

Clare Haughey MSP
Health, Social Care and Sport Committee
The Scottish Parliament
Horse Wynd
Edinburgh EH99 1SP

Date 8 January 2026
Our ref Jan.hscpc.msu.fhs
Your ref

Dear Ms Haughey

Call for views on the proposed Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026

I refer to your letter of 15 December on behalf of the Scottish Parliament Health, Social Care and Sport Committee seeking views from local authorities about the proposed Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026.

The following summary outlines the City of Edinburgh Council's views on the likely impacts of the proposals:

New regulatory responsibilities

Local authorities would be responsible for licencing and regulating designated lower-risk non-surgical aesthetic procedures under the Civic Government (Scotland) Act 1982. These responsibilities would fall primarily to the Council's Environmental Health and Licencing services and would sit alongside Healthcare Improvement Scotland's regulation of higher-risk procedures under the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) bill.

Officers will need to interpret and apply technical thresholds to distinguish between locally regulated procedures and those subject to national healthcare regulation, increasing regulatory complexity.

Resources, workforce and training implications

The proposed scheme is likely to generate additional demand on the Council's Environmental Health and Licencing teams through licence processing, inspections, complaint handling and enforcement activity. Officers will require specialist training on non-surgical aesthetic procedures, emerging technologies, and the legal interface between civic licencing and healthcare regulation. While licencing fee income may offset some costs, it may not fully meet increased staffing, training and enforcement demands

particularly for larger authorities with higher population density and business activity, such as in Edinburgh.

City of Edinburgh Council is currently operating with a high number of Environmental Health Officer vacancies, and this trend is reflected nationally. The Society of Chief Environmental Health Officer's Workforce Sustainability report-2025 highlighted the following, "The Environmental Health establishment for EHO, Food Safety Officer and Technical Officer posts has been declining over the last decade on average by 17.8 FTE per year, there are 27.3% less officers in post in 2025 compared to 2016 and almost 75 FTE vacant and funded posts on the national establishment." The resource issues must be taken into consideration in relation to funding, training and implementation.

Compliance, enforcement and rogue trading

Enforcement challenges are anticipated, particularly where operators seek to avoid regulation by operating from domestic premises, temporary or pop-up locations, across council boundaries, or by misclassifying higher-risk procedures as lower risk. Evidence gathering may be complex where compliance depends on technical thresholds. Effective enforcement is likely to require increased co-ordination with Healthcare Improvement Scotland and Police Scotland.

Public enquiries, complaints and expectations

From a public perspective, local authorities are likely to remain the first point of contact for concerns or complaints relating to cosmetic procedures, regardless of where statutory responsibility lies. Environmental Health services should therefore anticipate increased volumes of complaints and inquiries, including matters out with local authority enforcement powers. This will increase demand for complaint triage, referral, inter-agency liaison and management of public expectations.

Business engagement and information provision

Local authorities will be expected to provide clear advice to businesses on which procedures fall within local licencing, compliance requirements and the boundary with Healthcare Improvement Scotland regulation. There is a particular need for sufficient clarity regarding the required standard of training for aesthetic and beauty practitioners, and for a framework for accredited training providers, to avoid Environmental Health Officers spending considerable resources interpreting different certificates and assessing whether they meet acceptable standards. Equally, there is a need for consistent and readily available information on standards, both for practitioners and the public, to ensure awareness of licensing requirements and safe practice. Without clear national guidance and consistent messaging, there is a risk of confusion among practitioners, inconsistent interpretation within and across councils, and increased advisory and enforcement burdens.

Overall assessment

While the proposed scheme has the potential to improve public safety and raise standards within the non-surgical aesthetic sector, it represents a new but unknown regulatory burden for local authorities.

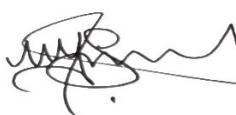
A particular challenge is the current absence of reliable data on the number, distribution and nature of non-surgical aesthetic procedures being carried out within individual council areas. As a result, the potential volume of licence applications, inspections, complaints and enforcement activity is unknown. This uncertainty makes it difficult to accurately assess future workload, staffing requirements and resource implications, particularly for authorities with large populations or high levels of commercial activity, such as Edinburgh, where demand is likely to be greatest.

There is therefore a risk that local authorities may be required to absorb a substantial and unquantified increase in regulatory activity at short notice following implementation.

Early engagement with the Scottish Government would help ensure that resource implications, training needs and importance of clear national guidance are fully considered as the proposals are developed.

I hope the above points are helpful. If you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Sutherland', with a stylized flourish at the end.

Mark Sutherland
Regulatory and Enforcement Team Leader
Environmental Health, City of Edinburgh Council