

LICENSING AND SAFETY COMMITTEE
19 APRIL 2007

GAMBLING ACT 2005 – FEES AND CHARGES
(Director of Environment and Leisure)

1 PURPOSE OF DECISION

- 1.1 Regulations which make provision for the fees payable to licensing authorities in relation to premises licences issued under the Gambling Act 2005 (“the Act”) were issued in early March 2007.
- 1.2 Section 212 of the Act allows licensing authorities to set fees in respect of applications for premises licences, subject to maximum fees as specified in the regulations.
- 1.3 The regulations provide for licensing authorities to determine separate fees for different types of activities associated with licences (e.g. grant, variation), and for different classes of premises licence (e.g. bingo hall, betting shop).
- 1.4 The setting of fees can be delegated by the Council either to the Licensing Committee or to officers. There is no Licensing Committee scheduled between the Council meeting on 25 April and 21 May, being the date on which the Licensing Section must be in a position to start to accept applications. Therefore, it is proposed that the authority to determine fees in respect of premises licences issued under the Act is delegated to officers in agreement with the Chair of the Licensing and Safety Committee.
- 1.5 A table (attached as Annex A) showing the proposed fees is attached to this report for information. The proposed fees (in grey columns in italics) have been set at 75% of the maximum as specified in the regulations.

2 RECOMMENDATION(S)

- 2.1 That the Licensing and Safety Committee remit this matter to Council with the recommendation that**
- (i) authority to set fees for 2007/2008 is delegated to officers in agreement with the Chair of the Licensing and Safety Committee.**
 - (ii) fees for subsequent years are delegated to the Licensing and Safety Committee.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are contained within the report.

Borough Treasurer

- 3.2 It is unlikely that there will be significant additional income generated.

Impact Assessment

3.3 Not applicable.

Strategic Risk Management Issues

3.4 There are no issues to consider.

4 SUPPORTING INFORMATION

4.1 Under section 212 (d) of the Act, licensing authorities must aim to ensure that the income from the fees as near as possible equates to the cost of providing the service to which the fee relates. Fees for premises licences issued under the Act must be based upon cost recovery only, not to raise revenue. Licensing authorities will be required to review their fee levels on an annual basis to ensure this.

4.2 LACORS and DCMS have stressed that any licensing authorities that set the fees at the maximum are likely to be audited to ensure that the fees are appropriate.

4.3 Fees will be reviewed annually by this Committee and evidence of the costs incurred during the process will be presented to the Committee by officers during the fee setting process.

4.4 Fees for permits issued under the Act will be determined by the Secretary of State.

Background Papers

Gambling Act 2005

Proposed table of fees for premises licences issued under Gambling Act 2005 (Annex A)

Gambling (Premises Licence Fees) (England and Wales) Regulations 2007

Contact for further information

Laura Driscoll, Licensing Section, 01344 352517

laura.driscoll@bracknell-forest.gov.uk

Doc Ref

Secs\cttes\other\licensing & safety\2007\apr\Gambling Act 2005 Fees