

**GAMBLING ACT 2005 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT
1982: LICENCE FEES 2015/2016**

Licensing Committee – 2 February 2015

Report of the: Chief Officer Environmental and Operational Services

Status: For Decision

Also considered by: Council – 17 February 2015

Key Decision: No

This report supports the Key Aim of Safe Communities to aid in the reduction of crime within the District.

Portfolio Holder Cllr. Ms Lowe (Housing and Community Safety)

Contact Officer(s) Claire Perry Ext: 7325 / 07970 731616

Recommendation to the Licensing Committee: That Full Council is recommended to approve the appropriate fee levels as set out in appendix A.

Recommendation to Council: That subject to the comments of the Licensing Committee, the fees set out in appendix A are approved.

Reason for recommendation: to ensure that the Council complies with its statutory duty and ensure that the Gambling licensing service remains self-financing, in accordance with the Council's Service and Budget Plan. The Gambling Act fees were first set at the Licensing Committee on 30 May 2007, (with the same fee model being used to work out the proposed fee for the forthcoming year using a 3.5% inflation factor in accordance with the Council's Budget Plan with rounding to "5" and "0" for the respective fee).

Introduction and background to Gambling Fees

1. The Gambling Act 2005 Section 212 gives the Secretary of State power to make regulations prescribing the fees payable to the Licensing Authority. It also gives the power to devolve to Licensing Authorities in England and Wales the freedom to set fees for premises licence applications, subject to any constraints the Secretary of State may prescribe which includes a maximum fee level. The government has decided that for England and Wales, Licensing Authorities will determine their own fees for gambling premises licences but that the Secretary of State will prescribe the maximum fee payable for each category of licence.
2. The maximum levels have been included in Appendix A in brackets for comparison purposes. The previous years fees are printed in italics for your information. Those cells that are shaded in the body of the table are where we have reached the maximum fee level that may be set.

3. There is an initial fee to cover the cost of application and an annual “maintenance” fee.
4. Licensing Authorities have been asked to set fees to ensure full cost recovery and that the fee levels represent fairness and value for money for the gambling industry. All Licensing Authorities must set their fees upon a cost recovery basis only and will be required to review their fee levels on an annual basis to ensure this.
5. Fees must be set for all types of premises licences and Temporary Use Notices (TUN’s).

Premises type

- Casinos
 - Bingo
 - Betting (off-course)
 - Tracks (on-course betting)
 - Adult Gaming Centres
 - Family Entertainment Centres
6. Fees must be set by each Licensing Authority for the following:
 - Application for a (new) premises licence
 - Application to vary a premises licence
 - Application to transfer the licence
 - Application for re-instatement of the premises licence
 - Application for a provisional statement
 - Application for a premises licence for a premises which already has a provisional statement
 - Fee to accompany a request for a copy of the premises licence
 - Fee to accompany a notification of change of circumstances (only relevant change is that of address)
 - Fee to accompany a temporary use notice
 7. The District currently has seven betting premises that will be affected by the proposed fee increases. There are no other gambling premises currently operating in the District. The betting premises are:

- a. William Hill – Swanley
- b. Betfred – Swanley
- c. Ladbrokes – Swanley
- d. Coral – Sevenoaks
- e. Coral – Sevenoaks
- f. Coral – Sevenoaks
- g. Coral - Edenbridge

Sexual Entertainment Venue Fees

8. The fees have been calculated by examining the ‘time’ it takes to carry out the various tasks and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity. For each application the processes involved are identified and the costs of each process are calculated and entered in to the spread sheet, which produces an average cost for each type of application and an annual fee.
9. The type of tasks involved in premises application for example, include, assistance to applicant, the checking of an application for completeness when received, checking all required documents are attached, processing the application fee, check, process, bank and reconcile payments, entering the information into our computer system (including scanning), contacting the applicant to clarify application or chase missing information if required, assess representations for relevance, undertake informal mediation, undertaking site visits where necessary. Once processed determining the licence or arranging a hearing, holding a hearing, notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing.
10. The costs associated with appeals and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring is entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of our partners within the Licensing Partnership.
11. The result of the calculations is that it is recommended a fee of £3,000 is set for an initial application, a transfer or a renewal application. This Authority has not been increased since 2010. The existing fee is £2,960.

Other Options Considered and/or Rejected

12. If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council’s Service and Budget Plan or ensure the licensing of Gambling and Sexual Entertainment Venue premises was self-financing.

Key Implications

Financial

The cost of licence fees takes into account the need to maintain a ‘self financing’ position for the service. The proposals contained in this report will achieve this.

The current number of premises that will be subject to Gambling Act 2005 fees is seven betting shops, whose annual fees will generate £3,780. There are no Sexual Entertainment Venues within the District.

Legal, Human Rights etc.

Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a judicial review proceeding. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

Appendix A – Gambling Act Fees

Background Papers:

None

Mr Richard Wilson

Chief Officer Environmental and Operational Services