

**Subject:** Notification of Special Urgency Decision taken in respect of the Gambling Act 2005 – Premises Licence Fees

**Status:** For Publication.

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**Report to:** Licensing Committee

**Date:** 4<sup>th</sup> June 2007

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**Section Head:** Head of Legal & Democratic Services

**Report Author:** Tracy Brzozowski

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**Portfolio Holder:** Michael Ormerod

**Key Decision:** Yes

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## 1. PURPOSE OF REPORT

1.1 To inform members of a Special Urgency Decision taken in respect of the requirements of the Gambling Act 2005 to set fees in respect of premises licences and to propose a fee structure.

## 2. RECOMMENDATIONS

2.1. That Members note the Decision taken and the reasons why this decision was not brought before the Committee for comment.

## 3. BACKGROUND

3.1 The Gambling Act 2005 comes into force on the 1<sup>st</sup> September 2007 and establishes a new and modern structure to the law on gambling, which is now more than 30 years old. The new Act seeks to maintain the main objectives for gambling – to prevent it being a source of crime and disorder, to ensure that gambling is conducted in a fair and open way, and to protect children and other vulnerable persons from being harmed or exploited by gambling.

3.2 It is the responsibility of each Authority to set and approve its own fees in respect of premises licences.

3.3 It was intended to bring a report to the Licensing Committee for Members' consideration on 4<sup>th</sup> June 2007 and this report is attached as Appendix A. However it was discovered that the fees were required to be set by 21<sup>st</sup> May 2007. The Schedule of Committees, coupled with the Borough and Town Council Elections in May 2007 provided the Licensing Manager with considerable difficulties in bringing this report to a suitable Committee if the publication deadline of 21<sup>st</sup> May 2007 was to be met.

3.4 After seeking advice from the Head of Planning, Legal and Democratic Services, it was decided that the Gambling Act 2005 premises licence fees would be set by means of a Special Urgency Decision, with the Licensing Committee being updated and the Committee to be held on 4<sup>th</sup> June 2007. A copy of the Special Urgency Decision is attached as Appendix B.

3.5 A schedule of the agreed fees is attached as Appendix C.

## 5. RISK ASSESSMENT IMPLICATIONS

4.1. Fees must be able to be justified to avoid a challenge in the Courts.

- 4.2 There was a risk that applications for premises licences and permits would not have been submitted in good time if the deadline of 21<sup>st</sup> May 2007 for the publication of Premises Licence Fees was not met.

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Appendices	
Document	Place of Inspection
Committee Report – Gambling Act 2005 – Premises Licence Fees	Appendix A
Special Urgency Decision Form	Appendix B
Gambling Act 2005 – Schedule of Fees	Appendix C

**Subject:** **Gambling Act 2005 – Premises Licence Fees**      **Status:** **For Publication.**

**Report to:** **Licensing Committee**      **Date:** **4<sup>th</sup> June 2007**

**Section Head:** **Head of Legal & Democratic Services**      **Report Author:** **Daniel G Dobson**

**Portfolio Holder:** **Michael Ormerod**      **Key Decision:** **Yes**

## 1. PURPOSE OF REPORT

- 1.1 To inform members of the requirements of the Gambling Act 2005 to set fees in respect of premises licences and to propose a fee structure.
- 1.2 To request that Committee consider this application.

## 2. RECOMMENDATIONS

- 2.1. It is recommended that the Committee consider and adopt the new fee structure as at Appendix A.

## 3. BACKGROUND

- 3.1 The Gambling Act 2005 comes into force on the 1<sup>st</sup> September 2007 and establishes a new and modern structure to the law on gambling, which is now more than 30 years old. The new Act seeks to maintain the main objectives for gambling – to prevent it being a source of crime and disorder, to ensure that gambling is conducted in a fair and open way, and to protect children and other vulnerable persons from being harmed or exploited by gambling.
- 3.2 In most circumstances, the Gambling Commission will licence ‘operators’ i.e. those who seek to run betting shops, casinos, bingo halls, arcades of certain descriptions. Those licensed operators will then apply to the individual Licensing Authority for a premises licence for each of their premises.
- 3.3 Unlike the Licensing Act, where fees were set by the Government, the Gambling Act has delegated responsibility to each Licensing Authority to set its own fees. There is a maximum fee set for each type of premises and each type of activity but within those boundaries, councils are able to ensure that the costs of providing the licensing services are covered. They may also take into consideration when determining the fees local considerations.
- 3.4 Costs for the first 12 months will, of necessity, be projected rather than actual. However, work has been done in liaison with other licensing authorities in the North West to estimate costs in an organised and methodical manner which gives a true assessment of fixed costs as well as an estimate of the work involved in each activity.
- 3.5 Rossendale Licensing Authority encompasses only six betting shops and, currently, two amusement arcades. The fixed costs, therefore, may be proportionately higher than an Authority which can share them amongst far more premises. However, it will also take over

responsibility from the Magistrates Courts for gaming machines in all forms of licensed premises as well as continuing to be responsible for lotteries.

## CONCLUSION

- 4.1 The proposed fees schedule has been set to reflect the best estimate of actual costs that the Licensing Unit will incur. It will be possible in the future to amend those fees, either to reduce or increase them, in the light of experience. However, at this stage, it is important that we do underestimate the actual costs.
- 4.2 Unlike many licensing Authorities, we have chosen not to set all costs at the Maximum permitted by the regulations

## 5. RISK ASSESSMENT IMPLICATIONS

- 4.1. Fees must be able to be justified to avoid a challenge in the Courts.

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Appendices	
Document	Place of Inspection
Gambling Act 2005 – Fees schedule.	Appendix A

**SPECIAL URGENCY DECISION**

Leader of Council:

Signature: (signature obtained)

Chair of Overview and Scrutiny:

Signature: (signature obtained)

Decision Taker:

Signature: (signature obtained)

Details of Decision and Reasoning:

Decision to approve the fees schedule set under the gambling Act 2005.

Licence fees under the Gambling Act 2005 must be published before 21<sup>st</sup> May 2007. The Licensing Committee does not sit until the 4<sup>th</sup> June 2007.

Decision to be taken by:

Linda Fisher

Documents to be considered by the decision taker:

Report on Gambling Fees.  
Schedule of proposed fees.

Implications:

Authorities are required to determine and publish fees in order that applications for premises licences and permits are able to be submitted in good time by applicants.

Status:

Key Decision.

Date:

15<sup>th</sup> May 2007.

## Gambling Act 2005 Proposed Gambling Licence Fees

Activity	Max Fee	Proposed Fee
Bingo Hall – New Licence	£3,500	£1,885
Bingo Hall – Non Fast Track	£1,750	£1,540
Bingo Hall – Fast Track	£300	£274
Bingo Hall – Annual Fee	£1,000	£1,000

Betting Shop – New Application	£3,000	£1,681
Betting Shop – Non Fast Track	£1,500	£1,485
Betting Shop – Fast Track	£300	£300
Betting Shop – Annual Fee	£600	£600

Adult Gaming Centre – New Application	£2,000	£1,335
Adult Gaming Centre – Non Fast Track	£1,000	£1,000
Adult Gaming Centre – Fast Track	£300	£274
Adult Gaming Centre – Annual Fee	£1,000	£1,000

Family Entertainment Centre – New Application	£2,000	£1,327
Family Entertainment Centre – Non Fast Track	£1,000	£1,000
Family Entertainment Centre – Fast Track	£300	£300
Family Entertainment Centre – Annual Fee	£750	£750

Bingo Hall - Variations	£1,750	£631
Betting Shop - Variations	£1,500	£631
Adult Gaming Centre - Variations	£1,000	£631
Family Entertainment Centre - Variations	£1,000	£631

Bingo Halls – Reinstatement of Licence	£1,200	£1,110
Betting Shops - Reinstatement of Licence	£1,200	£1,110
Adult Gaming Centres - Reinstatement of Licence	£1,200	£1,110
Family Entertainment Centres - Reinstatement of Licence	£950	£950

Bingo Halls – Provisional Statements	£3,500	£1,133
Betting Shops – Provisional Statements	£3,000	£1,133
Adult Gaming Centres – Provisional Statements	£2,000	£1,133
Family Entertainment Centres – Provisional Statements	£2,000	£1,133

Bingo Halls – Transfer	£1,200	£567
Betting Shops – Transfer	£1,200	£567
Adult Gaming Centres – Transfer	£1,200	£567
Family Entertainment Centres – Transfer	£950	£567

**Notes:**

The “Max Fee” is the maximum amount a Licensing Authority may charge for the relevant application.

The proposed fee is based upon the ongoing general and appeal costs distributed across the two areas in which applications are expected.

Expected income in the first year is based on 6 Fast Track Betting Shop applications and 2 possible Fast Track Family Entertainment Centres, which equates to approximately (based on the proposed fees) £2,400.