



Walsall Council

REPORT OF THE HEAD OF PUBLIC SAFETY

TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

WEDNESDAY 3RD MARCH 2010 at 6.00PM

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PART 2,SCHEDULE 3

SEX ESTABLISHMENT FEES

1.0 Purpose of Report

- 1.1 Following a meeting of the Licensing and Safety Committee on the 20th January 2010 a request was made by Members to review the current licence fees for Sex Establishments.

2.0 Recommendations

- 2.1 That Members consider the report and determine whether there is a requirement for an increase in sex establishment licence fees, and to give consideration of separate individual fees for the grant, renewal and transfer of Sex Establishment Licences.
- 2.2 It is recommended that the following fee levels be considered as reasonable under the terms of the Act

Grant = £4,500

Renewal = £2,500

Transfer = £1,500

3.0 Financial Implications

- 3.1 The current fee for a Sex Establishment Licence is £2000. This figure is applicable to grant, renewal and transfer.

4.0 Policy Implications

- 4.1 Within Council policy - Yes.

5.0 Legal Implications

- 5.1 Legal Services consulted - Yes.
- 5.2 Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 enables a local authority to adopt by resolution the provisions in Schedule 3 of the Act for the licensing of sex establishments, i.e. sex shops and sex cinemas. As from 1st January 1983 Part 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act was adopted by Walsall MBC.
- 5.3 Paragraph 14 of the above Act states in part that 'An applicant for the grant, renewal or transfer of a licence shall pay a reasonable fee determined by the authority'.
- 5.4 Should any fees be disproportionate they can be legally challenged.

6.0 Equal Opportunities Implications

- 6.1 None arising from this report.

7.0 Environmental Impact

- 7.1 None arising from this report.

8.0 Background

- 8.1 As from 1st January 1983 Part 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act was adopted by Walsall MBC. Since that date it has been an offence to use premises as a sex establishment without the benefit of a licence issued by this Authority. A sex establishment is defined as either a sex cinema and or sex shop.
- 8.2 The fee for the grant, renewal or transfer of a sex establishment licence is currently £2000.
- 8.3 This fee has remained unchanged since at least 2004. Currently there are 2 licensed sex establishments within the Borough.
- 8.4 All applications for the grant or renewal of a sex establishment licence are referred to West Midlands Police Licensing Unit, West Midlands Fire & Rescue Service, Environmental Health Services, and Development Control as part of the consultation process. Local ward councillors are also notified of such applications.
- 8.5 Transfer applications are referred to West Midlands Police Licensing Unit for comment along with any notifications of changes in staff at these premises.
- 8.6 **Appendix 1** details the fees charged by neighbouring authorities.

9.0 Contact Officer

9.1 Steven Knapper, Principal Licensing Officer, Ext 2221