


Non-Executive Report of the:  <b>Licensing Committee</b>  13 <sup>th</sup> September 2017	 <b>TOWER HAMLETS</b>
<b>Report of:</b> David Tolley, Head of Environmental Health and Trading Standards Directorate of Place	<b>Classification:</b> [Unrestricted]
<b>Tattoo Convention 2017</b>	

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

## Summary

- 1.1 This is a report requesting an increase in the current special treatment licence fee for an annual event. The Tattoo Convention is a 3 day event which is due to take place at Tobacco Dock on the 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> September 2017. The event has run from the same location for the last 9 years. It will involve around 300 Tattooists from around the world providing tattoos to members of the public over the 3 days. A special treatment licence is required for the premises. An increase in the licensing 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 risks 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.
- 1.3 Reasons for increasing the licence fee:-
  - 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. Officers provide advice and guidance to the Event Organiser.
  - The venue capacity for the event is 3000 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 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.

- 1.4 Following an approach to hold the Tattoo Convention Event at Tobacco Dock on the 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> September 2017 a decision of the Licensing Committee is required to increase the fee from last year's event in line with our costs to £3,383.55. Special Treatment Licence fees for a standard premises offering tattoos are usually £328.40 but due to the nature of the event, a substantial amount of officer time is required compared to the granting of a standard licence.

### **Recommendations:**

The Licensing Committee is recommended to:

1. Agree that the application fee for a massage and special treatment licence for the 2017 Tattoo Convention event be set at £3,383.55.

### **1. REASONS FOR THE DECISIONS**

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

### **2. ALTERNATIVE OPTIONS**

- 2.1 The Committee may determine not to increase the fee and the standard special treatment licence fee of £328.40 will be charged

### **3. DETAILS OF REPORT**

- 3.1 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 fee.
- 3.2 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.

- 3.3 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.
- 3.4 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.
- 3.5 A special treatment licence application has been made to hold a Tattoo Convention at Tobacco Docks.
- 3.6 A Special Treatment Licence will be required to hold the event and which will enable conditions to be set.
- 3.7 The event will attract around 300 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 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> September 2017.
- 3.8 The capacity of the venue is approximately 3000 persons.
- 3.9 The organisers have held 12 London Tattoo Convention events in the past.
- 3.10 It has been estimated that the Council's time commitment for determining the licence and monitoring the event will be 64.5 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 £3,383.55. 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.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 This report seeks approval to set a 'one-off' licence fee of £3,384 in order to recover the administrative and enforcement costs associated with the proposed Tattoo Convention that will be held at held at Tobacco Dock. This will increase the current Tattoo licence fee for this specific event from £328 to £3,384. As a comparison the licence fee in 2016/17 was £322 which was increased to £2,872 to cover the cost of the 2016 convention. The total charge reflects the assessed officer time associated with this year's event (as set out in Appendix 1) and will be credited to the Environmental Health budget to offset the additional costs incurred.

## **5. LEGAL COMMENTS**

- 5.1 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 £3383.35.
- 5.2 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.
- 5.3 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. 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. However, the licence fee charged must be on a cost recovery basis.
- 5.4 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.
- 5.5 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.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The event may assist with Community Cohesion within the area.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 Agreeing to increase the fee for the event will mean that the costs of regulating the event will be met by the promoter, not the Council.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There are no adverse impacts identified.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The licence fee proposed covers the Council's cost of licence functions in relation to this event. The licensing regime seeks to secure protection for the public and enables Environmental Health to scrutinise and control the event through the imposition of licence conditions. 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.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 The enforcement of licence conditions should contribute to a well-run and orderly event.
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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE.

#### **Appendices**

- Appendix 1 - Costings.

#### **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:**

- N/A