

Non-Executive Report of the: Licensing Committee 13 th December 2016	
Report of: David Tolley, Head of Environmental Health and Trading Standards Directorate of Communities Localities and Culture	Classification: Unrestricted
Application to Increase Licence Fee for the Tattoo Collective Event	

Originating Officer(s)	David Tolley
Wards affected	Spitalfields and Banglatown

1 SUMMARY

- 1.1 This is a report requesting the setting of a non-standard licence fee for the Tattoo Collective which is a 3 day event due to take place at The Old Truman Brewery on the 17th, 18th and 19th February 2017. It will involve around 150 Tattooists from around the UK providing tattoos to members of the public over the 3 days. A special treatment licence is required for the premises. A one-off license fee is requested, to ensure cost recovery, so that Officers can carry out the relevant checks, inspections, and if needed, corrective actions to ensure that the event is safe and the risk associated with blood borne viruses are managed.
- 1.2 Officers will be liaising with the organiser to assess their plans and risk assessments and arrangements for infection control leading up to the event. The event has the same organisers as the London Tattoo Convention which is held each year at Tobacco Dock in Wapping Lane.
- 1.3 Reasons for the setting of a non-standard licence fee:-
- The standard 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 applications including recovering the costs of the administration, pre-event checks and verification. In respect of the Tattoo Collective, due to the nature of the event, officers provide additional advice and guidance to the Event Organiser.
 - The venue capacity for the event is 2500 persons at any one time for the 3 days and therefore 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 therefore an increased cost to the Council compared to when

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.

- 1.4 Following an approach to hold the Tattoo Collective Event at The Old Truman Brewery on the 17th to 19th February 2017 a decision of the Licensing Committee is required to set a non-standard fee of £1,916.

2 RECOMMENDATION

The Licensing Committee is recommended to –.

- 2.1 Agree that a non-standard application fee for a massage and special treatment licence for the 2017 Tattoo Collective event be set at £1,916.

3. REASONS FOR THE DECISIONS

- 3.1 To ensure that the Council fulfils its statutory responsibility, the Licensing Committee is being given the ability to consider and comment on the adoption of an enhanced Massage and Special Treatment Licence fee to ensure appropriate cost recovery.

4. ALTERNATIVE OPTIONS

- 4.1 The Committee may determine not to increase the relevant fees.

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 ('the Act') 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 fee.
- 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 a Tattoo Collective event at The Old Truman's Brewery.
- 5.6 A Special Treatment Licence will be required to hold the event and which will enable conditions to be set.
- 5.7 The event will attract around 150 tattooists from around the UK, who will be offering tattoos to members of the public, mainly by appointment. The event is to be held over three days and will be opened for about 10 hours a day on the 17th, 18th and 19th February 2017.
- 5.8 The capacity of the venue is approximately 2500 persons.
- 5.9 Food outlets will be located in separate areas within the venue.
- 5.10 This is the first time that the event will be held but the organisers have held 12 London Tattoo Convention events in the past.
- 5.11 It has been estimated that the Council's time commitment for determining the licence and monitoring the event will be 30 hours to include pre planning and post event meetings and advice, administration and vetting the paperwork and hours of attending and monitoring the event. This equates to a total cost of £1,916. Monitoring is required due to the high-risk nature of the event in controlling blood borne diseases, the control of clinical waste and the general public safety at the event.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report seeks approval to recover the administrative and enforcement costs associated with the proposed Tattoo Convention to be held at Tobacco Dock. This will increase the current Tattoo licence fee from £322 to £1,916 for the sole purpose of recovering the Council's costs associated with providing 30 hours monitoring of the convention. As a comparison the Tattoo licence fee was increased to £2,866 in September 2017 to cover the costs of providing 62.5 hours monitoring for a previous convention. The total charge will be credited to the Environmental Health Budget to offset the additional costs incurred.

7. LEGAL COMMENTS

- 7.1 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 £1,916.
- 7.2 Special treatments licences are granted in accordance with Part II of the London Local Authorities Act 1991 (as amended). Section 7(6) of that Act provides that an applicant for the grant, renewal or transfer of a license shall pay such a reasonable fee as determined by the Council.
- 7.3 The Council has determined standard fees but such standard fee is not reasonable for this application 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, the setting of a non-standard fee for this application is reasonable in all circumstances.
- 7.4 Further the Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty. The determination of a a non-standard fee is in accordance with this duty.
- 7.5 In its consideration of whether 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 (the public sector equality duty). There is some information in the report relevant to these considerations in paragraph 8 below.

8. ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 The event assists with Community Cohesion within the area.

9. BEST VALUE (BV) IMPLICATIONS

- 9.1 By agreeing to a single fee for the event rather than pursuing and licensing each individual tattooist administrative efficiencies can be gained that maximise use of officer time in respect of the oversight of the event.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 There are no adverse impacts identified.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 The licence fee proposed covers the council's cost of full and proper licence functions in relation to this event. The licensing regime seeks to secure protection for the public. The level of licence fee will enable Environmental Health to scrutinise the event and to control the event through the imposition of licence conditions ensuring that all relevant costs are covered. If the recommendation is not agreed then the Council would be effectively subsidising the event as it would not be recovering its costs in respect of these duties. This might then be considered a grant in which case the matter may then need to be referred to the DCLG Commissioners.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 The enforcement of licence conditions should contribute to a well-run and orderly event.
-

Linked Reports, Appendices and Background Documents

Linked Report – None

Appendices:

Appendix One: Fees Calculation

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.