



Department of
**Health, Social Services
and Public Safety**

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AN ROINN

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

MÁNNYSTRIE O

**Poustie, Resydènter Heisin
an Fowk Siccar**

REGULATION OF THE SUNBED INDUSTRY IN NORTHERN IRELAND

Consultation Response Questionnaire

CONSULTATION RESPONSE QUESTIONNAIRE

You can respond to the consultation document by e-mail or in writing.

Before you submit your response, please read **Appendix 1** at the end of this questionnaire, regarding the Freedom of Information Act 2000 and the confidentiality of responses to public consultation exercises.

Responses should be sent to:

By e-mail: sunbedregulation@dhsspsni.gov.uk

In writing: Health Protection Branch
Department of Health, Social Services and Public Safety
Room C4.22
Castle Buildings
Belfast
BT4 3SQ

RESPONSES CANNOT BE CONSIDERED AFTER 19 FEBRUARY 2010

I am responding: as an individual on behalf of an organisation
(please tick a box)

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Q1. In respect of each of the measures listed in Section 6, please state whether you support or do not support its implementation and explain your reasons.

Measure 1: Prohibit the use of sunbeds by anyone under 18 years of age in commercial premises.

Belfast City Council supports a prohibition on the use of sunbeds by anyone under 18 years of age in commercial premises.

The use of sunbeds is one of the major risk factors in developing skin cancer. In August 2009, the International Agency for Research on Cancer (IARC) published a report which reclassified sunbeds into the highest cancer risk category, i.e. 'carcinogenic to humans' (Group 1). This places sunbeds within the same risk category as tobacco smoke, asbestos, benzene, formaldehyde and the Epstein-Barr virus, which causes glandular fever. In the UK, the mortality from melanoma due to sunbed use alone is estimated to be about 100 deaths per year. Furthermore, the Council notes that it is well established that excessive solar ultraviolet radiation exposure in the first two decades of life increases the risk of melanoma developing later in life. It is therefore possible that exposure to UV radiation emissions from sunbeds in childhood and adolescence could be even more damaging to the skin in the long term, than use after the age of 20 years.

There is also a risk of severe burning when using sunbeds. The Council is also concerned at the recent national media articles highlighting incidents of young persons under 18 obtaining severe burns after using sunbeds in tanning salons.

The Council considers that, although there is longstanding advice that young people should not use sunbeds, a growing number of reports show that this advice is being ignored and significant numbers of young people are using them. Furthermore the fact that childhood sunbed use seems to be more common in relatively deprived areas and the concentration of commercial tanning salons is higher in deprived urban areas is equally concerning. This of course is of particular relevance to Belfast and to the Council's efforts to tackle inequalities in health.

The Council notes that a number of international and UK health organisations have recommended that sunbeds should not be used by persons under 18 years of age including:-

- The World Health Organisation (WHO);
- The International Agency for Research on Cancer (IARC);
- Cancer Research UK;
- The Committee on Medical Aspects of Radiation in the Environment (COMARE)

In response to the health risks posed by sunbed use, in November 2003, Belfast City Council agreed to phase out their use by 31st December 2003. Since that date there have been no sunbeds on Council premises. The Council would therefore welcome greater control of sunbeds in the private sector.

It is essential therefore that children and young people are fully protected from the risks associated with the use of sunbeds.

Measure 2: Prohibit the sale or hire of sunbeds to anyone under 18 years of age.

The Council supports a prohibition on the sale or hire of sunbeds to anyone under 18 years of age.

The Council is concerned at the lack of information about businesses which sell or hire out sunbeds. Whilst the NI survey of sunbed premises carried out in 2007 indicated that there are approximately 400 premises in Northern Ireland offering sunbed sessions, similar data is not available in relation to sale or hire. This sector is even less regulated than premises and therefore poses an even greater risk to the public in general and children and young people in particular. Furthermore if tighter controls were introduced in relation to premises alone, it is likely that business might transfer to an unregulated sale / hire sector, resulting in greater risks to users.

Measure 3: Place a duty upon the operator of sunbed premises to display a public information notice on the health risks associated with sunbed use.

The Council agrees with this proposal.

Whilst it is reasonable, in view of the health risks, to prohibit the use of sunbeds by children and young people under 18 years of age it is equally important that adults who decide to visit sunbed parlours receive as much information as possible on the health risks associated with sunbed use. This will enable them to make an informed judgement. The findings of the sunbed survey indicate that this is not currently happening with insufficient steps being taken to educate fair skinned users.

Measure 4: Place a duty upon the operator of sunbed premises to provide customers with detailed written information on the health risks associated with sunbed use.

The Council agrees with this proposal.

However it recommends that, in line with COMARE's recommendations, the information should also be clearly and easily visible on machines and that a similar duty is placed upon businesses which sell and / or hire out sunbeds. Furthermore informed consent should be obtained from the clients prior to use. As previously stated, adults require adequate information in order to make informed judgements. This is equally, if not more important, when using sunbeds in the home as within a business premises.

Measure 5: Prohibit an operator of sunbed premises from making unfounded or unproven claims attributing health benefits to sunbed use.

The Council agrees with this proposal.

The sunbed survey revealed that 16% of premises visited in NI were advertising supposed health benefits of sunbed use.

The Council further recommends that this prohibition is extended to include businesses which sell and / or hire out sunbeds. Once again it is important to ensure that businesses selling or hiring out sunbeds are subject to the same controls as fixed premises.

Measure 6: Place a duty upon the operator of sunbed premises to ensure adequate protective eyewear is worn by the customer.

The Council agrees with this recommendation.

Council feels that the recommendation of COMARE in this regard should be implemented, that is, that legislation should include a requirement for commercial outlets to ensure adequate protective eyewear is provided for users. The use of protective eyewear by clients should be compulsory. Council also recommends that a duty is placed upon businesses selling or hiring out sunbeds to provide clients with adequate protective eyewear.

Eyes are particularly susceptible to damage from UV radiation. Council notes the scientific evidence relating to cumulative UV radiation exposure and the potential it has to cause damage, such as photokeratitis of the eyes and increased risk of cataracts. It also notes the research carried out by the IARC in which several case-control studies linked sunbed use to a raised risk of developing melanoma of the eye.

The 2007 sunbed survey indicated existing bad practice in relation to protective eyewear; within those premises surveyed eye protection did not conform to the relevant European standard in almost 30% of premises. The practice of charging users for eye protection was observed in 35% of premises.

The Council notes that the advice of the Sunbed Association is that “It is essential that anyone using a sunbed should be provided with protective goggles and must be instructed to wear them. Stress to your customers the importance of wearing goggles”.

Measure 7: Place a duty on the operator of sunbed premises to register with a local authority or other body with regulatory functions.

The Council considers that in line with the recommendations of COMARE the duty should be to license with the local authority and if licensing is be effectively enforced, the Local Authorities should be provided with sanctioning powers. Licensing would provide a much stronger means of control.

A duty should also be placed on local authorities to periodically inspect commercial outlets to determine compliance with whatever level of regulation is imposed. Commercial outlets should be required to show Local Authorities that a

standard level of competence is being met and that the outlet is staffed at all times with trained, competent personnel.

The Council also considers that, in line with COMARE, the operator should have to retain a register of the types and powers of machines on the premises.

In relation to businesses selling and hiring out sunbeds, the Council feels that they pose a particular risk. A duty should be placed on local authorities to investigate and effectively deal with risks to health associated with the sale and / or hire of sunbeds. Such businesses should have to register with the local authority. There is currently very little data about this area of business. It's important that local authorities have up to date information about this sector to enable them to effectively manage their resources.

Measure 8: Place a duty upon the operator of sunbed premises to limit the number and/or frequency of sunbed sessions that they provide to any individual.

The Council agrees with this proposal.

The more an individual is exposed to UV radiation, the higher the risk of damage occurring. It has been estimated that using a sunbed once a month or more can increase the risk of skin cancer by more than half. It's therefore important to limit the number and / or frequency of sunbed sessions.

The Northern Ireland Omnibus Survey in 2008 revealed that of those who have ever used a sunbed, 19% had between 10 to 20 sessions, and 10% had more than 20 sessions per year. The sunbed survey indicated that whilst some providers used a token system to encourage clients to control duration and frequency of exposure, this and other measures to limit exposure appeared inadequate.

Measure 9: Place a duty upon the operator of sunbed premises to ensure that staff are trained to a specified standard.

The Council agrees with this proposal.

The need to provide trained, competent staff is also included in COMARE's recommendations.

The NI sunbed survey highlighted a number of concerns in relation to training and competency of staff. There were insufficient steps taken to educate fair skinned users and prevent minors from using devices. Basic maintenance of devices was poor, with 38.5% of sunbeds not regularly maintained. A wide range of tanning devices were being used in premises, with 62.1% of premises surveyed unaware of the ultraviolet (UV) type or power of their devices and over 25% operating type 4 devices against internationally agreed standards of practice. Staff training was supplied by multiple sources but there was no clearly defined standard. Basic hygiene was an issue in a number of premises with around 20% of premises

relying on the user to clean the sunbed after usage. Eye protection did not conform to the relevant European standard in almost 30% of premises. Of the operators who were surveyed, only 16% were registered with the Sunbed Association, with 79% not registered and 5% of staff not knowing whether the salon was registered.

Measure 10: Prohibit the provision of user-operated sunbeds in unsupervised commercial premises.

The Council agrees with this proposal.

Again this is in line with COMARE recommendations. The Council notes that the Department is not aware at present, of any “self-service” sunbeds in unsupervised commercial premises in Northern Ireland, although it is aware that they are in use in other parts of the UK. Indeed there have been well documented cases of young people being badly burned as a result of using sunbeds in such premises. It is essential that, where sunbeds are provided within commercial outlets, they are staffed and supervised by well trained and competent staff. This is necessary to ensure that no children or young people are using the sunbeds, suitable and sufficient health protection measures are in place and that clients are fully aware of the risks.

Measure 11: Place a duty upon the operator of sunbed premises to ensure that all sunbeds adhere to specified British and European standards.

The Council agrees with this proposal which is in line with COMARE recommendations. As stated earlier, the NI sunbed survey revealed a wide range of tanning devices used in premises, with 62.1% of premises surveyed unaware of the ultraviolet (UV) type or power of their devices and over 25% operating type 4 devices against internationally agreed standards of practice.

The Council also recommends that this duty is extended to include businesses selling or hiring out sunbeds.

Q2. Please provide any other measures that could be considered for regulating the industry.

Response:

N/A

Q3. Please provide any issues or difficulties that would need to be resolved regarding the enforcement of any of the measures listed.

Response:

Belfast City Council believes that local councils are best placed to implement and enforce any new regulations. Councils currently inspect a range of premises to assess health and safety risks. Sunbed parlours should currently be included within these programmes of work. The enforcement of any new regulations should not therefore require any extra resources.

There is no mention within the consultation document of the specific means of enforcing any new regulations. The Council would recommend that the Department discusses with local authorities, the best means of securing compliance. The use of improvement notices / prohibition notices / fixed penalties or other enforcement procedures and the details of any licensing / registration scheme should form part of such discussions.

Q4. Are any of the measures listed likely to have an adverse impact on any group of people correlating to one or more of the nine distinctions made in Section 75(1) of the Northern Ireland Act 1998.

Response:

No.

Q5. Please provide any general comments or evidence on the possible health, economic and social impacts of regulation, whether adverse or beneficial.

Response:

If the new regulations are effectively implemented and enforced fewer children and young people will be exposed to UV radiation from sunbeds. This will result in a reduced risk of them developing skin cancer, cataracts, photokeratitis, melanoma of the eye and early ageing of the skin. There will also be a reduced risk of them being badly burnt.

Businesses offering sunbed sessions within premises and businesses selling / hiring out sunbeds will be much more tightly controlled. The standards within these premises should improve greatly. This will reduce health risks to clients.

With much more information about health risks being made available to clients, coupled with the prohibition on unfounded or unproven health claims, clients will be in a much better position to make informed judgements about the risks they are taking.

THANK YOU FOR TAKING THE TIME TO RESPOND TO THIS CONSULTATION

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at:

<http://www.informationcommissioner.gov.uk/>).

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