

Report to the Licensing Committee

8 March 2013

Homes and Communities Review of Fees and Charges under the Gambling Act 2005

1. Summary Statement

1.1 Background:-

- This report sets out the proposed fees and charges for the period 2013/14 in relation to premises licences and other permissions under the Gambling Act 2005;
- Fees are determined by statute with local determination up to a prescribed maximum level.

1.2 Financial Impact on the Council:-

- A 3% uplift on the Gambling fees and charges;
- The total projected income from the fees and charges described in this report is anticipated to be around £27,000;
- The Division has considered the following factors when developing its proposed fees and charges:-
 - The Council's Medium-Term Financial Strategy;
 - The volatility of the economic environment in which local businesses and traders operate;
- It is anticipated that service levels will not vary considerably by the levying of the increased fees and charges;
- The costs of all 'charged for' services are covered by the income received.

1.3 Impact on Service Delivery

- The proposed change in the levels of fees and charges is intended to cover the reasonable costs of providing those services and to meet the budget assumptions contained in the Council's Medium-Term Financial Strategy;
- It is not anticipated that levels of demand will vary greatly as a result of increasing the fees and charges as outlined in this report;

1.4 Rationale & Assumptions:-

- Fees determined by statute remain unaltered from 2011/12;
- All other fees and charges have been raised by 3% (rounded in some cases) in line with the Council's Medium-Term Financial Strategy;
- Levels of licensing activity remain vulnerable to market conditions. However, the quasi-judicial and legal infrastructure has to be maintained, together with the Council's inspection and enforcement responsibilities.

1.5 Consultation:-

- The Council's policies under both the Licensing Act 2003 and Gambling Act 2005 are subject to regular review and consultation with the widest possible range of stakeholders. The list of stakeholders is subject to agreement with the Licensing Committee and Scrutiny Management Board.

1.6 Benchmarking:-

Benchmarking with other local authorities and private organisations has indicated that where relevant fees or charges apply, that charges are still comparative with neighbouring authorities.

Benchmarking comparable Council charges within the West Midlands has been undertaken. The information is available on request and can be summarised as follows:-

- In almost all gambling licence types, Sandwell's fees and charges are lower than the surrounding boroughs. The Gambling Act 2005 requires local authorities when setting fees that the Council must aim to ensure that the income raised equates as nearly as possible to the cost of providing the service to which the fee relates.

1.7 The Cabinet Member for Neighbourhood Services at its meeting on 7 December 2012 recommended that the Licensing Committee approve the fees and charges set out in Appendix 1 to this report, with effect from 1 April 2013.

2. Recommendation

2.1 That the Licensing Committee approve the fees and charges set out in Appendix 1 to this report, for Premises Licences and permissions under the Gambling Act 2005 with effect from 1 April 2013.

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3. Strategic Resource Implications

- 3.1 In setting the budget proposals for 2013/14, the anticipated levels of income from the fees and charges detailed in this report have been taken into account.

4. Legal and Statutory Implications

- 4.1 Section 2 of the Gambling Act 2005 provides that the Council is a Licensing Authority. The 2005 Act places a duty on Local Authorities to undertake the licensing functions specified in the Act. The setting of fees is provided by Section 212 of the 2005 Act. Section 212 (1) of the Act states regulations proscribing a fee may provide for the amount of the fee to be determined by a Licensing Authority, and may, if they make provision, specify constraints on a Licensing Authority's power to determine the amount of the fee.

5. Implications for the Council's Scorecard Priorities

- 5.1 As with many of the fees and charges levied by the Homes and Communities Services Division, the fees charged under the Gambling Act 2005 are in respect of services delivered with the objective of securing compliance with legal requirements in order to promote a safe and clean place to live.

6. Background Details

- 6.1 The Council requires all Divisions to undertake a review of its fees and charges on an annual basis.

Source Documents

Council's Medium-Term Financial Strategy

Legislation relating to the proscribing of levels of fees and charges (various)
Gambling Act 2005

The Gambling Act 2005 (Fees) Regulations 2007

Fees & Charges Approval Form 2013/14								
Service Provided	Standard Charge 2012/13	Proposed Charge 2013/14	Increase / (Decrease)		Concessionary Charge 2012/13	Proposed Concessionary Charge 2013/14	Increase / (Decrease)	
	£	£	£	%	£	£	£	%
Gambling Act 2005								
Converted casino premises licences:-								
Grant	1,109	1,142	33	3%	0	0	0	0
Annual fee	1,109	1,142	33	3%	0	0	0	0
Fee for application to vary licence	832	857	25	3%	0	0	0	0
Fee for application to transfer a licence	555	572	17	3%	0	0	0	0
Fee for application for reinstatement of a licence	555	572	17	3%	0	0	0	0
Copy licence	19	20	1	3%	0	0	0	0
Notification of change	29	30	1	3%	0	0	0	0
Bingo premises licence:-								
Grant	1,663	1,713	50	3%	0	0	0	0
Annual fee	444	457	13	3%	0	0	0	0
Fee for application to vary licence	722	744	22	3%	0	0	0	0
Fee for application to transfer a licence	500	515	15	3%	0	0	0	0
Fee for application for reinstatement of a licence	500	515	15	3%	0	0	0	0
Fee for application for provisional statement	1,663	1,713	50	3%	0	0	0	0
Copy licence	19	20	1	3%	0	0	0	0
Notification of change	29	30	1	3%	0	0	0	0
Betting premises (track) licence:-								
Grant	1,109	1,142	33	3%	0	0	0	0
Annual fee	444	457	13	3%	0	0	0	0
Fee for application to vary licence	555	572	17	3%	0	0	0	0
Fee for application to transfer a licence	444	457	13	3%	0	0	0	0
Fee for application for reinstatement of a licence	444	457	13	3%	0	0	0	0
Fee for application for provisional statement	1,109	1,142	33	3%	0	0	0	0
Copy licence	19	20	1	3%	0	0	0	0
Notification of change	29	30	1	3%	0	0	0	0
Betting premises (other) licence:-								
Grant	1,109	1,142	33	3%	0	0	0	0
Annual fee	278	286	8	3%	0	0	0	0
Fee for application to vary licence	555	572	17	3%	0	0	0	0
Fee for application to transfer a licence	444	457	13	3%	0	0	0	0
Fee for application for reinstatement of a licence	444	457	13	3%	0	0	0	0
Fee for application for provisional statement	1,109	1,142	33	3%	0	0	0	0
Copy licence	19	20	1	3%	0	0	0	0
Notification of change	29	30	1	3%	0	0	0	0
Family entertainment centre premises licence:-								
Grant	665	685	20	3%	0	0	0	0
Annual fee	333	343	10	3%	0	0	0	0
Fee for application to vary licence	444	457	13	3%	0	0	0	0
Fee for application to transfer a licence	389	401	12	3%	0	0	0	0
Fee for application for reinstatement of a licence	389	401	12	3%	0	0	0	0
Fee for application for provisional statement	665	685	20	3%	0	0	0	0
Copy licence	19	20	1	3%	0	0	0	0
Notification of change	29	30	1	3%	0	0	0	0
Adult gaming centre premises:-								
Grant	832	857	25	3%	0	0	0	0
Annual fee	444	457	13	3%	0	0	0	0
Fee for application to vary licence	444	457	13	3%	0	0	0	0
Fee for application to transfer a licence	500	515	15	3%	0	0	0	0
Fee for application for reinstatement of a licence	500	515	15	3%	0	0	0	0
Fee for application for provisional statement	832	857	25	3%	0	0	0	0
Copy licence	19	20	1	3%	0	0	0	0
Notification of change	29	30	1	3%	0	0	0	0
Temporary Use Notice:-								
Temporary Use Notice	500	500	0	0%	0	0	0	0
Licensed Premises Gaming Machine Permit:-								
Grant	150	150	0	0%	0	0	0	0
Grant (Existing Operator)	100	100	0	0%	0	0	0	0
Annual Fee	50	50	0	0%	0	0	0	0
Variation	100	100	0	0%	0	0	0	0
Transfer	25	25	0	0%	0	0	0	0
Change of Name	25	25	0	0%	0	0	0	0
Copy of permit	15	15	0	0%	0	0	0	0
Club Gaming & Club Machine Permits:-								
Grant or Renewal	200	200	0	0%	0	0	0	0
Grant or Renewal (Fast Track)	100	100	0	0%	0	0	0	0
Variation	100	100	0	0%	0	0	0	0
Annual Fee	50	50	0	0%	0	0	0	0
Copy of permit	15	15	0	0%	0	0	0	0
Lottery Registration:-								
Grant statutory fee	40	40	0	0%	0	0	0	0
Annual statutory fee	20	20	0	0%	0	0	0	0
Automatic Entitlement - upto two Cat C or D machines:-								
Notification	50	50	0	0%	0	0	0	0
Unlicensed Family Entertainment Centre:-								
Grant	300	300	0	0%	0	0	0	0
Grant (Existing Operator)	100	100	0	0%	0	0	0	0
Prize Gaming Permit:-								
Grant	300	300	0	0%	0	0	0	0
Grant (Existing Operator)	100	100	0	0%	0	0	0	0