

SEXUAL ENTERTAINMENT LICENSING FEES

Licensing Committee - 5th January 2021

Report of: Chief Officer, Planning & Regulatory Services

Status: For consideration and decision

Key Decision: Yes

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: Susan Lindsey Ext. 7491

Recommendation to Licensing Committee:

Members are recommended to approve the level of fees and charges with effect from 1st April 2021 as set out at item 9 of this report

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 not been changed from those agreed in 2020.

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 As the Licensing Department has not received or processed an application for a Sexual Establishment within the Sevenoaks District, the fees have not been changed from those agreed in 2020.

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 could take 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 keep these fees the same as those set in 2020.

Proposed Fee(s)

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

Other options Considered and/or rejected

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 premises was self-financing.

Key Implications

Financial

There are 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

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

None

Background Papers

None

Richard Morris
Chief Officer Planning and Regulatory Services