

Report to the Licensing Committee**10 March 2017****Review of Fees and Charges under the Licensing Act 2003
and Gambling Act 2005****1. Summary Statement**

- 1.1. The Council's Financial Regulations set out a requirement for service areas fees and charges to be reviewed on an annual basis. The charges that services make can have a significant effect on how well they achieve their financial, service and strategic objectives. The Council's Financial Regulations require an annual review of fees and charges. In considering proposed charges for 2017/18, the Council is required to consider its statutory obligations, the cost of service delivery, the demand for services and how proposed charges compare to neighbouring authorities.
- 1.2 This report sets out the proposed fees and charges for the period 2017/18 in relation to premises licences and other permissions under the Licensing Act 2003 and the Gambling Act 2005.
- 1.3 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.
- 1.4 The Council's Gambling Policy 2005 'Statement of Principles' was approved by Full Council on the 20 October 2015 and implemented on the 31 January 2016. Consultation was undertaken as a part of the review.
- 1.5 Benchmarking with other local authorities and private organisations has indicated that, where relevant fees or charges apply, charges are still comparative with neighbouring authorities. 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.

- 1.6 An initial Equality Impact Assessment has been carried out and no issues have been identified which impact on a particular group and therefore a full assessment is not required.
- 1.7 At its meeting on 8 February 2017, 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 2017.

2. Recommendation

- 2.1 That the Licensing Committee approves the fees and charges for 2017/18, as set out in the Appendix, for premises licences and permissions under the Licensing Act 2003 and the Gambling Act 2005 with effect from 1 April 2017.

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3. Strategic Resource Implications

- 3.1 This report recommends approval for fees and charges to be introduced for 2017/18 as part of the Council proposed budget setting arrangements.

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 Section 3 of the Licensing Act 2003 provides that the Council is a Licensing Authority. The 2003 Act places a duty on Local Authorities to undertake the licensing functions specified in the Act.
- 4.3 The Licensing Act 2003 (Fees) Regulations 2005 provide for the determination of the fees to accompany the making of applications and the giving of notices under the Licensing Act 2003 and the payment of those fees. Further, they make provision for the payment of annual fees in respect of premises licences and club premises certificates granted under the Act.'

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
Licensing Act 2003
Gambling Act 2005