

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING COMMITTEE

Date of Meeting:	7 March 2011
Report of:	Legal Team Leader (Regulatory)
Subject/Title:	Sexual Entertainment Venues - Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as amended)

1.0 Report Summary

- 1.1 The report provides background information in relation to decisions made previously by the Licensing Committee in relation to the regulation of 'sexual entertainment venues' and provides the details of the responses received in relation to the additional consultation exercise on the draft policy.

2.0 Recommendations

- 2.1 The Licensing Committee is requested:
 - 2.1.1 to consider the additional consultation responses received in relation to the draft policy on the licensing of sexual entertainment venues; and to determine the content of the policy.
 - 2.1.2 to determine the fee levels to apply in relation to sexual entertainment venue applications.

3.0 Reasons for Recommendations

- 3.1 On 10th January 2011 the Licensing Committee resolved to recommend to Council that the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'), as amended by section 27 of the Policing and Crime Act 2009 be adopted and shall apply within the Borough of Cheshire East with effect from 4th April 2011. This resolution was made by Council at its meeting on 24th February 2011.
- 3.2 As Members are aware, on 10th January 2011, subject to Council's decision, the Licensing Committee considered the responses received relating to the draft policy on the licensing of sexual entertainment venues. The Committee resolved, subject to a further period of consultation, to make a number of amendments to the policy. The Licensing Committee is requested to consider the responses received and to determine the policy.

- 3.3 At the meeting on 10th January 2011 the Committee requested that a detailed breakdown of the costs involved in the processing of applications for sexual entertainment licences be provided.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change - Health

- 6.1 The report requests that consideration is given to consultation responses received in relation to the policy on the licensing of sexual entertainment venues.

7.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)

- 7.1 Subject to the decision in relation to adoption, the Committee is requested to determine the level of fees to apply to applications in relation to sexual entertainment venues. The legislation provides the Council with the ability to determine a 'reasonable fee' in relation to the grant, renewal or transfer of a sex establishment licence. Further information in relation to fees is set out within paragraph 10.9 of the report to Licensing Committee on 10th January 2011 (attached as Appendix 1) and paragraphs 10.6 of this report.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The legal implications are as those contained within paragraph 8.0 of the report to Licensing Committee on 10th January 2011 (attached as Appendix 1).

9.0 Risk Management

- 9.1 Full and thorough consideration of any consultation responses received would be required to reduce any risk of challenge to any subsequent decisions.

10.0 Background and Options

- 10.1 As Members are aware, on 10th January 2011 the Licensing Committee resolved to recommend to Council that the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'), as amended by section 27 of the Policing and Crime Act 2009 be adopted and shall apply within the Borough of Cheshire East with effect from 4th April 2011. This recommendation was approved by Council at its meeting on 24th February 2011.

- 10.2 Members will also recall that on 10th January 2011 the Licensing Committee considered the consultation responses received in relation to the draft policy on the licensing of sexual entertainment venues. The Committee resolved that a number of amendments be made to the draft policy and that these amendments be subject to a further period of consultation.
- 10.3 Attached as Appendix 2 is a copy of the draft policy with the proposed amendments highlighted in red. Four responses were received during the additional consultation period, which concluded on 21st February 2011.
- 10.4 One of the consultation responses from a member of the public states that the proposed amendments are supported. A copy of the response received from HOPE in North East Cheshire is attached in full as Appendix 3, from David Rutley MP as Appendix 4, and from a further individual member of the public as Appendix 5.
- 10.5 At the meeting on 10th January 2011 details of the consultation responses in relation to the proposed fees were reported (see paragraphs 10.9.1 to 10.9.5 of Appendix 1). The fee levels which were originally proposed were as follows:
- New application: £2,260
Renewal application: £1,130
Transfer: £500
- 10.6 On 10th January the Committee requested that a detailed breakdown of the costs involved in the processing of applications for sexual entertainment licences be provided. Attached as Appendix 6 is a breakdown of the procedural steps which would be undertaken by officers in relation to an application for the grant of a sexual entertainment venue licence. The amount of time taken to complete each procedural step has been estimated based on the experience of Licensing Officers in dealing with similar applications. On the basis of an hourly rate of £60 (which includes on costs and internal recharges) the cost which would be associated with the total time shown (i.e. thirty-eight hours) would be £2,280.
- 10.7 Members are requested to consider the information in relation to fees within Appendix 1 together with the additional information within this report, and to determine the fees to be applicable in relation to (i) new applications; (ii) renewal applications; (iii) transfer applications; and (iv) variation applications.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Background papers:

Home Office Guidance – Sexual Entertainment Venues, Guidance for England and Wales
The European Services Directive: Guidance for Local Authorities
LACORS Guidance on the impact of the Service Directive on council's setting and administering local licence fees within the service sector.

Appendix 1 - Licensing Committee report (10th January 2011)
Appendix 2 – Draft policy (showing amendments in red)
Appendix 3 – Consultation response (HOPE in North East Cheshire)
Appendix 4 – Consultation response (David Rutley MP)
Appendix 5 – Consultation response (member of the public)
Appendix 6 – Breakdown of procedural steps