

GAMBLING ACT 2005: LICENCE FEES FROM APRIL 2022

Licensing Committee - 11 January 2023

Report of: Chief Officer, Planning & Regulatory Services

Status: For consideration and decision

Key Decision: Yes

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: Jessica Foley Ext. 7480

Recommendation to Licensing Committee:

That it be recommended to approve the level of fees and charges with effect from 1 April 2023 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 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. 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 2023-2024 to include a 5% increase. This is reflective of the projected service running costs increasing by this amount.

Other options Considered and/or rejected

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.

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.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Appendices

Appendix A - Gambling Act 2005 Fees

Background Papers

None

Richard Morris
Chief Officer Planning and Regulatory Services