


Non-Executive Report of the: Licensing Committee 21 July 2015	 TOWER HAMLETS
Report of: David Tolley – Head of Consumer and Business Regulations Service	Classification: Unrestricted
Application to increase licence fee for the London Tattoo Convention	

Originating Officer(s)	Sandra Edmeade-Walters , Team Leader- Health and Safety
Wards affected	St Katherine's & Wapping

Summary

- 1.1 The Tattoo Convention is a 3 day event which has taken place in Tobacco Dock for the last 7 years. It involves around 300 Tattooists from all over the world providing tattoos to members of the public over the 3 days. A Special Treatment licence is required for each operator therefore an increase in the licensing fee is requested so that Officers can carry out the relevant checks, inspections, and if needed, corrective actions for each operator to ensure that the event is safe and the risk associated with blood borne viruses are managed.
- 1.2 The convention will take place on 25th, 26th and 27th September 2015 and Officers will be liaising with the organiser and tattooists, (approximately 300), to assess their individual plans and risk assessments leading up to the event.

Recommendations:

The Licensing Committee is recommended to:

1. Agree that the application fee for a massage and special treatment licence for the 2015 London Tattoo Convention be set at £2,866.

1. REASONS FOR THE DECISIONS

1.1 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 for each of the estimated 300 Operators. Officers carry out review and audits of the overall Event Management Plan and the individual risk assessments for each Operator and provide advice and guidance to the Event Organiser and Operators.
- The venue capacity for Tobacco Dock is 3000 persons so for the 3 day event there is an increased risk of the spread of infection due to the conventions popularity and huge volume of visitors undergoing some sort of skin piercing activity. There is an increased cost of enforcement of the licence conditions for Event Organiser and Operators throughout the event.
- 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.

1.2 Following an approach to hold the London Tattoo Convention at Tobacco Dock from the 25th September 2015 to 27th September 2015 a decision of the Licensing Committee is required to increase the standard Massage and Special Treatment Licence fee from £319, (1 applicant), to £2,866, (around 300 applicants).

2. ALTERNATIVE OPTIONS

2.1 Not applicable.

3. DETAILS OF REPORT

3.1.1 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.

3.1.2 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.

- 3.1.3 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.
- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 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.
- 3.1.7 Officers have worked with the applicant to determine guidelines.
- 3.1.8 The Convention will attract around 300 tattooists from various countries, who will be offering tattoos to members of the public, mainly by appointment. The Convention is held over three days and will be opened for about 10 hours a day on the 25th, 26th and 8.5 hours on the 27th September 2015.
- 3.1.9 The capacity of the venue is approximately 3000 persons. The event will also have commercial stalls, art shows and exhibitions of artwork.
- 3.1.10 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.
- 3.1.11 This is the eleventh time that the applicant has hosted this event. It is the eighth time the event will be held at Tobacco Dock.
- 3.1.12 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 £2,866. 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.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report seeks approval to recover the administrative and enforcement costs of £2,866 associated with the proposed Tattoo Convention held at Tobacco Dock. This will increase the current Tattoo licence fee from £319 to £2,866 for the sole purpose of recovering the Council's costs associated with the convention. As a comparison the Tattoo licence fee in 2014/15 was £311 this was increased to £2,853 to cover the cost of the convention. The total charge will be credited to the Environmental Health Budget to offset the additional costs.

5. LEGAL COMMENTS

- 5.1 Special treatment licences are granted in accordance with Part II of the London Local Authorities Act 1991 (as amended). Section 6(1) states that no premises shall be used for special treatment except under and in accordance with a special treatment licence granted by the Council.
- 5.2 Section 14(1) of the London Local Authorities Act 1991 makes it an offence for an occupier or other person concerned in the conduct or management of a premises to use them for special treatment or represents them as being so used or permits the premises to be so used unless the premises is currently licensed by the Council.
- 5.3 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. 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 special treatments. The Council has determined standard fees for special treatment licences however these are annual fees for single applicants and therefore the standard fee the standard fee would not cover the increased costs in the current circumstances, being an application for a 3 day event with approximately 300 practitioners, which entails an increase in the time commitment required for officers to properly process a single global application by the organiser; monitor the event and the event clear up; and provide pre-event advice as well as during and after the event. It is not unusual for Council's to consider large global applications by organisers for one-off events throughout the calendar year. Members are reminded that the London Tattoo Convention has been held in the London Borough of Tower Hamlets on several previous occasions and the setting of an exceptional fee for its special treatment licence has been approved for those previous events.
- 5.4 The licence fee charged must be on a cost recovery basis. The authorisation procedure and setting of fees is governed by the EC Directive on Services in the Internal Market (EC directive 2006/123). Article 13(2) of the Directive provides that any charges which an applicant for services incurs from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures. That article deals only with authorisation procedures and fees

relating to applications for permission to carry out a licensable activity, such as special treatments. It does not however prevent the imposition on those who receive licences of proportionate charges to fund the cost of administering and enforcing the licensing regime as long as these costs are clear from the fee structure, and as long as fees for enforcement are refundable if an applicant is unsuccessful.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 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.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 There are no specific Best Value implications arising from this noting report.

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 off event.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 If the proposals in the report are accepted then there are no risks to the Council. 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.

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.
- 10.2.1 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.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1 - Calculation to show how costs have been determined.
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Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report

- The National Archive on behalf of Her Majesty’s Government,
London Local Authorities Act 1991’
accessed on 14/5/2015, Time15:31
 - at <http://www.legislation.gov.uk/ukla/1991/13/contents/enacted>
-

Officer contact details for documents:

- N/A