


Non-Executive Report of the: Licensing Committee 14 June 2016	 TOWER HAMLETS
Report of: David Tolley – Head of Environmental Health and Trading Standards	Classification: Unrestricted
London Local Authorities Act 1991 - Application to increase licence fee for the London Tattoo Convention 2016	

Originating Officer(s)	Tom Lewis - Team Leader- Licensing and Safety Team
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 8 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 23rd, 24th and 25th September 2016 and Officers will be liaising with the organiser to assess their 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 2016 London Tattoo Convention be set at £2872.

1. REASONS FOR THE DECISIONS

1.1 Reasons for increasing the licence fee:-

- Fees are set on a cost recovery basis. There is a need to review costs to ensure that fees continue to cover the costs of processing the applications including the costs of 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 popularity of the event and volume of visitors undergoing some sort of skin piercing activity. As a result there is a cost adjustment required to cover the increased cost of enforcement of the licence conditions and associated risk management 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 23rd September 2016 to 25th September 2016 a decision of the Licensing Committee is required to increase the standard Massage and Special Treatment Licence fee from £322, (1 applicant), to £2872, (around 300 applicants).

2. ALTERNATIVE OPTIONS

2.1 N/A

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 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.

4. **BODY OF REPORT**

- 4.1 A special treatment licence application has been made to hold an international Tattoo Convention in Tobacco Dock.
- 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 standards to be imposed.
- 4.3 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 23rd and 24th and 8.5 hours on the 25th September 2016.
- 4.4 The capacity of the venue is approximately 3000 persons. The event will also have commercial stalls, art shows, entertainment and exhibitions of artwork.
- 4.5 Food outlets will be located in two separate areas within the venue and there will be a food production area in the car park.
- 4.6 This is the twelfth time that the applicant has hosted this event. It is the ninth time the event will be held at Tobacco Dock.
- 4.7 It has been estimated that the Council's time commitment for determining the licence and monitoring the event will be 62.5 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 £2872. This 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 Tattoo Convention to be held at Tobacco Dock. This will increase the current Tattoo licence fee from £322 to £2,872 for the sole purpose of recovering the Council's costs associated with the convention. As a comparison the Tattoo licence fee in 2015/16 was £319 this was increased to £2,866 to cover the cost of the convention. The total charge will be credited to the Environmental Health Budget to offset the additional costs incurred.

6. LEGAL COMMENTS

- 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 £2872.
- 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 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.
- 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, it is considered that the increase of the fee for this application is reasonable in all the 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 do not.

7. **ONE TOWER HAMLETS CONSIDERATIONS**

7.1 N/A

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

8.1 N/A

9. **RISK MANAGEMENT IMPLICATIONS**

9.1 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 ensuring that all relevant costs are covered. 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. This might then be considered a grant in which case the matter may then need to be referred to the DCLG Commissioners.

10. **CRIME AND DISORDER REDUCTION IMPLICATIONS**

10.1 The enforcement of licence conditions should contribute to a well-run and orderly event event.

11. **EFFICIENCY STATEMENT**

11.1 By agreeing to a single fee for the event rather than pursuing and licensing each individual tattooist administrative efficiencies can be gained that maximise use of officer time in respect of the oversight of the event.

Brief description of “background papers”

**Name and telephone number of holder
and address where background papers
are open to inspection**

NONE

N/A

12. **APPENDICES**

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

13. **REFERENCES**

The National Archive on behalf of Her Majesty’s Government,
‘London Local Authorities Act 1991’ accessed on 14/03/2016, Time15:17
at <http://www.legislation.gov.uk/ukla/1991/13/contents/enacted>