

**Licensing of Skin Piercing and Tattooing**

**Licence Conditions**

# Read this first

1. These are the Conditions which apply to this Licence. The terms underlined are defined in the legislation (see 'Definitions' below).

2. The legislation sets mandatory conditions:

(a) The Civic Government (Scotland) Act 1982, as amended by:

(b) The Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 No. 43, and

(c) The (Licensing of Skin Piercing and Tattooing) Amendment Order 2006 No. 604.

If conditions are 'mandatory' the Council must apply them and cannot change them/

3. Whether there are Premises or not, the Council must look at the knowledge, skill, training and experience which the Licence Applicant (or, where the Applicant is not a natural person, those individuals who will be carrying on the licensed activities) which the Applicant can demonstrate in relation to any Skin Piercing and Tattooing activities which are to be carried on.

# How these conditions are arranged

4. These conditions are in Parts:

Part A – if ONLY ear-piercing (in PREMISES)

Part B – if anything OTHER THAN ear-piercing (in PREMISES)

Part C - Conditions which ALWAYS apply (C1 to C47)

Part D – IF in Premises (D48 to D60)

Part E – IF NOT in Premises (E61 to E65)

Part F – if ONLY Ear-Piercing, and IN Premises (F66 to F70)

Part G – if ONLY Acupuncture (G71 to G72)

5. The conditions which apply depend on whether or not the Licence is for an activity in Premises and what the activity is. There are special rules for ear-piercing and acupuncture.

If there are Premises, there are two sorts of conditions:

## (a) Pre-conditions

These are conditions that must be satisfied before any decision by the Council to grant or renew the Licence. The Council will inspect the Premises to check that the Pre-conditions are met;

## (b) Continuing Conditions

These are conditions that apply throughout the duration of the Licence. They must be complied with at all times. The "Continuing Conditions" are in Parts C to G:

- Part C always applies

- Parts D to G apply to particular licensed activities and/or places.

6. If any "Pre-condition" is not met then the Licence will not be granted or renewed. If the Council is not satisfied that any "Continuing Condition" is not likely to be observed, it might refuse to grant or renew the licence.

If any "Continuing Condition" is breached the Council may suspend the Licence and the Police may prosecute.

# Definitions

These definitions are set by legislation.

“Acupuncture” means the insertion of needles into living tissue for remedial or therapeutic purposes;

“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;

“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;

“Licence Holder” means the person, persons, company, firm, public body or voluntary organisation named as such in the Licence, and includes any Joint Holder (and where the Licence Holder is not a natural person, "Licence Holder" includes the Day-to-Day Manager);

"Licensing Authority" means North Ayrshire Council, Cunninghame House, Irvine;

"Parental Responsibilities” has the same meaning that it has in the Children (Scotland) Act 1995;

“Parental Rights” has the same meaning that it has in the Children (Scotland) Act 1995;

“Premises” means any premises specified in the Licence as the place where the licensed activity is to take place;

“Regulated Health Care Professional” means a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002;

“Sharps Container” means a container used for holding medical waste and devices which can cause physical injury;

"Skin Piercing" includes any of the following–

(a) Acupuncture;

(b) Cosmetic Body Piercing; or

(c) Electrolysis;

“Skin Piercing” has the same meaning as in the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006;

“Tattooing” means the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro pigmentation; “Tattooing” has the same meaning as in the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006; and

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

# (a) Pre-conditions (Parts A and B)

## Part A- if ONLY ear-piercing (in PREMISES)

*Note: these conditions are in 1982 Act, Sch. 1, Para. 5(2BA). The Council cannot grant or renew a Licence unless it is satisfied that these Pre-conditions are satisfied.*

A1. A separate area with a washable chair with disposable paper sheet has been designated for the carrying out of ear piercing;

A2. the designated area has displayed a notice advising–

(a) that ear piercing will not be carried out on any person under the influence of alcohol or drugs;

(b) 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 Parental Responsibilities in respect of that child and who has also given their consent in writing to the ear piercing;

A3. The Premises to be used for the purposes of carrying out ear piercing must have the following facilities–

(a) a wash-hand basin with hot and cold running water;

(b) a paper towel holder containing paper towels;

(c) a soap dispenser containing soap;

(d) a dispenser containing alcohol solution; and

(e) a waste bucket with a pedal-operated lid.

A4. The Premises must be well-ventilated and well-illuminated.

## Part B - if anything OTHER THAN ear-piercing (in PREMISES)

*Note: these conditions are in 1982 Act, Sch. 1, Para. 5(2B). The Council cannot grant or renew a Licence unless it is satisfied that these Pre-conditions are satisfied.*

B1. Separate rooms must be provided for–

(a) the waiting area; and

(b) the carrying out of Skin Piercing or Tattooing;

B2. The waiting area must have a visible notice advising–

(a) that Skin Piercing and Tattooing will not be carried out on any person under the influence of alcohol or drugs;

(b) 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 Parental Responsibilities in respect of that child and who has also given their consent in writing to the Skin Piercing; and

(c) that Tattooing will not be carried out on any person under the age of 18;

B3. The room to be used for the purposes of carrying out the Skin Piercing or Tattooing must have the following facilities–

(a) a wash-hand basin with hot and cold running water and which uses non-hand operated taps;

(b) a paper towel holder containing paper towels;

(c) a soap dispenser containing soap;

(d) a washable bench or chair with disposable paper sheet;

(e) a dispenser containing alcohol solution;

(f) a waste bucket with a pedal operated lid;

(g) a Sharps Container for storage of needles after use; and

(h) a first aid kit;

B4. There must be a general-purpose sink with hot and cold running water on the Premises separate from the wash-hand basin required under condition B3(a).

B5. Unless only disposable instruments are used within the Premises for Skin Piercing or Tattooing, the following equipment must be stored and properly maintained for use on the Premises–

(a) Ultrasonic Cleaners;

(b) instrument baths; and

(c) Autoclaves and Autoclaves pouches; and

B6. The Premises must be well-ventilated and well-illuminated for the purposes of Skin Piercing and Tattooing.

# (b) Continuing Conditions (Parts C to G)

## Part C - Conditions which ALWAYS apply (C1 to C47)

C1. The Licence Holder must:

(a) produce for inspection by an officer of the Licensing Authority any consent, record or other document required by these conditions (to be produced as soon as reasonably practicable after a request);

(b) produce the Licence if and when called upon to do so;

(c) must inform the Licensing Authority in writing within fourteen (14) days if he or any person who carries out, or will carry out, the licensed activity is convicted of any offence then of the conviction the Licence Holder

C2. The Licence Holder must notify the Licensing Authority in writing within thirty (30) days of any change in the information provided in the original Licence application.

C3. The Licence Holder must ensure that everyone carrying out the licensed activity is covered by an adequate policy of Third-Party Liability Insurance with a reputable company and an appropriate certificate must:

(a) be displayed at all times on the Premises (where the activity is carried out mainly from Premises); or

(b) be available for inspection by any member of the public or the Licensing Authority (where the activity is not carried out mainly from Premises).

C4. The Licence Holder must provide information, in an easy to understand format, to every prospective client to explain –

(a) The process of Skin Piercing or Tattooing;

(b) The risks of the procedure;

(c) The contra-indications to the Skin Piercing or Tattooing procedure and

(d) The after-care requirements of the procedure.

C5. The Licence Holder must ensure that every prospective client has read and understood the above information prior to undertaking Skin Piercing or Tattooing.

C6. The Licence Holder must 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 must be provided prior to any treatment being undertaken. A copy of this information must be retained with the written records of the client’s personal details.

C7. The Licence Holder must ensure that a pre-treatment questionnaire is completed for each client, which has been signed by the operator and countersigned by the client.

C8. The Licence Holder must ensure the following written records of the client's personal details are retained for a period of two (2) years:

(a) Name, address and contact telephone number,

(b) Date of birth,

(c) Relevant medical history,

(d) Procedure undertaken, including position on the body, type of jewellery used (if applicable),

(e) Name of the practitioner who carried out the Skin Piercing or Tattooing,

(f) Date and time when the Skin Piercing or Tattooing was undertaken,

(g) Details of any reported problems associated with Skin Piercing or Tattooing.

C9. The Licence Holder must ensure that written information is provided to each client explaining the appropriate after-care requirements for the Skin Piercing or Tattooing provided. This must include the contact details of the operator.

C10. The Licence Holder must 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 must retain a record of the information provided.

C11. The Licence Holder must ensure that persons undergoing training or practical experience in Skin Piercing or Tattooing must remain under the direct supervision of a competent person at all times.

C12. The Licence Holder must ensure that any person who undertakes Skin Piercing or Tattooing (whether the person carrying out the licensed activity or the client) is not under the influence of drugs or alcohol.

C13. The Licence Holder must ensure that only sterile single-use disposable needles appropriate to the purpose are used for Skin Piercing or Tattooing. New needles must be used for each client.

C14. The Licence Holder must ensure that all operators maintain an acceptable standard of personal cleanliness.

C15. The Licence Holder must ensure that the activity of Skin Piercing or Tattooing (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.

C16. The Licence Holder must 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) must be protected from such contact, so far as is reasonably practicable and thoroughly cleaned with fresh disinfectant after each use.

C17. The Licence Holder must ensure that Tattooing is not carried out on any person under the age of 18.

C18. The Licence Holder must ensure that Skin Piercing is not carried out on any child under the age of 16 unless both:

(a) that child is accompanied by a person who has Parental Rights and Parental Responsibilities in respect of that child, and

(b) that person has given their consent in writing to the Skin Piercing.

C19. Where written consent has been provided, the person having the Parental Rights and Parental Responsibilities must include in their written consent:

(a) their relationship to the client,

(b) the name, address and age of the person to be pierced,

(c) the type of piercing,

(d) the type of body jewellery to be used,

(e) the date of the consent, and

(f) the person's signature.

C20. The Licence Holder must ensure that only sterile pigment for dispensing into single-use pots or ink pre-packed in single-use vials is used for Tattooing purposes. Pots and ink must be renewed for each client.

C21. The Licence Holder must 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.

C22. 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 must be renewed for each client.

C23. 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 must be cleaned, Ultrasonically Cleaned, and Autoclaved prior to use on the next client.

C24. The Licence Holder must 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.

C25. The Licence Holder must ensure that for tongue piercing, a sterilised clamp is used.

C26. The Licence Holder must ensure that for ear piercing only, ear piercing guns and a sterile cartridge is used.

C27. The Licence Holder must ensure that a piercing gun is not used for piercing the ear or nose cartilage unless it is designed to do so.

C28. The Licence Holder must 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.

C29. The Licence Holder must ensure that only single-use disposable razors are used to assist with Skin Piercing or Tattooing.

C30. The Licence Holder must ensure that where applicable supplies of the following items are available at all times:

(a) Disposable non-latex gloves;

(b) Disposable razors where Tattooing is provided;

(c) Sterile single-use disposable needles;

(d) Appropriate cleaning, disinfection and sterilisation products;

(e) Autoclave pouches (where an appropriate vacuum Autoclave is used for sterilisation of instruments).

C31. The Licence Holder must ensure that all jewellery to be inserted in the skin created by Skin Piercing must be sterile prior to insertion.

C32. The Licence Holder must ensure that all jewellery is compliant with the Dangerous Substances and Preparations (Nickel) Safety Regulations.

C33. The Licence Holder must ensure that all equipment used in conjunction with Skin Piercing or Tattooing is stored in such a way as to ensure their cleanliness.

C34. The Licence Holder must 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 –

(a) Ultrasonic cleaner(s);

(b) Instrument bath(s); and

(c) Autoclaves and Autoclave pouches where appropriate.

C35. The Licence Holder must ensure that prior to Skin Piercing or Tattooing all operators must thoroughly wash with a suitable soap and hot water and dry with clean disposable paper towels.

C36. Prior to any treatment being carried out, the area of the body to be treated must be cleaned using an appropriate skin-safe antiseptic.

C37. For Skin Piercing, if the area to be pierced requires to be marked, a single-use water-based marker pen or single-use marker must be used.

C38. The Licence Holder must make available to every operator inoculations against Hepatitis B.

C39. The Licence Holder must ensure that suitable recorded risk assessments are undertaken of their activities.

C40. The Licence Holder must ensure all operators hold a current First Aid certificate to Foundation (1-Day) level.

C41. A First Aid kit, which is readily available and appropriately stocked, must be provided.

C42. The Licence Holder must ensure that waste that comprises clinical waste as defined in the current Controlled Waste Regulations must be disposed of by a contractor licensed under the Waste Management Licensing Regulations. Records of the disposal of all waste must be retained on the Premises.

C43. The Licence Holder must ensure that all such waste must be stored, collected and disposed of in accordance with the Environmental Protection Act and the Controlled Waste Regulations.

C44. The Licence Holder must 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.

C45. The Licence Holder must ensure that domestic waste and clinical waste is appropriately segregated and stored in appropriately marked bags.

C46. The Licence Holder must ensure that pressure systems used, which fall within the scope of the Pressure Systems Safety Regulations, must be subject of a written scheme of examination and must 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 must be available for inspection.

C47. In addition to the calibration and pressure tests required by the Pressure Systems Safety Regulations, Autoclaves must be subject to regular tests as recommended by the manufacturers or other appropriate guidance to ensure their effective operation. The results of the tests must be recorded in a logbook for the Autoclave and this must be retained by the Licence Holder and be available for inspection.

## Part D - IF in Premises (D48 to D60)

D48. 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.

D49. The Licence Holder (or, in his absence, a person authorised by him), 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.

D50. The Licence Holder must ensure that separate rooms are provided for a waiting area and for the carrying out of Skin Piercing or Tattooing.

D51. The Licence Holder must display notices in the waiting area of the Premises:

(a) advising that Skin Piercing and Tattooing will not be carried out on any person under the influence of alcohol or drugs;

(b) 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 Parental Responsibilities in respect of that child and who has also given their consent in writing to the Skin Piercing;

(c) advising that Tattooing will not be carried out on any person under the age of 18;

(d) listing the names of licensed and authorised operators;

(e) advising of the risks associated with Skin Piercing and/or Tattooing.

D52. The Licence Holder must 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.

D53. The Licence Holder must ensure that the room used for the purposes of carrying out the Skin Piercing or Tattooing has the following facilities –

(a) 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;

(b) Smooth and impervious floor and wall surfaces capable of being easily cleaned;

(c) A paper towel holder containing paper towels;

(d) A soap dispenser containing soap.

(e) A dispenser containing alcohol solution for cleaning purposes;

(f) A washable bench or chair with disposable paper sheet;

(g) Waste buckets with pedal-operated lids for clinical waste and general waste;

(h) A Sharps Container for storage of needles after use that is stored out of reach from the client.

D54. The Licence Holder must 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 outwith the treatment area wherever possible.

D55. The Licence Holder must ensure the tables, couches and seats used for the purposes of Skin Piercing and Tattooing must be thoroughly disinfected between treatments and at the end of each working day.

D56. The Licence Holder must ensure that all Skin Piercing and Tattooing activities are undertaken in conditions of appropriate privacy.

D57. The Licence Holder must 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.

D58. The Licence Holder must ensure that the Premises are effectively ventilated and illuminated for the purposes of Skin Piercing and Tattooing.

D59. Electrical systems at the Premises must comply with the current legislation and with the Institute of Electrical Engineers Wiring Regulations (BS 7671:2001) applicable at the time of the installation or any subsequent replacement or renewal. Electrical systems must include both fixed installations and electrical equipment. The Council may, at any time, require the Licence Holder, 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.

D60. The Licence Holder must produce electrical certificates for the electrical systems and will make them available upon request.

## Part E - IF NOT in Premises (E61 to E65)

E61. The Licence Holder must carry at all times a copy of the Licence when undertaking such activities and this must be made available to clients or Officers from the Licensing Authority upon request.

E62. The Licence Holder must have appropriate means of identification at all times, including photographic evidence so that all customers may easily identify him or her.

E63. The Licence Holder must ensure that any seating used for the Skin Piercing or Tattooing is washable and covered with a disposable paper sheet, which must be renewed after each use.

E64. The Licence Holder must ensure that any equipment which is disposable is disposed of immediately after each use in an appropriate waste receptacle.

E65. The Licence Holder must produce electrical certificates for all portable electrical appliances and will make them available upon request by clients or Officers from the Licensing Authority.

## Part F - if ONLY Ear-Piercing, and IN Premises (F66 to F70)

F66. The person undertaking ear piercing with the use of an ear-piercing gun must 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.

F67. The Licence Holder must ensure that they display notices in the designated area of the Premises:

(a) advising that ear piercing will not be carried out on any person under the influence of alcohol or drugs;

(b) 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 Parental Responsibilities in respect of that child and who has also given their consent in writing to the ear piercing;

(c) listing the names of licensed and authorised practitioners;

(d) advising of the risks associated with ear piercing

F68. The Licence Holder must 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.

F69. The Licence Holder undertaking ear piercing only must ensure that the Premises have the following facilities conveniently located to the area where the licensed activity is to be carried out:

(a) a wash-hand basin with hot and cold running water;

(b) a paper towel holder containing paper towels;

(c) a soap dispenser containing soap;

(d) a dispenser containing alcohol solution for cleaning purposes;

(e) a waste bucket with a pedal-operated lid.

F70. The Licence Holder must ensure that the area where the licensed activity is to be carried out is effectively ventilated and illuminated for the purposes of ear piercing.

## Part G - if ONLY Acupuncture (G71 to G72)

G71. The Licence Holder must ensure that operators wash their hands immediately before carrying out the activity of Acupuncture on each client.

G72. The Licence Holder must 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:

(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 an open lesion on an exposed part of the client’s body,

(d) the client is known by the operator to be infected with a blood-borne virus.