.uk to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website www.midlothian.gov.uk to access our online Privacy notice

Enclosures:

Appendix I: Conditions of Licensing – Premises

Appendix II: Conditions of Licensing – Peripatetic

Appendix III: Best Practice Sample Notices, Declarations and Guidance

Appendix IV Statement provided by Scottish Fire and Rescue Service

APPENDIX I

PRE - CONDITIONS OF LICENSING OF PREMISES

- 1 **If the business provides only ear piercing and no other kind of skin piercing or tattooing, the following conditions apply:-**
 - (a) a separate area with a washable chair with disposable paper sheet has been designated for the carrying out of ear piercing
 - (b) the designated area has displayed a notice advising–
 - (i) that ear piercing will not be carried out on any person under the influence of alcohol or drugs;
 - (ii) that ear piercing will not be carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the ear piercing;
 - (c) the premises to be used for the purposes of carrying out ear piercing has the following facilities-
 - (i) a wash-hand basin with hot and cold running water;
 - (ii) a paper towel holder containing paper towels;
 - (iii) a soap dispenser containing soap;
 - (iv) a dispenser containing alcohol solution; and
 - (v) a waste bucket with a pedal operated lid; and
 - (d) the premises are well ventilated and illuminated.;
- 2 **In all other cases:-**
 - (a) separate rooms are provided for-
 - (i) the waiting area; and
 - (ii) the carrying out of skin piercing or tattooing;
 - (b) the waiting area has displayed a notice advising-
 - (i) that skin piercing and tattooing will not be carried out on any person under the influence of alcohol or drugs;
 - (ii) that skin piercing will not be carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing; and

- (iii) that tattooing will not be carried out on any person under the age of 18;
- (c) the room to be used for the purposes of carrying out the skin piercing or tattooing has the following facilities-
 - (i) a wash hand basin with hot and cold running water and which uses non-hand operated taps;
 - (ii) a paper towel holder containing paper towels;
 - (iii) a soap dispenser containing soap;
 - (iv) a washable bench or chair with disposable paper sheet;
 - (v) a dispenser containing alcohol solution;
 - (vi) a waste bucket with a pedal operated lid;
 - (vii) a sharps container for storage of needles after use; and
 - (viii) a first aid kit;
- (ca) general purpose sink with hot and cold running water on the premises separate from the wash-hand basin required under sub-paragraph (1)(c)(i);
- (d) unless only disposable instruments are used within the premises for skin piercing or tattooing, the following equipment is stored and properly maintained for use on the premises-
 - (i) ultrasonic cleaners;
 - (ii) instrument baths; and
 - (iii) autoclaves and autoclaves pouches; and
- (e) the premises are well ventilated and illuminated for the purposes of skin piercing and tattooing.

In these conditions "autoclave" means a pressure vessel in which the lid is sealed by the internal pressure in the vessel and which is used to steam sterilise equipment used for skin piercing or tattooing; "sharps container" means a container used for holding medical waste and devices which can cause physical injury and which complies with the standard for specification of sharps containers published by the British Standards Institution and numbered BS 7320:1990 "Specification for sharps containers"; and "ultrasonic cleaner" means a cleaning device which uses sound waves propagated through an aqueous medium at frequencies higher than the audible range.

CONDITIONS OF LICENSING

- 1 The accommodation and facilities within the premises shall be maintained in good repair and in a good state of cleanliness
- 2 Only sterile single use disposable needles may be used for skin piercing or tattooing.
- 3 For the purposes of tattooing, only sterile pigment dispensed into single use pots, or ink pre-packed in single use vials may be used.
- 4
 - (a) The activity of tattooing or skin piercing other than acupuncture must be carried out by an operator wearing disposable non latex gloves, which must be changed for each client.
 - (b) subject to paragraph (c), the activity of acupuncture must be carried out by an operator who has washed their hands immediately before carrying out the activity of acupuncture on each client;
 - (c) the activity of acupuncture must be carried out by an operator wearing disposable non latex gloves that have not previously been used with another client where
 - (i) the operator has an open lesion on their hands;
 - (ii) the operator is handling items that may be contaminated with blood or other body fluids;
 - (iii) the client is bleeding or has an open lesion on an exposed part of the client's body; or
 - (iv) the client is known by the operator to be infected with a blood-borne virus;
- 5 A supply of the following must be maintained
 - (i) disposable non latex gloves;
 - (ii) sterile single use disposable needles; and
 - (iii) where tattooing is provided within the premises, disposable razors.
- 6 Any Equipment which is not disposable shall be sterile, if practicable or thoroughly cleaned with fresh disinfectant after each use;
- 7 Skin piercing shall not be carried out on a child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing.
- 8 Any equipment which is disposable must be disposed of immediately after use in an appropriate waste receptacle.
- 9
 - (a) for ear piercing, a sterile cartridge for ear piercing: and

- (b) pre-sterilised jewellery supplied in packaging which indicates the part of the body for which it is intended, must be used.
- 10 For tongue piercing, a sterilised clamp must be used.
- 11 Information, in an easy to understand format, must be provided to prospective clients to explain-
 - (i) the process of the skin piercing or tattooing;
 - (ii) the risks of the procedure; and
 - (iii) the after care requirements of the procedure
- 12 This Licence is not transferable and any material change of circumstances affecting the holder of the Licence or the activity to which the Licence relates, shall be notified to Midlothian Council, Midlothian House, 40-46 Buccleuch Street, Dalkeith, as soon as reasonably practicable after it has taken place.
- 13 The holder of the Licence shall not make, or cause to be made, or permit there to be made, any material change without the prior consent of the Council.
- 14 The holder of the Licence shall carry on business subject to any directions which he may receive from the Police

APPENDIX II

Where skin piercing or tattooing is not to be carried out wholly or mainly in premises, the licence holder must ensure that the following standards are met-

- 1 (a) Disposable non latex gloves, must, except for the activity of acupuncture, be worn and changed for each client
 - (b) (i) subject to sub paragraph (ii), the activity of acupuncture must be carried out by an operator who has washed their hands immediately before carrying out the activity of acupuncture on each client;
 - (ii) the activity of acupuncture must be carried out by an operator wearing disposable non latex gloves that have not previously been used with another client where—
 - (a) the operator has an open lesion on their hands;
 - (b) the operator is handling items that may be contaminated with blood or other body fluids;
 - (c) the client is bleeding or has open lesions on an exposed part of the client's body; or
 - (d) the client is known by the operator to be infected with a blood-borne virus;
- 2 (a) The skin piercing or tattooing may only be carried out through use of disposable razors or sterile single use disposable needles.
- (b) For the purpose of tattooing, only sterile pigment dispensed into single use pots or ink pre-packed in single use vials may be used
- 3 Any seating used for the skin piercing or tattooing must be washable and covered with a disposable paper sheet which shall be renewed after each use.
- 4 Any equipment which is not disposable shall be sterilised if practicable or thoroughly cleaned with fresh disinfectant after each use.
- 5 Any equipment which is disposable must be disposed of immediately after use in an appropriate waste receptacle.
- 6 For tongue piercing, a sterilised clamp must be used.
- 7 For ear piercing,
- (i) a sterile cartridge for ear piercing must be used and
 - (ii) pre-sterilised jewellery supplied in packaging which indicates the part of the body for which it is intended must be used.
- 8 Skin piercing shall not be carried out on a child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing.

- 9 Information, in an easy to understand format, must be provided to prospective clients to explain-
- (i) the process of the skin piercing or tattooing;
 - (ii) the risks of the procedure; and
 - (iii) the after care requirements of the procedure.

APPENDIX III

Civic Government (Scotland) Act 1982

Section 44(1)(b), 2 and Schedule 1

Licence of Skin Piercing and Tattooing

Best Practice

GENERAL

- 1 The Licence holder must surrender the Licence if and when called upon to do so by the Licensing Authority for the purpose of alteration in accordance with any decision of the Licensing Authority
- 2 The Licence holder shall notify the Licensing Authority in writing within 30 days of any change from the information provided in the original licence application.
- 3 The Licence holders shall ensure that they are covered by an adequate policy of Third Party Liability Insurance with a reputable company and an appropriate certificate shall be displayed at all times on the premises or, where the activity is not carried out mainly from a premises, be available for inspection.
- 4 The Licence holder shall provide information, in an easy to understand format, to every prospective client to explain –
 - (1) The process of skin piercing or tattooing;
 - (2) The risks of the procedure;
 - (3) The contra-indications to the skin piercing or tattooing procedure and
 - (4) The after care requirements of the procedure.
- 5 The Licence holder shall ensure that every prospective client has read and understood the above information prior to undertaking skin piercing or tattooing
- 6 The Licence holder shall ensure that any client who presents a condition that is a contra-indication to the skin piercing or tattooing procedure be asked to seek medical advice from their GP prior to the treatment being carried out. Written authorisation from the client's GP shall be provided prior to any treatment being undertaken. A copy of this information shall be retained with the written records of the client's personal details.
- 7 The Licence holder shall ensure that a pre-treatment questionnaire is completed for each client, which has been signed by the operator and countersigned by the client.
- 8 The Licence holder shall ensure the following written records of the clients personal details are retained for a period of 2 years:
 - (1) Name, address and contact telephone number
 - (2) Date of birth
 - (3) Relevant medical history

- (4) Procedure undertaken, including position on the body, type of jewellery used (if applicable)
 - (5) Name of the practitioner who carried out the skin piercing or tattooing
 - (6) Date and time when the skin piercing or tattooing was undertaken
 - (7) Details of any reported problems associated with skin piercing or tattooing.
- 9 The Licence holder shall ensure that written information is provided to each client explaining the appropriate aftercare requirements for the skin piercing or tattooing provided. This must include the contact details of the operator.
 - 10 The Licence holder shall ensure that every operator is capable of demonstrating that they have sufficient knowledge, skill, training and experience commensurate with the skin piercing or tattooing activities they carry out. The Licence holder shall retain a record of the information provided.
 - 11 The Licence holder shall ensure that persons undergoing training or practical experience in skin piercing or tattooing shall remain under the direct supervision of a competent person at all times.
 - 12 The Licence holder shall ensure that any person who undertakes skin piercing or tattooing is not under the influence of drugs or alcohol
 - 13 The Licence holder shall ensure that only sterile single use disposable needles appropriate to the purpose are used for skin piercing or tattooing. New needles shall be used for each client.
 - 14 The Licence holder shall ensure that all operators maintain an acceptable standard of personal cleanliness.
 - 15 The Licence holder shall ensure that the activity of tattooing or skin piercing (other than acupuncture) is carried out by an operator wearing disposable non-latex gloves with sufficient protection for the task being undertaken. The gloves must be changed for each client and as necessary during the skin piercing or tattooing procedure.
 - 16 The Licence holder shall ensure that any equipment liable to come in to contact with bodily fluids and, which is not disposable and cannot be sterilised (e.g. tattoo motors) shall be protected from such contact, so far as is reasonably practicable, and thoroughly cleaned with fresh disinfectant after each use.
 - 17 The Licence holder shall ensure that tattooing is not carried out on any person under the age of 18.
 - 18 The Licence holder shall ensure that skin piercing is not carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing.
 - 19 Where written consent has been provided, the person having the parental rights and responsibilities shall include in their written consent;

- (1) their relationship to the client
 - (2) the name, address and age of the person to be pierced
 - (3) the type of piercing
 - (4) the type of body jewellery to be used and
 - (5) the consent must be signed and dated by them
- 20 The Licence holder shall ensure that only sterile pigment for dispensing into single use pots or ink pre-packed in single use vials is supplied to them and used for tattooing purposes. Pots and ink shall be renewed for each client
- 21 The Licence holder shall ensure that all inks used for tattooing purposes have an indication of their durability on all labels and that they are used and stored in accordance with any manufacturer's instructions
- 22 All products such as antiseptic creams, petroleum jelly, inks, tattoo stencils etc. used for skin piercing or tattooing must be single use or dispensed using a sterile single use instrument to a sterile single use receptacle. Products, instruments and receptacles shall be renewed for each client.
- 23 All used forceps, kidney dishes, needle bars, ink capsule holders, clamps and other equipment in close contact with a break in the skin or mucous membranes shall be cleaned, ultrasonically cleaned and autoclaved prior to use on the next client.
- 24 The Licence holder shall ensure that equipment with hollow cavities, equipment wrapped or enclosed in pouches or porous loads are sterilised using an appropriate vacuum autoclave that is deemed appropriate for that purpose by the manufacturer
- 25 The Licence holder shall ensure that for tongue piercing, a sterilised clamp is used.
- 26 The Licence holder shall ensure that for ear piercing only, ear piercing guns and a sterile cartridge is used.
- 27 The Licence holder shall ensure that piercing guns are not used for piercing the ear or nose cartilage unless it is designed to do so.
- 28 The Licence holder shall ensure that only pre-sterilised jewellery supplied in packaging, which indicates the part of the body for which it is intended is used with the ear piercing and nose piercing guns, and that jewellery must only be inserted into the part of the body for which it is intended.
- 29 The Licence holder shall ensure that only single use disposable razors are used to assist with skin piercing or tattooing.

The Licence holder shall ensure that where applicable supplies of the following items are available at all times –

- (1) Disposable non-latex gloves;
- (2) Disposable razors where tattooing is provided;
- (3) Sterile single use disposable needles;

- (4) Appropriate cleaning, disinfection and sterilisation products;
 - (5) Autoclave pouches (where an appropriate vacuum autoclave is used for sterilisation of instruments).
- 30 The Licence holder shall ensure that all jewellery to be inserted in the skin created by skin piercing must be sterile prior to insertion.
- 31 The licence holder shall ensure that all jewellery is compliant with the Dangerous Substances and Preparations (Nickel) Safety Regulations
- 32 The Licence holder shall ensure that all equipment used in conjunction with skin piercing or tattooing are stored in such a way as to ensure their cleanliness.
- 33 The Licence Holder shall ensure that, unless only disposable instruments and equipment are used for skin piercing and tattooing, the following equipment is provided and properly maintained for use
- (1) Ultrasonic cleaner(s);
 - (2) Instrument bath(s); and
 - (3) Autoclaves and autoclaves pouches where appropriate
- 34 The Licence holder shall ensure that prior to skin piercing or tattooing all operators shall thoroughly wash their hands with a suitable soap and hot water and dry with clean disposable paper towels.
- 35 Prior to any treatment being carried out, the area of the body to be treated shall be cleaned using an appropriate skin safe antiseptic.
- 36 For skin piercings, if the area to be pierced requires to be marked, a single use water based marker pen or single use markers must be used.
- 37 The Licence holder shall make available to every operator inoculations against Hepatitis B.
- 38 The Licence holder shall ensure that suitable recorded risk assessments are undertaken of their activities
- 39 The Licence holder shall ensure all operators hold a current first aid certificate to foundation (1-Day) level.
- 40 A first aid kit, which is readily available and appropriately stocked, shall be provided.
- 41 The Licence holder shall ensure that waste that comprises clinical waste as defined in the current Controlled Waste Regulations shall be disposed of by a contractor licensed under the Waste Management Licensing Regulations. Records of the disposal of all waste shall be retained on the premises.
- 42 The Licence holder shall ensure that all waste designated as clinical waste shall be stored, collected and disposed of in accordance with the Environmental Protection Act and the Controlled Waste Regulations.

- 43 The Licence holder shall ensure that a suitable sharps container for the storage of needles after use is provided which conforms to the British Standard requirements and is stored out of reach of the client.
- 44 The Licence holder shall ensure that domestic waste and clinical waste is appropriately segregated and stored in appropriately marked bags.
- 45 The Licence holder shall ensure that pressure systems used, which fall within the scope of the Pressure Systems Safety Regulations shall be subject of a written scheme of examination and shall be examined in accordance with that written scheme of examination, as required by the Pressure Systems Safety Regulations. A copy of the written scheme of examination and the examination results shall be available for inspection.
- 46 In addition to the calibration and pressure tests required by the Pressure Systems Safety Regulations, autoclaves shall be subject to regular tests as recommended by the manufacturers or other appropriate guidance to ensure their effective operation. The results of the tests shall be recorded in a logbook for the autoclave and this shall be retained by the Licence holder and be available for inspection

ADDITIONAL CONDITIONS APPLICABLE WHERE THE ACTIVITY IS TO BE CARRIED OUT WHOLLY OR MAINLY FROM PREMISES

- 47 The Licence permits the use of the Premises specified therein as a place for the carrying on of a business, which provides skin piercing or tattooing, as defined in the Licence. The Licence must be exhibited in the Premises in such a place and in such a manner as to be easily read by the public
- 48 The Licence holders or, in the absence of the Licence holders, a person authorised by them, must be in charge of the premises during licensed activities and must not be engaged in duties which might prevent the exercising of general supervision of the premises.
47
- 49 The Licence holders shall ensure that separate rooms are provided for a waiting area and the carrying out of skin piercing or tattooing.
- 50 The Licence holders shall ensure that they display notices in the waiting area of the premises:-
- (1) advising that skin piercing and tattooing will not be carried out on any person under the influence of alcohol or drugs;
 - (2) advising that skin piercing will not be carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing; and
 - (3) advising that tattooing will not be carried out on any person under the age of 18.
 - (4) listing the names of licensed and authorised operators.
 - (5) advising of the risks associated with skin piercing and/or tattooing

- 51 The Licence holder shall ensure a full-face photograph of each operator is clearly displayed in the waiting area so that all customers may easily identify him or her.
- 52 The Licence holder shall ensure that the room used for the purposes of carrying out the skin piercing or tattooing has the following facilities –
- (1) A wash hand basin with hot and cold running water and which uses non-hand operated taps. Hand washing notices to be displayed at the wash hand basin;
 - (2) Smooth and impervious floor and wall surfaces capable of being easily cleaned
 - (3) A paper towel holder containing paper towels
 - (4) A soap dispenser containing soap
 - (5) A dispenser containing alcohol solution for cleaning purposes
 - (6) A washable bench or chair with disposable paper sheet;
 - (7) Waste buckets with pedal operated lids for clinical waste and general waste;
 - (8) A sharps container for storage of needles after use that is stored out of reach from the client; and
- 53 The Licence holder shall ensure a general-purpose sink with hot and cold running water is provided on the premises for cleaning and sterilisation purposes, separate from the required wash hand basin. This should be located out-with the treatment area wherever possible.
- 54 The Licence holder shall ensure the tables, couches and seats used for the purposes of skin piercing and tattooing shall be thoroughly disinfected between treatments and at the end of each working day.
- 55 The Licence holder shall ensure that all skin piercing and tattooing activities are undertaken in conditions of appropriate privacy.
- 56 The Licence holder shall ensure that the accommodation and facilities within the premises are maintained in good repair and in a good state of cleanliness appropriate to the activities undertaken.
- 57 The Licence holder shall ensure that the premises are effectively ventilated and illuminated for the purposes of skin piercing and tattooing.
- 58 Electrical systems at the premises shall comply with the current legislation and with the Institute of Electrical Engineers Wiring Regulations (BS7671:2001) applicable at the time of the installation or any subsequent replacement or renewal. Electrical systems shall include both fixed installations and electrical equipment. The Council may at any time require the Licence holders, within a reasonable period of time, to effect such remedial works as may be necessary to ensure that the said installations comply with the current legislation and regulations.
- 59 The Licence holder shall produce electrical certificates for the electrical systems and will make them available upon request

ADDITIONAL CONDITIONS APPLICABLE WHERE THE ACTIVITY IS NOT TO BE CARRIED OUT WHOLLY OR MAINLY FROM PREMISES

- 60 The Licence holder shall carry at all times a copy of their skin piercing/tattooing licence when undertaking such activities, and this must be made available to clients or Officers from the local authority upon request.
- 61 The Licence holder shall have appropriate means of identification at all times, including photographic evidence so that all customers may easily identify him or her.
- 62 The licence holder shall ensure that any seating used for the skin piercing or tattooing is washable and covered with a disposable paper sheet, which shall be renewed after each use.
- 63 The Licence holder shall ensure that any equipment, which is disposable, is disposed of immediately after each use in an appropriate waste receptacle
- 64 The Licence holder shall produce electrical certificates for all portable electrical appliances and will make them available upon request.

AMENDED CONDITIONS APPLICABLE TO A BUSINESS PROVIDING ONLY EAR PIERCING WHERE THE ACTIVITY IS TO BE CARRIED OUT WITHIN A DESIGNATED AREA OF THE PREMISES

- 65 The Licence holder-undertaking ear piercing with the use of an ear-piercing gun shall ensure that a separate area with a washable chair with disposable paper sheet has been designated for the carrying out of that activity within the premises.
- 66 The Licence holders shall ensure that they display notices in the designated area of the premises:-
- (1) advising that ear piercing will not be carried out on any person under the influence of alcohol or drugs;
 - (2) advising that ear piercing will not be carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the ear piercing; and
 - (3) listing the names of licensed and authorised practitioners.
 - (4) advising of the risks associated with ear piercing
- 67 The Licence holder shall ensure a full-face photograph of each operator is clearly displayed in the designated area so that all customers may easily identify him or her.
- 68 The Licence holder-undertaking ear piercing only shall ensure that the premises has the following facilities conveniently located to the designated area:
- (1) a wash hand basin with hot and cold running water

- (2) a paper towel holder containing paper towels,
 - (3) a soap dispenser containing soap
 - (4) a dispenser containing alcohol solution for cleaning purposes,
 - (5) a waste bucket with a pedal operated lid
- 69 The Licence holder shall ensure that the designated area is effectively ventilated and illuminated for the purposes of ear piercing

SPECIFIC CONDITIONS APPLICABLE TO ACUPUNCTURE ONLY

70 The Licence holder shall ensure that operators wash their hands immediately before carrying out the activity of acupuncture on each client.

71 The Licence holder shall ensure that the activity of acupuncture is carried out by an operator wearing disposable non-latex gloves that have not been previously used with another client where:

- (1) the operator has an open lesion on their hands,
- (2) the operator is handling items that may be contaminated with blood or other body fluids,
- (3) the client is bleeding or has an open lesion on an exposed part of the client's body,
- (4) the client is known by the operator to be infected with a blood-borne virus.

72 **Definitions.**

"Licence Holders" means the person, persons, company, firm, public body or voluntary organisation named in the Licence;

"Premises" means the premises specified in the Licence.

"acupuncture" means the insertion of needles into living tissue for remedial or therapeutic purposes;

"cosmetic body piercing" means the perforation of the skin and underlying tissue in order to create a tunnel in the skin through which jewellery may be inserted;

"electrolysis" means the removal of body hair by electrocution of the hair roots with an electrified needle;

"hospital" means any health service hospital within the meaning of section 108(1) of the National Health Service (Scotland) Act 1978;

"independent clinic" has the same meaning as in section 77(1) of the Regulation of Care (Scotland) Act 2001;

"skin piercing" includes any of the following –

- (a) acupuncture;
- (b) cosmetic body piercing; or
- (c) electrolysis.

“tattooing” means the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro-pigmentation.

“autoclave” means a pressure vessel in which the lid is sealed by the internal pressure in the vessel and which is used to steam sterilise equipment used for skin piercing or tattooing.

“sharps container” means a container used for holding medical waste and devices, which can cause physical injury.

“ultrasonic cleaner” means a cleaning device, which uses sound waves propagated through an aqueous medium at frequencies higher than the audible range.

APPENDIX IV

FIRE SAFETY INFORMATION FOR LICENCE APPLICANTS (NOT LIQUOR OR HOUSES IN MULTIPLE OCCUPATION)

Part of any licence application is consultation with the Fire and Rescue Service in order to ensure that Part 3 of the Fire (Scotland) Act 2005 as amended and the Fire Safety (Scotland) Regulations 2006 are being complied with. The responsibility for complying with these fire safety laws lies with the employer (or/and any other person who may have control of the premises e.g. owner/licensee/tenant/manager; this person is designated as the “*dutyholder*”) **and they MUST ensure that a fire safety risk assessment is carried out by a competent person and the outcomes recorded.**

More detailed guidance on Part 3 of the Fire (Scotland) Act 2005 as amended, the Fire Safety (Scotland) Regulations 2006 and fire safety risk assessment is available on the Scottish Government website; www.infoscotland.com/firelaw

Also, detailed information regarding the benchmarks for licensed premises can be found on the above website. These are contained within the sector specific guides “*Practical Fire Safety Guidance for Places of Entertainment and Assembly*” (PFSGPEA) and “*Practical Fire Safety Guidance for Offices, Shops and Similar Premises*” (PFSGOSSP). These sector specific guides can be downloaded free of charge from the above website.

In relation to your licence application, plans are NOT to be submitted to the Fire and Rescue Service. As part of the process to issue a licence the Fire and Rescue Service MAY require to visit and audit the fire safety measures in the premises. This may not be required in every instance.

Free advice is available from Scottish Fire and Rescue Service about issues relating to general fire safety, but it must be remembered that the dutyholder is responsible for carrying out the fire safety risk assessment for their premises and identifying the fire safety measures necessary as a result of the fire safety risk assessment outcomes.

Scottish Fire and Rescue Service can be contacted using any of the following methods;

Phone – 0131 228 2401 (ask for Community Safety Business and Commerce)

Email – fire.safety@lbfire.org.uk

Postal address – Scottish Fire and Rescue Service,
Community Safety (Business and Commerce),
Headquarters,
76-78 Lauriston Place,
Edinburgh.
EH3 9DE.

Website - www.firescotland.gov.uk

FIRE SAFETY BENCHMARKS

| | |
|--|--|
| (a) | Emergency/Escape Lighting System(s) should comply with British Standard 5266: Parts 1, 7 and 8, current edition (BS EN 1838). *See sector specific guides: Technical Annexe 13.10 |
| (b) | and Notices should comply with the Health and Safety (Safety Signs and Signals) Regulations 1996 and/or British Standard 5499: Parts 1, 4 and 5, current edition. *See sector specific guides: Technical Annexe 13.11 |
| (c) | Fire Warning/Automatic Fire Detection System(s) should comply with BS 5839: Part 1, current edition (category M, L1, L2, L3, L4 or L5) *if applicable *See sector specific guides: Technical Annexe 13.12 |
| (d) | Firefighting Equipment should comply with British Standard EN3, British Standard 7863 (current edition), British Standard 5306 Part 3, current edition and British Standard 5306 Part 8, current edition. *See sector specific guides: Technical Annexe 13.13 |
| (e) | Furniture and Textiles should conform to the relevant guidance/standard(s). *See PFSGPEA: Technical Annexe 13.15 |
| (f) | Tents, Marquees, Air Supported and Pneumatic Structures should conform to the relevant guidance/standard(s). *See PFSGPEA: Technical Annexe 13.16 |
| (g) | Auditoria, Stages, Fixed Seating and Gangways should conform to the relevant guidance/standard(s). *See PFSGPEA: Technical Annexe 13.18 |
| (h) | Open Air Events should conform to the relevant guidance/standard(s). *See PFSGPEA: Technical Annexe 13.19 |
| (i) | Fire safety policy, emergency fire action plans, fire safety information, training, fire drills, maintenance of fire safety measures, recording information/keeping records should all conform to the relevant guidance/standard(s). *See sector specific guides: Chapter 5 Managing Fire Safety |
| (j) | Any other fire related standard which is relevant to your premises (e.g. fire doors, dry risers, fire service access, water supplies etc) *See sector specific guides and relevant Technical Annexe(s) |
| Any staff training needs that are identified from the fire safety risk assessment process are also the responsibility of the duty holder to address. | |
| The above recommendations are one method of achieving the benchmarks however, other fire safety risk assessment methods or fire safety measures which achieve a suitable level of fire safety may be an acceptable alternative. | |

KEEPING YOUR PIERCING CLEAN

Allergic Reaction

Your piercer will already have asked you about any allergies that you may have. However, if you should notice an allergic response to your jewellery (or any other product used during the piercing) at any time then seek medical advice.

Where possible, you should aim to **clean** your piercing twice a day. Most piercings can be cleaned with warm pre-boiled tap water or sterile saline solution – this can be bought from most pharmacies in individual packs – use a fresh pack and a clean fresh cotton bud every time you clean the site. Always make sure your hands are clean.

For **tongue** piercings, half strength mouthwash (diluted with water) should be used after everything that you eat, drink or smoke until your piercing is fully healed.

After cleaning, pat the piercing **dry** with a clean tissue – always keep your piercing as **dry** as possible – try to avoid using towels, and definitely don't use towels that other people have been using.

If you have any problems or questions at any time then you should contact your piercer – contact details are provided below - to ask their advice in the first instance. It may be the case that they may refer you to your GP, or reassure you that what you are seeing is part of the natural healing process. In an emergency, you should always seek medical attention either at your GP surgery or at a hospital Accident and Emergency (A&E) Department.

Turn your piercing once or twice a day when you are cleaning it – soak off any crust that may have formed before you start to turn the jewellery – if possible, use a tissue to handle the jewellery rather than your hands – always make sure your hands are clean. Other than when you are cleaning the site, don't pick off any crust that forms as this acts as a barrier to stop your site becoming infected.

Embedding of Jewellery

Sometimes, if an infection occurs at a piercing site, or if an inappropriate piece of jewellery has been used for a piercing, the jewellery may try to make its way completely under the surface of the skin. This is known as embedding. If you think this may be happening to your piercing then return to your piercer and seek their advice.