

Licensing Committee

29 March 2018

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Sexual Entertainment Venues - Licence Fees 2018/2019

Final Decision-Maker	Licensing Committee
Lead Director	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the Licensing Committee approve the fee levels as set out in paragraph 2.4 of the report for implementation on 1 April 2018.

This report relates to the following Five Year Plan Key Objectives:

- Securing a successful economy for Maidstone Borough
- It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

<i>Meeting</i>	<i>Date</i>
Licensing Committee	29 March 2018

Sexual Entertainment Venues - Licence Fees 2018/2019

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority is required to review the fees set for the administration of the Local Government (Miscellaneous Provisions) Act 1982. This ensures the Council complies with its statutory duty and that the licensing of Sexual Entertainment Venue premises is self financing, in accordance with the Council's Medium Term Financial Plan.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to determine the proposed fees for 2018/2019.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spreadsheet (original produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2.2 The type of tasks involved in Sexual Entertainment Venue premises application include: assistance to applicant, checking of an application upon receipt, processing the application, assessing representations for relevance, undertaking informal mediation, and undertaking site visits where necessary. Once processed, tasks then involve: determining the licence or arranging a hearing and holding a hearing, notification of the decision, preparation and issuing of the licence, updating the records/register, appeal preparation and holding an appeal hearing.
- 2.3 The costs associated with an appeal and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring, which has been entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of the Licensing Partnership.

Proposed Fees

- 2.4 The result of the calculations is that a fee of £4,280 is proposed to cover the cost for a new application or a renewal application. The existing fee is £4,180. The fee for an application to transfer a licence is proposed as £2,090.

3. AVAILABLE OPTIONS

- 3.1 Members may decide to leave the fee levels as they are and not increase the fees to cover the full cost of delivering this function. This would mean there would be a shortfall in income against the budget set for the function. The shortfall would have to be covered from other areas of income within the Licensing Team.
- 3.2 Members may approve the fees as set at in paragraph 2.4.
- 3.3 Members may require a fee higher than the cost of delivering the service. However, the fee is statutorily required to be reasonable and case law indicates that compliance with the EU Services Directive and Regulations requires that only the cost of administering the application and monitoring compliance be included in the fee. If the Council were to exceed this without justification it may be subject to challenge.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members are asked to approve the proposed fees set out in paragraph 2.4 of the report.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The fees will be charged with respect to new applications and existing premises. Existing licensees will be notified at the time of renewal and the new fees will be displayed on the Council’s website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]

Legal	Legal implications are set out in the body of the report.	Jayne Bolas, Solicitor Team Leader (Contentious)
Equality Impact Needs Assessment	No implications have been identified	[Policy & Information Manager]
Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]
Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

None

8. BACKGROUND PAPERS

None