



# Walsall Council

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## REPORT OF THE HEAD OF PUBLIC SAFETY

### TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

20 APRIL 2011

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

#### PART 2, SCHEDULE 3

#### SEX ESTABLISHMENT FEES

#### **1.0 Purpose of Report**

- 1.1 For Members to determine the fee levels to be set for sex establishments which now includes sexual entertainment venues as a new category.

#### **2.0 Recommendations**

- 2.1 That Members consider the report and determine the fee levels to be set for sex establishments i.e. sex cinema, sex shop and sexual entertainment venue.
- 2.2 It is recommended that the following fee levels be considered as reasonable under the terms of the Act for all defined sex establishments.

Grant = £4,500

Renewal = £2,500

Transfer = £1,500

Variation = £1,500

#### **3.0 Financial Implications**

- 3.1 The fee levels that are set must be reasonable under the terms of the Act.
- 3.2 No other implications have been identified. The variation fee is a new permitted charge.

#### **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 1<sup>st</sup> January 1983 Part 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act was adopted by Walsall MBC.

5.3 On the 6<sup>th</sup> April 2011 Walsall MBC adopted the provisions of Schedule 3 to the Act (as amended by section 27 of the Policing and Crime Act 2009) as they relate to the control of sexual entertainment venues.

5.4 Paragraph 19 of the above Act (now amended by 27 of the Policing and Crime Act 2009) states in part that 'An applicant for the grant, variation, renewal or transfer of a licence shall pay a reasonable fee determined by the authority'.

5.5 A variation fee was not previously prescribed to be set, this has now been amended

5.6 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 1<sup>st</sup> January 1983 Part 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act was adopted by Walsall MBC.

8.2 From the 6<sup>th</sup> April 2011 Walsall MBC adopted the provisions of Schedule 3 to the Act (as amended by section 27 of the Policing and Crime Act 2009) as they relate to the control of sexual entertainment venues.

8.3 By adopting this further provision, a fee has to be set for the licensing of

such venues.

- 8.4 A variation fee may also be levied against applications
- 8.5 As the administration of sexual entertainment venue licensing is identical to that of the licensing of other sex establishments (sex shop & sex cinemas) it is proposed that fee level remains the same for all establishments
- 8.6 The fee for the grant, renewal or transfer of a sex establishment licence is currently:
- Grant = £4,500  
Renewal = £2,500  
Transfer = £1,500
- 8.7 These fees were agreed by the Licensing and Safety Committee on the 3<sup>rd</sup> March 2010, no variation fee was at that time required to be prescribed.
- 8.8 In light of this relatively recent increase, no further increases are proposed at this time.
- 8.9 It is suggested that the fee level for variation of a sex establishment licence be set at £1,500
- 8.10 All applications for the grant, renewal or variation 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.
- 8.11 Transfer applications are referred to West Midlands Police Licensing Unit for comment along with any notifications of changes in staff at these premises.
- 8.12 The table below details the fees charged by neighbouring authorities.

Council	Grant (£)	Renewal (£)	Transfer (£)	Variation (£)
Birmingham	9935	5070	1215	5070
Sandwell	2500	2500	1000	1000
Wolverhampton	No	Fees	Set	Yet
Cannock	2830	2430	600	600
Dudley	3386	3386	3386	3386

## **9.0 Contact Officer**

- 9.1 Steven Knapper, Principal Licensing Officer, Ext 2221