



# The Regulation of Sunbed Parlours Bill Consultation

## Response from the FSB Scotland

### Introduction

- i. The Federation of Small Businesses is Scotland's largest direct-member business organisation, representing over 18,000 members. The FSB campaigns for an economic and social environment which allows small businesses to prosper.
- ii. The Federation welcomes this opportunity to comment on proposals to introduce a Bill to regulate sunbeds. It is highly likely that most of the businesses affected by the proposals will be small businesses and the Federation has a number of members who would undoubtedly be affected – whether in sunbed parlours or in beauty salons.
- iii. We are unable to comment on the evidence associating skin cancer and use of sunbeds however we have no wish to talk down the significant health problems facing Scotland's population. It is in everyone's interest to tackle these problems but this must be done in a balanced, proportionate way, which recognises that individuals must take a certain degree of responsibility for their actions. This is the approach we have taken when considering the proposed Bill.

### Questions

- 1. What do you consider would be the benefits from regulation of cosmetic sunbed premises? What do you consider if any, would be the drawbacks?**

In reviewing the latest evidence provided by the Royal Environmental Health Institute for Scotland (REHIS) it is clear that there has not been any significant growth in the number of sunbed businesses operating in Scotland – only 16 more than in 2003, suggesting that this is not a rapidly expanding sector. In addition there has been a reduction by 10 in the number of unstaffed premises (the type of business which is the focus of a great deal of concern) and there are less than 50 unstaffed premises in Scotland.

This evidence also outlines that although annual complaints increased between 2003 and 2006, they only marginally increased from 44 to 49 (out of 810 salons). Lastly, the evidence suggests that sunbed parlours are concentrated in a few local authorities (mainly the city authorities) with 120 salons in Glasgow alone.

Based on the evidence provided it seems reasonable to conclude that there may be a case for Scotland-wide regulation in circumstances where there is no possible way to prevent children from accessing coin-operated, unstaffed, sunbed premises – against both WHO and HSE advice regarding use of sunbeds by children. The case study used in the consultation refers to two young boys who managed to access such a location; clearly this is a situation which should not be allowed to happen again. There does seem to be a case, therefore, to prohibit unstaffed, coin-operated premises.

The issue of preventing children under the age of 16 (if it is agreed that this should also be prohibited) from using commercial sunbed premises is clearly harder to regulate, though it seems reasonable to suggest that the two boys in question would probably not have attempted to use a supervised salon, nor have been granted access. The sale of certain goods is already age-restricted and this could

perhaps be dealt with in a similar way, although there are clear difficulties for business owners identifying the age of customers, particularly when, according to the REHIS evidence, most customers are aged under 25.

Having discussed the issues of unstaffed premises and access of children, we turn to the issue of monitoring adult customers. We feel that most responsible businesses are already involved in promoting safe tanning amongst their customers; however there is a limit to what can reasonably be expected to be the responsibility of the business and that of the customer. We do not feel that the consultation paper reflects this balance of responsibility. Subsequently we are not sure that placing the statutory responsibility for monitoring customer records – for the purposes of preventing over-exposure and limiting sessions - on the business, will actually have the desired outcome, since there is surely nothing to stop the customer exceeding this by using different salons.

This leaves the need for improved training amongst staff working in sunbed parlours/salons and provision of information and advice to customers. The Tayside survey referred to in the consultation paper does highlight that two thirds of premises were already displaying guidance to users with the main problem being lack of 'adequate' advice. Presumably it would be possible to work with local businesses to provide relevant informative material for customers and to encourage training courses. This need not require a licensing scheme.

Before introducing any new form of licensing we should be sure that this is an effective and proportionate response to the problems identified. Given the additional costs associated with any form of licensing regime, which would fall on the small business, we are not yet sure that a full licensing scheme is necessarily required to achieve improvements in some of these areas, e.g. improved training of staff and ensuring information is passed on to customers. We would also like to see more detail about why the current local authority schemes under the Civic Government Act are unsuitable.

**2. Is there any additional evidence of the risks, or otherwise, of sunbed use that you can provide?**

We are not well-placed to comment on health aspects of sunbed use.

**3. How would licensing of salons help to change users' perceptions of the risks involved? What other methods could be used to affect perceptions?**

We are not convinced that the licensing of salons will affect the perception or choices of the, mainly, young people using such premises. Could it be said, for example, that the licensing of the sale of alcohol affects the choices and perception of risk of customers? Beyond providing advice and continuing the widespread publicity about the dangers of UV light to skin, it is ultimately for the individual to take responsibility for their actions.

**4. If cosmetic sunbed premises were to be regulated, what body or bodies would be best placed to do so? What degree of flexibility should a regulator have?**

Local authorities are clearly best placed to implement and enforce such regulation. In general terms, the FSB favours consistent regulation across Scotland however this largely refers to the kind of regulations which exist in every local authority. In this instance only a small number of local authorities currently operate a licensing scheme of some sort and, as outlined above, we are not convinced that the case for extending this to all local authorities as some form of national, statutory

scheme has been made. If legislation is introduced to ban unstaffed premises and to prohibit use by under-16s then this should apply across Scotland and could be enforced by local authorities.

#### **5. How should the costs on the enforcing body be covered?**

If a licensing scheme, enforced by local authorities, were to be introduced, it would presumably be funded in the same way as existing licenses, i.e. fees charged on a cost-recovery basis.

#### **6. What costs and savings do you think will arise as a consequence of this proposal?**

As a first step we would strongly encourage the early development of a Regulatory Impact Assessment. This will help outline in more detail the costs associated with the proposals and, importantly, how many small businesses would be affected by the proposals.

There would obviously be a significant cost implication for those businesses which are currently unstaffed if this type of business could no longer operate.

More detail is required on penalties or sanctions for breaching any of the proposed conditions.

There would be a cost associated with any form of licensing scheme – not only the financial cost of applying for (and maintaining) a licence but also the cost of time to comply. It is likely that there would also be additional costs for any additional training of staff, changes to computer software for record keeping, provisions of new information materials etc.

Lastly, while the cost of enforcement will be covered by fees any new system would undoubtedly place an additional burden on Environmental Health departments of local authorities.

#### **7. Can you suggest any equal opportunity impacts that you envisage arising from this proposal, either positive or negative?**

No.

#### **8. Conclusion**

The FSB has tried to approach this issue in a constructive manner. As outlined at the start of this paper, regulation should be seen as a last resort since it will not always achieve the desired outcome. In this instance simply licensing salons is unlikely to be enough to overcome the willingness of people to forgo longer term risk to their health in favour of more immediate gains. We believe, nonetheless, that there may be a case to look at the issue of unstaffed sunbed premises and access of under-16s to commercial sunbeds. This is already the view of responsible sunbed parlour businesses who are members of the Sunbed Association.

Beyond this, we are not sure that additional licensing to try to ensure adults are prevented from over-exposure will work in practice. Certainly, we are not convinced that the costs which will fall on small businesses will be outweighed by tangible benefits. Ultimately, it is for the individual to make their own informed choices (and it is doubtful whether licensing adds much to this process).

Lastly, it is worth emphasising, as noted in the consultation paper, that these businesses are already bound by Health and Safety legislation to ensure that their equipment does not present a danger to the customers.

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For further information on any of the points raised in this submission, please contact Susan Love, Policy Development Officer, on [scotpu.policy@fsb.org.uk](mailto:scotpu.policy@fsb.org.uk) or 01259 723713