

## **GAMBLING ACT 2005: LICENCE FEES FROM APRIL 2018**

**Licensing Committee - 10 January 2018**

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Also considered by: Council - 20 February 2018

Key Decision: No

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

**Portfolio Holder** Cllr. Anna Firth (Legal and Democratic Services)

**Contact Officer** Sharon Bamborough, Ext. 7325 / 07970 731616

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**Recommendation to the Licensing Committee:**

That Full Council be 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.

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**Reason for recommendation:** to ensure that the Council complies with its statutory duty and ensure that the licensing of Gambling premises is self financing, in accordance with the Council's Service and Budget Plan. A fees model, similar to the one used to first set the Gambling Act fees in 2007 was used.

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### **Introduction and Background**

- 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 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 six 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:

- William Hill – Swanley
- Betfred – Swanley
- Ladbrokes – Swanley
- Coral – St. John’s Hill, Sevenoaks
- Coral – London Road, Sevenoaks
- Coral - Edenbridge

8 The fees have been calculated by examining the time it takes to carry out the various tasks in processing the application 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.

6 The type of tasks involved in Gambling premises application include assistance to applicant, checking of an application upon receipt, processing the application, assess representations for relevance, undertake informal mediation, undertaking site visits where necessary. Once processed determining the licence or arranging a hearing and holding a hearing, notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing.

7 The costs associated with an appeal 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.

8 The result of the calculations is set out in Appendix A of the report. There are three figures for each licence type/fee. The figure in bold font is the new proposed fee, the figure in brackets is the maximum fee set by the legislation and the figure in italics is the existing fee. Those cells that are shaded in the body of the table are where we have reached the maximum level of fee that can be set.

#### **Other Options Considered and/or Rejected**

9 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 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 six betting shops, whose annual fees will generate £3,474.

### Legal Implications and Risk Assessment Statement.

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 Assessment

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

### **Background Papers**

None

**Mr Richard Wilson**

**Chief Officer Environmental and Operational Services**