

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982: LICENCE FEES FROM APRIL 2018

Licensing Committee - 10 January 2018

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Also considered by: Council - 20 February 2018

Key Decision: No

This report supports the Key Aim of Safe Communities to aid in the reduction of crime within the District.

Portfolio Holder Cllr. Anna Firth (Legal and Democratic Services)

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Recommendation to the Licensing Committee:

That Full Council be recommended to approve the appropriate fee levels as set out in paragraph 4 of the report.

Recommendation to Council:

That subject to the comments of the Licensing Committee, the fees set out in paragraph 4 of the report, be approved.

Reason for recommendation: to ensure that the Council complies with its statutory duty and ensure that the licensing of Sexual Establishments is self financing, in accordance with the Council's Service and Budget Plan. A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used.

Introduction and Background

- 1 The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2 The type of tasks involved in Sexual Establishment premises application include assistance to applicant, checking of an application upon receipt, processing the application, assess representations for relevance, undertake

informal mediation, undertaking site visits where necessary. Once processed determining the licence or arranging a hearing and holding a hearing, notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing.

- 3 The costs associated with an appeal and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring is entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of our partners within the Licensing Partnership. This has been increased in likelihood following the applications at Maidstone Borough Council.
- 4 The result of the calculations is that a fee of £3,670 is set for a new application or a renewal application. The experience of our partners is that as many representations are received for a new and renewal application. However, there is less likely to be a hearing for a transfer of an application and therefore this cost is set at £1,840. *The existing fee is £3,580 for new/renewal and £1795 for transfers. An inflationary increase has been applied in recognition that general staffing and overhead costs will increase next year.*

Other Options Considered and/or Rejected

- 5 If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council's Service and Budget Plan or ensure the licensing of Sexual Entertainment Venue premises was self-financing.

Key Implications

Financial

The cost of licence fees takes into account the need to maintain a 'self financing' position for the service. The proposals contained in this report will achieve this. However, there are no Sexual Entertainment Venues within the District at the moment.

Legal Implications and Risk Assessment Statement.

Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a judicial review proceeding. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

