

The Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026

Thank you for the opportunity to provide feedback in relation to the above mentioned order. North Ayrshire Council is supportive of the non surgical cosmetic procedures bill and draft order and offers the following comments, as requested:

1. New responsibilities and duties

The order will introduce new duties on Local Authorities (LA's) to implement a Licensing Scheme for non surgical cosmetic procedures. Sufficient notice is required to give all relevant parties adequate time to administer/apply/upgrade premises/upskill staff/inspect and report on premises/personnel suitability.

In particular, new administrative procedures (including fee setting and granting of delegated powers) will require to be in place prior to implementation. EHOs will require training in the various Schedule 1 procedures within scope in order to adequately assess the suitability of premises and practitioners.

2. Any resources required

Additional resources will be required for Local Authorities to successfully implement the licensing arrangements and enforcement duties introduced by the order. The proposed scheme is likely to require administrative resources to process applications and EHO resource to liaise, advise and assess premises prior to determining applications. However, there is currently no accurate data on the number of applications anticipated to quantify resources. In addition, no data is available to help quantify resources required to undertake related enforcement action on receipt of complaints, for example.

It is anticipated that many businesses will offer a variety of treatments, some of which require medical oversight and will therefore require to be registered by Healthcare Improvement Scotland (HIS). However, operators may take the view that a LA licence is easier/more cost effective to obtain and therefore modify their offering to fall under this scheme, thereby increasing the resource demand on Local Authorities.

It is expected that LAs will require to liaise regularly with colleagues in HIS to address any queries regarding licensing versus registration and deal with any suspect rogue traders. While informal arrangements are currently in place and work well, it is anticipated that there will be increased activity in this area placing additional resource demands on both parties.

Whilst licensing fees can be set at a level to recover costs, the issue is that most EH services are already operating at capacity or have a shortage of personnel. It is unlikely that the number of applications will be sufficient to cover recruiting additional resources, should suitable qualified officers be available.

3. Public awareness and information

To help mitigate the proliferation of unlicensed premises operators seeking to avoid oversight, a public awareness campaign will be essential to help inform the public of the risks of using such premises. Licensing may have the effect of increasing treatment prices, therefore making unlicensed operators attractive to clients wishing to pay less without understanding the risks involved.

4. Provision of information for businesses on compliance

An awareness campaign should include communications aimed at providing information to relevant businesses and encouraging applications where necessary, particularly in the absence of local data identifying relevant operators. Ensuring that businesses affected by the new licensing rules have sufficient time to upgrade or upskill and have adequate information on the requirements should result in a more streamlined licensing process and reduce resources required (for example, in determining applications quickly or avoiding enforcement action). In particular, as the order is part of a suite of measures to regulate the industry, it is anticipated that Local Authorities (and HIS) may receive many inquiries as to which regime a business/certain treatments fall under. To mitigate the risk of local authorities receiving complex enquiries about matters which may be outwith their proper remit, we would suggest that guidance in straightforward terms is published at a national level for interested persons, covering such matters as to when regulation may apply, from where any licence/ consent may be required, and from whom.

5. Specific non-surgical aesthetic procedures allowed under the scheme

The procedures included in the licensing scheme are of a lower risk nature, not requiring input from a health care professional. As such, the risks posed could be considered similar to those regulated in the current LA licensing regime relating to skin piercing and tattooing, although additional officer training will be required on the specific procedures.

6. Effect of the Order on rogue traders seeking to operate outwith the scheme or the NSP Bill provisions

The powers provided for will assist in dealing with rogue traders where these are identified by clients, members of the public or other operators. However, without additional resources, no proactive monitoring will be possible.

7. Compliance and enforcement

The offences and penalties included appear adequate and will hopefully deter rogue traders. If not, the enforcement powers provided should be sufficient to deal with these, provided reports result in successful prosecutions.

8. General Queries

It is noted that premises conditions are listed within the order. To improve hygiene and safe administration of treatments (and aid consistency of enforcement), is there an intention to include training and qualification minimum requirements for operators? Is this issue to be resolved as part of the discussions on the Internal Markets Act?

Also, will individual operator licences be required or will only business operators require a licence, with a requirement to ensure only suitably trained staff work therein?