



## Response to Request for Information

Reference      FOI 0715109  
Date            21 July 2015

### *Simply Pleasure*

#### Request and response in 'blue':

We are making the following requests by way of pre-action disclosure and pursuant to the Freedom of Information Act 2000:

- 1      Schedule 3 paragraph 19 of the Local Government (Miscellaneous Provisions) Act 1982 permits an authority to determine a reasonable fee for applications and renewals. In respect of each of the licensing years commencing in 2009 to 2015:
  - (a)    Please state who precisely determined the application fee fro a licence to operate a sex establishment. If the fee was determined by a person, state their identity and the office they hold. If the fee was determined by a committee, identify the committee?  
*All fees for sex establishment licences are determined by the Council's Licensing Committee.*
  - (b)    Please state the date of determination?  
*Fees are determined annually.*
  - (c)    Please state the legal authority of that person or committee to determine the fee? Please produce all standing orders or other documents confirming such authority?  
*The legal authority delegating the setting of fees and charges to the Licensing Committee is stated within the Council's constitution.*
  - (d)    Please confirm each and every fact, matter and calculation taken into account in determination of the fee?  
*Fees are calculated on full cost recovery. This includes administration of the application process, governance costs, the compliance regime for inspecting premises and investigating complaints of non-compliance at premises.*
  - (e)    Please produce all relevant documents (including but not limited to reports, accounts, memoranda and correspondence) which were before the decision-maker or which were taken into account in the determination

of the fee?

All relevant information relating to the setting of fees in relation to sex establishment licences is produced in each fees and charges report presented to the Licensing Committee for determination.

- (f) Please identify all persons within or outside of the Council who were consulted or who commented on the proposed level of the fee. Produce all correspondence or notes of communications with or from such persons, including Councillors and other officers.

The last public consultation for this area was In 2011, the Council consulted on their sex establishment licensing policy, this included information on fees and the fee structure.

- 2 Please state what fee was determined for each year?

We can confirm that the department holds information that you have asked for in relation to the above. However, the information is exempt under section 21 of the FOI Act because it is reasonably accessible.

The fees determined for each year from 2009 to 2015 can be found within the reports to Licensing Committee. Copies of all the reports detailed and all the information requested within 1, a to f, and 2, above is in the public domain and available on the Council's website –

<https://wolverhamptonintranet.moderngov.co.uk/uuCoverPage.aspx?bcr=1>)

Section 21(1) of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 21 by reading the extract from the Act, available at: <http://www.legislation.gov.uk/ukpga/2000/36/section/21>