

CARLISLE CITY COUNCIL

Report to:- THE CHAIRMAN AND MEMBERS OF THE REGULATORY
PANEL

Date of Meeting:- 1st June 2011

Agenda Item No:-

Public	Operational	Delegated Yes
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Accompanying Comments and Statements	Required	Included
Cumbria Fire Service	No	No
Cumbria Constabulary	No	No
Environmental Services	No	No

Title:- REVIEW OF CHARGES –
SEX ESTABLISHMENTS

Report of:- ASSISTANT DIRECTOR (GOVERNANCE)

Report reference:- GD 42/11

Summary:

The legislation in respect of Sex Establishments was amended in 2010 to include Sexual Entertainment Venues. The amendment was adopted by Carlisle City Council on 9 November 2010, and will come into effect on 1st June 2011. This report sets out the proposed fees and charges in respect of Sex Establishment licensing. The Regulatory Panel has responsibility for determining the licence fees.

Recommendations:

The Regulatory Panel is asked to agree the charges as set out in para. 2.6 with effect from 1st June 2011.

Contact Officer: Jim Messenger
Irene Powley

Ext: 7025
7269

To the Chairman and Members of the Regulatory Panel 1 June 2011

1. Background

- 1.1 Local authorities regulate sex establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which the City Council adopted on 7 February 1989.
- 1.2 The Licensing Act 2003 brought in a new regime of regulated entertainment which did not take account of 'adult entertainment' and this has created problems in some areas of the country.
- 1.3 Section 27 of The Policing and Crime Act 2009 introduced a new category of sex establishment called 'Sexual Entertainment Venue' (SEV) to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Previously, sex establishments included only sex shops and sex cinemas. The amendment allows local authorities now to regulate lap dancing and similar entertainment.
- 1.4 On 9 November 2010 Carlisle City Council adopted the new legislation and it will come into effect on 1st June 2011.
- 1.5 The current fees for all licences (including sex establishments) were set by the Regulatory Panel on 13 October 2010 to be effective from 1st February 2011. For the previous 20 years we have only had one licensed sex establishment (which is a sex shop).
- 1.6 The legislation does not provide any guidance as to the level of fees. It is open to the licensing authority to determine what a reasonable fee is. That said, the authority is not permitted to profit from the fees it charges – fees should be sufficient to cover the cost of administering the licences.
- 1.7 The fees in respect of sex establishments were set as follows:

Grant	6639.00
Renewal	5639.00
Transfer	1000.00

2 New legislation

- 2.1 With the change in legislation, it is expected that at least one application will be made to be licensed as a sexual entertainment venue. Such premises tend to open for only a limited period and in the majority of cases will also be licensed under the Licensing Act 2003.

- 2.2 Members may consider that in view of the reduced opening hours, other licences held and other avenues of enforcement open to the authority, it would be proportionate to have an alternative fee structure for such premises.
- 2.3 Sex shops operating under this legislation are typically open 9am to 5pm six days per week. This amounts to 48 hours of operation. Sex cinemas and sexual entertainment venues would probably operate for less than half of this time.
- 2.4 Further, when considering this matter, it became apparent that no fee structure is currently in place for variations of such licences. At present, any variation would therefore attract the full fee. It is proposed that a reduced fee would be appropriate, to reflect the lower amount of administration involved.

- 2.4 It is suggested that the following fee structure for sex establishments be put into place with effect from 1st June 2011:

Application for full licence

£6639

Application for reduced licence (up to 24 hours per week licensed hours)

£3320

Renewal (80% of the grant fee)

Variation (50% of the grant fee)

Transfer

£1000

- 2.5 This fee structure recognises the difference in operating between shops, cinemas and SEV's, and also that cinemas and SEV's require an additional licence under the Licensing Act 2003 for entertainment and the sale of alcohol.

2.6 **Recommendation**

It is recommended that the following fee structure be adopted for applications in respect of sex establishments under the Local Government (Miscellaneous Provisions) Act 1982 to take effect on 1st June 2011:

Grant of full licence	£6639
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Grant (up to 24 hours per week licensed hours)	£3320
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Renewal (80% of the grant fee)	
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Variation (50% of the grant fee)	
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Transfer	£1000
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Prepared by:

J A Messenger

Licensing Manager