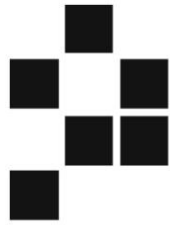


Chairs Announcement

Please note that members of the public and the press are now allowed by law to film, audio record, take photographs, blog or tweet at this meeting. I would ask at this point if anyone is intending to film the meeting? I would ask anyone who is recording to avoid any disruption of the meeting and to avoid filming members of the public. If you do film members of the public there is the potential for civil action against you by anyone who has not given their permission to be filmed.

We are not expecting a fire drill, so in the event of the fire alarm sounding, please leave the building as quickly as possible. The Governance Services Officer will direct you to the appropriate exit and assembly point.



Sandwell
Metropolitan Borough Council

Licensing Committee

**Monday 21 March, 2016, at 1.00pm
in Committee Room 2
at Sandwell Council House, Freeth Street, Oldbury**

Agenda

(Open to Public and Press)

1. Apologies for absence.
2. Members to declare any interest in matters to be discussed at the meeting.
3. To confirm the minutes of the meeting held on 10 July, 2015, as a correct record.
4. Review of Fees and Charges under the Gambling Act 2005.

Jan Britton
Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution:

Councillor Allen (Chair);
Councillor Piper (Vice Chair);
Councillors Bawa, Dr Crumpton, K Davies, S Davies, Frear, Goult,
Hadley, Lewis, Preece and Tranter.

**Agenda prepared by Trisha Newton
Democratic Services Unit
Tel No: 0121 569 3193
trisha_newton@sandwell.gov.uk**

Please note that members of the public and the press are now allowed by law to film, audio record, take photographs, blog or tweet at this meeting.

This document is available in large print on request to the above telephone number. The document is also available electronically on the Committee Management Information System which can be accessed from the Council's web site on www.sandwell.gov.uk

Apologies

To receive any apologies from members

Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

Minutes of the Licensing Committee

10th July, 2015 at 2.00pm
at the Sandwell Council House, Oldbury

Present: Councillor Allen (Chair);
Councillor Piper (Vice Chair)
Councillors Dr Crumpton, K Davies,
Lewis and Tranter.

Apologies: Councillors Goult, Hadley and Preece.

6/15 **Minutes**

Resolved that the minutes of the meeting held on 5th June 2015, be confirmed as a correct record.

7/15 **The Gambling Act 2005 – Review of Statement of Principles**

Section 349 of the Gambling Act 2005 required the Council, as Licensing Authority, to prepare and publish its own Statement of Principles as to how it intended to carry out its licensing functions under the Act.

The Council's current Statement of Principles was approved by full Council on 4th December, 2012 (Minute No. 123/12 refers).

The Act required the Council, in respect of each three year period, to determine its principles with respect to the exercise of its licensing functions and to publish a statement of those principles on the Council's website before the beginning of the period. The current three year period required the Authority to prepare and publish a policy statement by 3rd January 2016, with it coming into force on 31st January 2016.

Licensing Committee – 10th July, 2015

Before determining its principles, the Act specifically required the Licensing Authority to consult the following:-

- the chief officer of police;
- persons representing the interests of those carrying on gambling businesses within Sandwell;
- persons representing the interests of anyone likely to be affected by the exercise of the Council's functions under the Act.

The draft revised Statement of Licensing Policy (Gambling) contained the information that the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 had prescribed should be included within the policy document.

Consultation would be undertaken during July and August 2015 involving statutory bodies, trade organisations, representatives of licence holders and representatives of those likely to be affected, including all ward councillors and Members of Parliament.

Should there be any issues arising from the consultation, a further report would be submitted to Licensing Committee on 4th September, 2015.

The Statement of Principles would be submitted to full Council, at its meeting on 20th October 2015, for approval.

Under the provisions of Section 166 of the Gambling Act 2005, licensing authorities were able to pass a resolution stating that it would not be issuing any new casino premises licences. A resolution not to issue casino premises licences would only affect new casinos and would not affect the ability of existing casinos from continuing to operate as a casino. The Act also stated that any such resolution would lapse within three years, however, the authority would have the ability to pass a new resolution. In December 2012, the Council resolved that new casino premises licences would not be issued.

The Committee recommended that full Council renew the resolution not to issue casino premises licences to new casinos when consideration was given to the revised Statement of Principles.

Licensing Committee – 10th July, 2015

Resolved:-

- (1) that, in accordance with the Gambling Act 2005, and subject to any comments received as a result of the consultation process, Council be recommended to approve the revised Statement of Principles, with effect from 31st January 2016;
- (2) that, in connection with (1) above, the Council be recommended to renew the resolution not to issue casino premises licences to new casinos for a further three year period;
- (3) that the Director – Homes and Communities submits a further report in relation to any issues arising as a result of the consultation process;

(The meeting ended at 2.30pm)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

Report to the Licensing Committee

21 March 2016

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 2016/17 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 £28,000;
- 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 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.
- The Council's Gambling Policy 2005 'Statement of Principles' was approved by Full Council on the 20th October 2015 and will be implemented on the 31st January 2016. Consultation was undertaken as a part of the review.

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:-

- 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 13 January 2016, 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 2016.

2. Recommendation

2.1 That the Licensing Committee approves the fees and charges for 2016/17 set out in the Appendix to this report, for premises licences and permissions under the Gambling Act 2005 with effect from 1 April 2016.

David Stevens

Director – Adult Social Care, Health and Wellbeing

Contact Officer

Bob Charnley

Trading Standards Manager

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0121 569 6592

3. Strategic Resource Implications

3.1 In setting the budget proposals for 2016/17, 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.
- 4.2 In establishing the fees and charges outlined within this report for 2016/17 consideration has been given to the 'Hemmings principles' for all discretionary fees.

5. Implications for the Council's Scorecard Priorities

- 5.1 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
Gambling Act 2005

Service Provided	Standard Charge 2015	Increase (Decrease) in % 2016_17	Increase / (Decrease) in £ 2016_17	Proposed Charge 2016	Comment	VAT
Gambling Act 2005						
Converted casino premises licences:-						
Grant	£1,200.00	3.00	£36.00	£1,236.00	Gambling Act 2005	
Annual fee	£1,200.00	3.00	£36.00	£1,236.00	Gambling Act 2006	
Fee for application to vary licence	£900.00	3.00	£27.00	£927.00	Gambling Act 2007	
Fee for application to transfer a licence	£600.00	3.00	£18.00	£618.00	Gambling Act 2008	
Fee for application for reinstatement of a licence	£600.00	3.00	£18.00	£618.00	Gambling Act 2009	
Copy licence	£22.00	3.00	£0.66	£22.66	Gambling Act 2010	
Notification of change	£32.00	3.00	£0.96	£32.96	Gambling Act 2011	
Bingo premises licence:-						
Grant	£1,799.00	3.00	£53.97	£1,852.97		
Annual fee	£480.00	3.00	£14.40	£494.40		
Fee for application to vary licence	£782.00	3.00	£23.46	£805.46		
Fee for application to transfer a licence	£541.00	3.00	£16.23	£557.23		
Fee for application for reinstatement of a licence	£541.00	3.00	£16.23	£557.23		
Fee for application for provisional statement	£1,799.00	3.00	£53.97	£1,852.97		
Copy licence	£22.00	3.00	£0.66	£22.66		
Notification of change	£32.00	3.00	£0.96	£32.96		
Betting premises (track) licence:-						
Grant	£1,200.00	3.00	£36.00	£1,236.00		
Annual fee	£480.00	3.00	£14.40	£494.40		

Fee for application to vary licence	£600.00	3.00	£18.00	£618.00		
Fee for application to transfer a licence	£480.00	3.00	£14.40	£494.40		
Fee for application for reinstatement of a licence	£480.00	3.00	£14.40	£494.40		
Fee for application for provisional statement	£1,200.00	3.00	£36.00	£1,236.00		
Copy licence	£22.00	3.00	£0.66	£22.66		
Notification of change	£32.00	3.00	£0.96	£32.96		
Betting premises (other) licence:-						
Grant	£1,200.00	3.00	£36.00	£1,236.00		
Annual fee	£301.00	3.00	£9.03	£310.03		
Fee for application to vary licence	£600.00	3.00	£18.00	£618.00		
Fee for application to transfer a licence	£480.00	3.00	£14.40	£494.40		
Fee for application for reinstatement of a licence	£480.00	3.00	£14.40	£494.40		
Fee for application for provisional statement	£1,200.00	3.00	£36.00	£1,236.00		
Copy licence	£22.00	3.00	£0.66	£22.66		
Notification of change	£32.00	3.00	£0.96	£32.96		
Family entertainment centre premises licence:-						
Grant	£720.00	3.00	£21.60	£741.60		
Annual fee	£361.00	3.00	£10.83	£371.83		
Fee for application to vary licence	£480.00	3.00	£14.40	£494.40		
Fee for application to transfer a licence	£421.00	3.00	£12.63	£433.63		
Fee for application for reinstatement of a licence	£421.00	3.00	£12.63	£433.63		
Fee for application for provisional statement	£720.00	3.00	£21.60	£741.60		
Copy licence	£22.00	3.00	£0.66	£22.66		
Notification of change	£32.00	3.00	£0.96	£32.96		

Adult gaming centre premises:-						
Grant	£900.00	3.00	£27.00	£927.00		
Annual fee	£480.00	3.00	£14.40	£494.40		
Fee for application to vary licence	£480.00	3.00	£14.40	£494.40		
Fee for application to transfer a licence	£541.00	3.00	£16.23	£557.23		
Fee for application for reinstatement of a licence	£541.00	3.00	£16.23	£557.23		
Fee for application for provisional statement	£900.00	3.00	£27.00	£927.00		
Copy licence	£22.00	3.00	£0.66	£22.66		
Notification of change	£32.00	3.00	£0.96	£32.96		
Temporary Use Notice:-						
Service Provided	Standard Charge 2015	Increase (Decrease) in % 2016_17	Increase / (Decrease) in £ 2016_17	Proposed Charge 2016	Comment	VAT
Temporary Use Notice	£500.00	0.00	£0.00	£500.00		
Licensed Premises Gaming Machine Permit:-						
Grant	£150.00	0.00	£0.00	£150.00		
Grant (Existing Operator)	£100.00	0.00	£0.00	£100.00		
Annual Fee	£50.00	0.00	£0.00	£50.00		
Variation	£100.00	0.00	£0.00	£100.00		
Transfer	£25.00	0.00	£0.00	£25.00		
Change of Name	£25.00	0.00	£0.00	£25.00		
Copy of permit	£15.00	0.00	£0.00	£15.00		
Club Gaming & Club Machine Permits:-						
Grant or Renewal	£200.00	0.00	£0.00	£200.00		
Grant or Renewal (Fast Track)	£100.00	0.00	£0.00	£100.00		
Variation	£100.00	0.00	£0.00	£100.00		
Annual Fee	£50.00	0.00	£0.00	£50.00		
Copy of permit	£15.00	0.00	£0.00	£15.00		
Lottery Registration:-						
Grant statutory fee	£40.00	0.00	£0.00	£40.00		

Annual statutory fee	£20.00	0.00	£0.00	£20.00		
Automatic Entitlement – up to two Cat C or D machines:-						
Notification	£50.00	0.00	£0.00	£50.00		
Unlicensed Family Entertainment Centre:-						
Grant	£300.00	0.00	£0.00	£300.00		
Grant (Existing Operator)	£100.00	0.00	£0.00	£100.00		
Renewal	£300.00	0.00	£0.00	£300.00		
Copy of permit	£15.00	0.00	£0.00	£15.00		
Change of Name	£25.00	0.00	£0.00	£25.00		
Prize Gaming Permit:-						
Grant	£300.00	0.00	£0.00	£300.00		
Grant (Existing Operator)	£100.00	0.00	£0.00	£100.00		
Renewal	£300.00	0.00	£0.00	£300.00		
Copy of permit	£15.00	0.00	£0.00	£15.00		
Change of Name	£25.00	0.00	£0.00	£25.00		
Sex Establishments (grant)	£2,945.80	3.00	£88.37	£3,034.17		
Sex Establishments (renewal)	£2,945.80	3.00	£88.37	£3,034.17		
Sex Establishments (transfer)	£2,945.80	3.00	£88.37	£3,034.17		
Sex Establishments (variation)	£2,945.80	3.00	£88.37	£3,034.17		
Sexual Entertainment Venues (grant)	£2,945.80	3.00	£88.37	£3,034.17		
Sexual Entertainment Venues (renewal)	£2,945.80	3.00	£88.37	£3,034.17		
Sexual Entertainment Venues (transfer)	£2,945.80	3.00	£88.37	£3,034.17		
Sexual Entertainment Venues (variation)	£2,945.80	3.00	£88.37	£3,034.17		

Service Provided	Standard Charge 2015	Increase (Decrease) in % 2016_17	Increase / (Decrease) in £ 2016_17	Proposed Charge 2016	Comment	VAT
Licensing Act 2003						
Temporary event notice	£21.00	0.00	£0.00	£21.00		
Theft, loss etc of temporary event notice	£10.50	0.00	£0.00	£10.50		
Theft, loss, etc of premises licence or summary	£10.50	0.00	£0.00	£10.50		
Premises licence notification of change of name or address	£10.50	0.00	£0.00	£10.50		
Application to vary licence to specify individual as premises supervisor	£23.00	0.00	£0.00	£23.00		
Application for transfer of premises licence	£23.00	0.00	£0.00	£23.00		
Theft, loss etc of club certificate or summary	£10.50	0.00	£0.00	£10.50		
Notification of change of name or alteration of rules of club	£10.50	0.00	£0.00	£10.50		
Change of relevant registered address of club	£10.50	0.00	£0.00	£10.50		
Right of freeholder etc to be notified of licensing matters	£21.00	0.00	£0.00	£21.00		
Interim authority notice following death etc of licence holder	£23.00	0.00	£0.00	£23.00		
Application for a provisional statement where premises being built etc.	£315.00	0.00	£0.00	£315.00		
Minor variation application	£89.00	0.00	£0.00	£89.00		
Personal licence grant/renewal application	£37.00	0.00	£0.00	£37.00		
Theft, loss, etc of personal licence or summary	£10.50	0.00	£0.00	£10.50		

Service Provided	Standard Charge 2015	Increase (Decrease) in % 2016_17	Increase / (Decrease) in £ 2016_17	Proposed Charge 2016	Comment	VAT
Personal licence notification of change of name or address	£10.50	0.00	£0.00	£10.50		
New applications and variations according to rateable value:-						
Band A (None - £4,300)	£100.00	0.00	£0.00	£100.00		
Band B (£4,301 - £33,000)	£190.00	0.00	£0.00	£190.00		
Band C (£33,001 - £87,000)	£315.00	0.00	£0.00	£315.00		
Band D (£87,001 - £125,000)	£450.00	0.00	£0.00	£450.00		
Band E (£125,001+)	£635.00	0.00	£0.00	£635.00		
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)	£900.00	0.00	£0.00	£900.00		
Band E x3 (£125,001+)	£1,905.00	0.00	£0.00	£1,905.00		
Annual Fee (charge) according to rateable value:-						
Band A (None - £4,300)	£70.00	0.00	£0.00	£70.00		
Band B (£4,301 - £33,000)	£180.00	0.00	£0.00	£180.00		
Band C (£33,001 - £87,000)	£295.00	0.00	£0.00	£295.00		
Band D (£87,001 - £125,000)	£320.00	0.00	£0.00	£320.00		
Band E (£125,001+)	£350.00	0.00	£0.00	£350.00		

Service Provided	Standard Charge 2015	Increase (Decrease) in % 2016_17	Increase / (Decrease) in £ 2016_17	Proposed Charge 2016	Comment	VAT
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)	£640.00	0.00	£0.00	£640.00		
Band E x3 (£125,001+)	£1,050.00	0.00	£0.00	£1,050.00		
New application and variation clubs according to rateable value:-						
Band A (None - £4,300)	£100.00	0.00	£0.00	£100.00		
Band B (£4,301 - £33,000)	£190.00	0.00	£0.00	£190.00		
Band C (£33,001 - £87,000)	£315.00	0.00	£0.00	£315.00		
Band D (£87,001 - £125,000)	£450.00	0.00	£0.00	£450.00		
Band E (£125,001+)	£635.00	0.00	£0.00	£635.00		
Annual charge clubs according to rateable value:-						
Band A (None - £4,300)	£70.00	0.00	£0.00	£70.00		
Band B (£4,301 - £33,000)	£180.00	0.00	£0.00	£180.00		
Band C (£33,001 - £87,000)	£295.00	0.00	£0.00	£295.00		
Band D (£87,001 - £125,000)	£320.00	0.00	£0.00	£320.00		
Band E (£125,001+)	£350.00	0.00	£0.00	£350.00		
Additional premises licence fee (Number in attendance at any one time):-						
5,000 to 9,999	£1,000.00	0.00	£0.00	£1,000.00		
10,000 to 14,999	£2,000.00	0.00	£0.00	£2,000.00		

Service Provided	Standard Charge 2015	Increase (Decrease) in % 2016_17	Increase / (Decrease) in £ 2016_17	Proposed Charge 2016	Comment	VAT
15,000 to 19,999	£4,000.00	0.00	£0.00	£4,000.00		
20,000 to 29,999	£8,000.00	0.00	£0.00	£8,000.00		
30,000 to 39,999	£16,000.00	0.00	£0.00	£16,000.00		
40,000 to 49,999	£24,000.00	0.00	£0.00	£24,000.00		
50,000 to 59,999	£32,000.00	0.00	£0.00	£32,000.00		
60,000 to 69,999	£40,000.00	0.00	£0.00	£40,000.00		
70,000 to 79,999	£48,000.00	0.00	£0.00	£48,000.00		
80,000 to 89,999	£56,000.00	0.00	£0.00	£56,000.00		
90,000 and over	£64,000.00	0.00	£0.00	£64,000.00		
Additional Annual fee payable if applicable:-						
5,000 to 9,999	£500.00	0.00	£0.00	£500.00		
10,000 to 14,999	£1,000.00	0.00	£0.00	£1,000.00		
15,000 to 19,999	£2,000.00	0.00	£0.00	£2,000.00		
20,000 to 29,999	£4,000.00	0.00	£0.00	£4,000.00		
30,000 to 39,999	£8,000.00	0.00	£0.00	£8,000.00		
40,000 to 49,999	£12,000.00	0.00	£0.00	£12,000.00		
50,000 to 59,999	£16,000.00	0.00	£0.00	£16,000.00		
60,000 to 69,999	£20,000.00	0.00	£0.00	£20,000.00		
70,000 to 79,999	£24,000.00	0.00	£0.00	£24,000.00		
80,000 to 89,999	£28,000.00	0.00	£0.00	£28,000.00		
90,000 and over	£32,000.00	0.00	£0.00	£32,000.00		