

COMMUNITY PROTECTION COMMITTEE

DATE 16/03/2022
REPORT OF Sharon Wroot - Executive Director of Environment, Economy and Resources
SUBJECT Sex Entertainment Venues - Fees Review
STATUS Open

CONTRIBUTION TO OUR AIMS

Stronger Community:

- Protecting the community through compliance with requirements of the licensing regime and the conditions of the licences.

Stronger Economy:

- Supporting business through the provision of a fee structure that is based on cost recovery principles

EXECUTIVE SUMMARY

- This report outlines the reasoning behind a review of the Sex Establishment Fees in North East Lincolnshire and proposed a new fee structure.

RECOMMENDATIONS

- That Committee approve the fee structure set out in appendix 1 from April 1st 2022

REASONS FOR DECISION

- To set a legally and financially robust fee regime for Licensed Sex Establishments on a cost recovery basis.

1. BACKGROUND AND ISSUES

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 as amended specifies 3 types of Sex Establishment that require Licensing:

Sexual Entertainment Venue (SEV);

Premises, vessel, vehicle or stall at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer unless an exemption applies.

Relevant entertainment is a live performance and/or live displays of nudity (the exposure of the pubic area, genitals, anus and nipples in the case of a female) and must be provided solely or principally for the purpose of sexually stimulating any member of the audience (one or more members of the public in attendance watching or listening) whether it be verbally or other means.

Sex Cinema;

Premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures concerned with relevant images (the showing of a significant proportion of films classified by the British Board of Film Classification (BBFC) as R18's) unless an exemption applies, detailed in Appendix 1.

Sex Shop;

Premises, vessel, vehicle or stall used for a business and making a profit from consisting to a significant degree by selling, hiring, exchanging, lending, displaying or demonstrating relevant articles. This includes sex articles for sexual activity and/or articles depicting or dealing with sexual activity and other items intended for use in connection with/or for the purpose of stimulating or encouraging sexual activity or that are associated with sexual activity, unless an exemption applies, detailed in Appendix 1.

- 1.2 The Act also states that an applicant for the grant, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

- 1.3 The Provision of Services Regulations 2009 Regulation 18 (4) states that

Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.

- 1.4 The current fee has been reviewed in accordance with the Council's cost recovery model and new fee structure has been proposed (see appendix 1).

- 1.5 There is currently only 1 Sex Establishment licensed by North East Lincolnshire Council:

The Private Shop, 189 Grimsby Road, Cleethorpes.

As such the procedures used for this type of premises have been used to set fees for the other 2 types of premises

- 1.6 The only change to the fee structure has been to amend the Officer hourly rates and adjust the operational hourly rate from £36 to £39.

2. RISKS AND OPPORTUNITIES

- 2.1 There is a risk that if the fee is not set at the correct level there could be a cost to the Council or conversely businesses may be overcharged for the service they receive.

- 2.2 There is a risk that unlicensed establishments may operate illegally if an effective regime and fees structure is not in place.

3. OTHER OPTIONS CONSIDERED

Alternative fees could be set but they would not necessarily be at cost recovery.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

There are potential positive reputational implications in relation to effective implementation of this legislation although the proposed increase in fees may not be well received by some sections of the trade. An action plan has been agreed with the Council's communications service covering information requirements and communication channels to be utilised.

5. FINANCIAL CONSIDERATIONS

The proposal is consistent with the Council's finance strategy in relation to cost recovery.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

No Direct Implications

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

No Direct Implications

8. FINANCIAL IMPLICATIONS

Fees are set in order to fully recover the costs of the service.

9. LEGAL IMPLICATIONS

- 9.1 The Council can set its own fees. The fee must be reasonable and proportionate to recover its costs in the administration of the applications and further costs to ensure compliance.
- 9.2 It is considered best practice to regularly review fees to ensure a robust and transparent cost recovery basis for such fees.

10. HUMAN RESOURCES IMPLICATIONS

No implications.

11. WARD IMPLICATIONS

All Wards

12. BACKGROUND PAPERS

None

13. CONTACT OFFICER(S)

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SHARON WROOT
EXECUTIVE DIRECTOR OF ENVIRONMENT, ECONOMY AND RESOURCES

APPENDIX 1 - PROPOSED SEX ENTERTAINMENT VENUE FEES 2022-2023		
	Current	Proposed
Application for a New Premises Licence	£1755	£1794
Annual Renewal Fee	£1182	£1230
Transfer Application	£1182	£1230