

Our ref: CHS/F21/

Clare Haughey MSP

Convener,
Health, Social Care and Sport Committee
Scottish Parliament

**Environmental Health &
Trading Standards Manager**
Craig Smith

9 January 2026

Dear Clare,

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

Thank you for the opportunity to provide a response to the committee in terms of the proposed Order introducing new licensing requirements for non-surgical procedures. West Lothian Council previously provided a response to the Scottish Government consultation on proposed licensing and, whilst supportive of many of the aspects, did highlight a number of concerns regarding the resource implications of these new requirements, alongside a number of questions over the details of the proposals, the practical application of requirements, and ability of any legislation to future proof against emerging developments and treatments within this sector.

There is an agreed acceptance for improving controls in terms of those who operate in this sector, alongside how they operate. Local authorities face a number of challenges in terms of current regulatory controls for these types of businesses, and so having clearer and more applicable standards should be positive. That being said it is not clear that the Order is placing a requirement of control beyond the licensing of a premises, and certain physical requirements within a licensed establishment. There does not appear to be any control or requirements in terms of those operating within the premises and carrying out processes. There are no clear requirements for training and competence of operators or practitioners in terms of processes, or general safety competence to be carrying out their duties.

The competence and actions of the practitioner have significant implications for the safety and well-being of clients. This is a missed opportunity to control a potential vulnerability.

Whilst there is general support for improving regulatory controls within this sector, it has to be recognized that any new regulatory or licensing requirements will present a challenge to local authorities in terms of staff resource, time, and financial costs. It is difficult at this stage to quantify these with any detail, particularly because the extent and number of establishments likely to require a licence is unknown. Whilst local authorities might have some information on establishments likely to be carrying out these processes, there is no existing requirement to register businesses or categorise them in any way that would provide actual numbers.

The ability of a local authority to charge fees for licence applications does not mitigate the financial or staff resource pressures that will be faced. This additional work will impact on existing public health and administrative priorities for this local authority. Environmental health staff will be tasked with inspection and monitoring these establishments which may remove a very limited workforce from other duties. There will be time required for staff to be trained in new requirements and associated activities of these types of processes and establishments.

There is also likely to be a significant impact on local authorities from fielding and responding to enquiries about licensing requirements from businesses and others, as well as the work required to clarify from enquiries the different treatments that will fall to local authorities or HIS to licence and regulate. This will be in addition to the mandatory inspection of establishments before issuing or renewing a licence.

These impacts are on top of an already stretched workforce unable to meet the various public health and safety obligations placed on environmental health across a varied workload. Whilst there is some support for these proposals it has to be recognized they are about controlling a sector which the consumer chooses to use, unlike many other public health issues where the public have little or no control over. Therefore, in terms of priorities for public health it might present challenges in terms of the input that local authorities will give to this.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Craig Smith', with a stylized, cursive script.

Craig Smith
Environmental Health & Trading Standards Manager