

## CIVIC GOVERNMENT (SCOTLAND) ACT 1982

### Licensing of Skin Piercing and Tattooing Order 2006

#### Notes for Guidance of Applicants for a Licence for Skin Piercing or Tattooing

The following notes are a brief outline of the requirements for **skin piercing or tattooing** licensing under the above legislation. They should be treated as guidelines only and not an authoritative statement of law. They do not purport to be more than a guide to the main provisions of the Act in order that would-be applicants may consider if they need to apply for a licence. Applicants are recommended to study the relevant provisions of the Act and obtain any further advice from their solicitor.

**Please note that as well as requiring a licence under the Civic Government (Scotland) Act 1982 in order to undertake this activity you may also require planning permission for the premises/land to be used.**

**Planning permission is separate to the licencing process and is administered by the Council's Planning Service. It is therefore recommended that you contact the Planning Service at [eplanning@highland.gov.uk](mailto:eplanning@highland.gov.uk) to check whether planning permission is required.**

**Depending on the circumstances, it may be possible that a licence can be granted without planning permission having first been obtained (if permission is required). However, should you commence operating the licensed activity without first having the required planning permission in place, you will be in breach of planning legislation and relevant planning enforcement action may be taken against you.**

#### **1. INTRODUCTION**

The Licensing of Skin Piercing and Tattooing Order 2006, made under the Civic Government (Scotland) Act 1982, provides for licensing of the **carrying on of a business which provides skin piercing or tattooing**. No licence is required however for the carrying on of this activity by regulated health care professionals.

#### **2. DEFINITIONS**

**"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. These are bodies such as the General Medical Council and other health and care regulatory Councils of similar standing.

**"Skin piercing"** includes any of the following:

- (i) acupuncture, which means the insertion of needles into living tissue for remedial or therapeutic purposes;

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

(iii) electrolysis, which means the removal of body hair by electrocution of the hair roots with an electrified needle; and

**"Tattooing"** means the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro pigmentation.

### 3. LICENCE REQUIREMENTS FOR OPERATORS

Situation	Requirement
<b>Self-employed operator working alone within a fixed premises</b>	The operator shall require a SP&T licence for the carrying on of their business.
<b>Operator who employs a number of other operators within a fixed premises</b>	<p>The employer will require a SP&amp;T licence for the carrying on of their business and shall be responsible for:</p> <ul style="list-style-type: none"> <li>• ensuring that all operators in their employment are sufficiently trained and experienced, commensurate with the procedures they are carrying out</li> <li>• ensuring that any individual undergoing training is continually supervised by a competent individual</li> <li>• ensuring that they, and all those in their employment, comply with all conditions of the licence</li> <li>• ensuring that any changes to the original licence application are notified to the issuing Authority within 30 days, e.g. change of operators.</li> <li>• surrendering the Licence to the issuing Authority if called upon to do so for the purpose of alteration</li> </ul>
<b>Operator who works within a fixed premises and “rents” space out to self-employed operators</b>	<p>The principle operator, i.e. the one who is in charge of the premises and rents out space to other operators, shall require a SP&amp;T licence for the carrying on of their own business and is required to comply with all conditions of that licence.</p> <p>All self-employed operators working within the premises shall also require a licence for the carrying on of their business. This is because they are not under the direction of the principle operator and must therefore be considered separately.</p> <p>Where the self-employed operator works from more than one premises, all premises within which they</p>

	<p>operate should be detailed on that licence. If these premises are in different.</p> <p>Where an operator works in different Local Authority areas they will require a licence from each Authority.</p> <p>Each of these named premises will require to comply with the relevant conditions contained within the Order, prior to granting of said licence n.b.</p> <p>Someone who is merely a landlord and not an operator will not require a licence. It is the licence holder's responsibility to ensure that the premises comply with the licence conditions.</p> <p>The licence holder is responsible for:</p> <ul style="list-style-type: none"> <li>• ensuring that any changes to the original licence application are notified to the issuing Authority within 30 days.</li> <li>• surrendering the Licence to the issuing Authority if called upon to do so for the purpose of alteration.</li> </ul>
<p><b>Operator who works on a mobile basis renting space in one or more fixed premises</b></p>	<p>Operator shall require a licence from every Local Authority within which they will operate and is required to comply with all conditions of that licence.</p> <p>The licence holder is responsible for:</p> <ul style="list-style-type: none"> <li>• ensuring that any changes to the original licence application are notified to the issuing Authority within 30 days.</li> <li>• surrendering the Licence to the issuing Authority if called upon to do so for the purpose of alteration.</li> </ul>
<p><b>Operator who works on a mobile basis in clients' homes or other such premises</b></p>	<p>When considering applications from peripatetic operators, an equivalent level of compliance is required as for fixed premises. Due to the likely inability to comply with all national licence conditions, it is not considered appropriate or acceptable for licenses to be granted to peripatetic operators who propose to work in clients' homes or other such premises.</p> <p>As such, licenses issued to peripatetic operators should relate to operating peripatetically from one or more fixed premises e.g. renting space in multiple fixed premises and not at client's homes or similar premises</p>
<p><b>Operator who works solely from home</b></p>	<p>Operator shall require a licence for the carrying on of their business and is required to comply with all conditions of that licence.</p> <p>*The home shall be treated as a premises for the purposes of the licensing process and should meet all requirements of the Order.</p> <p>The licence holder is responsible for:</p> <ul style="list-style-type: none"> <li>• ensuring that any changes to the original licence</li> </ul>

	<p>application are notified to the issuing Authority within 30 days.</p> <ul style="list-style-type: none"> <li>• surrendering the Licence to the issuing Authority if called upon to do so for the purpose of alteration.</li> </ul>
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#### 4. CONDITIONS

Licence holders will be required to comply with the mandatory conditions specified in the Order and the additional conditions imposed by the licensing authority. Some of these must be complied with as a pre-condition of the grant of the licence. The applicable mandatory and additional conditions will be incorporated into a **Schedule of Licence Conditions** which forms part of the licence, and which will vary depending on the type of skin piercing or tattooing licence involved. The three types of Schedule are appended to these notes as follows.

- (i) **Appendix 1** attached shows the Schedule of Licence Conditions which will be attached to a licence where the activity is to be carried out wholly or mainly in premises and where the business provides skin piercing (other than only ear piercing) or tattooing. **Applicants for this type of licence should note that conditions 1 to 7 are pre-conditions which will require to be met prior to the issue of a licence.**
- (ii) **Appendix 2** attached shows the Schedule of Licence Conditions which will be attached to a licence where the activity is carried out wholly or mainly in premises and the business provides ear piercing and no other kind of skin piercing or tattooing. **Applicants for this type of licence should note that conditions 1 to 6 are pre-conditions which will require to be met prior to the issue of a licence.**
- (iii) **Appendix 3** attached shows the Schedule of Licence Conditions which will be attached to licence where no premises are involved. **Applicants for this type of licence should note that conditions 1 and 2 are pre-conditions which will require to be met prior to the issue of the licence.**

#### 5. PRE-APPLICATION ADVICE

Should you require any further advice in relation to any works which may be required to ensure that your premises meet the conditions detailed in Section 3 above, or if you have any queries in relation to the training requirements for you or your staff, the Council's Environmental Health Service can offer advice on these issues, including a visit to your premises if required, prior to you submitting an application for a licence. They can be contacted through the Council's Service Centre on (01349) 886606 or by Email at [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk).

#### 6. COMPLETION OF APPLICATION FORM

The application form is available to download or complete on-line on the Council's website at [http://www.highland.gov.uk/directory\\_record/738762/skin\\_piercing\\_and\\_tattooing](http://www.highland.gov.uk/directory_record/738762/skin_piercing_and_tattooing)

The licence may be applied for in the name of a firm or company (i.e. non-natural person) or in the name of an individual. Please therefore answer Question 1 or 2 on the form as appropriate. **ALL** other questions on the form should be answered.

When completing the form please ensure that you name all persons who will be carrying on the activity of skin piercing or tattooing as part of your business and, where the activity is to be carried out wholly or mainly in premises, the address of the premises to be used.

You should take care in completing the application form to list, subject to the terms of the Rehabilitation of Offenders Act 1974, all convictions against you/persons named in your application. If you are in doubt as to whether or not to list a conviction you should seek independent advice on this matter.

In order to apply for a licence, the application form should be returned along with the following:-

- the application fee, which can be found on the Council's website, see link below  
[http://www.highland.gov.uk/info/1125/licences\\_permits\\_and\\_permissions/306/licence\\_application\\_fees](http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees)
- a site or location plan showing precisely which part or parts of the premises are to be used for the purposes of skin piercing or tattooing,
- any appropriate documentation with regard to qualifications or experience, and
- a certificate confirming that third party liability insurance is in place with a minimum indemnity of £2 million.

## 7. **APPLICATION FEES**

Licences will normally be granted for a period of three years and the following fees apply to **applications for grant or renewal of a licence**:

(i)	Applications which relate to a business providing skin piercing or tattooing on a mobile basis i.e. <u>not</u> carried on wholly or mainly in premises	<b>£660</b>
(ii)	Applications which relate to a business providing skin piercing or tattooing carried on <u>wholly or mainly in premises</u> .	<b>£660 for initial premises*</b>
(iii)	Application for additional premise where the applicant has applied for, or already holds a licence, and has paid the full application fee in respect of this.	<b>£156</b>
*N.B. Where a business is carried on <u>wholly or mainly in premises</u> , and operates several premises providing skin piercing or tattooing, you require to lodge a separate application for each premises.		

The fee for a temporary licence (see note 9(ii) below) is 50% of the fee for a full licence.

**Please note that the fee which is paid on submission of your application will not be refunded if your application is refused or withdrawn.**

## **8. DISPLAY OF PUBLIC NOTICE**

If your tattooing or skin piercing business is carried on wholly or mainly in premises you should display a PUBLIC NOTICE on the premises for a continuous period of TWENTY ONE DAYS from the date of submission of your application. A form of public notice is available on the Council's website at [http://www.highland.gov.uk/directory\\_record/738762/skin\\_piercing\\_and\\_tattooing](http://www.highland.gov.uk/directory_record/738762/skin_piercing_and_tattooing). (This requirement is not applicable to applications for temporary licences (see note 9(ii) below)

Where the application has been made by or on behalf of a company or partnership (ie. a non-natural person) the address of the registered or principal office and the names of and the private addresses of the directors, partners or others responsible for its management should also be stated on the public notice. You should attempt to keep the notice on display for a period of at least 21 DAYS and try and ensure that it does not become defaced or destroyed during that period, replacing the notice if necessary.

When the required notice has been displayed in accordance with the legislation, you should, on expiry of the 21 DAYS, complete and sign the CERTIFICATE OF COMPLIANCE (available on the Council's website at [http://www.highland.gov.uk/directory\\_record/738762/skin\\_piercing\\_and\\_tattooing](http://www.highland.gov.uk/directory_record/738762/skin_piercing_and_tattooing)) and send it to the office to which you submitted the application form..

## **9. CONSULTATION PROCESS**

When your application is lodged and the appropriate fee has been paid, your application will be referred to the Police and the Council's Environmental Health Service for comment. If your application relates to premises, a copy will also be sent to the Firemaster and Building Standards.

If the Council feels that any other enquiries should be carried out, you will be told of the nature of these enquiries and that the results of these enquiries may be taken into account in coming to a decision on your application. Where your application relates to premises, the Council cannot make a final decision unless an authorised officer has visited and inspected the premises and is satisfied that pre-conditions 1 to 5 listed in Appendix 1 to this guidance note, or, in the case of premises at which ear piercing but no other form of skin piercing or tattooing is carried out, pre-conditions 1 to 4 in Appendix 2 to this note, have been met.

## **10. DETERMINATION OF AND DURATION OF LICENCES**

When determining whether the applicant is a fit and proper person to be the holder of the licence, the licensing authority is required in terms of the Order to have regard to the knowledge, skill, training and experience which the applicant and/or those individuals who will be carrying on the activity can demonstrate in relation to the activity or activities which are to be carried on.

- (i) **Full licences:** a licence will normally be issued after the elapse of 28 days from receipt of an application. In certain circumstances, eg where objections have been received, applications can take considerably longer to be determined. A licence shall remain in force, unless previously suspended or revoked, for a period of

three years from the date when it comes into force, or such shorter period as the licensing authority thinks fit. The licence is not normally transferable.

- (ii) **Temporary licences:** application may be made for a temporary licence which on being granted by the licensing authority may have effect for a period not exceeding 6 weeks. A temporary licence is not capable of being renewed, but where application has also been made for a full licence for the same activity, the temporary licence, if granted, shall continue to have effect until the application for the full licence has been determined. Temporary licences may be granted earlier than the 28 day period specified for a full licence and the fee for a temporary licence is as shown in the attached list of fees.
- (iii) **Determination period:** The Council have 12 months in which to determine an application for a skin piercing and tattooing licence under the Civic Government (Scotland) Act 1982. If an application cannot be determined by officers using delegated powers and the 12-month deadline is approaching then the application may require to be submitted to the Council's Highland Licensing Committee for their consideration. The Committee have the power to grant or refuse applications for a licence.

## 11. LICENCE TO BE RETAINED

The licence must not be altered, erased or defaced in any way, must be kept clean and legible and must not be lent to or used by any other person. Should the licence be lost or become defaced or illegible the licence holder shall obtain a replacement from the licensing authority on payment of the appropriate fee as detailed in the list of fees available on the Council's website at

[http://www.highland.gov.uk/info/1125/licences\\_permits\\_and\\_permissions/306/licence\\_application\\_fees](http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees)

The licence holder shall produce his/her licence within five days of being requested to do so by a Police Constable or an authorised officer of the licensing authority or the fire authority.

## 12. RETURN OF LICENCE

The licence shall be delivered to the licensing authority:-

- (a) if the premises cease to be used for skin piercing or tattooing;
- (b) within seven days of receiving notice of the coming into effect of a decision of the licensing authority to suspend or vary the terms of the licence, or the decision of a court to revoke it.

## 13. NOTIFICATION OF MATERIAL CHANGE OF CIRCUMSTANCES

The licence holder shall notify the Council as soon as is reasonably practicable with any **convictions or other material change** in circumstances affecting him/her or the activity to which the licence relates, including any particulars referred to in the application for grant, or latest application for renewal, of the licence. **If in doubt, notify the Council of any changes.**

## 14. NOTIFICATION OF MATERIAL ALTERATIONS

The licence holder shall not make or permit to be made any material change to the premises without the prior **written** consent of the licensing authority unless in accordance with a requirement imposed by or in pursuance of any enactment other than parts I or II of the Civic Government (Scotland) Act 1982. **If in doubt as to whether consent is required, contact the Council.**

## **15. PRIOR REFUSAL**

Please note that if you have applied for and been refused an application for a licence in one area of The Highland Council then, unless your circumstances have altered, you will be unlikely to be granted an application made in another Highland Council area.

If refused, you cannot apply for the same kind of licence in respect of the same activity or for the same premises within one year of that refusal unless there has been a material change in circumstances.

## **16. HEARINGS**

Occasionally, and always if there is an objection to the granting of a licence, a hearing before the Highland Licensing Committee of the Council will be held to decide whether or not a licence should be granted. If the application is to be referred to a hearing you will be invited to attend and notified in writing of the date, time and venue. A further appeal lies to the sheriff court.

## **17. OFFENCES**

The following are criminal offences liable, on summary conviction, to a fine:-

- (a) Carrying on an activity for which a licence under the Civic Government (Scotland) Act 1982 is required without such a licence;
- (b) Failing to comply with a condition of a licence;
- (c) Failing to notify the Council of a material change in the circumstances of a licensee;
- (d) Failing to obtain the consent of the Council before making any material change to any premises, vehicle or vessel to which the licence relates;
- (e) Failing to surrender the licence (1) after it has been superseded or (2) when the licensee has given up the activity to which it relates;
- (f) Failing to disclose convictions in the application form;
- (g) Making a false statement when filling in the application form.

The above list is not exhaustive and reference should be made to the Civic Government (Scotland) Act 1982 for all offences under the Act.



**SCHEDULE OF LICENCE CONDITIONS  
BUSINESSES PROVIDING SKIN PIERCING (OTHER THAN ONLY EAR PIERCING)  
OR TATTOOING IN PREMISES**

**The licence holder must ensure that the following conditions and requirements are complied with at all times.**

1. Separate rooms are provided for:-
  - (i) the waiting area; and
  - (ii) the carrying out of skin piercing or tattooing.
2. 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.
3. 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, and a hand washing notice displayed at the wash-hand basin;
  - (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) separate waste buckets with pedal operated lids for clinical waste and general waste;
  - (vii) a sharps container for storage of razors and needles after use, which conforms to current British Standard requirements and is stored out of reach of clients; and
  - (viii) a first aid kit,

and there is a general purpose sink with hot and cold running water on the premises separate from the wash-hand basin required under condition 3(i) above (and located outwith the treatment area wherever possible).

4. 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.
5. The premises are well ventilated and illuminated for the purposes of skin piercing and tattooing.
6. Electrical systems at the premises, including both fixed installations and moveable electrical appliances, shall comply with the current legislation and standards. The licence holder shall at all times hold current electrical compliance certificates and portable appliance test certificates, as applicable, for the electrical systems and shall make them available on request. The licensing authority may at any time require the licence holder, within a reasonable period of time, to effect such remedial works as may be required to ensure that the said electrical systems comply with current legislation and standards.
7. The licence holder must ensure that they have in place at all times third party liability insurance of a minimum value of two million pounds (£2,000,000) Sterling issued by a reputable insurance company and covering the skin piercing or tattooing activities carried out or authorised by the licence holder which are permitted under this licence. A copy of the licence holder's insurance certificate shall be displayed at all times on the premises and shall be produced to the licensing authority on request.
8.
  - (a) The accommodation and facilities within the premises are to be maintained in good repair and in a good state of cleanliness; floor and wall surfaces should be smooth and impervious so as to be capable of being easily cleaned;
  - (b) only sterile single use disposable razors or sterile single use disposable needles appropriate to the purpose may be used for skin piercing or tattooing, and new needles must be used for each client; where piercing guns are to be used for piercing the ear or nose cartilage, the licence holder shall ensure that the piercing gun is designed for this purpose;
  - (c) for the purposes of tattooing, only sterile pigment dispensed into single use pots or ink pre-packed in single use vials may be used and new pots or vials of ink must be used for each client; the licence holder shall ensure that all inks used for tattooing purposes have an indication of their durability on the labels and that they are used and stored in accordance with any manufacturer's instructions;
  - (d) the activity of tattooing or skin piercing other than acupuncture must be carried out by an operator who has washed their hands immediately

before carrying out the activity and who is wearing disposable non-latex gloves, which must be changed for each client;

- (da) subject to paragraph (db) below, 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;
- (db) 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;
- (e) 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;
  - (iv) appropriate cleaning, disinfection and sterilisation products;
- (f) any equipment which is not disposable, including forceps, dishes, needle bars, ink capsule holders, clamps and other equipment used in close contact with a break in the skin or mucous membranes shall be sterilised, ultrasonically and autoclaved, if practicable, or thoroughly cleaned with fresh disinfectant after each use and stored in such a way as to ensure its cleanliness; the licence holder shall ensure that equipment with hollow cavities and 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; 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.
- (g) 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; where such written consent has been provided, the person having the parental rights and responsibilities shall include the following details in their written consent:
  - (i) their relationship to the client,
  - (ii) the name, address and age of the person to be pierced,

- (iii) the type of piercing, and
  - (iv) the type of body jewellery to be used,
- and the consent must be signed and dated by them;
- (h) any equipment which is disposable must be disposed of immediately after use in an appropriate waste receptacle.
  - (i) for ear and other forms of cosmetic skin piercing-
    - (i) a sterile cartridge for skin piercing, and
    - (ii) pre-sterilised jewellery which is supplied in packaging which indicates the part of the body for which it is intended and which is compliant with all relevant safety legislation,

must be used and the jewellery must only be inserted into the part of the body for which it is intended;
  - (j) for tongue piercing, a sterilised clamp must be used; and
  - (k) 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;
    - (iii) the contra-indications to the skin piercing or tattooing procedure, and
    - (iv) the after care requirements of the procedure

and the licence holder shall ensure that every prospective client has read and understood the above information prior to undertaking skin piercing or tattooing and has been provided with the contact details of the operator undertaking the procedure.

9. 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 authorisation shall be retained with the written records of the client's personal details.
10. The licence holder shall ensure that a pre-treatment questionnaire is completed for each client, and has been signed by the operator and the client.
11. The licence holder shall ensure that the following written records of each client's personal details are retained for a period of 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 and type of jewellery used (if applicable);
  - (e) name of the operator who carried out the skin piercing or tattooing;
  - (f) date and time when the skin piercing or tattooing was undertaken, and
  - (g) details of any reported problems associated with skin piercing or tattooing.
12. The licence holder shall ensure that every operator practising in the licence holder's business 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 this information for each operator.
  13. The licence holder shall ensure that
    - (i) any person undergoing training or practical experience in skin piercing or tattooing activities in the licence holder's business shall, when undertaking those activities, remain under the direct supervision of a competent operator authorised by the licence holder, and
    - (ii) the licence holder or, in the absence of the licence holder, a person authorised by them, is present in and in charge of the premises while skin piercing or tattooing activities are being undertaken and is not engaged in duties which might prevent their adequately supervising licensed activities at the premises.
  14. The licence holder shall ensure that any person who undertakes skin piercing or tattooing in the licence holder's business is not under the influence of drugs or alcohol while carrying out any skin piercing or tattooing procedures.
  15. The licence holder shall ensure that all operators practising in the licence holder's business maintain an acceptable standard of personal cleanliness.
  16. Prior to any skin piercing or tattooing being carried out on a client, the area of the client's body to be treated shall be cleaned using an appropriate skin safe antiseptic.
  17. For skin piercing, if the area to be pierced requires to be marked, a single use water based marker pen or single use markers must be used.
  18. The licence holder shall make available to every operator operating in the licence holder's business inoculation against Hepatitis B.
  19. The licence holder shall ensure that suitable recorded risk assessments of the skin piercing or tattooing activities to be undertaken are carried out.
  20. The licence holder shall ensure all operators operating in the licence holder's business hold a current first aid certificate to foundation (1-Day) level.

21. The licence holder shall ensure that waste that comprises clinical waste as defined in the current Controlled Waste Regulations is disposed of only by a contractor licensed under the current Waste Management Licensing Regulations. Records of the disposal of all clinical waste shall be retained by the licence holder.
22. The licence holder shall ensure that all clinical waste is stored, collected and disposed of in accordance with the current Environmental Protection legislation and current Controlled Waste Regulations. Domestic waste and clinical waste must be appropriately segregated and stored in appropriately marked bags.
23. The licence holder shall ensure that pressure systems used, which fall within the scope of current Pressure Systems Safety Regulations shall be subject to a written scheme of examination and shall be examined in accordance with that scheme or otherwise in accordance with the requirements of current Pressure Systems Safety Regulations. A copy of the written scheme of examination and examination results shall be made available for inspection.
24. In addition to tests required under current Pressure Systems Safety Regulations, autoclaves shall be subject to such regular tests as are recommended by the manufacturers or other appropriate guidance to ensure their effective operation. The results of these tests shall be recorded in a logbook for the autoclave and this shall be retained by the licence holder and made available for inspection.
25. A full-face photograph of each operator authorised by the licence holder to carry out skin piercing or tattooing activities on the premises shall be clearly displayed in the waiting or other public area of the premises so that all customers may easily identify him or her. The name of each authorised operator shall also be displayed next to their photograph
26. The licence holder shall ensure that this licence is exhibited in the licensed premises in such place and in such manner so as to be easily readable by members of the public on the premises.
27. The licence holder shall deliver this licence to the licensing authority within 7 days of receiving notice of the coming into effect of a decision of the licensing authority to suspend, revoke or vary the terms of the licence or a decision of the court to revoke it.
28. The licence holder shall notify the licensing authority in writing within 30 days of any change to the information contained in the original application in respect of which this licence was granted.

**Definitions:**

In this licence and the above conditions-

**“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 in the licence as the licence holder;

“**operator**” means a person who carries out any skin piercing or tattooing activities authorised by this licence at the licence holder’s behest or with the licence holder’s authorisation;

“**premises**” means the premises specified in the licence;

“**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

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

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

**SCHEDULE OF LICENCE CONDITIONS  
BUSINESSES PROVIDING EAR PIERCING IN PREMISES  
(AND NO OTHER FORM OF SKIN PIERCING OR TATTOOING)**

**The licence holder must ensure that the following conditions and requirements are complied with at all times.**

1. A separate area with a washable chair with disposable paper sheet has been designated for the carrying out of ear piercing.
2. 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.
3. 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 and a hand-washing notice displayed at the wash-hand basin,
  - (ii) a paper towel holder containing paper towels,
  - (iii) a soap dispenser containing soap,
  - (iv) a dispenser containing alcohol solution,
  - (v) separate waste buckets with pedal operated lids for clinical waste and general waste,
  - (vi) a sharps container for storage of needles after use, which conforms to current British Standard requirements and is stored out of reach of clients, and
  - (vii) a first aid kit
4. The premises are well ventilated and illuminated.
5. Electrical systems at the premises, including both fixed installations and moveable electrical appliances, shall comply with the current legislation and standards. The licence holder shall at all times hold current electrical compliance certificates and portable appliance test certificates, as applicable, for the electrical systems and shall make them available on request. The Council may at any time require the licence holder, within a reasonable period of time, to effect such remedial works as may be required to ensure that the said electrical systems comply with current legislation and standards.



6. The licence holder must ensure that they have in place at all times third party liability insurance of a minimum value of two million pounds (£2,000,000) Sterling issued by a reputable insurance company and covering ear piercing activities carried out or authorised by the licence holder which are permitted under this licence. A copy of the licence holder's insurance certificate shall be displayed at all times on the premises and shall be produced to the licensing authority on request.
7.
  - (a) The accommodation and facilities within the premises are to be maintained in good repair and in a good state of cleanliness; floor and wall surfaces should be smooth and impervious so as to be capable of being easily cleaned;
  - (b) only sterile single use disposable needles appropriate to the purpose may be used for ear piercing and new needles must be used for each client; where piercing guns are to be used for piercing the ear or nose cartilage, the licence holder shall ensure that the piercing gun is designed for this purpose;
  - (c) the activity of ear piercing must be carried out by an operator who has washed their hands immediately before carrying out the activity and who is wearing disposable non-latex gloves, which must be changed for each client;
  - (d) a supply of the following must be maintained -
    - (i) disposable non-latex gloves;
    - (ii) sterile single-use disposable needles, and
    - (iii) appropriate cleaning, disinfection and sterilisation products;
  - (e) any equipment which is not disposable shall be sterilised ultrasonically and autoclaved, if practicable, or thoroughly cleaned with fresh disinfectant after each use and stored in such a way as to ensure its cleanliness; the licence holder shall ensure that equipment with hollow cavities and 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; 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.
  - (f) 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; where such written consent has been provided, the person having the parental rights and responsibilities shall include the following details in their written consent:
    - (i) their relationship to the client,
    - (ii) the name, address and age of the person to be pierced,

(iii) the type of piercing, and

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

and the consent must be signed and dated by them;

(g) any equipment which is disposable must be disposed of immediately after use in an appropriate waste receptacle.

(h) for ear piercing-

(i) a sterile cartridge for ear piercing, and

(ii) pre-sterilised jewellery which is supplied in packaging which indicates the part of the body for which it is intended and which is compliant with all relevant safety legislation,

must be used and the jewellery must only be inserted into the part of the body for which it is intended;

(i) information, in an easy to understand format, must be provided to prospective clients to explain -

(i) the process of the ear piercing;

(ii) the risks of the procedure;

(iii) the contra-indications to the ear piercing procedure, and

(iv) the after care requirements of the procedure

and the licence holder shall ensure that every prospective client has read and understood the above information prior to undertaking ear piercing and has been provided with the contact details of the operator undertaking the procedure.

8. The licence holder shall ensure that any client who presents a condition that is a contra-indication to the ear piercing 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 authorisation shall be retained with the written records of the client's personal details.

9. The licence holder shall ensure that a pre-treatment questionnaire is completed for each client, and has been signed by the operator and the client.

10. The licence holder shall ensure that the following written records of each client's personal details are retained for a period of 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 and type of jewellery used (if applicable);
  - (e) name of the operator who carried out the ear piercing;
  - (f) date and time when the ear piercing was undertaken, and
  - (g) details of any reported problems associated with skin piercing.
11. The licence holder shall ensure that every operator practising in the licence holder's business is capable of demonstrating that they have sufficient knowledge, skill, training and experience commensurate with the ear piercing activities they carry out. The licence holder shall retain a record of this information for each operator.
  12. The licence holder shall ensure that
    - (i) any person undergoing training or practical experience in ear piercing in the licence holder's business shall remain, when undertaking that activity, under the direct supervision of a competent operator authorised by the licence holder, and
    - (ii) the licence holder or, in the absence of the licence holder, a person authorised by them, is present in and in charge of the premises while ear piercing is being undertaken and is not engaged in duties which might prevent their adequately supervising licensed activities at the premises.
  13. The licence holder shall ensure that any person who undertakes ear piercing in the licence holder's business is not under the influence of drugs or alcohol while carrying out any skin piercing or tattooing procedures.
  14. The licence holder shall ensure that all operators practising in the licence holder's business maintain an acceptable standard of personal cleanliness.
  15. Prior to any ear piercing being carried out on a client, the area of the client's ear to be treated shall be cleaned using an appropriate skin safe antiseptic.
  16. If the area of the client's ear to be pierced requires to be marked, a single use water based marker pen or single use markers must be used.
  17. The licence holder shall make available to every operator operating in the licence holder's business inoculation against Hepatitis B.
  18. The licence holder shall ensure that suitable recorded risk assessments of the ear piercing activities to be undertaken are carried out.
  19. The licence holder shall ensure all operators operating in the licence holder's business hold a current first aid certificate to foundation (1-Day) level.
  20. The licence holder shall ensure that waste that comprises clinical waste as defined in the current Controlled Waste Regulations is disposed of only by a contractor licensed under the current Waste Management Licensing Regulations. Records of the disposal of all clinical waste shall be retained by the licence holder.

21. The licence holder shall ensure that all clinical waste is stored, collected and disposed of in accordance with the current Environmental Protection legislation and current Controlled Waste Regulations. Domestic waste and clinical waste must be appropriately segregated and stored in appropriately marked bags.
22. The licence holder shall ensure that pressure systems used, which fall within the scope of current Pressure Systems Safety Regulations shall be subject to a written scheme of examination and shall be examined in accordance with that scheme or otherwise in accordance with the requirements of current Pressure Systems Safety Regulations. A copy of the written scheme of examination and examination results shall be made available for inspection.
23. In addition to tests required under current Pressure Systems Safety Regulations, autoclaves shall be subject to such regular tests as are recommended by the manufacturers or other appropriate guidance to ensure their effective operation. The results of these tests shall be recorded in a logbook for the autoclave and this shall be retained by the licence holder and made available for inspection.
24. A full-face photograph of each operator authorised by the licence holder to carry out ear piercing activities on the premises shall also be clearly displayed in the designated area so that all customers may easily identify him or her. The name of each authorised operator shall also be displayed next to their photograph.
25. The licence holder shall ensure that this licence is exhibited in the licensed premises in such place and in such manner so as to be easily readable by members of the public on the premises.
26. The licence holder shall deliver this licence to the licensing authority within 7 days of receiving notice of the coming into effect of a decision of the licensing authority to suspend, revoke or vary the terms of the licence or a decision of the court to revoke it.
27. The licence holder shall notify the licensing authority in writing within 30 days of any change to the information contained in the original application in respect of which this licence was granted.

### **Definitions:**

In this licence and the above conditions-

**“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 in the licence as the licence holder;

**“operator”** means a person who carries out any skin piercing or tattooing activities authorised by this licence at the licence holder’s behest or with the licence holder’s authorisation;

**“premises”** means the premises specified in the licence;

**“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

**“tattooing”** means the insertion into the skin of any colouring material designed to lave a semi-permanent or permanent mark, including micro-pigmentation, and

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

**SCHEDULE OF LICENCE CONDITIONS  
BUSINESSES PROVIDING MOBILE SKIN PIERCING OR TATTOOING  
(NO PREMISES INVOLVED)**

**The licence holder must ensure that the following conditions and requirements are complied with at all times.**

1. Electrical appliances used for the purposes of skin piercing or tattooing shall comply with the current legislation and standards. The licence holder shall at all times hold current portable appliance test certificates for any appliances so used and shall make them available on request. The licensing authority may at any time require the licence holder, within a reasonable period of time, to effect such remedial works as may be required to ensure that the said appliances comply with current legislation and standards.
2. The licence holder must ensure that they have in place at all times third party liability insurance of a minimum value of two million pounds (£2,000,000) Sterling issued by a reputable insurance company and covering the skin piercing or tattooing activities carried out or authorised by the licence holder which are permitted under this licence. A copy of the licence holder's insurance certificate shall be carried by the licence holder at all times when carrying out activities under this licence and shall be produced to clients and to officers of the licensing authority on request.
3. The activity of skin piercing or tattooing may only be carried out by an operator who has washed their hands immediately before carrying out the activity and, except for the activity of acupuncture, who wears disposable non-latex gloves, changed for each client, when performing the activity.
4. Subject to condition 3. below, the activity of acupuncture may only be carried out by an operator who has washed their hands immediately before carrying out the activity of acupuncture on each client.
5. 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 open lesions 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.
6. The skin piercing or tattooing may only be carried out through use of sterile single use disposable razors or sterile single use disposable needles appropriate to the purpose and new razors or needles must be used for each client; where piercing guns are to be used for piercing the ear or nose cartilage, the licence holder shall ensure that the piercing gun is designed for this purpose;

7. For the purposes of tattooing, only sterile pigment dispensed into single use pots or ink pre-packed in single use vials may be used and new pots or vials of ink must be used for each client; the licence holder shall ensure that all inks used for tattooing purposes have an indication of their durability on the labels and that they are used and stored in accordance with any manufacturer's instructions;
8. 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.
9. Any equipment which is not disposable, including forceps, dishes, needlebars, ink capsule holders, clamps and other equipment used in close contact with a break in the skin or mucous membranes shall be sterilised ultrasonically and autoclaved, if practicable, or thoroughly cleaned with fresh disinfectant after each use and stored in such a way as to ensure its cleanliness; the licence holder shall ensure that equipment with hollow cavities and 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;
10. Any equipment which is disposable must be disposed of immediately after use in an appropriate waste receptacle.
11. For tongue piercing, a sterilised clamp must be used.
12. For ear and other forms of cosmetic skin piercing-
  - (i) a sterile cartridge for skin piercing, and
  - (ii) pre-sterilised jewellery which is supplied in packaging which indicates the part of the body for which it is intended and which is compliant with all relevant safety legislation;must be used and the jewellery must only be inserted into the part of the body for which it is intended.
13. 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; where such written consent has been provided, the person having the parental rights and responsibilities shall include the following details in their written consent:
  - (i) their relationship to the client,
  - (ii) the name, address and age of the person to be pierced,
  - (iii) the type of piercing, and
  - (iv) the type of body jewellery to be used,and the consent must be signed and dated by them;
14. 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;
- (iii) the contra-indications to the skin piercing or tattooing procedure, and
- (iv) the after care requirements of the procedure

and the licence holder shall ensure that every prospective client has read and understood the above information prior to undertaking skin piercing or tattooing and has been provided with the contact details of the operator undertaking the procedure.

15. 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 authorisation shall be retained with the written records of the client's personal details.
16. The licence holder shall ensure that a pre-treatment questionnaire is completed for each client, which has been signed by the operator and the client.
17. The licence holder shall ensure that the following written records of each client's personal details are retained for a period of 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 and type of jewellery used (if applicable);
  - (e) name of the operator who carried out the skin piercing or tattooing;
  - (f) date and time when the skin piercing or tattooing was undertaken, and
  - (g) details of any reported problems associated with skin piercing or tattooing.
18. The licence holder shall ensure that every operator practising in the licence holder's business 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 this information for each operator.
19. The licence holder shall ensure that person undergoing training or practical experience in skin piercing or tattooing in the licence holder's business shall remain under the direct supervision of a competent operator at all times.



20. The licence holder shall ensure that any person who undertakes skin piercing or tattooing in the licence holder's business is not under the influence of drugs or alcohol while carrying out any skin piercing or tattooing procedures.
21. The licence holder shall ensure that all operators practising in the licence holder's business maintain an acceptable standard of personal cleanliness.
22. Prior to any skin piercing or tattooing being carried out on a client, the area of the client's body to be treated shall be cleaned using an appropriate skin safe antiseptic.
23. For skin piercing, if the area to be pierced requires to be marked, a single use water based marker pen or single use markers must be used.
24. The licence holder shall make available to every operator operating in the licence holder's business inoculation against Hepatitis B.
25. The licence holder shall ensure that suitable recorded risk assessments of the skin piercing or tattooing activities to be undertaken are carried out.
26. The licence holder shall ensure all operators operating in the licence holder's business hold a current first aid certificate to foundation (1-Day) level.
27. The licence holder shall ensure that waste that comprises clinical waste as defined in the current Controlled Waste Regulations is disposed of only by a contractor licensed under the current Waste Management Licensing Regulations. Records of the disposal of all clinical waste shall be retained by the licence holder.
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29. The licence holder shall ensure that pressure systems used, which fall within the scope of current Pressure Systems Safety Regulations shall be subject to a written scheme of examination and shall be examined in accordance with that scheme or otherwise in accordance with the requirements of current Pressure Systems Safety Regulations. A copy of the written scheme of examination and examination results shall be made available for inspection.
30. In addition to tests required under current Pressure Systems Safety Regulations, autoclaves shall be subject to such regular tests as are recommended by the manufacturers or other appropriate guidance to ensure their effective operation. The results of these tests shall be recorded in a logbook for the autoclave and this shall be retained by the licence holder and made available for inspection.
31. The licence holder shall carry with them a copy of their skin piercing or tattooing licence when undertaking such activities and shall make the licence available to clients or to officers of the licensing authority on request.
32. The licence holder shall carry with them appropriate means of identification when carrying out skin piercing or tattooing activities, including photographic identification so that clients may easily identify him or her.

33. The licence holder shall deliver this licence to the licensing authority within 7 days of receiving notice of the coming into effect of a decision of the licensing authority to suspend, revoke or vary the terms of the licence or a decision of the court to revoke it.
34. The licence holder shall notify the licensing authority in writing within 30 days of any change to the information contained in the original application in respect of which this licence was granted.

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**“licence holder”** means the person, persons, company, firm, public body or voluntary organisation named in the licence as the licence holder;

**“operator”** means a person who carries out any skin piercing or tattooing activities authorised by this licence at the licence holder’s behest or with the licence holder’s authorisation;

**“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,
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