

LICENSING COMMITTEE

Thursday, 12 September 2019 at 6.30 p.m.

The Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

The meeting is open to the public to attend.

<u>Members:</u>	Ward Represented
Chair: Councillor Ehtasham Haque	Blackwall & Cubitt Town;
Vice-Chair: Councillor Rajib Ahmed	Lansbury;
Councillor Faroque Ahmed	Whitechapel;
Councillor Sufia Alam	Poplar;
Councillor Shah Ameen	Whitechapel;
Councillor Shad Chowdhury	Spitalfields & Banglatown;
Councillor Peter Golds	Island Gardens;
Mohammed.Hossain	Bethnal Green East;
Councillor Eve McQuillan	Bethnal Green East;
Councillor Victoria Obaze	Whitechapel;
Councillor Mohammed Pappu	Blackwall & Cubitt Town;
Councillor Leema Qureshi	Spitalfields & Banglatown;
Councillor Zenith Rahman	Bromley North;
Councillor Gabriela Salva Macallan	Bethnal Green West;
Councillor Dan Tomlinson	Bromley North;
[The quorum for this body is 3 Members]	

Contact for further enquiries:

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Web: <http://www.towerhamlets.gov.uk/committee>

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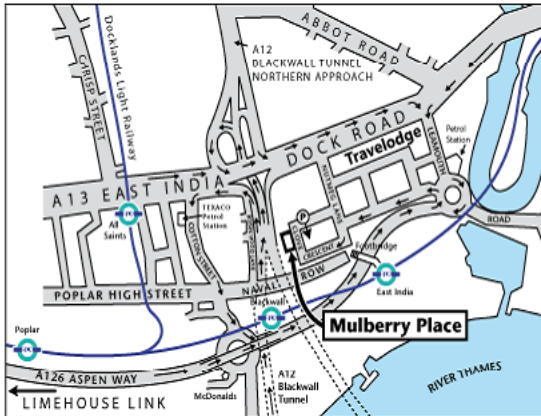
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 5 - 8)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
2. MINUTES OF THE PREVIOUS MEETING(S)		

9 - 20

To confirm the minutes of the meeting of the Licensing Committee held on 21st May and 11th July 2019 as an accurate record of the proceedings.

3. ITEMS FOR CONSIDERATION

3 .1	The London Local Authorities Act 1991 The Tattoo Convention 2019	21 - 30
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3 .2 **Gambling Policy 2019 - 2022**

Report attached.

3 .3 **London Local Authorities Act 1991 Hearing to consider a renewal application for a special treatment licence for**

3 .4 **London Local Authorities Act 1991 Hearing to consider a revocation of the special treatment licence for**

Next Meeting of the Licensing Committee

Thursday, 19 December 2019 at 6.30 p.m. to be held in Committee Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 7.10 P.M. ON TUESDAY, 21 MAY 2019

COMMITTEE ROOM 3, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Ehtasham Haque (Chair)
Councillor Rajib Ahmed (Vice-Chair)
Councillor Sufia Alam
Councillor Shah Ameen
Councillor Shad Chowdhury
Councillor Peter Golds
Councillor Mohammed Ahabab Hossain
Councillor Eve McQuillan
Councillor Victoria Obaze
Councillor Mohammed Pappu
Councillor Leema Qureshi
Councillor Zenith Rahman
Councillor Gabriela Salva Macallan

Apologies

Councillor Faroque Ahmed
Councillor Dan Tomlinson

Officers Present:

Agnes Adrien	– (Head of Litigation, Legal Services)
Sonia Sharp	– (Principal Lawyer, Enforcement)
David Tolley	– (Head of Environmental Health and Trading Standards)
Simmi Yesmin	– (Democratic Services)

1. APPOINTMENT OF VICE-CHAIR

The Chair, asked for nominations for the position of Vice-Chair of the Licensing Committee for the municipal year 2019/2020.

Councillor Ahabab Hossain proposed Councillor Rajib Ahmed for the position. This was seconded by Councillors Leema Qureshi and Shad Choudhury.

There were no further nominations.

The Licensing Committee;

Resolved

That Councillor Rajib Ahmed is elected as Vice-Chair of the Licensing Committee for the municipal year 2019-2020.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Committee held on 14 March 2019 were agreed as a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

4.1 Licensing Committee, Terms of Reference, Membership, and Quorum

The Chair, introduced the report and stated that this report set out the Terms of Reference, Membership and Quorum of the Licensing Committee and the schedule of dates for the Municipal Year 2019/2020.

The Licensing Committee;

Resolved

1. That the Terms of Reference, Membership and Quorum as set out in Appendices 1 of the report be noted.

4.2 Establishment of Licensing Sub Committees, Terms of Reference & Meeting Dates

Simmi Yesmin, Senior Committee Officer introduced the report and stated that the report set out the Terms of Reference and meeting dates for the Licensing Sub-Committee for the Municipal Year 2019/2020.

Ms Yesmin stated the report was seeking to determine the number of Licensing Sub-Committee chairs and asked members to either nominate themselves or others for the position.

The following Members were put forward to be Chairs for the Licensing Sub-Committees:

- Councillor Ehtasham Haque
- Councillor Rajib Ahmed

- Councillor Shad Uddin Chowdhury
- Councillor Peter Golds
- Councillor Dan Tomlinson
- Councillor Shah Ameen
- Councillor Eve McQuillan
- Councillor Leema Qureshi
- Councillor Mohammed Pappu

The Licensing Committee;

Resolved

1. That Licensing Sub-Committee's Terms of Reference and Schedule of meetings attached as Appendix 1 to the report be noted.
2. The establishment of Licensing Sub-Committees to determine applications where representations have been made was agreed.
3. Determined how many Licensing Sub-Committee Chairs to appoint.

The meeting ended at 7.50 p.m.

Chair, Councillor Ehtasham Haque
Licensing Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 11 JULY 2019

**ROOM C3, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Ehtasham Haque (Chair)
Councillor Rajib Ahmed (Vice-Chair)
Councillor Shah Ameen
Councillor Shad Chowdhury
Councillor Leema Qureshi
Councillor Gabriela Salva Macallan

Other Councillors Present:

Apologies

Councillor Faroque Ahmed
Councillor Sufia Alam
Councillor Peter Golds
Councillor Mohammed Ahbab Hossain
Councillor Eve McQuillan
Councillor Victoria Obaze
Councillor Mohammed Pappu
Councillor Zenith Rahman
Councillor Dan Tomlinson

Others Present:

Mr Ramin King	– Applicant 2.2
Mrs Chanita King	– Applicant's Mother 2.2
Mr Bobby Nagpal	– Applicants Supporter and Freeholder of Premises 2.2
Mr Omar Mohammed	– Supporter of Applicant 2.2
Mr Daron Pike	– Objector 2.2

Officers Present:

Agnes Adrien	– (Head of Litigation, Legal Services)
Natalie Thompson	– (Environmental Health Officer)
David Tolley	– (Head of Environmental Health and Trading Standards)
Luke Wilson	– (Legal Services)
Farhana Zia	– Senior Committee Services Officer

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillors Ehtasham Haque, Rajib Ahmed, Shah Ameen, Shad Chowdhury, Leema Qureshi and Gabriela Salva-Macallan declared that Mr Bobby Nagpal, supporter of the application at 2.2, Boonsara, 87 Whitechapel High Street, had contacted them by phone, email and text however they had not engaged in any dialogue with Mr Nagpal and had no pecuniary interest. Members declared they were considering the application with an open mind and here had been no pre-determined decision on the matter.

2. ITEMS FOR CONSIDERATION

2.1 London Local Authorities Act 1991 Hearing to consider the revocation of the Special Treatment Licence of Health and Beauty Centre, 1 Gunthorpe Street, London E1 7RG

Ms Natalie Thompson, Principal Environmental Health Officer informed Members the application before them was to consider the revocation of a Special Treatment Licence for Health and Beauty Centre, 1 Gunthorpe Street London E1 7RG.

Ms Thompson stated that the Licensing Authority was requesting the Committee to revoke the licence following evidence that the Licence Holder, Mr Gary Bugby had abdicated his responsibilities in running and managing his business and that the former occupants, Mr Wai Ming Yau and Mrs Chak Wa Yiu were trading from the premises.

In view of the fact that the former occupants, Mr Wai Ming Yau and Mrs Chak Wa Yiu had been successfully prosecuted under the London Local Authorities Act 1991 on the 26th March 2019 and were both found guilty of using 1 Gunthrope Street, London E1 as an establishment for special treatments without a special treatment licence, the Responsible Authority do not consider them to be fit and proper persons to hold such a licence.

Ms Natalie Thompson provided Members with a detailed account of the investigation her colleague Mr Lekan Olomo had undertaken. She said the team had conducted an investigation of the premises and had reason to believe the previous occupants were running the establishment. Evidence corroborating this, included the email from Mr Gary Bugby at Appendix LOL4 whereby he states another person is running the premises and the solicitors' letter received via Mr Bobby Nagpal, the freeholder of 1 Gunthrope Street, at appendix LOL5 which states his client is trading "from the premises under the premises licence in situ." This is a breach of Section 8c of the London Local Authorities Act 1991 ("the act").

Further evidence was found of therapists being employed by Mr Gary Bugby without the knowledge or approval of the Council in breach of Regulation 8a and 8c made under Section 10(1) of the Act which prescribes standard conditions for Annual Treatment Licences. Ms Thompson referred Members

to Appendix LOL6 and LOL7 which referred to the emails sent to Mr Bugby, who had failed to respond.

Ms Thompson stated the Licence Holder, Mr Gary Bugby had breached the conditions of the licence and asked Members of the Licensing Committee to revoke the Licence based on the evidence before them.

Members of the Committee asked questions in relation to the application and in response the following was noted:

- The onus is on the Licence Holder to inform the Council of any change of therapists employed. Therapists must be approved by the Council and have the correct qualifications to carry out special treatments.
- In response to the query raised relating to how long Mr Bugby had been absent from the business, Ms Thompson clarified that he left in March 2019, as per the email at Appendix LOL4. It appeared Mr Bugby had no intention of coming back.
- With regards to the former occupants, the solicitors email at appendix LOL5 confirmed Mr Yau was trading from the premises under Mr Bugby's licence.

Members adjourned the meeting at 18:47 hours to deliberate and reconvened at 18:50 hours.

Decision

Accordingly, the Committee unanimously

RESOLVED

That the Application for the revocation of a Special Treatment Licence, under the London Local Authorities Act 1991 for Health and Beauty Centre, 1 Gunthorpe Street, London E1 7RG be **REVOKED** for the following reasons:

- i. The licence holder is in breach of Regulation 6A of the Regulations made by the London Borough of Tower Hamlets under Section 10 (1) of the London Local Authorities Act 1991 prescribing the standard conditions for Annual Special Treatment in that the "licensee or some responsible person nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public." Members concurred Mr Bugby was in breach of this condition by allowing Mr Yau to trade from the premises. In light of Mr Yau's conviction he is not considered to be a fit and proper person to hold a licence or to be in charge of the licensed premises.

- ii. The licence holder is in breach of Regulation 8A of the Regulations made by the London Borough of Tower Hamlets under Section 10 (1) of the London Local Authorities Act prescribing the standard conditions for Annual Treatment in that ‘treatment shall only be given by qualified persons who have been approved by the Council...’. Members concluded from the evidence before them that Mr Bugby had not employed suitably qualified staff to carry out special treatments.

The Licensing Committee resolved as per paragraph 4.4 of the report, the following grounds for revocation applied, under the London Local Authorities Act 1991:

- (c) the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a license, and
- (d) the persons giving the special treatment are not suitably qualified.

2.2 London Local Authorities Act 1991 Hearing to consider a new Special Treatment Licence for Boonsara, 87 Whitechapel High Street, London E1 7QX

At the request of the Chair, Ms Natalie Thompson, Principal Environmental Health Officer informed Members the application before them was to consider a new Special Treatment Licence for Boonsara, 87 Whitechapel High Street, London E1 7QX.

Ms Thompson said a copy of the application could be found at Appendix 1 and explained why a special treatment licence is required for the premises. Ms Thompson informed Members that objections had been received from members of the public at Appendices 4, 5 and 6. Ms Thompson explained that the Applicant had responded to the concerns of the objectors and had provided further evidence by way of a Business Reputation document at Appendix 7.

The Licensing Authority had also received a further representation from Mr Daron Pike, the objector at Appendix 4 which was in response to the Applicant’s reply. This was appended at Appendix 8. Furthermore a response was also received from the landlord of the premises (Mr Nagpal) in support of the application at Appendix 9.

At the request of the Chair, the applicant Mr Ramin King (also known as Ricky King) explained he was one of the Directors of Genesis New World London Limited, which was a family run business established over twenty years ago by his mother Mrs Chanita King. Mr King referred Members to the Business Reputation document at appendix 7 and said his mother had worked hard to establish the company and from the reviews, pages 52-58 of the agenda pack, it was evident they were a genuine company looking to expand into East London. Mr King said his company owned similar premises in South

West London and had never received any complaints in relation to those businesses. Mr King said his mother had treated famous celebrities as well as royalty from the Middle East and had also been recognised for her work by the King of Thailand. Mr King said his company wanted to promote Thai culture which was known for its food, culture and massage. It wanted to provide a professional service to those who required a massage.

Mr King said he had responded fully to the concerns raised by the Objectors but took offence at the insinuation and comparison made about his family and his business venture, by the reference to a former business which operated from Nagpal House, 1 Gunthorpe Street London E1 known as Relax Studio. The assumption being that his business would be a guise for a brothel. Mr King said he took great pride in his name, reputation and business.

Mr King requested Members hear from Mr Bobby Nagpal, the freeholder of 87 Whitechapel High Street and Nagpal House, 1 Gunthorpe Street to assist Members by answering the concerns raised regarding the locality.

The Chair invited Mr Nagpal to address the Committee. Mr Nagpal provided Members with an aerial photograph showing the location of 87 Whitechapel High Street and its proximity to Nagpal House in Gunthorpe Street. Mr Nagpal said Nagpal House was built over what was the carpark of 87 Whitechapel High Street, to the rear of the commercial building. It was accessed via the side street, namely Gunthorpe Street. Mr Nagpal said the Objectors claim that Gunthorpe Street is a residential street is disputed, as the only residential blocks in the street were the flats in which Mr Pike lived – nos 4 Gunthorpe Street and Nagpal House, which consisted of 6 flats. Mr Nagpal said the remainder of the street is commercial in its nature.

Mr Nagpal went on to say that the back entrance, the one in Gunthorpe Street had always been used for entry and egress to the upper floors of 87 Whitechapel High Street and no complaints had been received in regard to it being a health and safety issue or a fire hazard. Mr Nagpal said the rubbish left at the back entrance was from a previous tenant moving out and this was cleared quickly. Mr Nagpal said the London Fire Brigade had not objected to the entrance which is an access route as well as a means of escape in the event of a fire. The planning application referred to by Mr Pike in his counter objection at Appendix 8 has been clarified in the response at Appendix 10 from the Planning Department.

At the request of the Chair, the objector Mr Daron Pike addressed the Committee. Mr Pike said he was pleased to hear Mr King was a reputable businessman and hoped the comments and recommendations cited in the Business Reputation document were true and correct. Mr Pike said he had not attached the remark of the premises being a brothel to Mr King's premises 87 Whitechapel High Street but had made an observation that a number of premises granted a special treatment licence in the locality. Mr Pike made reference to the previous application at 2.1 and said that this was an example where the licence had been revoked due to bad management of the premises.

Mr Pike said he was concerned Mr Nagpal had made inappropriate contact with the Members of the Committee and said that his objection was as stated in his email at appendix 4. Mr Pike said he did not have a vendetta against Mr Nagpal or Mr King but was concerned the access and egress point to the upper floors of 87 Whitechapel High Street, would be via Gunthorpe Street. Mr Pike enquired how frequent the entrance way would be used and what the footfall would be, if the special treatment licence was to be granted.

Mr Pike continued to state that Gunthorpe Street was residential. He referred to the Dellow shelter for the homeless towards Wentworth Street as well as a new housing development. He also said that it was rude and disrespectful of Mr Nagpal to say the objections at appendices 4, 5 and 6 were all his doing. Mr Pike acknowledged they were similar in nature however the other objectors had filed objections of their own volition and used their own email addresses.

In response to questions from Members the following was noted:

- The residential flats are in Gunthorpe Street and whilst this premises is known as 87 Whitechapel High Street, the entry and egress will be in Gunthorpe Street. Of the 50 viewings for the vacant 2nd floor unit, Mr Nagpal said the main interest has been from medical and healthcare type of businesses such as those offering massage, botox or aesthetic cosmetics treatments. He said it had taken a long time to find appropriate tenants and he had finally agreed terms with Genesis New World London Limited. The tenants would need to apply to the Council to change the use of the premises from B1 to D1.
- Mr Nagpal confirmed the previous tenants were an accountancy firm however there is very little demand for office space. The premises had been vacant for nine months.
- In response to how Mr King would deal with anti-social behaviour given the narrowness of Gunthorpe Street, Mr King said he would be installing CCTV at the premises and would provide training to staff to deal with any troublesome customers. Although from experience this was unlikely. A Fire Risk assessment had been completed and new fire alarms had been installed.
- With regards to the collection of waste, Mr King reassured Members this would not accumulate as he owns a Skip hire business and will ensure rubbish is removed forthwith.
- Mr King confirmed of the three other businesses his family owned in South West London his mother was a leaseholder and Licence Holder and had not experienced any complaints against their business interests nor had their licences' ever been revoked.
- In response to why he had chosen this locality to expand his business, Mr King said he believed this to be the most suitable location given its

proximity to Liverpool Street. He reiterated his business was a family run business which offered massage treatments, carried out by professional masseurs. He said he hoped to attract professional office workers from the city who did not have time to go to the gym or had a preference for a massage in order to deal with stress related problems.

- With regards to footfall, Mr King said the majority of bookings are made via an online booking site called Treatwell. Mr King said customers are carefully selected and must pay for treatment at the point of making a booking. He said whilst there could be customers who 'walk-in', the majority would be via the online booking website.
- In response to what percentage would be male or female customers, Mr King said this would be hard to predict as the business is not operational but everyone is welcome.
- Mr King said that he understood the concerns of the objector however it was wrong for his business to be tarnished with the same brush or be accused of something which happened in another business. Mr King invited members and the objectors to undertake a mystery shopping exercise and said the reviews left on the website vouched for the good customer service provided by his family run business.

Members adjourned the meeting at 19:41 hours to deliberate and reconvened at 20:10 hours.

Decision

Accordingly, the majority of the Committee

RESOLVED


That the Application for a new Special Treatment Licence, under the London Local Authorities Act 1991 for Boonsara, 87 Whitechapel High Street, London E1 7QX be **GRANTED**.

The Committee asked the Applicant to pay attention to the Standard Conditions for a Special Treatment Licence, in particular point 36 in relation to the cleanliness of the premises and point 39 in relation to refuse storage.

The meeting ended at 8.14 p.m.

Chair, Councillor Ehtasham Haque
Licensing Committee

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

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:

Natalie Thompson, Principal Environmental Health Officer
Ext: 6703

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Appendix 1

The Tattoo Convention at Tobacco Dock - Massage and Special Treatment Licence Fee

There will be around 300 tattooists operating at the tattoo convention over 3 days. The cost of administration of the licensing process is estimated at:

	Tattoo Convention (including the 4.8% inflation increase)
Cost of Training and consistency	£323
Management and Policy Development	£208.50
Licensing Committee and Policy	£266
IT Support and development	£208.50
Officer (s) time	£1,135
Total	£2,141

The cost of enforcement of the events is estimated at:

	Tattoo Convention (including the 4.8% inflation increase)
Enforcement Fee to be charged if licence is granted	£1013

Licence Fees

Process	Tattoo Convention (3 days) (including the 4.8% inflation rise and incremental drift)
Receipt of application, dealing with the fee	(Admin Officer rate £23.28) 1 hour
Application Review Organisers procedural documentation, correspondence	(Officer 1 rate £35.12) 20 Hours (Officer 1)

Pre Event planning Meetings / post event debrief	5 hours (Officer 1)
Consultation – (Emergency Service)	1 hour (Officer 1)
Officer Administration	3 hours (Officer 1)
Issue Licence	1 hour (Officer 1)
Inform consultees	1 hour (Officer 1)
Administration of licence	1 hour (Admin Officer)
Total Officer 1	31 hours at £35.12ph = £1088.72
Total Admin Officer	2 hours at £23.28ph= £46.56
Total	£1,135.28

Enforcement Fees

	Tattoo Convention (including the 4.8% inflation rise and incremental drift)
Travel and Inspection	(Officer rate £35.12 Officer 2 rate £30.42) Day 1 5 hrs (Officer 1) 5 hrs (Officer 2) Day 2 5 hours (Officer 1) 5 Hours (Officer 2) Day 3 5 hours (Officer 1) 5 Hours (Officer 2)
Total Officer 1	15 hours at £35.12ph= 526.80
Total Officer 2	15 hours at £30.42ph= £456.30

Travel and Expenses	£30.00
Total	£1013.10

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