

REPORT TO COUNCIL

REPORT OF: Environmental Protection Service Manager

REPORT NO.: ENV380

DATE: 6 SEPTEMBER 2007

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| TITLE: | GAMBLING ACT 2005 – FEES PROPOSAL |
| FORWARD PLAN ITEM: | YES |
| DATE WHEN FIRST APPEARED IN FORWARD PLAN: | In Forward Plan published 16 th August 2007 |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | POLICY FRAMEWORK PROPOSAL |

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| COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION: | COUNCILLOR RAY AUGER | |
| CORPORATE PRIORITY: | M – STATUTORY FUNCTION | |
| CRIME AND DISORDER IMPLICATIONS: | NONE | |
| FREEDOM OF INFORMATION ACT IMPLICATIONS: | This report is publicly available via the Local democracy link on the council's website: www.southkesteven.gov.uk | |
| INITIAL EQUALITY IMPACT ASSESSMENT | Carried out and appended to report? Not Applicable | Full impact assessment required? No |
| BACKGROUND PAPERS: | ENV 354 | |

1. INTRODUCTION

The Gambling Act 2005 (Premises Licence Fees Regulations, The Regulations) provides a wide range of fees for applications under the Act. The fees are prescribed in the legislation and are set by Central Government. In some cases the legislation allows each licensing authority to set fees within the maximum allowed by the legislation. Those fees must be set on a cost recovery basis

This report is submitted to the Council for consideration, approval and publication.

2. RECOMMENDATIONS

That the Council adopts the proposed fee structure for 2007/2008 as set out in appendix 1 attached, and future fees are reviewed within the Regulations and the Council's budgetary processes.

3. DETAILS OF REPORT

The Gambling Act 2005 creates a premise licence regime for a range of gambling premises, the responsibility for which lies with local authorities. This process is not the same as with fees set under the Licensing Act 2003, under which Central Government sets all fees under that Act.

The following categories of premises are:

- Casinos
- Bingo premises
- Adult gaming centres
- Family entertainment centres
- Betting shops

The Regulations set a maximum limit and require local authorities to ensure that the fees properly reflect local costs in administering the gambling premises licensing regime and that local gambling businesses do not provide general income for licensing authorities. The fees proposed in Appendix 1 are anticipated to meet the cost of delivering this service.

There are at present 17 licensable premises in the district, all of which have applied for premises licences under the Act. These consist of 1 bingo hall, 12 bookmakers and 4 arcades, (2 in Grantham, 1 in Stamford town centres). The fourth is situated on the A1 service area outside Grantham. All of these are operated as part of national or local chains.

By way of consultation, personal visits have been made to each of the premises and letters sent to all of the operator's head offices, to publicise the proposed fees and encourage their views. The fees have also been placed on the Council's web site. There have been no responses received at this point in time.

The cost of the service includes the processing and grant of applications, together with the cost of inspecting such premises. All of the premises have made use of the "fast-track" procedure and it is unlikely that there will be much involvement for the Licensing Committee at this stage.

The gambling industry is heavily controlled by legislation and rarely creates problems. With the above factors in mind, the fee levels have been set to reflect the use of the 'fast track application procedure' and the low level of risk-based enforcement action that will be undertaken by the Council, as the Licensing Authority.

In an attempt to estimate the costs involved, guidance has been sought from The Department of Culture Media and Sport's template fees exercise. The licensing team have worked with the Council's Accountancy Service to calculate the likely costs involved. A formal "benchmarking" exercise has also been carried out with 3 of the local authorities in the County Licensing Group, with consultation with the remaining Lincolnshire Authorities so as to ensure parity of the fees.

The fee levels for 2007/08 proposed in appendix 1 have been set to recover the anticipated costs associated with running this service. Any changes to resourcing requirements over the next 12 months will be considered, and if necessary, fee levels will be revised for 2008/09.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

The Act requires and makes provision for the setting of premises fees by local authorities. Those fees are set to a maximum and on a cost recovery basis, which was subject to a costing exercise. This has been done and there is no other option.

5. COMMENTS OF SECTION 151 OFFICER

I confirm I have been consulted regarding the setting of the proposed fees and can confirm a full cost recovery approach has been taken. The proposed fees and associated budget income did not form part of the budget setting proposals for 2007/08 (CHFR35) and so will require incorporation into the revised budget if approved.

6. COMMENTS OF MONITORING OFFICER

The Regulations set maximum fees which can be charged for each application for a premises licence. It is for the Council to set the actual fee payable by applicants.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

None

8. CONCLUSION/SUMMARY

The fees costing exercise is now complete and meets the legislative requirements of the Gambling Act and Central Government advice. Consultation has taken place with those likely to be involved and the report now awaits approval from the full Council.

Every effort has been made to comply with the legislation and set fees that are acceptable to the gambling businesses in the district, whilst at the same time cover the cost of the service.

9. CONTACT OFFICER

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Appendix 1

SOUTH KESTIVEN DISTRICT COUNCIL

PROPOSED FEES FOR GAMBLING ACT 2005

| Licence type | Proposed Fee 2007 – 2008 £ | Maximum fee in Regulations 2006 £ |
|--|--|---|
| Bingo Premises Licence | | |
| Fast track advance application | 235 | 300 |
| Non-Fast track advance applications | 535 | 1750 |
| Application fee for provisional statement | 555 | 3500 |
| Licence for provisional statement premises | 370 | 1200 |
| Application fee new premises | 580 | 3500 |
| Annual Fee | 390 | 1000 |
| Variation of Licence | 535 | 1750 |
| Transfer fee | 445 | 1200 |
| Application for reinstatement | 445 | 1200 |
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| Adult Gaming Centre | | |
| Fast track advance application | 235 | 300 |
| Non-Fast track advance applications | 490 | 1000 |
| Application fee for provisional statement | 510 | 2000 |
| Licence for provisional statement premises | 325 | 1200 |
| Application fee new premises | 535 | 2000 |
| Annual Fee | 345 | 1000 |
| Variation of Licence | 490 | 1000 |
| Transfer fee | 400 | 1200 |
| Application for reinstatement | 400 | 1200 |

| Licence type | Proposed Fee 2007 – 2008 £ | Maximum fee in Regulations 2006 £ |
|--|---|---|
| Family Entertainment Centre | | |
| Fast track advance application | 235 | 300 |
| Non-Fast track advance applications | 490 | 1000 |
| Application fee for provisional statement | 510 | 2000 |
| Licence for provisional statement premises | 325 | 950 |
| Application fee new premises | 535 | 2000 |
| Annual Fee | 345 | 750 |
| Variation of Licence | 490 | 1000 |
| Transfer fee | 400 | 950 |
| Application for reinstatement | 400 | 950 |
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| Betting Premises (general) | | |
| Fast track advance application | 235 | 300 |
| Non-Fast track advance applications | 490 | 1500 |
| Application fee for provisional statement | 510 | 3000 |
| Licence for provisional statement premises | 325 | 1200 |
| Application fee new premises | 535 | 3000 |
| Annual Fee | 345 | 600 |
| Variation of Licence | 490 | 1500 |
| Transfer fee | 400 | 1200 |
| Application for reinstatement | 400 | 1200 |
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| Miscellaneous | | |
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| Change of circumstances | 25 | 50 |
| Fee for copy of a license | 15 (Statutory Fee) | |