Age restricted sales
information and advice for sunbed retailers

Dudley
Metropolitan Borough Council
Introduction

More than one quarter of a million children aged 11-17 are risking their health by using sunbeds. The skin of young people under 18 is particularly vulnerable to ultraviolet radiation - the main cause of skin cancer. Melanoma (skin cancer) is the second most common cancer amongst 15-34 year olds. In April 2011 there was a change to the legislation with regards to the use of sunbeds; it is now an offence for under 18s to use a sunbed in a business premise.

What the law says

The Sunbeds (Regulation) Act 2010 prevents those under the age of 18 from:

• using a sunbed in a commercial business, such as tanning salons, beauty premises, gyms, hotels etc. This refers to the actual physical use of a sunbed.
• being offered the use of a sunbed. This is when the owner or manager indicates that they are willing to make the sunbed available for use to an under 18.
• being allowed in a restricted zone. A restricted zone is a room or partitioned area in which a sunbed is situated.

The only exemption to this is when under 18s are entering a restricted zone to carry out a work activity, i.e. the under 18 is an employee at the sunbed premises and is entering to clean.

Sunbeds

The Act defines a sunbed as ‘an electrically-powered device designed to produce tanning of the human skin by the emission of ultra-violet radiation’.

The definition includes:
• lie-down sunbeds
• canopy sunbeds
• vertical stand-in sunbeds
• sun showers
• portable sun lamps

However, this is not an exhaustive list and any electrically powered model that emits UV radiation to produce a tan is caught by the definition.

Electrically powered devices that may produce the appearance of tanning but that do not emit UV radiation (e.g. chemical spray tans) are not caught by the definition.

(DH Guidance 2011)
Penalties
The penalties for allowing under 18s to use or be offered the use of a sunbed or be present in a restricted zone can include prosecution and a fine of up to £20,000.

It is the person or persons carrying on the business that would be prosecuted, which would include sole traders (owning and managing the sunbed business) or a company owning one or more sunbed businesses.

If the business or an employee of the business obstructs an authorised officer while carrying out their duties under the Sunbeds (Regulation) Act 2010, they could face prosecution and a fine of up to £5,000.

Examples of obstruction include failing to meet with authorised officers requests for facilities, requests for information or providing misleading information without reasonable excuse.

Statutory defence
The legislation does provide what is a called a “statutory defence” for businesses who have made genuine efforts to comply with the requirements of the law. For a business to use this defence, you must be able to show that you took all reasonable precautions to prevent an offence being committed.

A defence for obstruction is harder to determine as there is no definition of “without reasonable excuse”.

Inspection
Dudley Council is responsible for enforcing the Sunbeds (Regulation) Act 2010. Authorised officers have the right to enter sunbed premises and carry out inspections in response to complaints, or to check awareness of and compliance with the Act. They will not be required to give notice of their visits.

You should:

- Make sure that all of your staff are aware of the legislation and are trained to identify acceptable forms of ID, how to refuse a sale and how to deal with difficult situations. Training should be given to new starters and periodic refresher training should be given to all staff.
- Keep records of all staff training and ask members of staff to sign to say that they have received and understood the training.
- Make sure staff understand and can identify acceptable forms of ID as proof of age. It is important to always ask for proof of age as young people can lie about their age, or attempt to use false ID. See the following section on proof of age.
- Ensure that staff are confident and able to refuse a sale and know how to do so. A record of challenges should be kept in the refusal register at the back of this pack. This should be monitored by the manager/owner.
- Display clear and prominent signage to explain the age restrictions for the use of sunbeds and access to restricted zones. Implement a system to check that no under 18s have entered the restricted zones.
- Ensure any members of staff who are under 18 understand that they can’t use the sunbeds but can be present in the restricted zones when carrying out a work activity.
- If sunbeds are offered as part of a membership package, make sure customers are clear that sunbed use will be excluded for those under the age of 18. This information should also be included in promotional information such as brochures and service directories.
- Keep accurate and up to date client records on each person covering proof of age, health screening, skin types and dates/number/duration of sessions. An example client record card is available on page 8 of this booklet, which you can freely copy.

Proof of age
It is often hard to accurately assess teenagers age based on their appearance alone. It is recommended that you adopt similar principles to the ‘Challenge 25’ initiative. If a customer looks under 25, ask them for ID, without this they should not be allowed to use the sunbed. The Challenge 25 is an initiative that is used for other types of age restricted sales (such as alcohol and tobacco).

It is best practice for salons to accept proof of age that has a photograph, a date of birth and a holographic mark on it. Always check the photograph resembles the person using the ID, and calculate that the date of birth on the card makes them over 18.

Examples of an acceptable ID would include a driving licence, passport or ID card with the Proof of Age Standards Scheme (PASS) hologram on it. Make general observations to the validity of the ID to ensure it has not been tampered with. Student ID cards and birth certificates are not considered acceptable proof of age as they can be easily tampered with or they do not have photographic evidence that the person showing the ID is actually the person on the certificate.

If you are not happy, for whatever reason, with the proof of age shown, you are entitled to refuse access/use of the sunbed. This should be recorded in your refusal register and a copy of the refusal leaflet given out.
If you have any queries about PASS cards please call 07590 924710 or email kate@pass-scheme.org.uk

Acceptable proof of age includes:

- Ten year passport
- Photo driving licence
- Other cards which carry the PASS mark hologram including CitizenCard and Validate cards.

**Refusing a person**

By having appropriate signage on display relating to the age restrictions on the use of the sunbed, you are already giving clients advanced notice they may be challenged. Details of your proof of age policy on display will also help.

Be polite and ask for proof of age. Only accept proof of age with a photo and make sure you have carried out the appropriate checks.

If you are unhappy with the proof of age ID or they are unable to produce ID, explain calmly and clearly that you cannot allow them to access/use the sunbed. Talk through the salon’s policy on proof of age and how the age restrictions are a legal requirement. Explain briefly why the salon could get prosecuted for failing to comply with the legislation. You could try saying:

- “I’m sorry, if I allow you to use a sunbed I might be breaking the law”
- “We have a policy of no proof of age no sale”
- “Our company policy is not to allow people to use a sunbed if they do not have ID”

If the salon has a supply of application forms for the PASS scheme, you could give the client one of them along with the refusal card, explaining that once they have the appropriate ID or have reached 18 years old, they can come back and use the sunbeds.

Should the client become difficult, try to remain calm and confident in your actions and call for assistance from another member of staff or manager. Should the situation escalate further, you can always call the Police.

Record details in the refusal register.

**Test purchasing**

Environmental Health Officers who work for Dudley Council are authorised to carry out test purchases as part of their enforcement activities. An authorised officer can utilise the services of a person under the age of 18 to enter the business and try to secure an ‘offer’ for use of a sunbed. They would not be expected to actually use the sunbed.

When test purchases are carried out, they will be undertaken following guidance from Government, and would be allowed to be used as evidence. Therefore it is important you ask for proof of age to make sure you do not fall foul of the law and allow under age use of a sunbed.
Client record card

Name: [Space for Name]  First name: [Space for First Name]  Reference: [Space for Reference]

Surname: [Space for Surname]  Address: [Space for Address]

DOB: [Space for DOB]  Age: [Space for Age]

ID seen: [Space for ID seen]  Passport/number: [Space for Passport/number]

Driving licence number: [Space for Driving licence number]  PASS card number: [Space for PASS card number]

Other - give details: [Space for Other - give details]

Telephone: [Space for Telephone]  Email: [Space for Email]

PRINT NAME: [Space for PRINT NAME]  SIGNATURE: [Space for SIGNATURE]

I have read and understood the information: [Space for I have read and understood the information]

Date: [Space for Date]

Tick customer skin type and complete session number and length

SKIN TYPE 1
People with very fair/sensitive skin which burns easily and often with red/strawberry blonde hair and freckles, pale blue, pale grey or pale green eyes. People who hardly or never tan. Should not proceed with UV tanning

SKIN TYPE 2
People with fairish skin who usually burn and sometimes tan. Tend to have light hair, blue or brown eyes. Should not proceed with UV tanning

SKIN TYPE 3
People with white skin who tan fairly easily but can burn if overexposed tend to have brown hair and eyes. Even though tan easily, they should respect the fact that they can still burn, especially without a base tan. Recommended session length and number:

SKIN TYPE 4
People with white skin who tan easily and hardly ever burn tend to have dark brown eyes and hair, but even so need to be careful that they don’t go through prolonged overexposure. Recommended session length and number:

SKIN TYPE 5
People with naturally brown skin, often have brown eyes and hair. Recommended session length and number:

SKIN TYPE 6
People with naturally brown/black skin, usually black/brown eyes. Recommended session length and number:

The EU Scientific Committee on Customer Products states that people with Skin Types 1 and 2 should not proceed with UV tanning. We recommend that you look at other forms of tanning, such as spray tan or creams.

Skin types 3, 4, 5 and 6 should respect the fact that they can still burn, and should follow recommended session times.

Client information card

IMPORTANT - Please read the following carefully

Indoor solarium tanning should be treated with the same caution as tanning in normal sunlight.

We recommend you do not exceed the exposure schedule provided by the equipment manufacturer. You should leave a minimum of 48 hours between sessions.

We recommend that all traces of make-up, lipstick, perfumed body lotions and sprays are removed before using a sunbed, and that long hair is tied back. No suntan preparations or lotions should be applied unless they are specifically formulated for use on sunbeds.

REMEMBER
• It is illegal to use a sunbed unless aged 18 years and over.
• Never use UV tanning equipment without wearing eye protection.
• Do not touch or tamper with the light tubes whilst using the equipment.
• Keep eyes closed and avoid looking directly at the light tubes.
• Always remove glasses and contact lenses.
• Do not follow or proceed sunbeds with any other form of heat treatment (including hot baths, saunas, waxing, use of depilatories OR normal sunbathing).
• Exposure to ultraviolet (UV) radiation contributes to the skin ageing process and may cause skin cancer.
• Drink plenty of water after using a sunbed.

DO YOU SUFFER FROM:
- Ill effects of normal sunbathing
- Epilepsy
- Diabetes
- Heart condition
- Blood pressure
- Hormone irregularities
- Headache/Migraine
- Hypertension
- Fainting/Giddiness
- Prickly heat
- Cold sores
- Allergies
- Skin ulcers/Moles that have changed in appearance

ARE YOU:
- Currently under medical supervision
- Prescribed or taking any form of drug, ointment/lotion
- Antibiotic or tranquiliser
- Pregnant
- Hypertensive to light

If the answer to any of the above questions is positive, you are strongly advised to seek medical advice before using the sunbed.

I have read and understood the information provided on this form. I am 18 years of age or over, and am satisfied that I am suitable for tanning treatments.

Name: ......................................................   Date: .........................

If the answer to any of the above questions is positive, you are strongly advised to seek medical advice before using the sunbed.

I have read and understood the information provided on this form, I am 18 years of age or over, and am satisfied that I am suitable for tanning treatments.

Name: ......................................................   Date: .........................

Signature: ......................................................

Nothing in the information given above shall exclude our liability for personal injury or death due to our negligence or fraudulent misrepresentation. We shall not be liable for any loss or damage to valuables and other personal possessions left on the premises.

Appointment records

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Staff training records
By signing below I acknowledge that I have received and understood training on:-
• The minimum age for the use of a sunbed
• The definition of a restricted zone and how it applies to this business
• The management controls in place
• How to check age and acceptable forms of identification
• How to refuse a sale

Refusal register
It is an offence to offer for sale or allow the use of a sunbed to anyone under the 18 years old. You could be fined up to £20,000. All staff should use this form to record details of anyone who cannot demonstrate they are over 18.

The manager should sign and date the register and keep it in a safe place away from customers. This register will be checked by Local Authority Inspectors when undertaking test purchases or other enforcement activities or if a threat of legal action arises against the business.

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Further information

Useful contacts | Websites | Phone numbers
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Environmental Health | www.dudley.gov.uk/business/health-and-safety/sunbeds | 0300 555 2345
No ID, No Sale | www.noidnosale.com | |
Cancer Research UK | www.cancerresearchuk.org | |
NHS Choices | www.nhs.uk | |

Produced by the Office of Public Health and Dudley Environmental Health divisions of Dudley Council, working together to prevent skin cancer (July 2013)