

Non-Executive Report of the: Licensing Committee 12 th September 2019	
Report of: David Tolley, Head of Environmental Health and Trading Standards Directorate of Place	Classification: [Unrestricted]
The London Local Authorities Act 1991 The Tattoo Convention 2019	

Originating Officer(s)	Natalie Thompson, Principal Environmental Health Officer
Wards affected	St Katharine's & Wapping;

1. SUMMARY

- 1.1 This is a report requesting an increase in the current special treatment licence fee for an annual event. The Tattoo Convention. The Tattoo Convention is a 3 day event which is due to take place at Tobacco Dock from the 27th to the 29th September 2019. The event involves Tattooists from around the world providing tattoos to members of the public over the event days. A special treatment licence is required for the premises. An increase in the licensing fee is requested, to ensure cost recovery of the work involved prior to the event to liaise with the organiser to assess their plans and risk assessments and arrangements for infection control leading up to the event.
- 1.2 If the licence is issued a separate enforcement fee will then be charged to recover costs in order to carry out the relevant checks, inspections, and if needed, corrective actions to ensure that the events are safe and the risk associated with blood borne viruses are managed.

2. RECOMMENDATIONS

The Licensing Committee is recommended to:

- 2.1 Agree that the application fee for a massage and special treatment licence for the 2018 Tattoo Convention event be set at £2141.
- 2.2 Agree that should the licence for the Tattoo Convention be issued, a separate enforcement fee of £1013 be charged.

3 REASONS FOR THE INCREASED FEE APPLICATION

- 3.1. To ensure that the Council fulfils its statutory responsibility, the Licensing Committee is being given the opportunity to consider and comment on adopting an enhanced Massage and Special Treatment Licence fee and enforcement fee to ensure appropriate cost recovery.
- 3.1 Fees are set on a costs recovery basis. There is an annual increase to ensure that fees are kept in line with the on-cost to the Council in processing the application including recovering the costs of the administration advice and guidance to the Event Organiser.
- 3.2 The large venue capacity means that there is an increased risk of the spread of infection due to the huge volume of visitors undergoing some sort of skin piercing activity. There is an increased cost to the council compared to issuing a standard special treatment licence as officers will work with the event organisers prior to the event, and attend the event to enforce licence conditions throughout. Therefore if the licence for the event is issued an extra enforcement fee would be charged to recover the costs of this time.
- 3.3 A decision of the Licensing Committee is required to increase the fees in line with our costs and inflation at 4.8% to £2141 for the 3 day Tattoo Convention event in September 2019 and a further enforcement fee of £1013 payable if the Licence is granted.
- 3.4 Special Treatment Licence fees for a standard premises offering tattoos are usually £354 but due to the nature of the event, a substantial amount of officer time is required compared to the granting of a standard licence.

4 ALTERNATIVE OPTIONS

- 4.1 The Committee may determine not to increase the fee and the standard special treatment licence fee of £354.40 will be charged for the 3 day event in September if approved.

5. DETAILS OF REPORT

- 5.1 The Policy Strategy Committee on the 13th October 1992 adopted the provisions of the London Local Authorities Act 1991 relating to Special Treatment premises, section 10(1) allows the Local Authority to make regulations prescribing standard conditions applicable to all classes of its special treatment licences. Appendix 1 sets out the calculation used to determine the fees.
- 5.2 The Act enables a system of licensing by borough councils to be applied to establishments used for Special Treatments. Such establishments are defined as premises used, intended to be used or represented as being used, for gain

or reward, and for the reception or treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light electric or other Special Treatments of a like kind, or vapour, sauna or other baths, and where the special treatment is not carried out by or under the supervision of a medical practitioner or a bona fide member of a body of health practitioners.

- 5.3 The purpose of the legislation is to allow controls to be applied to such premises through enforceable terms and conditions relating to public order, safety, cleanliness, hygiene and the qualifications of staff. Applications for licences must be made in the manner prescribed by the Council.
- 5.4 No premises shall be used as an establishment for Special Treatment without holding a Special Treatment Licence, and in accordance with any conditions attached to such a Licence. Further an applicant for the grant, renewal or transfer of a license shall pay such a reasonable fee as determined by the Council.
- 5.5 A special treatment licence application has been made to hold the London Tattoo Convention at Tobacco Docks in September.
- 5.6 A Special Treatment Licence will be required to hold the event and which will enable conditions to be set.
- 5.7 The Tattoo Convention event will attract around 300 tattooists from around the world, who will be offering tattoos to members of the public, also mainly by appointment. The capacity of the venue is approximately 3000 persons at any one time.
- 5.9 The organisers have held 14 London Tattoo Convention events in the past.
- 5.10 The costs to the council have been estimated in **Appendix 1**. Extra monitoring is required compared to a normal special treatment licence due to the high-risk nature of the event in controlling blood borne diseases, the control of clinical waste and general public safety at the event.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no equalities implications.

7. OTHER STATUTORY IMPLICATIONS

- 7.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),

- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment

- 7.2 Best Value Implications: There are no best value implications.
- 7.3 Consultations: These proposals are not subject to consultation.
- 7.4 Environmental considerations: There are no environmental implications.
- 7.5 Risk Management: The Council will be at risk of legal challenge if its processes are not transparent and evidentially based.
- 7.6 Crime Reduction: There are no crime reduction implications.
- 7.7 Safeguarding: There are no proven safeguarding impacts.
- 7.8 Data Protection/ Privacy Impact Assessment: No Privacy Impact Assessment required.

8. COMMENTS OF THE CHIEF FINANCE OFFICER

- 8.1 There are minor financial implications associated with setting the license fee for the tattoo convention. The license fee is set on a full cost recovery basis and if increased will have no financial impact on the Council's budgets, the income will cover the costs incurred in administering the event. However, if license fees are not increased, the Council will incur a cost which will put a pressure on existing revenue budgets.

9. LEGAL COMMENTS

- 9.1 This report is seeking to have the Licensing Committee set the application fee for a massage and special treatment licence for the London Tattoo Convention at £2141 and that a separate enforcement fee of £1013 is charged.
- 9.2 Special treatments licences are granted in accordance with Part II of the London Local Authorities Act 1991 (as amended). Section 7(6) of the Act provides that an applicant for the grant, renewal, or transfer of a licence shall pay such a reasonable fee as determined by the Council.
- 9.3 Pursuant to its terms of reference, a function of the Licensing Committee is "to determine fees and charges for the issue, approval, consent, license, permit or other registration for functions for which the Committee has responsibility.
- 9.4 Whilst the council has determined standard fees, such standard fee is not reasonable for these purposes based upon the time commitment required for officers to properly process the application, monitor the event and the event

clear up, and provide advice both during and after the event. Based on these reasons, it is considered that the increase of the fee for this application is reasonable in all the circumstances.

- 9.5 Members are also advised that the London Tattoo Convention has become an Annual event within Tower Hamlets and an exceptional increase in the fee for its special treatment licence has been approved for previous events. The estimate of the costs incurred for this particular application is considered a realistic estimate based on previous experience.
- 9.6 Before taking the decision to increase the fee, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not.

10. **APPENDICES**

Appendix 1	Costings
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Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

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