



City of Westminster

# Committee Agenda

Title: **Licensing Committee**

Meeting Date: **Tuesday 25th February, 2020**

Time: **1.30 pm**

Venue: **Rooms 18.02 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Heather Acton (Chairman)	Jim Glen
Barbara Arzymanow	Louise Hyams
Margot Bright	Tim Mitchell
Rita Begum	Karen Scarborough
Susie Burbridge	Jacqui Wilkinson
Peter Freeman	Aziz Toki
Aicha Less	Maggie Carman
Murad Gassanly	

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.**

**Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting..**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 07817054613**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

**1. MEMBERSHIP**

To report any changes to the membership

**2. DECLARATION OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

**3. MINUTES**

To sign the minutes of the previous meeting held on Friday 10<sup>th</sup> January 2020

**4. SEX ESTABLISHMENT (SEX SHOPS) RETROSPECTIVE FEES FOR 2010/11 TO 2013/14 FOLLOWING SUPREME COURT JUDGEMENT ON WESTMINSTER V HEMMING**

The report provides an overview of the background surrounding the Judicial Review of the council's sex establishment fees and to retrospectively adopt the sex establishment fees, inclusive of the enforcement costs for the years 2010/11 to 2012/13.

(Pages 3 - 34)

**Stuart Love**  
**Chief Executive**  
**17 February 2020**

## Committee Report

Date	<b>25 February 2020</b>
Classification	<b>For General Release</b>
Title or report	<b>Sex Establishment (Sex Shops) Retrospective Fees for 2010/11 to 2012/13 following Supreme Court Judgement on Westminster v Hemming.</b>
Report of	<b>Director of Public Protection and Licensing</b>
Decision maker	<b>Licensing Committee</b>
Wards involved	<b>All</b>
Financial summary	<b>The proposed retrospective fees will enable the council to continue to seek the reimbursement of £1.16M through the Administrative Court from those who are parties to this legal case in addition to the £229,966 overpayment and our legal costs.</b>
Report author and telephone	<b>Mr Kerry Simpkin, Head of Licensing, Place &amp; Investment Policy. Tel: 020 7641 1840</b>

### 1. Executive Summary

- 1.1 The purpose of this report is to provide an overview of the background surrounding the Judicial Review of the council's sex establishment fees and to retrospectively adopt the sex establishment fees, inclusive of the enforcement costs for the years 2010/11 to 2012/13.
- 1.2. The report will briefly explain the current position following the Supreme Court's ruling and the referral to the Administrative Court to argue the sum that should be reimbursed to the council.
- 1.3 The sex establishment fees for the years 2010/11 to 2012/13 were re-set by the Licensing Committee on the 26<sup>th</sup> June 2013. Those fees did not include the enforcement costs. This decision was in response to the Court of Appeal decision that the costs of enforcing against unlicensed sex establishments could not be recovered through a licence fee. This decision was overturned in the Supreme Court.
- 1.4 The next step in this case will be for the council to seek the repayment of most of the restitution it paid to the licensees in June 2013. To achieve this the Licensing Committee are requested to consider and to adopt the retrospective fees as set out in this report for 2010/11 to 2012/13 if the Committee approves the fees in question.

### 2. Recommendations

- 2.1 To note the background of this case and the proposed next steps in seeking the repayment of part of the sum paid out in June 2013 following the now overturned Court of Appeal decision.
- 2.2 To consider and approve the fee levels for the licensing years 2010/11 to 2012/13 as set out in table at paragraph 10.10 of the report.

### **3. Background**

- 3.1 Sex establishments are licensed under the Local Government (Miscellaneous Provisions) Act 1982 (1982 Act). That legislation was enacted, at least in part, as a result of lobbying by the council, which was concerned in the 1970s and 1980s with the proliferation of the sex industry in Soho, and with the inadequacy of the controls in place at the time under planning and licensing legislation.
- 3.2 The 1982 Act originally had two categories of sex establishments. These were sex shops and sex cinemas. Due to London's unique issues two further sex establishment categories were added, sexual encounter premises and hostess bars. In 2012 a further adoptive category was added which was called sexual entertainment venues. If this category was adopted by a council, it would replace the sex encounter establishment category. The council adopted the sexual entertainment venue category in 2011. For the purposes of this report any reference to sex establishments will relate to sex shops.
- 3.3 One of the purposes of the 1982 Act was to confer more power on the licensing authority to control the number of sex establishments in a locality. Under the Act the authority may determine a maximum number of establishments in an area and may refuse to grant more than that number. Westminster has determined such a maximum number for Soho.
- 3.4 The Act provides that a person wishing to operate a sex establishment must apply for a licence, and a licence may be granted for a period of up to one year (when an application for renewal may be made). In Westminster, licences were traditionally granted for an annual period commencing on 1<sup>st</sup> February and expiring on 31<sup>st</sup> January the next year. This meant that any new licences, no matter when they were granted would have an expiry date of the 31<sup>st</sup> January. However, since 2009 Licences were granted for a period of 12 months from the date of grant.
- 3.5 Importantly in this context, the 1982 Act provides  
"An applicant for the grant, variation, renewal or transfer of a licence ... shall pay a reasonable fee determined by the appropriate authority".

### **4. Unlicensed Sex Establishment Enforcement**

- 4.1 Westminster, until relatively recently had a significant issue with unlicensed sex establishments, particularly in and surrounding Soho. There was a perceived need

for additional powers to close these unlicensed sex establishments and if necessary, to seize sex articles from those premises to prevent them reopening.

- 4.2 Accordingly, on the 24<sup>th</sup> July 1996 the City of Westminster Act 1996 (the 1996 Act) came into effect. This local Act provided additional powers to the Council to control unlicensed sex establishments within Westminster. The powers under the Act are unique to Westminster; their existence emphasises the Council's unique situation in the context of the issues it has faced when seeking to regulate sex establishments in the past.
- 4.3 The 1996 Act provided Council Officers with the power to issue closure notices to any premises within Westminster being used as a sex establishment without a licence in breach of the licensing regime under the provisions of the 1982 Act.
- 4.4 Officers had to identify whether premises were operating as an unlicensed sex establishment and then inform the operator that they were required to obtain a licence as they were operating an unlicensed sex establish contrary to the 1982 Act. Most operators who were informed of this did not make an application to become licensed by the Council and therefore enforcement action was necessary.
- 4.5 Officers would visit an unlicensed sex establishment four times, seizing sex articles (pornographic magazines, sex toys, DVD's, etc). These were all catalogued as evidence and all DVD's had to be viewed to ascertain if they were pornography that would require an 18R rating by the British Board of Film Classification.
- 4.6 Once the evidence had been collected to establish that a premises was being used as an unlicensed sex establishment the council would visit the property and issue a closure notice to the person in charge of the premises. This person was often the cashier working at the time and not the owner. The closure notice required the premises to cease trading as an unlicensed sex establishment with immediate effect.
- 4.7 Notwithstanding the use of a closure notice, some unlicensed sex establishments did not reopen as an unlicensed sex establishment at the same premises as those against which the closure notice had been served – rather, they would move to either a different floor within the same building which had a different address or they would move their operation to entirely different premises nearby. The service of closure notices and the subsequent relocation of the unlicensed sex establishments meant that the Council had to maintain high levels of robust enforcement action for many years. This was resource intensive and very costly.
- 4.8 On 5 July 2005 London was named as the host city for the 2012 Olympics. In preparation for the Olympics the Council committed to removing unlicensed sex establishments from Soho. The Council created the Soho Project that, in addition to the targeting and removal of unlicensed sex establishments, was intended to take appropriate action in respect of badly run and other illegal licensed premises.
- 4.9 Accordingly, between 2004 and 2009 the number of unlicensed sex establishments was reduced steadily from 47 in 2004 to 15 in 2009, due to a combination of robust enforcement action by the Council and the fact that the landlord for a number of the

unlicensed sex establishments ended their leases. The closure of the final 15 unlicensed sex establishments was a key priority for the Council and required five dedicated officers to conduct the necessary enforcement visits on these premises. By 2012 the number of unlicensed sex establishments within Soho had dropped to 4.

## **5. The Legal challenge**

- 5.1 An annual fee for a sex establishment licence of £29,102 was set by the Licensing Sub-Committee in September 2004. That fee is obviously very much greater than the fee charged to applicants under other licensing regimes. The fee is high because it includes an element designed to recover the cost to the council of enforcement action taken to close down sex establishments which operate without a licence, and because the number of those granted a licence is small.
- 5.2 In April 2011 Mr Timothy Hemming, trading as Simply Pleasure Ltd, and six other holders of sex establishment licences, began proceedings for a judicial review of the licence fee demanded by the council for the licensing year 2010/11. The claim followed a number of requests made under the Freedom of Information Act for financial data relating to expenditure incurred by the council, and for information about how the fee charged for the years 2005/06 onwards had been decided upon.
- 5.3 The basis of the claim was that no fee had ever been determined for 2010/11, even though an annual fee of £29,102 was demanded of, and paid by, the claimants for each of the sex establishments they operated. The claimants' case was that a reasonable fee should now be determined for 2011/12, and they sought an order requiring the Council to do so.
- 5.4 But it was also the claimants' case that the fee to be determined by the Council should reflect two considerations. The first and most important related to the effect of The Provision of Services Regulations 2009.
- 5.5 On 28 December 2009, The Provision of Services Regulations 2009 (2009 Regulations) came into force. The 2009 Regulations implement the European Services Directive 2006/123/EC. The purposes of the Services Directive are set out in its Recitals, and in general terms are to create a free market for services within the EU, and to promote a competitive market.
- 5.6 Article 4 of the Services Directive sets out the following definition;
- “(6) “authorisation scheme” means any procedure under which a provider or recipient is in effect required to take steps in order to obtain from a competent authority a formal decision, or an implied decision, concerning access to a service activity or the exercise thereof;”
- 5.7 Article 13 deals with authorisation procedures and states;
- “(2) Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges with the applicants may incur from their application shall

be reasonable and proportionate to the cost of the authorisation procedures in questions and shall not exceed the costs of the procedures.”

5.8 In the 2009 Regulations these provisions have been transposed as follows;

Regulation 4 provides

“authorisation scheme” means any arrangement which in effect requires the provider or recipient of a service to obtain the authorisation of, or to notify, a competent authority in order to have access to, or to exercise, a service activity;”

5.9 Part 3 of the Regulations deals with authorisations, and regulation 14 sets out general conditions that must be met in respect of the establishment of such schemes. Regulation 15 sets out requirements for conditions that can be attached for the granting of authorisations. Regulation 15(2) states;

- (1) An authorisation scheme provided for by a competent authority must be based on criteria which preclude the competent authority from exercising its power of assessment in an arbitrary manner.
- (2) The criteria must be—
  - (a) non-discriminatory,
  - (b) justified by an overriding reason relating to the public interest,
  - (c) proportionate to that public interest objective,
  - (d) clear and unambiguous,
  - (e) objective,
  - (f) made public in advance, and
  - (g) transparent and accessible.

5.10 Regulation 18 provides;

18.— Authorisation schemes: general requirements

- (1) Authorisation procedures and formalities provided for by a competent authority under an authorisation scheme must—
  - (a) be clear,
  - (b) be made public in advance, and
  - (c) secure that applications for authorisation are dealt with objectively and impartially.
- (2) Authorisation procedures and formalities provided for by a competent authority under an authorisation scheme must not—
  - (a) be dissuasive, or
  - (b) unduly complicate or delay the provision of the service.
- (3) Authorisation procedures and formalities provided for by a competent authority under an authorisation scheme must be easily accessible.
- (4) 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.

- 5.11 Those acting on behalf of Hemming and others, first and main point was that since the coming into force of the 2009 Regulations, the fee should no longer reflect the costs of enforcement against unlicensed operators, since such costs were not part of the costs of the “procedures and formalities” under the “authorisation scheme”.
- 5.12 Their second point was that because (as is undisputed) the council is not entitled to make a profit out of the fees it charges, the fee to be determined by the council for 2011/12 should reflect the extent to which the fees which the council demanded over the previous years exceeded the costs of administering and enforcing the licensing system. Any surplus which the council should have taken into account should, it was argued, now be passed on to the current licence holders in the fee which should now be set for 2011/12.
- 5.13 The claimants, in addition, made a restitutionary claim on the basis that the council had not determined the appropriate licence fee for the five previous years, i.e. the years ending on 31 January 2007, 31 January 2008, 31 January 2009, 31 January 2010 and 31 January 2011. The demands for licence fees for those five years were therefore said to be unlawful and the claimants sought the return of the sums they paid. It was accepted that they should not be able to recover the whole of the sums they paid for those years. The claim was for the difference between the sums they paid and whatever would have constituted reasonable fees for those years.
- 5.14 When commencing proceedings, the claimants offered to settle the claim on the basis that they would abandon their claims relating to previous years if the council determined a licence fee for 2011/12 leaving out of account the cost of enforcement against unlicensed operators. That offer was not accepted.
- 5.15 The council's response to the claims was (very briefly summarised) that the fee had been lawfully set on an ongoing basis by the Licensing Sub-Committee in 2004, and that officers had, as required by Financial Regulations, reviewed the fee on an annual basis since then, and had not submitted a report recommending the fee be varied because, broadly speaking, income from fees had continued to match expenditure.
- 5.16 In relation to the claim that fees could no longer reflect the cost of enforcement action against unlicensed establishments, the council's position was that when the regulations relied upon by the claimants were interpreted, as they should be, to give effect to the European Directive which they sought to implement, it could be seen that they did not prohibit the recovery of enforcement costs as permitted by long established domestic legislation. This issue is discussed in more detail below.

## **6. The High Court judgment**

- 6.1 The claim was heard in the High Court before Keith J over two days in March 2012, with judgments following in May and June.

- 6.2 By Judgment handed down on 16th May 2012, Keith J concluded that:
- (a). The Council had not determined a licence fee for any year after the year ending 31 March 2006; and
  - (b). Since the coming into force of the 2009 Regulations, the Appellant had not been permitted, when determining the reasonable licence fee for sex establishments, to reflect in the fee which it determines the cost of enforcing the licensing system.
- 6.3 In relation to the first point, the Judge accepted that the council was entitled lawfully to determine a licence fee which rolled over from year to year, and that it was not necessary as a matter of law for there to be a separate decision each year. However, he held that that is not what the council had done. Because of the terms of the report considered by the Licensing Sub-Committee in September 2004, which referred to an "annual" review of licensing fees, the costs to be incurred "in the year ahead", and "the next annual review" in February 2005, he held that the Sub-Committee had decided on a fee only for the one year period 05/06. That meant no fee had been lawfully set for subsequent years.
- 6.4 On the second point, the Judge said:
- "Whatever domestic law had permitted in the past, there had in the future to be, not only a proportionate relationship between the fee which was charged and the cost of the "authorisation procedures", but the fee could not exceed the costs of those procedures. Those procedures are the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed. And when you talk about the cost of those procedures, you are talking about the administrative costs involved, and the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating their compliance with the terms of their licence (in the case of applications for the renewal of a licence). There is simply no room for the costs of the "authorisation procedures" to include costs which are significantly in excess of those costs".
- 6.5 By a second judgment handed down on 12th June 2012 Keith J determined the question of relief and consequences of the Respondents' pre-action settlement offer.
- 6.6 The formal Order made by the Court on 17th June 2012:
- (i) declared that when determining under paragraph 19 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 what is a reasonable fee for the grant or renewal of a licence to operate a sex establishment, the Council had not, since December 2009, been permitted to take into account the cost of investigating and prosecuting persons, firms or companies who operate sex establishments within Westminster without a licence;
  - (ii) ordered the Council to determine a reasonable fee for the years ending 31 January 2007 through to 31 January 2010 for the renewal or grant of a licence

to operate a sex establishment, having regard to the need to carry forward from year to year any previous surpluses or deficits;

- (iii) ordered the council to determine a reasonable fee for the years ending 31 January 2011, 31 January 2012 and 31 January 2013 for the renewal or grant of a licence to operate a sex establishment, having regard to (1) the need to carry forward from year to year any previous surpluses or deficits and (2) the declaration at (i) above; and
- (iv) ordered the council to pay to the claimants for each of the years referred to above the difference between (a) the sums demanded by way of licence fees and paid by the claimants and (b) the sums which the Council determined to be a reasonable fee to operate a sex establishment, such monies to be paid within six weeks of the date of determination;

6.7 The Order also made provision for the payment of interest and costs, pursuant to the learned Judge's decision on the consequences arising from the pre-action offer. The claimants were awarded their costs. Because the council did not accept the pre-action offer, the claimants were awarded costs on an indemnity basis from the date of the offer.

## **7. The Court of Appeal judgment**

- 7.1 The Court of Appeal gave the council permission to appeal the High Court judgment on three grounds. The first ground was that the Court had erred in concluding that on a proper construction of the Services Directive and the Services Regulations the council has not been permitted, since December 2009, to include in the licence fee any costs of investigating and prosecuting persons, firms or companies who operate sex establishments within Westminster without a licence. The second ground related to the costs award – Westminster should not be penalised for not accepting an offer that would not have resolved the issue between the parties, nor for resisting a claim when it was clearly in the wider public interest that the point should be determined. The third ground related to the form of restitutionary relief ordered by Keith J.
- 7.2 The Appeal was heard on 14th January 2013. By Judgement handed down on 24th May 2013, the Court of Appeal dismissed the appeal on 2 grounds but upheld the second ground of appeal concerning the form of restitutionary relief ordered by Keith J. Permission to appeal to the Supreme Court was refused by Order dated 24th May 2013.
- 7.3 By Order dated 24th May 2013, the Court of Appeal varied that High Court Order in part to reflect the council's successful appeal on the form of restitutionary relief and ordered that the council pay 90% of the claimants' costs of the appeal, and that the claimants 10% of the council's costs of the appeal.
- 7.4 The council complied with this order and provided the restitution amount to all of the sex establishment licence holders who had applied or held a licence during the period January 2010 to January 2013. More information on the restitution amount and payments is set out in paragraphs 9.1 to 9.12 below.

## **8. The Supreme Court Judgment**

- 8.1 The Supreme Court gave the council permission to appeal the Court of Appeal's judgement. The council's submission to the Supreme Court was:
- (1) Under domestic law, paragraph 19 [Fees] is wide enough to cover the fees it charged.
  - (2) Under EU law, article 13(2) and regulation 18(4) are concerned only with charges made in respect of authorisation procedures and their cost. The refundable amounts are not a cost of the application but a cost of the application succeeding.
  - (3) Alternatively, if that is wrong, then the "authorisation procedures and formalities" to which article 13(2) refers can be interpreted widely enough to include all aspects of the licensing scheme, including the costs of enforcing the scheme against unlicensed operators, so that the total sum required to be paid with applications can be regarded as a cost of such procedures and formalities.
- 8.2 The Supreme Court held a hearing on the 13<sup>th</sup> January 2015 in which both parties were able to argue their points and refer to the evidence already presented to the court.
- 8.3 On the 19<sup>th</sup> April the Supreme Court laid down its judgement. The Supreme Court held that local authorities are entitled to charge a fee for the management and enforcement of the sex establishment licensing regime, which will include the costs of enforcement against unlicensed operators. The Supreme Court was clear that local authorities could charge a fee (Type A) to cover the cost of the administration of the licence application at the time when the application was made, and a further fee could be charged to cover the management and enforcement of the regime only if the application was successful.
- 8.4 However, the Supreme Court had a remaining concern about the impact of the Service Directive on the timing of when the enforcement element of any fee can be charged. This related to a fee recovery scheme that required both the fee for the administration of the licence application and the fee for the management and enforcement of the licensing regime to be paid upon application. The fee for the management and enforcement of the licensing regime would be refundable if the application was not granted. This fee scheme was defined as Type B and was the approach that the council has taken for all licensing regimes in the past. Therefore, the Supreme Court referred the question on the lawfulness of a Type B scheme to the Courts of Justice of the European Union (CJEU).
- 8.5 On the 16<sup>th</sup> November 2016 the CJEU held that a Type B scheme would be unlawful as a matter of European Union Law.

8.6 On the 11<sup>th</sup> May 2017 the Supreme Court held its last hearing on this matter. The Council sought an order for the repayment by the licensees of the sum of £1,417,246 that had been returned to the licensees in July 2013 following the decision of the Court of Appeal. Counsel for Hemming and the other licensees argued that in light of the CJEU judgement and that the council had been operating a Type B scheme it was not entitled to be repaid the sums that had been returned to the licensees for the management and enforcement costs for the period 2010/11, 2011/2012 and 2012/2013).

8.7 The Supreme Court rejected the licensee's argument and stated that:

*The scheme which the council operated was only defective in so far as it required payment up front at the time of the application. Its invalidity was limited. Contrary to the respondents' [i.e. Hemming and Others'] case, European law permits a fee to cover the costs of running and enforcing the licensing scheme becoming due upon the grant of a licence.*

*... Here the council was entitled to set and to require payment of a fee including enforcement costs as well as processing costs applicable to all those who, like the licence holders, actually received licences and benefitted by the council's enforcement action. Although it was wrong to charge the element of this fee relating to enforcement costs conditionally at the time of any licence application, this element was under the scheme due unconditionally once a licence was granted. As we said in our previous judgment (para 23): "When the application succeeds, the payment made becomes due unconditionally".*

And on this basis held that:

*in so far as the council has determined a reasonable fee, including enforcement costs, there is no answer to the council's claim to be paid or repaid it now.*

8.8 The Supreme Court judgement requires Hemming and the other licensees that were party to these proceedings to repay the Council the money paid out to them in 2013 following the Court of Appeals decision, which was overturned.

8.9 Both parties remain in dispute over the quantification regarding the precise amount that must be repaid to the council. Therefore, the Supreme Court has ordered that these disputes are determined by a judge in the Administrative Court.

## **9. 2013 restitution following Court of Appeal Judgement.**

9.1 The Court of Appeal made an order on the 23<sup>rd</sup> May 2013 requiring the council to determine a reasonable fee, excluding in enforcement costs as that was deemed unlawful at the time for the licensing years starting 1st February to 31st January for 2010/11, 2011/12 and 2012/13. In determining the fee for the Licensing year 2010/11 the Council had to take account of any surplus or deficit from the previous years starting with 2005/06. In addition, the council had to apply interest to any surplus amount that was to be repaid as prescribed within the judgement. The requirements

of the order had to be determined before the 1st July 2013 and any reimbursements made to those parties to the Judicial Review by the 1st August 2013.

- 9.2 Officers carried out a full review of the licence fees to comply with the Court of Appeal's order. A report entitled "Sex Establishment (Sex Shops) Fees for 2010/11 to 2013/14 and restitution amounts following a Court Order" was put before the Licensing Committee at a hearing on the 26<sup>th</sup> June 2013.
- 9.3 The report set out the requirements as set out in the Court of Appeal's Order. These four requirements were:
- 9.3.1 Excess A - Determine a reasonable fee for new and renewal applications for the licensing year 1<sup>st</sup> February 2010 to 31<sup>st</sup> January 2011 having regard to any surpluses or deficits, the costs permitted to be taken into account as part of that lawful fee, the sum already paid by applicants and licensees during that licensing year and reimburse the applicant and licensees the surplus amount.
- 9.3.2 Excess B – Determine a reasonable fee for new and renewal applications for the licensing year 1<sup>st</sup> February 2011 to 31<sup>st</sup> January 2012 having regard to the costs permitted to be taken into account as part of that lawful fee and provide a reimbursement of the surplus between the fees already paid during that period and the new fee.
- 9.3.3 Excess C – Determine a reasonable fee for new and renewal applications for the licensing year 1<sup>st</sup> February 2012 and 31<sup>st</sup> January 2013 having regard to the costs permitted to be taken into account as part of that lawful fee and provide a reimbursement of the surplus between the fees already paid during that period and the new fee.
- 9.3.4 Interest – Interest is to be paid on each Excess A, B and C as set out below:
- Excess A – 1% over base rate per annum until 18<sup>th</sup> April 2011, 10% over base rate per annum from 18<sup>th</sup> April 2011 to 16<sup>th</sup> May 2012 and 8% over base rate per annum from 16<sup>th</sup> May 2012 until payment.
- Excess B – 1% over base rate per annum until 18<sup>th</sup> April 2011, 10% over base rate per annum from 18<sup>th</sup> April 2011 until 16<sup>th</sup> May 2012 and 8% over base rate per annum from 16<sup>th</sup> May 2012 until payment.
- Excess C – 10% over base rate per annum from the 1<sup>st</sup> February 2012 until payment.
- 9.4 The report set out the calculated surplus that the council held between 2005/06 and 2009/10, the recalculated fee levels for licensing years 2010/11, 2011/12 and 2012/13 and the interest applied to them as specified in the order. The table below sets out the total surplus, interest and restitution amounts payable to all of the licence holders during that period.

Financial Years	Excess Element	Number of licences		Surplus	Interest	Restitution Amount
		New	Renewal			
2005/06	Excess A	1	19	111,236	£143,542	£775,923
2006/07		1	18	£98,237		
2007/08		0	16	£43,696		
2008/09		1	16	-£12,500		
2009 – 31 <sup>st</sup> Jan 2010		0	15	-£32,800		
2010/11		0	15	£424,512		
1011/12	Excess B	1	12	£352,185	£74,658	£426,843
2012/13	Excess C	1	10	£186,758	£27,722	£214,481
Total				£1,171,324	£245,922	
Total restitution						£1,417,246

9.5 It is important to note that the sum of £1,417,246 relates to the restitution amount for all operators who held a licence during the specified period. The total amount of restitution that was payable to the parties involved in the Judicial Review was £1,187,280.

9.6 The report set out the proposed 2010/11 to 2012/13 fees for new and renewal applications for a sex establishment. These fees (shown in the table below) only covered the councils costs associated with the authorisation procedure.

Licensing Year	New Application	Renewal Application
2010/11	£2,718	£2,051
2011/12	£2,595	£1,962
2012/13	£2,877	£2,684

9.7 The Licensing Committee agreed on the 26<sup>th</sup> June 2013 to agree recalculated licence fees for the years 2010/11 to 2013/14. The Sub-Committee also noted the requirement of the Court Order in providing restitution to licensed operators.

9.8 On the 28<sup>th</sup> June 2013 the council paid the restitution amount to the solicitor, acting on behalf of Hemming and the other parties to the original Judicial Review. Unfortunately, due to an administrative error the total restitution for all licence holders, £1,417,246 was paid to those solicitors. The actual sum that should have been paid was £1,187,280, which meant that the council had overpaid them by £229,966.

9.9 On realising the error Officers immediately contacted the solicitors acting on behalf of Hemming and others. However, they disputed the restitution amounts that were put before the Committee on the 26<sup>th</sup> June 2013. Whilst correspondence between the council and the parties to the Judicial Review continued, the issue remained and still remains unresolved leaving the additional £229,966 in the hands of the solicitors in question.

9.10 After much correspondence between both parties, the solicitors acting on behalf of their clients stated that they would be willing to return £88,815 of the overpayment amount. This was in the basis that it was their belief that their clients were entitled to

an additional £141,151 on top of the £1,187,280 that had been decided upon by the council. This additional £141,151 was the sum that the solicitors had calculated as the surplus generated in 2004/2005 by the council and the interest relating to it. The council did not agree as the Court Order was very clear about the years that were within the scope of the Appeal Court's Decision. As a result, no money has yet been returned to the council. This overpayment is now part of the continuing legal case and it is the council's intention to pursue the reimbursement of the full overpayment in the forthcoming hearing in the Administrative Court.

- 9.11 Following a review of the fees in preparation for the forthcoming Administrative Court hearing it was identified that the overpayment amount stated needed to be revised down slightly due to a correction identified in the interest calculation relating to renewed licences in 2012/13. The original interest amount was stated at £2,106 per licence rather than £2,383. It should be noted that the amount actually paid to the claimants in relation of this calculation was correct, and that the minor error was purely made in the calculation of the request for repayment being too high by £2,498.
- 9.12 The Council did not contest the decision of the Appeal Court that the council did not set a reasonable fee for each of the licence years 2005/06 to 2009/10 which resulted in a restitution amount of £207,869.
- 9.13 The council are seeking the total repayment of £1,169,857 in the forthcoming Administrative Court proceedings. This represents the repayment of the enforcement costs and interest for the 2010/11 to 2012/13 licence years as well as the overpayment. The council will also seek the payment of our costs associated with this court case.

## **10. Proposed Fees**

- 10.1 The Supreme Court's decision overturns the High Court and Court of Appeal judgements relating to the council recovering the costs of enforcement in respect of unlicensed operators from licensees.
- 10.2 It is necessary to retrospectively set the sex establishment licence fees for new and renewal applications for the period 2010/11 to 2012/13 so as to include the reasonable enforcement costs that the council were legally entitled to charge.
- 10.3 In calculating the fees for these periods officers had referred to the costs associated with the relevant parts and have set the fees that covered the costs associated with them. To meet the requirements of the EU Service Directive and the Supreme Court's ruling the fees must be split into two parts. Part A is for the costs associated with the authorisation of the licence which includes both the authorisation process itself and the compliance visits associated with each licence application. Part B is for the costs of the enforcement measures in respect of both licensed and unlicensed sex establishment operators. The full cost calculations for the sex establishment licence fees for 2010/11 to 2012/13 are set out in Appendix 1 to this report.

10.4 The table below are the total costs associated with the sex establishment licences for 2010/11 to 2012/13. The table also shows the split between the authorisation and enforcement costs part of our audited accounts (see column 9 of Appendix 1).

	2010/11	2011/12	2012/13
Authorisation	£30,765	£26,139	£29,707
Enforcement	£430,665	£365,092	£181,258
Total Costs	£461,430	£391,231	£210,965

10.5 The costs for the authorisation and compliance element of the fee (Part A) has been calculated based on the officer time and the hourly rate for the officers involved in the process of considering and determining each licence application. The tables showing the officers involved in the process, their cost, and the time assigned for that element of the process for 2010/11 to 2012/13 is attached to this report as Appendix 2.

10.6 The enforcement costs for the years 2010/11 and 2011/12 have been calculated from the total costs incurred by premises enforcement as set out in Appendix 3 to this report. Premises enforcement (Licensing Inspectors) undertook both application/licence compliance visits as well as enforcement action against illegal operators. The cost for compliance, which would sit within the Part A fee therefore needed to be removed to enable the enforcement element of the fee to be set. Officers took the total cost of premises enforcement for that year and then removed the compliance costs. The enforcement costs were then divided by the total number of licences issued for that year. To demonstrate this process the calculations below show how this was undertaken for 2010/11 fees.

A. Total cost premises enforcement cost = £467,443.

B. Compliance cost (£1202 x 15 licences) = £18,030.

C. Adjustment due to two inspections visits not being undertaken (£1250 x 15) = £18,750

Calculation: A – (B + C) = £430,663 ÷ 15 = £28,711

10.7 In calculating the retrospective licence fee for 2012/13 officers originally considered using the same model as that used for 2010/11 and 2011/12. The premises enforcement costs for 2012/13 was £391,164. There were 11 licences issued that year and therefore the total cost for compliance was £13,640. There was no need for any adjustment that year for inspections visits that were not carried out. On that basis, the enforcement element of the fee (Part B) would have been £32,440 per licence (based on 11 licences).

10.8 However, on the 5<sup>th</sup> January 2012 the Licensing Urgency Sub-Committee actually considered and determined the sex establishment fees for 2012/13. The report entitled “Sex Establishments Licensing Fees [2012/13] Review” set out the anticipated cost of £248,056 for the compliance visits in respect of the existing 14 licensed premises and for enforcement in respect of illegal operators. The fee for the compliance and enforcement element of the licence fee was accordingly set at £17,718 per licence (based on 14 licensed premises).

- 10.9 In calculating the retrospective fees the actual cost and number of licences for 2012/13 are now known. At the time when the Licensing Urgency Sub-Committee determined the fees in January 2012 these figures were unknown and could only be estimated. However, as the Licensing Urgency Sub-Committee had agreed the enforcement fees at the time, following legal advice officers have adhered to the calculations used for enforcement within the January 2012 Licensing Urgency Sub-Committee report and decision. Accordingly, the cost of enforcement (Part B) for 2012/13 has been calculated as £16,478 per licence. This means that the council has accrued a deficit of £175,582 being the difference between the fees agreed by the Sub-Committee in January 2012 and the actual costs which are now known. As a matter of law and good practice accrued deficits can be recovered through the process of setting future licence fees for current and future licence holders.
- 10.10 The two tables below set out the precisely calculated and proposed Part A and Part B fee levels for new sex establishment applications and for sex shop renewal applications. This fee is required in order to recover the council's costs in relation to this licensing regime for the years in question.

New Sex Shop Applications					
Licensing Year (1 <sup>st</sup> Feb to 31 <sup>st</sup> Jan)	Part A Authorisation		Part B Enforcement	Total fee (all parts)	Number of issued licences
2010/2011	£1,516	£1,202	£29,961	£32,679	0
2011/2012	£1,433	£1,162	£28,084	£30,679	1
2012/2013	£1,637	£1,240	£16,478	£19,355	1

(See columns 3, 4 and 7 of Appendix 1)

Renewal of Sex Shop Applications					
Licensing Year (1 <sup>st</sup> Feb to 31 <sup>st</sup> Jan)	Part A Authorisation		Part B Enforcement	Total fee (all parts)	Number of issued licences
2010/2011	£849	£1,202	£28,711	£30,762	15
2011/2012	£800	£1,162	£28,084	£30,046	12
2012/2013	£1,443	£1,240	£16,478	£19,161	10

(See columns 3, 4 and 7 of Appendix 1)

## 11. Legal Implications

- 11.1 The Legal implications are set out in the body of this report. The Licensing Committee is asked to consider and to adopt retrospectively the fee levels as set out above in this report for 2010/11 to 2012/13 if the Committee approves the fees in question. This will enable the council to proceed with the application to the Administrative Court as directed by the Supreme Court in order to secure final orders from the Court precisely quantifying and ordering the return of the total sums to be

repaid to the council by each of the claimants in this matter, including the said sum of £229,966 erroneously paid to the claimants' solicitors as explained above.

## **12. Staffing Implications**

12.1 There are no staffing implications as a result of this report.

## **13. Equalities Impact Assessment**

13.1 The council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in Section 149 of the Equality Act 2010 in relation to persons who have protected characteristics. If the Committee resolve to approve the recommendations in this report, they will not have any adverse or negative effect/impact on persons with any of the protected characteristics.

## **Appendices**

Appendix 1 – 2010/11, 2011/12 and 2012/13 Fee calculations

Appendix 2 – Time and costs of process for the Authorisation and Compliance (Part A) element of the sex establishment fees for 2010/11, 2011/12 and 2012/13.

Appendix 3 – 2010/11 to 2012/13 Enforcement Costs

**If you have any queries about this report or wish to inspect any of the background papers, please contact:**

Mr Kerry Simpkin, Head of Licensing, Place & Investment Policy  
Policy, Performance and Communications  
Tel: 020 7641 1840, Email: [ksimpkin@westminster.gov.uk](mailto:ksimpkin@westminster.gov.uk)

## **Background Papers**

- Local Government (Miscellaneous Provisions) Act 1982
- City of Westminster Act 1996
- Sex Establishments Licensing Fees [2012/13] Review – Licensing Urgency Sub-Committee Report 5<sup>th</sup> January 2012
- Licensing Urgency Sub-Committee Decision – 5<sup>th</sup> March 2012
- Sex Establishment (Sex Shops) Fees for 2010/11 to 2013/14 and restitution amounts follow Court Order - Licensing Committee Report Wednesday 26<sup>th</sup> June 2013
- Sex Establishment (Sex Shops) Fees for 2010/11 to 2013/14 and restitution amounts following Court Order Supplemental report – Licensing Committee report Wednesday 26<sup>th</sup> June 2013
- The Hemming Judgement – Outcome and Implications Report – Licensing Committee Report Wednesday 26<sup>th</sup> June 2013
- Licensing Committee Hearing Decision – Wednesday 26<sup>th</sup> June 2013



This page is intentionally left blank

## Part A - Authorisation and Licence Management Costs 2010-11

			Licensed Sex Shop/Sex Cinema/Hostess Bar			
			New		Renewal	
Team	Officer	Steps	Time	Cost	Time	Cost
Licensing	E451000/2	Pocessing	180	£145.33	115	£92.85
	E451000/2	Enquiries/Licence Management	15	£12.11	15	£12.11
	E451000/3	Process to Determination	600	£631.10	360	£378.66
	E451000/3	Enquiries/Licence Management	35	£36.81	40	£42.07
	E451000/4	Quality Assurance and Direction	35	£47.01	35	£47.01
	E451000/4	Enquiries/Licence Management	60	£80.59	120	£161.17
	<b>Total time/cost per application (minutes/£)</b>			<b>925</b>	<b>£952.95</b>	<b>685</b>
Technical Support	E451000/2	Processing	5	£4.04	5	£4.04
	E451000/3	Allocation	10	£10.52	10	£10.52
	E451000/4	Quality Assurance	5	£6.72	5	£6.72
<b>Total time/cost per application (minutes/£)</b>			<b>20</b>	<b>£21.27</b>	<b>20</b>	<b>£21.27</b>
EH Consultation Team	EH3	Assess	20	£17.98	10	£8.99
	EH3	History Check	20	£17.98	10	£8.99
	EH3	Site Visit	240	£215.70	0	£0.00
	EH3	Response	30	£26.96	15	£13.48
	EH3	Clearance Visit	90	£80.89	0	£0.00
	EH3	Clearance Memo	20	£17.98	0	£0.00
	EH3	LSC	60	£53.93	30	£26.96
	EH3	Uniform Input	20	£17.98	15	£13.48
	EH4	Quality Assurance	40	£46.72	0	£0.00
	EH4	Management Time	20	£23.36	0	£0.00
	EH5	Strategic management - licensed	15	£21.92	15	£21.92
	<b>Total time/cost per application (minutes/£)</b>			<b>575</b>	<b>£541.39</b>	<b>95</b>
Licensing Inspectors	LI3	Application processing	0	£0.00	0	£0.00
	LI4	Management advice - processing	0	£0.00	0	£0.00
	LI3	Enforcement activity	780	£819.09	780	£819.09
	LI3	Unlicensed enforcement activity	0	£0.00	0	£0.00
	LI4	Management advice - enforcement	120	£194.00	120	£194.00
	LI5	Strategic management - licensed	117	£189.15	117	£189.15
	LI5	Strategic management - unlicensed	0	£0.00	0	£0.00
<b>Total time/cost per application (minutes/£)</b>			<b>1017</b>	<b>£1,202.24</b>	<b>1017</b>	<b>£1,202.24</b>

Processing Costs Per Licence
Actual Costs Of Monitoring
<b>Total Part A Fee</b>

<b>£1,516</b>
<b>£1,202</b>
<b>£2,718</b>

<b>£849</b>
<b>£1,202</b>
<b>£2,051</b>

This page is intentionally left blank

Part A - Authorisation and Licence Management Costs 2011-12

Licensed Sex Shop/Sex Cinema/Hostess Bar	
New	Renewal

Team	Officer	Steps	Time	Cost	Time	Cost	
Licensing	E451000/2	Pocessing	180	£136.81	115	£87.41	
	E451000/2	Enquiries/Licence Management	15	£11.40	15	£11.40	
	E451000/3	Process to Determination	600	£594.14	360	£356.48	
	E451000/3	Enquiries/Licence Management	35	£34.66	40	£39.61	
	E451000/4	Quality Assurance and Direction	35	£44.26	35	£44.26	
	E451000/4	Enquiries/Licence Management	60	£75.87	120	£151.73	
	<b>Total time/cost per application (minutes/£)</b>			<b>925</b>	<b>£897.13</b>	<b>685</b>	<b>£690.89</b>
Technical Support	E451000/2	Processing	5	£3.80	5	£3.80	
	E451000/3	Allocation	10	£9.90	10	£9.90	
	E451000/4	Quality Assurance	5	£6.32	5	£6.32	
	<b>Total time/cost per application (minutes/£)</b>			<b>20</b>	<b>£20.02</b>	<b>20</b>	<b>£20.02</b>
EH Consultation Team	EH3	Assess	20	£17.13	10	£8.56	
	EH3	History Check	20	£17.13	10	£8.56	
	EH3	Site Visit	240	£205.52	0	£0.00	
	EH3	Response	30	£25.69	15	£12.85	
	EH3	Clearance Visit	90	£77.07	0	£0.00	
	EH3	Clearance Memo	20	£17.13	0	£0.00	
	EH3	LSC	60	£51.38	30	£25.69	
	EH3	Uniform Input	20	£17.13	15	£12.85	
	EH4	Quality Assurance	40	£44.52	0	£0.00	
	EH4	Management Time	20	£22.26	0	£0.00	
	EH5	Strategic management - licensed	15	£20.88	15	£20.88	
	<b>Total time/cost per application (minutes/£)</b>			<b>575</b>	<b>£515.84</b>	<b>95</b>	<b>£89.39</b>
	Licensing Inspectors	LI3	Application processing	0	£0.00	0	£0.00
LI4		Management advice - processing	0	£0.00	0	£0.00	
LI3		Enforcement activity	780	£778.75	780	£778.75	
LI3		Unlicensed enforcement activity	0	£0.00	0	£0.00	
LI4		Management advice - enforcement	120	£194.00	120	£194.00	
LI5		Strategic management - licensed	117	£189.15	117	£189.15	
LI5		Strategic management - unlicensed	0	£0.00	0	£0.00	
<b>Total time/cost per application (minutes/£)</b>			<b>1017</b>	<b>£1,161.90</b>	<b>1017</b>	<b>£1,161.90</b>	

Processing Costs Per Licence
Actual Costs Of Monitoring
Total Part A Fee

£1,433
£1,162
£2,595

£800
£1,162
£1,962

This page is intentionally left blank

Part A - Authorisation and Licence Management Costs 2012-13

Licensed Sex Shop/Sex Cinema/Hostess Bar	
New	Renewal

Team	Officer	Steps	Time	Cost	Time	Cost
Licensing	E451000/2	Pocessing	180	£140.26	115	£89.61
	E451000/2	Enquiries/Licence Management	15	£11.69	15	£11.69
	E451000/3	Process to Determination	600	£609.12	360	£365.47
	E451000/3	Enquiries/Licence Management	35	£35.53	40	£40.61
	E451000/4	Quality Assurance and Direction	35	£45.37	35	£45.37
	E451000/4	Enquiries/Licence Management	60	£77.78	480	£622.24
	<b>Total time/cost per application (minutes/£)</b>			<b>925</b>	<b>£919.76</b>	<b>1045</b>
Technical Support	E451000/2	Processing	5	£3.90	5	£3.90
	E451000/3	Allocation	10	£10.15	10	£10.15
	E451000/4	Quality Assurance	5	£6.48	5	£6.48
	<b>Total time/cost per application (minutes/£)</b>			<b>20</b>	<b>£20.53</b>	<b>20</b>
EH Consultation Team	EH3	Assess	20	£18.03	10	£9.01
	EH3	History Check	20	£18.03	10	£9.01
	EH3	Site Visit	240	£216.33	0	£0.00
	EH3	Response	30	£27.04	15	£13.52
	EH3	Clearance Visit	90	£81.12	0	£0.00
	EH3	Clearance Memo	20	£18.03	0	£0.00
	EH3	LSC	60	£54.08	30	£27.04
	EH3	Uniform Input	20	£18.03	15	£13.52
	EH4	Quality Assurance	40	£46.86	0	£0.00
	EH4	Management Time	20	£23.43	0	£0.00
	EH5	Strategic management - licensed	120	£175.85	120	£175.85
	<b>Total time/cost per application (minutes/£)</b>			<b>680</b>	<b>£696.82</b>	<b>200</b>
Licensing Inspectors	LI3	Application processing	0	£0.00	0	£0.00
	LI4	Management advice - processing	0	£0.00	0	£0.00
	LI3	Enforcement activity	780	£856.99	780	£856.99
	LI3	Unlicensed enforcement activity	0	£0.00	0	£0.00
	LI4	Management advice - enforcement	120	£194.00	120	£194.00
	LI5	Strategic management - licensed	117	£189.15	117	£189.15
	LI5	Strategic management - unlicensed	0	£0.00	0	£0.00
	<b>Total time/cost per application (minutes/£)</b>			<b>1017</b>	<b>£1,240.14</b>	<b>1017</b>

Processing Costs Per Licence	£1,637	£1,443
Actual Costs Of Monitoring	£1,240	£1,240
<b>Total Part A Fee</b>	<b>£2,877</b>	<b>£2,684</b>

This page is intentionally left blank

## 2010/11 to 2012/13 Sex Establishment Fee Calculations

Recalculation following Supreme Court decision with reference to the total actual costs of running the sex licensing scheme as per annual audited accounts

Column	1	2	3	4	5	6	7	8	9
Financial Years	New	Renewals	Authorisation Costs (Per Licence)	Licence monitoring and compliance cost (Per licence)	Part A - Total Cost for Authorisation and Licence Compliance (Per licence)	Enforcement Cost Adjustment*	Part B - Total costs of enforcement (Per Licence)	Fee Per Licence (Parts A and B)	Total Fee Income based on all licences
2010 - 2011	0		£1,516	£1,202	£2,718		£29,961	£32,679	£0
2010 - 2011		15	£849	£1,202	£2,051	-£1,250	£28,711	£30,762	£461,430
2011 - 2012	1		£1,433	£1,162	£2,595		£28,084	£30,679	£30,679
2011 - 2012		12	£800	£1,162	£1,962		£28,084	£30,046	£360,552
2012 - 2013	1		£1,637	£1,240	£2,877		£16,478	£19,355	£19,355
2012 - 2013		10	£1,443	£1,240	£2,683		£16,478	£19,161	£191,610
									<b>£1,063,626</b>

Please note that for the 2010 - 2011 New application fee, the enforcement costs has been taken from the actual cost for the enforcement undertaken during that period for each licence that was in operation. As no new licence applications were submitted this fee is being set for completeness

\* Adjustment made in licensees favour for 2010-11 because of quarterly adjustment visits not carried out (two out of four visits were carried out).

This page is intentionally left blank

## Enforcement Costs 2010 - 2011

RECHARGE FROM		E719600	
		PREMISES ENFORCEMENT	
TOTAL RECHARGE OUT		-1,797,858	
Cost Centre		%	£
E363000	FOOD TEAM		
E364000	HEALTH & SAFETY		
E751000	TRADING STANDARDS BU		
E364001	FUNERALS & MORTUARY BU		
E365000	PEST CONTROL BU		
E366000	RESIDENTIAL BU		
E361000	CONSULTATION		
E364002	ENVIRONMENTAL SCIENCE		
E719600	PREMISES ENFORCEMENT		
E367000	NOISE/OUT OF HOURS		
E411002	GREEN PARK		
E411003	BAYSWATER		
E411004	NOTTINGHILL CARNIVAL		
E411005	CHINESE FESTIVAL		
E411006	CHURCH ST & BELL ST		
E411007	BERWICK STREET		
E411008	RUPERT STREET		
E411009	STRUTTON GROUND		
E411010	TACHBROOK STREET		
E411013	ISOLATED PITCHES W1/WC2		
E411014	TEMPORARY EVENTS		
E411200	ISOLATED PITCHES NON W1/WC2		
E411300	UNLICENSED STREET TRADING		
E411500	TABLE AND CHAIRS	15%	269,679
E411600	LEIC SQUARE PORTRAIT ARTIST		
E433000	MESSAGE & SP TREATMENT	7%	116,861
E437000	GAMBLING ACT	10%	179,786
E438000	MARRIAGE ACT (CEREMONI		
E441000	LICENSING ACT POST SAD	43%	764,090
E451000	SEX LICENSING	26%	467,443
E471000	LOUDSPEAKER CONSENT		
COPROT	TOTAL RECHARGES IN		1,797,858
	CLEANSING		
	COPROT	100%	1,797,858

This page is intentionally left blank

Enforcement Costs 2011 - 2012

RECHARGE FROM		E719600 PREMISES ENFORCEMENT	
<b>TOTAL RECHARGE OUT</b>		<b>-1,672,891</b>	
Cost Centre		%	£
E363000	FOOD TEAM		
E364000	HEALTH & SAFETY		
E751000	TRADING STANDARDS BU		
E364001	FUNERALS & MORTUARY BU		
E365000	PEST CONTROL BU		
E366000	RESIDENTIAL BU		
E361000	CONSULTATION		
E364002	ENVIRONMENTAL SCIENCE		
E719600	PREMISES ENFORCEMENT		
E367000	NOISE/OUT OF HOURS		
E411002	GREEN PARK		
E411003	BAYSWATER		
E411004	NOTTINGHILL CARNIVAL		
E411005	CHINESE FESTIVAL		
E411006	CHURCH ST & BELL ST		
E411007	BERWICK STREET		
E411008	RUPERT STREET		
E411009	STRUTTON GROUND		
E411010	TACHBROOK STREET		
E411013	ISOLATED PITCHES W1/WC2		
E411014	TEMPORARY EVENTS		
E411200	ISOLATED PITCHES NON W1/WC2		
E411300	UNLICENSED STREET TRADING		
E411500	TABLE AND CHAIRS	9%	152,081
E411600	LEIC SQUARE PORTRAIT ARTIST		
E431000	OTHER GEN LICENSING		
E433000	MASSAGE & SP TREATMENT	9%	152,081
E437000	GAMBLING ACT	5%	76,040
E438000	MARRIAGE ACT (CEREMONI		
E441000	LICENSING ACT POST SAD	55%	912,486
E451000	SEX LICENSING	23%	380,202
COPROT	TOTAL RECHARGES IN		1,672,891
	PLANNING		
	Special Events		
	Other		
	CLEANSING		
COPROT		100%	1,672,891

This page is intentionally left blank

Enforcement Costs 2012 - 2013

RECHARGE FROM		E719600		
		PREMISES ENFORCEMENT		
TOTAL RECHARGE OUT		-1,721,121		
Cost Centre		%		£
E363000	FOOD TEAM			
E364000	HEALTH & SAFETY			
E751000	TRADING STANDARDS BU			
E364001	FUNERALS & MORTUARY BU			
E365000	PEST CONTROL BU			
E366000	RESIDENTIAL BU			
E361000	CONSULTATION			
E364002	ENVIRONMENTAL SCIENCE			
E719600	PREMISES ENFORCEMENT			
E367000	NOISE/OUT OF HOURS			
E411002	GREEN PARK			
E411003	BAYSWATER			
E411004	NOTTINGHILL CARNIVAL			
E411005	CHINESE FESTIVAL			
E411006	CHURCH ST & BELL ST			
E411007	BERWICK STREET			
E411008	RUPERT STREET			
E411009	STRUTTON GROUND			
E411010	TACHBROOK STREET			
E411013	ISOLATED PITCHES W1/WC2			
E411014	TEMPORARY EVENTS			
E411200	ISOLATED PITCHES NON W1/WC2			
E411300	UNLICENSED STREET TRADING			
E411500	TABLE AND CHAIRS	15%	9%	156,466
E411600	LEIC SQUARE PORTRAIT ARTIST			
E431000	OTHER GEN LICENSING			0
E433000	MASSAGE & SP TREATMENT	7%	9%	156,466
E437000	GAMBLING ACT	10%	5%	78,233
E438000	MARRIAGE ACT (CEREMONI			
E441000	LICENSING ACT POST SAD	43%	55%	938,793
E451000	SEX LICENSING	26%	23%	391,164
COPROT	TOTAL RECHARGES IN			1,721,121
	PLANNING			
	Special Events			
	Other			
	CLEANSING			
COPROT		100%	100%	1,721,121

This page is intentionally left blank