



Licensing Regulatory Committee	Date: 29 February 2016	Ward(s): All
--------------------------------	------------------------	--------------

Delete as appropriate		Non-exempt
-----------------------	--	------------

## **SUBJECT: Application Fees for Special Treatment Licences**

### **1. Synopsis**

- 1.1 This report proposes to amend the fees paid for special treatment licences.
- 1.2 The new fee structure is proposed because:
  - changes in operational practices have resulted in adopting a risk based approach to monitoring
  - the Provision of Service Regulations 2009 requires regulatory bodies to regularly review application fees to ensure that they are set on a cost recovery basis

### **2. Recommendation**

- 2.1 To approve the proposed fee structure for Special Treatment Licences, detailed in Appendix A to this report, with effect from 1 April 2016.

### **3. Background**

There are over 110 premises in the borough licensed to provide special treatment on an annual basis. Special treatments include the provision of services such as massage, manicure, acupuncture, tattooing, body piercing, chiropody, tanning equipment, saunas, steam and beauty treatments.

The purpose of licensing special treatment premises is to protect public health and safety, in particular to ensure that :

- Premises are suitable for providing treatments
- Staff providing treatments are appropriately qualified or experienced
- Equipment used on the premises is safe
- Operational procedures are in place to ensure customer health, safety and welfare
- The licence holder is a 'fit and proper' person and has the necessary skills and experience to ensure compliance with licence conditions

Over the last few years there has been a steady increase in the number of premises providing high-risk treatments such as tattooing, body piercing and laser treatments that require higher levels of assessment and monitoring to ensure public safety. To respond to this challenge we have allocated more resources to dealing with premises providing high-risk treatments whilst introducing a light touch approach towards premises providing lower risk treatments.

To reflect these changes we are proposing to amend the special treatment licensing fee structure to ensure that it reflects the cost of operating the scheme. The proposed fee structure is in appendix A.

Although the proposal is to increase the fee level for each category of premises, overall there will be a reduction in income because up to 50% premises will be reclassified as low risk. It is estimated that the reduction in income will be up to £17,384 per annum.

Benchmarking the proposed fee structure with fees charged by a number of other inner London Boroughs has indicated that the proposed fees are approximately mid-way between the highest and lowest levels set elsewhere.

## 4. Implications

### Financial implications:

- 4.1 It is estimated that the proposed new fee structure for special treatment licences will reduce current income levels from around £80k to £63k, a loss of £17k per annum. This shortfall will need to be managed within the overall licensing income budget of around £0.5m.

### Legal Implications:

- 4.2 The London Local Authorities Act 1991 provides that an applicant for the grant, variation, renewal or transfer of a special treatment licence shall pay a reasonable fee determined by the authority.

The Provision of Services Regulations 2009 give effect in English law to the EU Services Directive 2006/123. The Regulations set out conditions which must be met by the authority when setting and charging fees, namely that the fees must be non-discriminatory, justified, proportionate and transparent. These principles apply to the formulation of all fees charged as part of the licensing process and each fee set must be proportionate to the effective cost of the process.

In view of the likely reduced costs to the authority in processing renewal applications it is anticipated that these fees will be lower than the fees set for granting new licences.

### 4.3 Environmental Implications

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on the following :

- Energy use and carbon emissions
- Use of natural resources
- Travel and transportation
- Waste and recycling
- Climate change adaptation
- Biodiversity
- Pollution.

### 4.4 Resident Impact Assessment:

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to

remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 13 October 2015 and the summary is as follows:

Equality impacts

- Equality impacts are neutral

Safeguarding risks

- No safeguarding risks identified

Potential Human Rights breaches

- No potential breaches identified
- Policy sets out the framework on how the Council will make decisions about licence application
- Each contested application will be determined by the Licensing Regulatory Committee and the application will be determined on its merits

Key actions to be taken as a result of this RIA

- No additional action required

## 5 Reasons for the recommendations / decision:

The application fees for special treatment licences have been reviewed and the proposed fee structure is consistent with the principles contained in Provision of Service Regulations 2009.

**Signed  
by:**



Service Director - Public Protection

3 February 2016

Date

### Appendices

#### Appendix A Proposed special treatment application fee structure

#### Background papers:

Nil

Report Author:

Janice Gibbons

[Janice.gibbons@islington.gov.uk](mailto:Janice.gibbons@islington.gov.uk)

020 7527 3212