

Report to the Licensing Committee

31 January 2014

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 2014/15 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 2% 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 2012/13;
- All other fees and charges have been raised by 2% (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.

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 Health and Wellbeing at his decision making session on 12 December 2013 recommended that the Licensing Committee approve the fees and charges set out in Appendix 1 to this report, with effect from 1 April 2014.

2. Recommendation

2.1 That the Licensing Committee approve the fees and charges for 2014/15 set out in Appendix 1 to this report, for premises licences and permissions under the Gambling Act 2005 with effect from 1 April 2014.

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3. Strategic Resource Implications

- 3.1 In setting the budget proposals for 2014/15, 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 2014/15

Service Provided	Standard Charge	Proposed Charge	Increase / (Decrease)		Concessionary Charge	Proposed Concessionary Charge	Increase / (Decrease)	
	2013/14	2014/15	£	%	2013/14	2014/15	£	%
	£	£			£	£		
Gambling Act 2005								
Converted casino premises licences:-								
Grant	1,142	1,165	23	2%	0	0	0	
Annual fee	1,142	1,165	23	2%	0	0	0	
Fee for application to vary licence	857	874	17	2%	0	0	0	
Fee for application to transfer a licence	572	583	11	2%	0	0	0	
Fee for application for reinstatement of a licence	572	583	11	2%	0	0	0	
Copy licence	20	21	1	2%	0	0	0	
Notification of change	30	31	1	2%	0	0	0	
Bingo premises licence:-								
Grant	1,713	1,747	34	2%	0	0	0	
Annual fee	457	466	9	2%	0	0	0	
Fee for application to vary licence	744	759	15	2%	0	0	0	
Fee for application to transfer a licence	515	525	10	2%	0	0	0	
Fee for application for reinstatement of a licence	515	525	10	2%	0	0	0	
Fee for application for provisional statement	1,713	1,747	34	2%	0	0	0	
Copy licence	20	21	1	2%	0	0	0	
Notification of change	30	31	1	2%	0	0	0	
Betting premises (track) licence:-								
Grant	1,142	1,165	23	2%	0	0	0	
Annual fee	457	466	9	2%	0	0	0	
Fee for application to vary licence	572	583	11	2%	0	0	0	
Fee for application to transfer a licence	457	466	9	2%	0	0	0	
Fee for application for reinstatement of a licence	457	466	9	2%	0	0	0	
Fee for application for provisional statement	1,142	1,165	23	2%	0	0	0	
Copy licence	20	21	1	2%	0	0	0	
Notification of change	30	31	1	2%	0	0	0	
Betting premises (other) licence:-								
Grant	1,142	1,165	23	2%	0	0	0	
Annual fee	286	292	6	2%	0	0	0	
Fee for application to vary licence	572	583	11	2%	0	0	0	
Fee for application to transfer a licence	457	466	9	2%	0	0	0	
Fee for application for reinstatement of a licence	457	466	9	2%	0	0	0	
Fee for application for provisional statement	1,142	1,165	23	2%	0	0	0	
Copy licence	20	21	1	2%	0	0	0	
Notification of change	30	31	1	2%	0	0	0	
Family entertainment centre premises licence:-								
Grant	685	699	14	2%	0	0	0	
Annual fee	343	350	7	2%	0	0	0	
Fee for application to vary licence	457	466	9	2%	0	0	0	
Fee for application to transfer a licence	401	409	8	2%	0	0	0	
Fee for application for reinstatement of a licence	401	409	8	2%	0	0	0	
Fee for application for provisional statement	685	699	14	2%	0	0	0	
Copy licence	20	21	1	2%	0	0	0	
Notification of change	30	31	1	2%	0	0	0	
Adult gaming centre premises:-								
Grant	857	874	17	2%	0	0	0	
Annual fee	457	466	9	2%	0	0	0	
Fee for application to vary licence	457	466	9	2%	0	0	0	
Fee for application to transfer a licence	515	525	10	2%	0	0	0	
Fee for application for reinstatement of a licence	515	525	10	2%	0	0	0	
Fee for application for provisional statement	857	874	17	2%	0	0	0	
Copy licence	20	21	1	2%	0	0	0	
Notification of change	30	31	1	2%	0	0	0	
Temporary Use Notice:-								
Temporary Use Notice	500	500	0	0%	0	0	0	
Licensed Premises Gaming Machine Permit:-								
Grant	150	150	0	0%	0	0	0	
Grant (Existing Operator)	100	100	0	0%	0	0	0	
Annual Fee	50	50	0	0%	0	0	0	
Variation	100	100	0	0%	0	0	0	
Transfer	25	25	0	0%	0	0	0	
Change of Name	25	25	0	0%	0	0	0	
Copy of permit	15	15	0	0%	0	0	0	
Club Gaming & Club Machine Permits:-								
Grant or Renewal	200	200	0	0%	0	0	0	
Grant or Renewal (Fast Track)	100	100	0	0%	0	0	0	
Variation	100	100	0	0%	0	0	0	
Annual Fee	50	50	0	0%	0	0	0	
Copy of permit	15	15	0	0%	0	0	0	
Lottery Registration:-								
Grant statutory fee	40	40	0	0%	0	0	0	
Annual statutory fee	20	20	0	0%	0	0	0	
Automatic Entitlement - upto two Cat C or D machines:-								
Notification	50	50	0	0%	0	0	0	
Unlicensed Family Entertainment Centre:-								
Grant	300	300	0	0%	0	0	0	
Grant (Existing Operator)	100	100	0	0%	0	0	0	
Copy of permit	15	15	0	0%	0	0	0	
Change of Name	25	25	0	0%	0	0	0	
Prize Gaming Permit:-								
Grant	300	300	0	0%	0	0	0	
Grant (Existing Operator)	100	100	0	0%	0	0	0	
Copy of permit	15	15	0	0%	0	0	0	
Change of Name	25	25	0	0%	0	0	0	

Key:-

Maximum allowed under Act
 Fees determined by statute and not subject to change

Fees & Charges Approval Form 2014/15

Service Provided	Standard Charge 2013/14	Proposed Charge 2014/15	Increase / (Decrease)		Concessionary Charge 2013/14	Proposed Concessionary Charge 2014/15	Increase / (Decrease)	
	£	£	£	%	£	£	£	%
Miscellaneous								
Poisons (register)	62	63	1	2%	0	0	0	
Poisons (renewal)	36	37	1	2%	0	0	0	
Performing Animals Act	201.90	205.94	4.04	2%	No concessions	No concessions	N/A	N/A
Riding Establishments	174.10	177.58	3.48	2%	No concessions	No concessions	N/A	N/A
Pet Shops	123.60	126.07	2.47	2%	No concessions	No concessions	N/A	N/A
Skin Piercing Premises	196.70	200.63	3.93	2%	No concessions	No concessions	N/A	N/A
Mobile Trader Consents	322.40	328.85	6.45	2%	No concessions	No concessions	N/A	N/A
Food Safety Health certificates	73.10	74.56	1.46	2%	No concessions	No concessions	N/A	N/A
Provision of statements to solicitors	146.30	149.23	2.93	2%	No concessions	No concessions	N/A	N/A
Animal Boarding Establishments	100.90	102.92	2.02	2%	No concessions	No concessions	N/A	N/A
Dog breeding establishments	75.20	76.70	1.50	2%	No concessions	No concessions	N/A	N/A
Dangerous wild animals	73.10	74.56	1.46	2%	No concessions	No concessions	N/A	N/A
Registration of persons skin piercing	46.40	47.33	0.93	2%	No concessions	No concessions	N/A	N/A
Scrap Metal Dealers Act 2013 (Fees approved)								
Grant of Site Licence	329	336	7	2%	0	0	0	
Additional Site(s)	50	51	1	2%	0	0	0	
Variation of Site Licence	75	77	2	2%	0	0	0	
Grant of Collectors Licence	237	242	5	2%	0	0	0	
Variation of Collectors Licence	75	77	2	2%	0	0	0	
Replacement or copy licence	25	26	1	2%	0	0	0	
Change of licence details (Trading Name, address etc)	30	31	1	2%	0	0	0	
Change of Site Manager	45	46	1	2%	0	0	0	
Change of Site	30	31	1	2%	0	0	0	
Change Collectors to Site Licence	75	77	2	2%	0	0	0	
Change Site to Collectors Licence	75	77	2	2%	0	0	0	
Environmental Protection								
Commercial pest treatments/hour	55.40	56.51	1.11	2%	No concessions	No concessions	N/A	N/A
Contract pest treatments/hour	55.40	56.51	1.11	2%	No concessions	No concessions	N/A	N/A
Domestic Wasp Treatments	0.00	0.00	0.00	0%	N/A	N/A	N/A	N/A
Landfill location plan and data sheet	36.80	37.54	0.74	2%	No concessions	No concessions	N/A	N/A
Check if property <250m from landfill site*	10.00	10.00	0.00	0%	No concessions	No concessions	N/A	N/A
Detailed report on contaminated land/hour	72.10	73.54	1.44	2%	No concessions	No concessions	N/A	N/A
* This charge has been held at £10 for consistency with the cost of asking an additional question on form CON 29								
Trading Standards								
Verification Metrology testing fees	7.52	7.67	0.15	2%	0	0	0	
UKAS Metrology testing fees	26.06	26.58	0.52	2%	0	0	0	
Sect 74 testing fees	17.00	17.34	0.34	2%	0	0	0	
Hourly rate	108.05	110.21	2.16	2%	0	0	0	
Proceeds of Crime Investigations (AFI's)	62.50	63.75	1.25	2%	0	0	0	
See additional Metrology fees in Appendix 1a	Various	Various	Various	2%	0	0	0	
Licensing of Houses in Multiple Occupation								
Initial licence fee	721.00	735.42	14.42	2%	See discounts	See discounts		
Renewal licence fee	515.00	525.30	10.30	2%	See discounts	See discounts		
Discount for second and subsequent properties	50.00	50.00	0.00	0%				
Discount for MLAS membership	150.00	150.00	0.00	0%				
Discount for membership of Landlord Association	50.00	50.00	0.00	0%				
Charges for Housing Act 2004 Enforcement Action								
Based on hourly rate +96% overheads								
eg SCP 47	53.94	55.02	1.08	2%	No concessions	No concessions		
Fixed Penalty Notices								
Failure to produce waste transfer note - set by statute	300.00	300.00	0.00	0%	0.00	0.00	N/A	N/A
Failure to produce waste carriers docs - set by statute	300.00	300.00	0.00	0%	0.00	0.00	N/A	N/A
Offences in relation to waste receptacles (Household) **	100.00	80.00	0.00	0%	0.00	0.00	N/A	N/A
Offences in relation to waste receptacles (Commercial)	100.00	100.00	0.00	0%	0.00	0.00	N/A	N/A
Offences in relation to intruder alarm notification	75.00	75.00	0.00	0%	No Concessions	No Concessions	N/A	N/A
Noise Act 1996, noise from licensed premises-by statute	500.00	500.00	0.00	0%	No Concessions	No Concessions	N/A	N/A
Noise Act 1996, offence in relation to noise from dwellings	100.00	100.00	100.00	0%	No Concessions	No Concessions	N/A	N/A
Licensing Act 2003								
Temporary event notice	21	21	0	0%	0	0	0	
Theft, loss etc of temporary event notice	11	11	0	0%	0	0	0	
Theft, loss, etc of premises licence or summary	11	11	0	0%	0	0	0	
Premises licence notification of change of name or address	11	11	0	0%	0	0	0	
Application to vary licence to specify individual as premises supervisor	23	23	0	0%	0	0	0	
Application for transfer of premises licence	23	23	0	0%	0	0	0	
Theft, loss etc of club certificate or summary	11	11	0	0%	0	0	0	
Notification of change of name or alteration of rules of club	11	11	0	0%	0	0	0	
Change of relevant registered address of club	11	11	0	0%	0	0	0	
Right of freeholder etc to be notified of licensing matters	21	21	0	0%	0	0	0	

Fees & Charges Approval Form 2014/15

Service Provided	Standard Charge 2013/14	Proposed Charge 2014/15	Increase / (Decrease)		Concessionary Charge 2013/14	Proposed Concessionary Charge 2014/15	Increase / (Decrease)	
	£	£	£	%	£	£	£	%
Interim authority notice following death etc of licence holder	23	23	0	0%	0	0	0	0%
Application for a provisional statement where premises being built etc.	315	315	0	0%	0	0	0	0%
Minor variation application	89	89	0	0%	0	0	0	0%
Personal licence grant/renewal application	37	37	0	0%	0	0	0	0%
Theft, loss, etc of personal licence or summary	11	11	0	0%	0	0	0	0%
Personal licence notification of change of name or address	11	11	0	0%	0	0	0	0%
New applications and variations according to rateable value:-								
Band A (None - £4,300)	100	100	0	0%	0	0	0	0%
Band B (£4,301 - £33,000)	190	190	0	0%	0	0	0	0%
Band C (£33,001 - £87,000)	315	315	0	0%	0	0	0	0%
Band D (£87,001 - £125,000)	450	450	0	0%	0	0	0	0%
Band E (£125,001+)	635	635	0	0%	0	0	0	0%
Multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises:-								
Band D x2 (£87,001 - £125,000)	900	900	0	0%	0	0	0	0%
Band E x3 (£125,001+)	1,905	1,905	0	0%	0	0	0	0%
Annual Fee (charge) according to rateable value:-								
Band A (None - £4,300)	70	70	0	0%	0	0	0	0%
Band B (£4,301 - £33,000)	180	180	0	0%	0	0	0	0%
Band C (£33,001 - £87,000)	295	295	0	0%	0	0	0	0%
Band D (£87,001 - £125,000)	320	320	0	0%	0	0	0	0%
Band E (£125,001+)	350	350	0	0%	0	0	0	0%
Annual Charge multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises:-								
Band D x2 (£87,001 - £125,000)	640	640	0	0%	0	0	0	0%
Band E x3 (£125,001+)	1,050	1,050	0	0%	0	0	0	0%
New application and variation clubs according to rateable value:-								
Band A (None - £4,300)	100	100	0	0%	0	0	0	0%
Band B (£4,301 - £33,000)	190	190	0	0%	0	0	0	0%
Band C (£33,001 - £87,000)	315	315	0	0%	0	0	0	0%
Band D (£87,001 - £125,000)	450	450	0	0%	0	0	0	0%
Band E (£125,001+)	635	635	0	0%	0	0	0	0%
Annual charge clubs according to rateable value:-								
Band A (None - £4,300)	70	70	0	0%	0	0	0	0%
Band B (£4,301 - £33,000)	180	180	0	0%	0	0	0	0%
Band C (£33,001 - £87,000)	295	295	0	0%	0	0	0	0%
Band D (£87,001 - £125,000)	320	320	0	0%	0	0	0	0%
Band E (£125,001+)	350	350	0	0%	0	0	0	0%
Additional premises licence fee (Number in attendance at any one time):-								
5,000 to 9,999	1,000	1,000	0	0%	0	0	0	0%
10,000 to 14,999	2,000	2,000	0	0%	0	0	0	0%
15,000 to 19,999	4,000	4,000	0	0%	0	0	0	0%
20,000 to 29,999	8,000	8,000	0	0%	0	0	0	0%
30,000 to 39,999	16,000	16,000	0	0%	0	0	0	0%
40,000 to 49,999	24,000	24,000	0	0%	0	0	0	0%
50,000 to 59,999	32,000	32,000	0	0%	0	0	0	0%
60,000 to 69,999	40,000	40,000	0	0%	0	0	0	0%
70,000 to 79,999	48,000	48,000	0	0%	0	0	0	0%
80,000 to 89,999	56,000	56,000	0	0%	0	0	0	0%
90,000 and over	64,000	64,000	0	0%	0	0	0	0%
Additional Annual fee payable if applicable:-								
5,000 to 9,999	500	500	0	0%	0	0	0	0%
10,000 to 14,999	1,000	1,000	0	0%	0	0	0	0%
15,000 to 19,999	2,000	2,000	0	0%	0	0	0	0%
20,000 to 29,999	4,000	4,000	0	0%	0	0	0	0%
30,000 to 39,999	8,000	8,000	0	0%	0	0	0	0%
40,000 to 49,999	12,000	12,000	0	0%	0	0	0	0%
50,000 to 59,999	16,000	16,000	0	0%	0	0	0	0%
60,000 to 69,999	20,000	20,000	0	0%	0	0	0	0%
70,000 to 79,999	24,000	24,000	0	0%	0	0	0	0%
80,000 to 89,999	28,000	28,000	0	0%	0	0	0	0%
90,000 and over	32,000	32,000	0	0%	0	0	0	0%

Key:-

Fees determined by statute and not subject to change

** The maximum amount of £80 is set by statute