

GAMBLING ACT 2005: LICENCE FEES FROM APRIL 2020

Licensing Committee - 7 January 2020

Report of Chief Officer Planning & Regulatory Services

Status: For approval

Key Decision: No

Executive Summary:

The Council need to demonstrate that the fees it charges for such licences and permits issued under the Gambling Act 2005, have been set in accordance with the law and best practice, so as to recover its allowable costs.

Fees should be set so as to avoid either a surplus or a subsidy where possible and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.

This report sets out the revised fees and charges for licences and associated items, which it is proposed should be made with effect from 1 April 2020.

This report supports the Key Aim of sustainable economy.

Portfolio Holder Cllr. Margot McArthur

Contact Officer Michael Moss, Ext. 7364

Recommendation to Licensing Committee

That it be recommended to approve the level of fees and charges with effect from 1 April 2020 as set out in **Appendix A**.

Reason for recommendation: To ensure the Council complies with its statutory duty and ensures the licensing of gambling premises is self-financing.

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 year's 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 licence and Temporary Use Notices (TUNs):

Premises Types:

- Casino
 - Bingo
 - Betting Office (off-course)
 - Tracks (on-course betting)
 - Adult Gaming Centers
 - Family Entertainment Centers
- 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 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.
- 9 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.
- 10 The fees have been set for 2020-2021 to include the current inflation rate from the base fee originally set by Sevenoaks District Council. This has led to a slight decrease in the fees proposed.

Other options considered and/ or rejected

- 11 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

Despite the proposed reduction in fees for gambling premises, there will be no specific financial implications resulting from this report. The fees which have been proposed will be adequate to cover the costs of running the service and will not result in a deficit.

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

Section 149(1) of the Equality Act 2010 requires that, in exercising its functions public sector bodies to have 'due regard' to the need to -

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Foster good relations between people who share a relevant 'protected characteristic' and those who do not;
- Advance equality of opportunity between people who share a relevant 'protected characteristic' and those who do not.

Assessing the potential impact on equality of proposed decision, changes to policies, procedures and practices is one of the key ways in which the Council can demonstrate that they have had 'due regard'. Assessing impact on equality should be tailored to, and be proportionate to, the decision(s) being made.

Officers have considered the impact of the proposals contained in this report and consider that there would be no, or very limited adverse or disproportionate impact on those who share a protected characteristic. This will be kept under review as part of the Council's ongoing duty.

Appendices

Appendix A - Gambling Act 2005 Fees

Background Papers:

None

Richard Morris

Chief Officer Planning & Regulatory Services