

Licensing Committee

4 December 2018

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

Yes

Gambling Act 2005: Licence Fees 2019/2020

Final Decision-Maker	Licensing Committee
Portfolio Holder(s)	Councillor Dr Ronen Basu, Sustainability Portfolio Holder
Lead Director	Paul Taylor, Director of Change and Communities
Head of Service	Gary Stevenson, Head of Housing, Health & Environment
Lead Officer/Report Author	Sharon Degiorgio, Senior Licensing Officer
Classification	Non-exempt
Wards affected	ALL

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

1. That the Licensing Committee approves fee levels as set out in Appendix A of the report for implementation on 1 April 2019.

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

- A Prosperous Borough.

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

Timetable

Meeting	Date
Licensing Committee	4 December 2018

Gambling Act 2005: Licence Fees 2019/2020

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 where admissible, in accordance with the Council's Medium Term 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 2019/2020.
-

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. Fees for Gaming Machine Permits and Temporary Use Notices are set by statute.
- 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. The approach taken this year has been to limit any increase to an inflationary increase on last year's fees where eligible.

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 11 betting premises that will be affected by the proposed fee increases. The betting premises are:

1	Coral 14/02620/GAPRE	33 Mount Pleasant Road, Royal Tunbridge Wells	Betting Premises
2	Coral 14/00594/GAPRE	33 High Street, Cranbrook	Betting Premises
3	Coral 13/03695/GAPRE	2A Camden Road, Royal Tunbridge Wells	Betting Premises
4	Coral 07/00757/GAMBLE	21 Grosvenor Road, Royal Tunbridge Wells	Betting Premises
5	William Hill 12/04431/GAPRE	9 Grosvenor Road, Royal Tunbridge Wells	Betting Premises
6	William Hill 07/00753/GAMBLE	39 Mount Pleasant Road, Royal Tunbridge Wells	Betting Premises
7	Betfred 11/02370/GAPRE	42 Rusthall High Street, Rusthall	Betting Premises
8	Coral 17/01061/GAPRE	11 Commercial Road Paddock Wood	Betting Premises
9	Betfred 11/02369/GAPRE	41 Commercial Road, Paddock Wood	Betting Premises
10	Betfred 07/00824/GAMBLE	54 Calverley Road, Royal Tunbridge Wells	Betting Premises
11	Betfred 07/00823/GAMBLE	73 – 75 St. Johns Road, Royal Tunbridge Wells	Betting Premises

- 2.9 The fees were originally 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 into a spreadsheet (originally produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity.
- 2.10 The various 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, various tasks 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 and holding an appeal hearing.
- 2.11 During the last 12 months the team have undertaken compliance inspections to all the gambling premises within the borough. At the time of the inspections all were demonstrating a high level of compliance.
- 2.12 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 our partners within the Licensing Partnership.
- 2.13 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.
- 2.14 There are no Gambling Premises licences issued for any other type of gambling premises within the Borough.
-

3. AVAILABLE OPTIONS

- 3.1 Members may decide not to apply an increase where able to and leave the fee unchanged however this would result in an under recovery of costs which would have to be absorbed by the overall budget. 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.
-

REFERRED OPTION AND REASONS FOR RECOMMENDATIONS

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

4. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 4.1 The fees will be charged from 1 April 2019 from the date of the Committee decision 4 December 2018 with respect to new applications, and existing premises will be sent invoices prior to the date the annual fee for the premises is due. The revised fees will be published on the Councils' website.
-

5. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Legal including Human Rights Act	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 judicial review proceedings. 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.	Robin Harris, Senior Lawyer (Contentious) Mid Kent Legal Services 12.11.18
Finance and other resources	It is necessary for the Council to deliver a balanced budget and cover the costs of providing this service.	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Staffing establishment	No issues identified. This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service.	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Risk management	No issues identified. This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service.	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Data Protection	No issues identified. This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service.	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Environment and sustainability	No issues identified. This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service.	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Community safety	No issues identified. This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service.	Sharon Degiorgio, Senior Licensing Officer

		12.11.18
Health and Safety	No issues identified. This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service.	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Health and wellbeing	No issues identified. This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service.	Sharon Degiorgio, Senior Licensing Officer 12.11.18
Equalities	No issues identified. This report is limited to reviewing and setting of fees to contribute towards the recovery of costs of the service.	Sharon Degiorgio, Senior Licensing Officer 12.11.18

6. REPORT APPENDICES

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

- Appendix A: Tunbridge Wells Borough Council's Gambling Act 2005 – Fees
1 April 2019 – 31 March 2020

7. BACKGROUND PAPERS

Full Council 23 May 2007 – (Setting of fees for Gambling Act 2005)

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

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