

## SEXUAL ENTERTAINMENT LICENSING FEES

Licensing Committee - 11 January 2023

**Report of:** Chief Officer, Planning & Regulatory Services

**Status:** For consideration and decision

**Key Decision:** Yes

**Portfolio Holder:** Cllr. Margot McArthur

**Contact Officer:** Jessica Foley Ext. 7480

**Recommendation to Licensing Committee:**

Members are recommended to approve the level of fees and charges with effect from 1 April 2023 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 2022.

### Introduction

- 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 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 2022.

## 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 2022.

## 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.

### Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

<p><b>Appendices</b></p>
<p>None</p>
<p><b>Background Papers</b></p>
<p>None</p>

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