

Committee: FULL COUNCIL

Agenda Item

Date: April 17, 2007

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Title: FEES FOR PREMISIES LICENCES UNDER THE
GAMBLING ACT 2005

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Item for decision

Summary

1. Under the Gambling Act 2005 the local authority will start to receive applications for conversions of existing premises licences with effect from 21 May 2007. Under the Act fees are to be fixed by the local authorities on a cost recovery basis within limits set by the Secretary of State. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 were laid before Parliament on 21 February 2007 and come into force on 21 May 2007.

Recommendations

2. (i) That for the first 12 months of operation of the Gambling Act 2005 the Council fixes the fees at the maximum level permitted by the statutory instrument.
(ii) That the power to fix licensing fees for subsequent years be delegated to the Licensing Committee
(iii) That there be a review of the fee levels at the end of the first year of the operation of the Act.

Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - The Gambling Act 2006
 - The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007

Impact

4.

Communication/Consultation	The Government consulted widely on the proposed fee levels before making the regulations
Community Safety	None.

Equalities	None.
Finance	Due to the limited number of premises licences required in the district there will be the generation of a modest income for the Council.
Human Rights	None.
Legal implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

5. Unlike the Licensing Act 2003, the Gambling Act requires licensing authorities to set their own fees in respect of applications for premises licences under the Act. This is subject to 2 caveats, firstly the fee should be set on a cost recovery basis and secondly that in any event the fees should not exceed the limits set out by the Secretary of State in a statutory instrument.
6. Fixing fees under the Act is not automatically delegated to the Licensing Committee, unlike most other functions of the authority under the legislation. However, setting fees is a function which can be delegated to the Licensing Committee.
7. The Regulations have only just been published setting out the maximum fees. It is anticipated that all premises within the district which are currently licensed will qualify for a fast track application, the maximum fee for which is £300.
8. There is currently no experience which will assist in gauging the amount of work which will be involved in dealing with premises licences. It is therefore not possible at this stage to assess what the cost of administering licences would be. To ensure that the Council does not suffer a loss and that the licensing functions under the Act are not subsidised by the Council Tax payer the fees for the first year should be set at the maximum with a review at the end of the first 12 months to ascertain what fee levels will be required for future years to ensure that costs are being met.