

## **Report to the Licensing Committee**

**6 February 2015**

### **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 2015/16 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 2014/15;
- 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.

### 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 At its meeting on 21 January 2015, the Cabinet recommended that the Licensing Committee approve the fees and charges set out in Appendix 1 to this report, with effect from 1 April 2015.

## **2. Recommendation**

2.1 That the Licensing Committee approve the fees and charges for 2015/16 set out in Appendix 1 to this report, for premises licences and permissions under the Gambling Act 2005 with effect from 1 April 2015.

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## **3. Strategic Resource Implications**

3.1 In setting the budget proposals for 2015/16, 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