

## SEXUAL ENTERTAINMENT LICENSING FEES

### Licensing Committee - 7 January 2020

Report of Chief Officer Planning & Regulatory Services

Status: For approval

Key Decision: No

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#### **Executive Summary:**

Sevenoaks District Council, as the Licensing Authority, is responsible for processing and issuing licences for a wide range of activities.

The Council need to demonstrate that the fees it charges for such licences have been set in accordance with the law and best practice, so as to recover its allowable costs in administering the various licensing regimes for which it is responsible.

Fees should be set so as to avoid either a surplus or a subsidy where possible and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.

This report sets out the revised fees and charges for licences and associated items, which it is proposed should be made with effect from 1 April 2020.

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**This report supports the Key Aim of sustainable economy.**

**Portfolio Holder:** Cllr. Margot McArthur

**Contact Officer:** Michael Moss, Ext. 7364

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#### **Recommendation to Licensing Committee**

Members are recommended to approve the level of fees and charges with effect from 1 April 2020 as set out in **Appendix A** of this report.

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#### **Reason for recommendation:**

The Licensing Department has not received or processed an application for a Sexual Establishment within the Sevenoaks District, therefore the fees have been worked out from the original fee set.

There has been a decrease in the rate of inflation (1.8%) following the previously set fees in 2018 and this is reflected in the proposed costs for 2020-2021.

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## Introduction and background

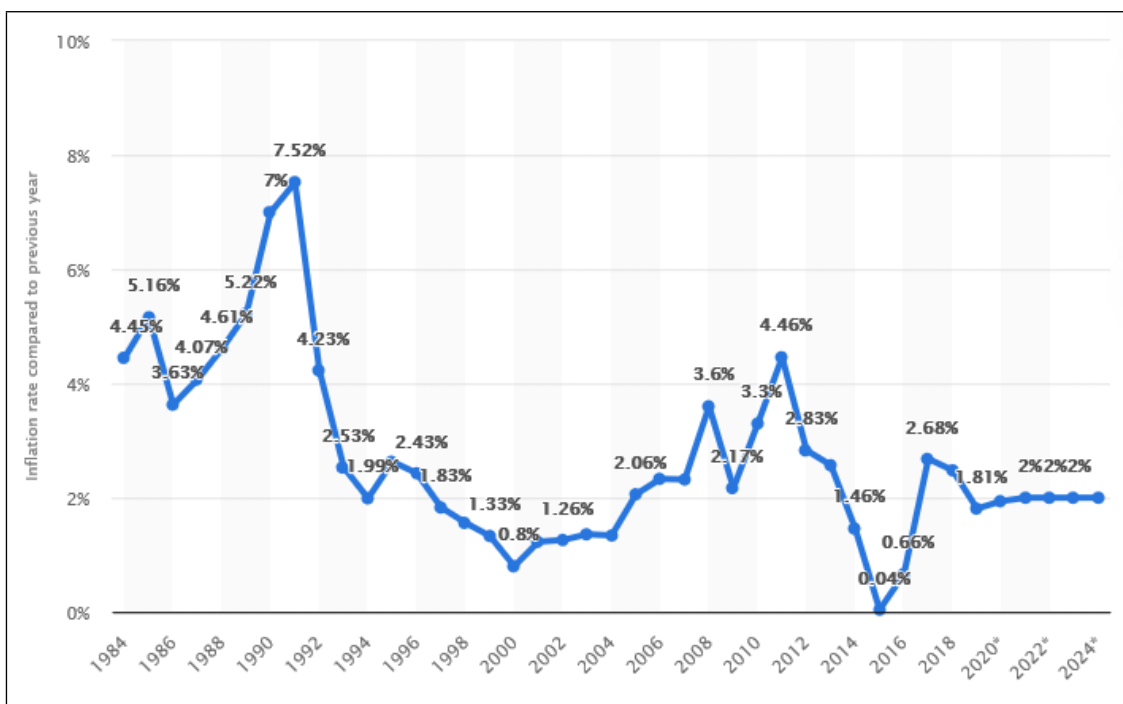
- 1 The Council is required to review any charges which it makes for licences and other associated items, from time to time.
- 2 The Council must seek to recover the costs associated with processing applications for licences as well as the administration and monitoring of compliance with conditions. The fees charged should be capable of withstanding legal challenge, should the need arise.
- 3 It is not permitted to make a surplus or to subsidise licence holders, and so where necessary fees are adjusted in succeeding years to achieve and maintain the correct balance.
- 4 The cost to the Council of this work is regularly checked and real time costs are used in compiling the figures. Where it is possible to reduce costs by use of more efficient working this is reflected in the charges made.
- 5 The proposed charges for 2020/2021 are set out in **Proposed Fee(s)** Section 13 below.

## Sex Establishment Licensing:

- 6 The fees for applications made under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, have previously been calculated by examining the time it takes to process an application.
- 7 The tasks involved with processing an application include assisting the applicant, checking the validity of an application, assessing representations, formal mediation and site visits.
- 8 The Council does not currently have any Sexual Entertainment venues.
- 9 As the Council is unable to demonstrate any additional costs involved with the processing of applications made under this Act (due to the point raise in section 8 above), the Licensing Department proposes to make a small decrease to the existing fee in line with the inflation.

## Proposed Fee(s)

- 10 Statistics have been taken from Statista which show the inflation rates in the United Kingdom from 1984 to 2018, with projections up until 2024. The rates proposed for 2020 are 1.94%.



- 11 In 2019 the fees were increased by 2.5% in line with the 2018 rate of inflation, however the rate of inflation dropped to 1.8% throughout 2019.
- 12 Prior to the 2019 increase, the fees were increased in 2018 by 2.7%. Therefore the original costs for the following applications were:

Type of Application	Fee
New Application	3571
Renewal Application	3571
Transfer Application	1790

- 13 Taking into account the drop in inflation between 2018 and 2019, the inflation for 2020 has been added to the original costs and results in a small decrease in licence fees. The proposed fees are:

Type of Application	Fee
New Application	3641
Renewal Application	3641
Transfer Application	1825

- 14 This results in a decrease of £121 per new and renewal application and £61 decrease for transfer applications.

## Key Implications

## Financial

Despite a reduction in the proposed fee there will be no financial implications resulting from this report. The Council does not currently have any sexual entertainment venues within the district and we are therefore not currently receiving any income from this particular regime.

## 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

Section 149(1) of the Equality Act 2010 requires that, in exercising its functions public sector bodies to have 'due regard' to the need to -

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Foster good relations between people who share a relevant 'protected characteristic' and those who do not;
- Advance equality of opportunity between people who share a relevant 'protected characteristic' and those who do not.

Assessing the potential impact on equality of proposed decision, changes to policies, procedures and practices is one of the key ways in which the Council can demonstrate that they have had 'due regard'. Assessing impact on equality should be tailored to, and be proportionate to, the decision(s) being made.

Officers have considered the impact of the proposals contained in this report and consider that there would be no, or very limited adverse or disproportionate impact on those who share a protected characteristic. This will be kept under review as part of the Council's ongoing duty.

## **Appendices**

Appendix A - Level of fees and charges

## **Background Papers:**

Local Government (Miscellaneous Provisions) Act 1982

**Richard Morris**  
**Chief Officer Planning & Regulatory Services**