


Non-Executive Report of the:  <b>Licensing Committee</b>  15 <sup>th</sup> March 2018	
<b>Report of:</b> David Tolley, Head of Environmental Health and Trading Standards Directorate of Place	<b>Classification:</b> [Unrestricted]
<b>London Local Authorities Act 1991 Application for an increase in the Special Treatment Licence Fee</b>	

<b>Originating Officer(s)</b>	<b>David Tolley</b>
<b>Wards affected</b>	All wards

### Summary

This report advises the Members of a review that has taken place with regards to licence fees that can be set locally. The fees under consideration are those for massage and special treatments.

### Recommendations:

The Licensing Committee is recommended to:

1. Agree that the fee for Massage and Special Treatment licences, including Intense Pulse Light laser treatment, be increased by CPI 2.9% raising Massage and Special Treatment Licences from £328.40 to £338.00 and Intense Pulse Light laser treatment licences from £528.40 to £544.00
2. Agree that where a business operates a selection of beauty treatments and Intense Pulse Light laser treatment, that only the higher fee is payable.
3. Agree that all fees are non- refundable once an application has been submitted, due to the commencement of processing the licence.
4. Resolve that these fees will commence on 1April 2018 and will apply to all new and renewed licences applications and all performing animal registrations and variation applications received on or after that date.

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

- 1.1 To ensure that the Council fulfils its statutory responsibility, the Licensing Committee is being given the opportunity to consider and comment on increasing the special treatment licence fee in line with inflation 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 or £528.40 for IPL and Laser treatments will be charged

## **3. DETAILS OF REPORT**

- 3.1 When considering licence fees, Members must have regard to the requirement that charges must be proportionate and reasonable in the circumstances to the fees or costs payable under the provisions of the scheme. In essence, the fees must not exceed the costs of the procedures and formalities (effectively the costs to administer the process). The costs of paying for enforcement of the unlicensed operators should not be a consideration when setting fees.
- 3.2 The Licensing Committee terms of reference enables the Committee to determine the licence fees for the licences specified above.

### *London Local Authorities Act 1991 – Massage and Special Treatment Licences and Pulse Light Laser Treatments*

- 3.3 The London Local Authorities Act 1991 required all business that offers any of the following treatments to be licensed by the Local Authority:

- Massage
- Manicure
- Acupuncture
- Tattooing
- Cosmetic Piercing
- Chiropody
- Light Treatment
- Electric Treatment
- Other Treatment of a Like Kind
- Vapour
- Sauna or Other Baths (Including Infra-red Sauna cabin)

- 3.4 However, exemptions do apply if any of the following situations are applicable and if the operators of the massage or special treatment are:

- Supervised by registered medical practitioners
- Bona fide members of a body of health practitioners

- Appropriately registered dentist practising acupuncture
  - Hospital registered Nursing Homes.
- 3.5 The Local Authority is able to set a local fee to enable cost recovery from the process of issuing such licences. Currently there are over 200 licence holders in the Borough.
- 3.6 The CPI of 2.9% has been added to the licence fee as agreed by the Licensing Committee last year. When adding the increase of CPI, the Massage and Special Treatment licence fee increases from £328.40 to **£338.00** and the Intense Pulse Light licence increases from **£528.40** to **£544.00**

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

- 4.1 The annual review of Fees and Charges report was presented to Cabinet on 9<sup>th</sup> January 2018. The report advised on the strategic approach and guiding principles to the review as part of the financial and business planning process.
- 4.2 In general, fees and charges recover some or all of the costs of services from Users. This generates income which reduces the costs of services to Council tax payers and can also be used to achieve other strategic objectives, such as encouraging the use of services. A decision to charge for, or to subsidise services needs to be based on rational considerations, which in the case of the services in this report is to enable cost recovery.
- 4.3 The proposals presented to the Licensing Committee are consistent with those agreed by Cabinet. Unless there is a compelling reason for amending the approved discretionary fees and charges, the recommendation is to increase by a minimum of CPI (2.9% as at August 2017).
- 4.4 The financial impact of the increase in fees have been included in the Medium Term Financial Strategy and reflected in the income budgets for 2018-19 and future years.

#### **5. LEGAL COMMENTS**

- 5.1 This report is seeking to have the Licensing Committee set fees for special treatment licence applications.
- 5.2 Special treatments licences are granted in accordance with Part II of the London Local Authorities Act 1991 (as amended). Such licences authorise the activities listed in paragraph 3.3 of the report. 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.
- 5.3 Pursuant to its terms of reference, it is a function of the Licensing Committee “to determine fees and charges for the issue, approval, consent, license,

permit or other registration for functions for which the Committee has responsibility”, which includes inter alia the above.

- 5.4 As per section 3.5 above fees are set on a costs recovery basis. There is an annual increase to ensure that fees are kept in line with the -costs to the Council.

**6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 No adverse impacts have been identified

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

- 7.1 There are no adverse impacts identified

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

- 8.1 There are no adverse impacts identified.

**9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The Council will be at risk of legal challenge if its decision making process on determining fees is not transparent and evidentially based.

**10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. This report supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

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**Linked Reports, Appendices and Background Documents**

**Linked Report**

- NONE

**Appendices**

- NONE

**Local Government Act, 1972 Section 100D (As amended)**

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

- NONE

**Officer contact details for documents:**

- N/A