

# WIRRAL COUNCIL

## LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

19 MARCH 2012

<b>SUBJECT:</b>	<b>SEX ESTABLISHMENT FEES</b>
<b>WARD AFFECTED:</b>	<b>ALL WARDS</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is for Members to set a level of fees for the Licensing of Sex Establishments.

### 2.0 BACKGROUND AND KEY ISSUES

2.1 On 10 January 2011, Members of the Health and Safety and General Purposes Committee approved the adoption of the amendments to Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982, made by Section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009, which came into effect on 1 April 2011.

2.2 The Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 allows the Council to control by way of its licensing regime, sex establishments in the form of sex cinemas and sex shops.

2.3 The Policing Crime Act 2009, Section 27, defined a new category of sex establishment namely 'sexual entertainment venue' which provides the means for local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 and gives local authorities more powers to control the number and location of these type of premises. Entertainment permitted within a Sexual Entertainment Venue can include:

- Lap Dancing
- Pole Dancing
- Table Dancing
- Strip Shows
- Peep Shows
- Live Sex Shows

2.4 The Local Government (Miscellaneous Provisions) Act 1982 enables the authority to charge the applicant for the grant, renewal or transfer of a licence a "reasonable fee". All costs of providing the service must be included in the fee so that there is no subsidisation by general tax payers.

- 2.5 Whilst authorities should not charge unfairly large fees it is possible to set fees which reflect the true costs of providing an efficient licensing service.
- 2.6 The cost of the following activities can be included in the calculations of costs for local authorities:
- Dealing with applications
  - Inspection
  - Dealing with representations
  - Holding Committee Hearings
  - Involvement in Appeals
  - Future reviews of Sexual Entertainment Venue Policy
- 2.7 An estimate of the costs of licensing such premises which includes the above activities has been calculated and it is estimated that there will be a cost to the Licensing Section of £1,200 per application. Members are therefore asked to determine the fee based on this estimate of costs subject to a review of costs being undertaken in 12 months time.
- 2.8 A table comparing the fees in neighbouring local authorities is attached at Appendix 1.

### **3.0 RELEVANT RISKS**

- 3.1 The fee set should enable the Authority to recover the cost of administration of the licence.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 There is no provision for other options to be considered.

### **5.0 CONSULTATION**

- 5.1 A consultation is not required to set these fees as all fees are set on a cost recovery basis.

### **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 6.1 There are no specific implications arising from this report.

### **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 7.1 There are no Resource Implications as fees should be set on a cost recovery basis.

### **8.0 LEGAL IMPLICATIONS**

- 8.1 There are no specific legal implications arising from this report.

**9.0 EQUALITIES IMPLICATIONS**

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

**10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are no specific implications arising from this report.

**11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no specific implications arising from this report.

**12.0 RECOMMENDATION**

12.1 Members are asked to set a level of fees for the Licensing of Sex Establishments.

**13.0 REASONS FOR RECOMMENDATION**

13.1 The Local Government (Miscellaneous Provisions) Act 1982 permits the Authority to set a reasonable fee when recovering costs for the Licensing of Sex Establishments.

**REPORT AUTHOR:** Margaret O'Donnell  
Licensing Manager  
telephone: 0151 691 8606  
email: [margaretodonnell@wirral.gov.uk](mailto:margaretodonnell@wirral.gov.uk)

**APPENDICES**

Appendix 1 - Table comparing neighbouring local authorities fees

**REFERENCE MATERIAL**

None

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date

## Sex Establishment Fees

	New application	Renewal	Transfer
Liverpool	£5,000	£1,600	
Cheshire West and Chester	£5,000	£2,000	£1,800
Sefton	£1,242	£1,242	£623
West Lancs	£5,700.70	£5,700.70	