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**Licensing Sub Committee 2 – 25<sup>th</sup> January 2011**

**Report of the Director of Corporate Resources**

**Application for Variance of Fee in relation to a Licence for a Sex Establishment**

**Purpose of Report**

1. For the Committee to consider the application made to vary the fee for a Licence for a Sex Establishment, made by Silks Solicitors on behalf of Bandit Queen Gentlemen's Club, 93, King Street, West Midlands, DY2 8NZ.

**Background**

2. On the 5<sup>th</sup> of July 2010 the Licensing and Safety Committee considered the fee to be charged for a Sex Establishment Licence and resolved that the fee should be £3810.00.
3. At the meeting of the Council on the 19<sup>th</sup> of July 2010 it was resolved with effect from the 1<sup>st</sup> of September 2010, the Council adopt the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as a consequence of the coming into force of Section 27 of the Police and Crime Act 2009 on the 8<sup>th</sup> of April 2010, giving local authorities in England and Wales the power to regulate sexual entertainment venues as sex establishments.
4. On the 23<sup>rd</sup> of July 2010 the two existing premises in the Borough who provide sexual entertainment under the Licensing Act 2003, were written to informing them of the adoption of the amended Schedule and explaining the action they would need to take. (A copy of that letter is attached as appendix 1 to this report).
5. On the 18<sup>th</sup> of August 2010 a further letter was sent to the two relevant premises enclosing an application form for the grant of a Sexual Entertainment Venue Licence. (A copy of that letter is attached as appendix 2 to this report).
6. On the 29<sup>th</sup> of October 2010, a letter was received from Silks Solicitors on behalf of Bandit Queen Gentlemen's Club, setting out their concerns in relation to the required fee of £3810.00 and requesting that these concerns be brought to the attention of the Licensing Sub Committee. (A copy of that letter and the

responses from Mr Holder, Senior Solicitor for the Council is attached as appendix 3 to this report).

7. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.

### **Finance**

8. The Council is only permitted to set licensing fees up to the amount that can be ascertained as being the cost of administering the licensing function. (This does not apply to liquor licensing fees, which are set by the Secretary of State for Culture, Media and Sport). The additional income to be received into the Council following changes laid out in this report of £7,260 per annum does not cause the Council to contravene this rule. It is not possible for the Council to substantiate individual fees in relation to time and costs incurred: therefore fees are set appropriately to the level of service provided. As described in paragraph 11, Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 states that an application for the grant, renewal, variations or transfer of a sex establishment licence shall pay a reasonable fee determined by the appropriate authority.
9. The budget for 2010/11 was presented to the Licensing and Safety Committee on the 24<sup>th</sup> of February 2010, where approval was given to an increase in respect of the fees for licences and consents (other than those where the fees are imposed by statute in respect of liquor licensing, gambling machine permits and lotteries and amusements) of 2%. This included an increase in the cost of renewing sex establishment licences from £3,734.85 to £3,810.00 (which is still significantly lower than 09/10 renewal charges set by both Birmingham City Council and Sandwell MBC of £4970 and £4,680 respectively).

### **Law**

10. Sexual Entertainment Venues are governed by the Local Government (Miscellaneous Provisions) Act 1982.
11. Section 19 of the Act states:- An applicant for the grant, variation, renewal or transfer of a licence under this schedule shall pay a reasonable fee determined by the appropriate authority.

### **Equality Impact**

12. This report takes into account the Council's policy on equal opportunities.
13. The licensing of premises for sexual establishments will not impact on children and young people as they will be unable to attend these premises.

14. There has been no consultation or involvement of children and young people in developing these proposals.

## **Recommendation**

15. That the committee consider, the application for variance of the fee for an application for a Sexual Entertainment Venue in relation to Bandit Queen Gentlemen's Club, as contained in the letter from Silks Solicitors attached to this report as appendix 3.



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DIRECTOR OF CORPORATE RESOURCES

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## **List of Background Papers**