

<b>Committee:</b> Licensing Committee	<b>Date:</b> 11 <sup>th</sup> March 2014	<b>Classification:</b> UNRESTRICTED	<b>Report No:</b> LC 09/134	<b>Agenda Item:</b>
<b>REPORT OF –</b> David Tolley Head of Consumer and Business Regulations Service  <b>Originating Officer –</b> Sandra Edmeade-Walters Team Leader- Health and Safety		<b>TITLE</b> London Local Authorities Act 1991 Application to Increase Licence Fee for the London Tattoo Convention  <b>Ward(s) affected</b> St Katherine's & Wapping		

## 1. SUMMARY

- 1.1 The Tattoo Convention is a 3 day event which has taken place in Tobacco Dock for the last 6 years. A Special Treatment licence is required for tattooing to be provided and an increase in the licensing fee is requested 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. The convention will take place on 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> September 2014 and Officers will be liaising with the organiser and Tattooists to assess their plans and risk assessments leading up to the event.
- 1.2 The reason for the increase in the licence fee is to recover the costs of the administration and enforcement on the licence conditions. If the fee increase is not agreed then the Council could seek to Licence each individual tattooist but this would be an inefficient way to proceed.
- 1.3 A decision of the Licensing Committee is required to increase the standard Massage and Special Treatment Licence fee from £311 to £2840.86 following an approach to hold the London Tattoo Convention at Tobacco Dock from the 26<sup>th</sup> September 2014 to 28<sup>th</sup> September 2014.

## 2. RECOMMENDATIONS

The Licensing Committee is recommended to –.

- 2.1 Agree that the application fee for a massage and special treatment licence for the London Tattoo Convention be set at £2840.86.

### **3. BACKGROUND**

- 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).
- 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.

### **4. BODY OF REPORT**

- 4.1 An initial enquiry has been made to hold an international Tattoo Convention in Tobacco Dock. Officers have carried out preliminary discussions to discuss the event and to outline safety considerations.
- 4.2 A Special Treatment Licence will be required to hold the event and which will enable conditions to be placed along with health and safety guidelines to be imposed. An application has now been received.
- 4.3 Officers have worked with the applicant and Health Protection Agency to determine guidelines.
- 4.4 The Convention will attract in excess of 200 tattooists from various countries, who will be offering tattoos to members of the public, mainly by appointment. The Convention is over three days and will be opened for about 10 hours a day on the 26<sup>th</sup>, 27<sup>th</sup> and 8.5 hours on the 28<sup>th</sup> September 2014.

- 4.5 The capacity of the venue is approximately 3000 persons. The event will also have commercial stalls, art shows and exhibitions of artwork.
- 4.6 Food outlets will be located in two separate areas within the venue and there will be a central food production area in the car park located across the road in Wapping Lane.
- 4.7 This is the ninth time that the applicant has hosted this event. It is the sixth time the event will be held at Tobacco Dock.
- 4.8 It has been estimated that the Council's time commitment for determining the licence and monitoring the event will be 60.5 hours to include pre planning and post event meetings and advice, administration and vetting the paperwork and a considerable amount of hours of attending and monitoring the event. This equates to a total cost of £2840.86. This considerable amount of 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.

## **5. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 5.1 This report seeks approval to recover the administrative and enforcement costs associated with the proposed International Tattoo Convention in Tobacco Dock. The increase sought will increase the standard Massage and Special Treatment Licence fee from £311 to £2,852.86. The amount of £311 is the normal standard fee for an establishment of this type. The £2,852.66 represents the additional work involved in the event along with the increased number of tattooist at the convention. The total charge will be credited to the Environmental Health Budget to offset the costs. When this matter was considered at their meeting in June 2013, the Committee agreed to an increase in the charge from £302 to £2,817.

## **6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

- 6.1. 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 £2840.86.
- 6.2. 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.
- 6.3. 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" and whilst the Council has determined standard fees, such standard fee is not

reasonable 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 increase of the fee for this application is reasonable in all circumstances.

6.4. 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.

6.5. 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 don't.

## 7. **ONE TOWER HAMLETS CONSIDERATIONS**

7.1 An increase in charge will have an effect on the event promoter but it will not have a detrimental impact or accessibility to members of the public. The increase in cost is a fair reflection on Officer time to monitor the event.

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

8.1 There are no environmental implications for the proposal to increase the Special Treatment fee for this one of event.

## 9. **RISK MANAGEMENT IMPLICATIONS**

9.1 If the proposals in the report are accepted then there are no risks to the Council. If enforcement of the licence conditions is reduced then there could be a reputational risk for the Council

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

10.1 The enforcement of licence conditions should contribute to the reduction of crime and disorder within the event.

## 11. **EFFICIENCY STATEMENT**

11.1 By agreeing to a single fee for the event rather than the Council considering issuing a licence to each individual tattooist then this would allow officer time to be used more efficiently in respect of the oversight of the event.

12. **APPENDICES**

12.1 Appendix 1 - Calculation to show how costs have been determined.

13. **REFERENCES**

13.1 Her Majesty's Stationery Office (HMSO), 'London Local Authorities Act 1991' accessed on 21/5/2014 at;  
<http://www.legislation.gov.uk/ukla/1991/13/contents/enacted>

---

**Local Government Act, 1972 Section 100D (As amended)  
List of "Background Papers" used in the preparation of this report**

Brief description of "background papers"	Name and telephone number of holder and address where background papers are open to inspection
<b>NONE</b>	N/A