

**LICENSING COMMITTEE – 17<sup>TH</sup> MARCH 2008**

**GAMBLING ACT – TEMPORARY USE NOTICE FEES AND CHARGES.**

Report of the: Community and Planning Services Director

Status: For Decision

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**Executive Summary:**

This report sets out details of the proposed fees for a Temporary Usage Notice as defined by Part 9 of the Gambling Act 2005.

The regulations were subsequently introduced by the Gambling Act 2005 (Temporary Use Notices) Regulations 2007 which were made on 1<sup>st</sup> November 2007 and were to have effect from 1<sup>st</sup> December 2007.

The fees were first set for all other premises and notices at the Licensing Committee on 30<sup>th</sup> May 2007. The same fee model has been used to work out the proposed fee for a Temporary Usage Notice Appendix A.

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**This report supports the Key Aim of safe communities**

**Portfolio Holder** Cllr. Loney

**Head of Service** Head of Environmental and Operational Services – Mr. Richard Wilson

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**Recommendation:** It be RESOLVED that, subject to the approval of the Council acting as the Licensing Authority, that:

- (a) the fee payable under Section 219(3)(b) of the Gambling Act 2005 shall be set at £180.00 (Application fee); and
  - (b) the fee payable under Section 227(6)(a) of the Gambling Act 2005 shall be set at £10.50 (Copy of notice).
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**Background**

- 1 Part 9 of the Gambling Act 2005 made provision for the temporary use of premises for the purposes of gambling. Any person holding an Operating Licence issued by the Gambling Commission could be enabled to give notice of the temporary carrying on of gambling activities without it being an offence under the Act. The activity was dependant upon the release of further regulations. The regulations were subsequently introduced by the Gambling Act 2005 (Temporary Use Notices) Regulations 2007 which were made on 1<sup>st</sup> November 2007 and were to have effect from 1<sup>st</sup> December 2007.

**Item No. 3**

- 2 The Act allows a temporary use notice (TUN) to be issued to allow premises to be used for gambling where there is no premises licence, but where an operator wishes to use the premises temporarily for providing facilities for gambling. A TUN can be authorised by licensing authorities to entitle a person or company holding an operating licence granted by the Commission to provide gambling facilities for a maximum period of 21 days within a calendar year.
- 3 The regulations provide licensing authorities with the power to set fees in respect of Temporary Use Notices. The Licensing Committee was delegated authority to perform the functions of the licensing authority under Section 212 of the Gambling Act 2005 in respect of the determination of licence fees and charges by the Council at its meeting of 22<sup>nd</sup> May 2007. The permitted fees are in connection with the receipt of a Temporary Use Notice and for the replacement of a lost or stolen notice.

**Key Implications**

Financial

- 4 The fees proposed in the report have been established to cover the cost of providing the licensing service functions in respect of Temporary Use Notices required by the Gambling Act 2005 so that the service is provided at no cost to the authority. Break down of proposed fees are in Appendix A

Legal, Human Rights etc.

- 5 The relevant statutory provisions state that the Council shall aim to ensure that the income from the fees referred to in this Report as nearly as possible equates to the costs of providing the service to which the fees relate (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

Equality

- 6 Equality is not effected by the setting of a Temporary Usage Notice

**RISK ASSESSMENT STATEMENT**

- 7 The process of setting the proposed fees for premises licence fees for premises used for gambling is essential to ensure that operational costs are recovered and if no decision is taken, the Council budgetary objectives are unlikely to be met.

**Sources of Information:**

Licensing Committee 30 May 2007 – (Setting of fees for Gambling Act 2005)

<http://www.culture.gov.uk>

<http://www.gamblingcommission.gov.uk>

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