

Licensing Committee

25 January 2016

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Gambling Act 2005: Licence Fees 2016/2017

Final Decision-Maker	Licensing Committee
Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer/Report Author	Claire Perry, Licensing Partnership Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the Licensing Committee approve fee levels as set out in Appendix A of the report for implementation on 1 April 2016.

This report relates to the following Five Year Plan Key Objectives:

- Great Place

It is proposed to set fees which enable the authority to be self-financing with respect to this service.

Timetable

Meeting	Date
Licensing Committee	28 January 2016

Gambling Act 2005: Licence Fees 2016/2017

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The authority is required to review the fees set for the administration of the Gambling Act 2005. This ensures the Council complies with its statutory duty and that the licensing of Gambling premises is self-financing, in accordance with the Council's Financial Strategy.
 - 1.2 A fees model, similar to the one used to first set the Gambling Act fees in 2007, was used to determine the proposed fees for 2016/2017.
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2. INTRODUCTION AND BACKGROUND

- 2.1 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.
- 2.2 The government has decided that for England and Wales, Licensing Authorities will determine their own fees for gambling premises licence but that the Secretary of State will prescribe the maximum fee payable for each category of licence.
- 2.3 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.
- 2.4 There is an initial fee to cover the cost of application and an annual fee due every year.
- 2.5 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.
- 2.6 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

2.7 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

2.8 The Borough currently has eighteen gambling premises that will be affected by the proposed fee increases. The premises are:

1	Jenningsbet	6 Senacre Square, Maidstone	Betting Premises
2	Paddy Power	9 Gabriels Hill, Maidstone	Betting Premises
3	William Hill	70 - 72 Week Street, Maidstone	Betting Premises
4	Coral Racing Ltd	97 High Street, Maidstone	Betting Premises
5	Betfred	2 - 4 Middle Row, Maidstone	Betting Premises
6	Betfred	Flat 3, Mid Kent Shopping Centre, Castle Road, Maidstone	Betting Premises

7	Ladbrokes	Subway Unit 3 Hermitage Walk, Hermitage Lane, Maidstone	Betting Premises
8	Jenningsbet	78 Week Street, Maidstone	Betting Premises
9	William Hill	429 Willington Street, Maidstone	Betting Premises
10	Coral	Granada House, Gabriels Hill, Maidstone	Betting Premises
11	Coral	1 The Parade, Staplehurst	Betting Premises
12	Coral	1 Church Road, Tovil	Betting Premises
13	Coral	Valence House, Sutton Road, Maidstone	Betting Premises
14	Cashino	74 Week Street, Maidstone	Adult Gaming Centre
15	Cashino	74 Week Street, Maidstone	Adult Gaming Centre
16	Quicksilver	15 Earl Street, Maidstone	Adult Gaming Centre
17	Road Chef	Maidstone Motorway Service Area, M20 J8 Slip Coastbound Off	Adult Gaming Centre
18	Gala Club	Lower Stone Street, Maidstone	Bingo Club

2.9 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 spreadsheet (originally produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity.

- 2.10 The type of tasks involved in Gambling premises application include: assistance to applicant, checking of an application upon receipt, processing the application, assessing representations for relevance, undertaking informal mediation, undertaking site visits where necessary. Once processed, types of task include: determining the licence or arranging a hearing and holding a hearing, notification of the decision, preparation and issuing of the licence, updating the records/register, appeal preparation, holding an appeal hearing and visits to ensure compliance.
- 2.11 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, which has been entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of the Licensing Partnership.

Proposed Fees

- 2.12 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.

3. AVAILABLE OPTIONS

- 3.1 Members may decide to leave the fee levels as they are and not increase the fees to cover the full cost of delivering this function. This would mean there would be a shortfall in income against the budget set for the function. The shortfall would have to be covered from other areas of income within the Licensing Team.
- 3.2 Members may approve the fees as set at in Appendix A.
- 3.3 Members may require a fee higher than the cost of delivering the service. However, the fee is statutorily required to be reasonable and case law indicates that compliance with the EU Services Directive and Regulations requires that only the cost of administering the application and monitoring compliance be included in the fee. If the Council were to exceed this without justification it may be subject to challenge.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 To approve the fees set out in Appendix to ensure that the fee income reflects the cost of providing the service.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The fees will be charged from 1st April 2016 with respect to new applications, and existing premises will be sent invoices prior to the date the annual fee for the premises is due. They will be published on our website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Impact on Corporate Priorities	No implications have been identified	[Head of Service or Manager]
Risk Management	No implications have been identified	[Head of Service or Manager]
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	[Section 151 Officer & Finance Team]
Staffing	No implications have been identified	[Head of Service]
Legal	Legal have not reviewed this report prior to publishing.	
Equality Impact Needs Assessment	No implications have been identified	[Policy & Information Manager]
Environmental/Sustainable Development	No implications have been identified	[Head of Service or Manager]
Community Safety	No implications have been identified	[Head of Service or Manager]
Human Rights Act	No implications have been identified	[Head of Service or Manager]
Procurement	No implications have been identified	[Head of Service & Section 151 Officer]

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Maidstone Borough Council's Gambling Act 2005 – Fees

1 April 2016 – 31 March 2017

8. BACKGROUND PAPERS

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

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