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(Tel: 01443 864245 Email: barrerm@caerphilly.gov.uk)

Date: 23rd May 2018

Dear Sir/Madam,

A meeting of the **Licensing and Gambling Committee** will be held in the **Council Chamber, Penallta House, Tredomen, Ystrad Mynach** on **Thursday, 31st May, 2018** at **10.30 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meetings and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

- | | Pages | |
|---|-----------------------------------|--|
| 1 | To receive apologies for absence. | |
| 2 | Declarations of Interest. | |

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



To receive and consider the following report: -

3 Licensing And Gambling /Registration/Permit Fees - 2018/19.

1 - 10

Circulation:

Councillors J. Bevan, P.J. Bevan, D. Cushing, W. David, M. Davies, K. Etheridge, Ms J. Gale, D.C. Harse, D.W.R. Preece (Chair), Mrs D. Price, J. Ridgewell, J. Simmonds (Vice Chair), R. Whiting, L.G. Whittle and W. Williams

And Appropriate Officers



LICENSING AND GAMBLING COMMITTEE – 31ST MAY 2018

SUBJECT: LICENSING AND GAMBLING / REGISTRATION / PERMIT FEES – 2018/19

REPORT BY: INTERIM CORPORATE DIRECTOR OF COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To recommend Licensing/Registration/Permit Fees under the Gambling Act 2005 for the next financial year and inform the Committee of fees set centrally under the Licensing Act 2003. To seek the views of Members and to make recommendations to Council on them.
- 1.2 To ask Council to note that in accordance with the existing powers contained in the terms of reference for the Licencing and Gambling Committee in future years the decisions in respect of fees which are set locally will be made by the Licensing and Gambling Committee without further reference to Council.

2. SUMMARY

- 2.1 All locally set Licensing fees are reviewed annually to recover reasonable costs of providing the service. This report recommends amendments to Gambling fees where appropriate and advises Members of the fee structure established by the Government under the Licensing Act 2003.
- 2.2 The report also recommends that the Constitution is amended so that the power to set relevant fees for future years is included within the terms of reference of the Licensing and Gambling Committee.

3. LINKS TO STRATEGY

- 3.1 The annual review of Licensing fees contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
 - A prosperous Wales
 - A resilient Wales
 - A more equal Wales

4. THE REPORT

- 4.1 The authority has a statutory duty to administer certain licences, registrations and permits. The review of fees charged, involves consideration of the cost to the Authority in providing the service. Some fees are set centrally by government e.g. alcohol licences, some permits such as street collections for charities etc are free of charge and the remaining we can determine locally in order to recover the cost of providing that particular service e.g. the majority of Gambling fees.

- 4.2 There have been a number of important cases before the High Court regarding the setting of licensing fees and the Local Government Association (LGA) have issued guidance to local authorities, the latest in November 2015. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.
- 4.3 The all Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. The cost of provision of the service increases proportionally dependant on the period of the licence, whereas the licence processing cost is not affected by the period of the licence. A separate toolkit has been developed for the majority of licences issued and these have been used to review and set fees for 2018/19.
- The toolkit spreadsheet comprises a number of worksheets covering several factors relevant to the calculation of fees as follows:
- Cost summary – calculates the hourly rate chargeable for each officer based on the Council's agreed annual productive hours.
 - Other charges –
 - (i) Total charges for time based on functions associated with the service provision.
 - (ii) Total specific costs including surplus or deficits in provision of service, costs of changes/amendments to licences.
 - (iii) Relevant applications, based on the number of renewal and new licences issued at the time of calculation.
- 4.4 Gambling Act 2005 – Whilst the Government sets maximum fee levels relating to premises licences such as bingo halls, betting shops, etc., the Authority has the discretion to set fees at a level considered appropriate to cover costs. There has been little change in respect of licence numbers / types throughout 2017/2018 and licensing processes have been further streamlined. There has been an absence of complaint led issues in this area and a review of Gambling Fees indicates that the current fees do not require amending for 2018/2019. However, there will be a significant amount of policy related work ahead in respect of preparing for the formulation of the Authority's revised Gambling Policy in January 2019 which is likely to impact upon 2019/2020 fee levels.
- 4.5 The Proposed fees for premises licences are attached as Appendix 1 and remain at the level set in 2017/18 due to the reasons given above. Fees for Permits and other charges are attached as Appendix 2. The majority of these are set centrally by Government. The only exception is the fee for Temporary Use Notices (TUNs). The report recommends that this fee remains at the existing level.
- 4.6 Licensing Act 2003 fees are set by the Government and have remained static since 2005. The Government has indicated that potentially centrally-set fees may be moved to locally-set fees and is currently working with the LGA to assess an appropriate fee structure. Until such changes are implemented, applications and annual fees must continue to be charged at the current fee level. The fees charged in connection with the Licensing Act 2003 are attached for information only as Appendix 3.
- 4.7 The majority of locally set Licensing fees are local choice functions and historically have been determined by Full Council after consideration and recommendation by the relevant Licensing Committee. Current exceptions are the setting of Dog Breeding and Scrap Metal licence fees which are an Executive function.

- 4.8 The existing terms of reference for the Licensing and General Committee are wide enough to allow the Committee to make decisions in respect of those fees which are set locally and as such it is the intention that in future years the Licensing and Gambling Committee exercise its power to set relevant fees without further reference to full Council. This will result in a more streamlined and responsive process and mirrors similar processes operated in other local authorities. Members of the relevant Licensing Committee have more detailed knowledge of the large number of types of licences administered by the service and the time and resources associated with the licensing process.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. They are consistent with the five ways of working as defined within the sustainable development principle in the Act. There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for applications allowing other agencies and the community to input into the decision making process.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

7. FINANCIAL IMPLICATIONS

- 7.1 The authority must balance the cost of providing the service with the impact any increases may have on businesses and the local economy. The Authority has a duty to rate payers to recover true costs and to manage its services efficiently. Any delay in implementing increases in the short term would increase the current gap between the cost of providing the service and income generated from Licensing Fees and result in even larger increases in future years.
- 7.2 As set out at 4.2 above recent rulings on fees and Local Government Association guidance clearly sets out that income from one licence type cannot support or fund other licence types, Councils cannot over-recover and fees must reflect the true cost of administration and the provision of the service. Following review of all locally set fees, the predicted income for the period 2018 to 2019 will be dependent on the aggregation of fees for different licence types. Alcohol fees are set by Government and as it is proposed that Gambling fees remain static, income levels are likely to remain the same, dependent upon the number of applications.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications.

9. CONSULTATIONS

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

10.1 That the Committee:-

- (a) consider and offer any comment on the level of fees proposed under the Gambling Act 2005 for 2018/19 as outlined in Appendix 1 and for Temporary Use Notices in Appendix 2.
- (b) note the level of fees charged in connection with the Licensing Act 2003 as set out in Appendix 3 and for the majority of Gambling Permits and associated charges in Appendix 2.
- (c) To ask Council to note that in accordance with the existing powers contained in the terms of reference for the Licencing and Gambling Committee, for future years the decisions in respect of fees which are set locally will be made by the Licensing and Gambling Committee without further reference to full Council.

10.2 To refer the above recommendations to Council on 5th June 2018.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To recover a reasonable level of costs incurred by the Council in administering the licensing service. To implement a more streamlined and responsive process for fee setting that mirrors similar processes operated in other local authorities.

12. STATUTORY POWER

12.1 Local Government Act 1972; Licensing Act 2003 and the Gambling Act 2005 etc and Regulations made under these Acts.

Author: Lee Morgan , Licensing Manager
Consultees: Cllr, Denver Preece Chair, Licensing Committee
Cllr J Simmonds, Vice Chair, Licensing Committee
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection
Mark S. Williams, Interim Corporate Director Communities
Robert Hartshorn, Head of Policy and Public Protection
Jacqui Morgan , Trading Standards, Licensing and Registrars Manager
James Williams, Senior Solicitor, Legal Services
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager
Mike Eedy, Finance Manager
Lisa Lane, Interim Monitoring Officer.

Background Papers:

Open for business LGA guidance on Licensing fees Nov 2015 -
<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

Appendices:

Appendix 1 – Gambling Act 2005 – Proposed premises licence fees for 2018/19
Appendix 2 – Gambling Act 2005 – Permits and associated charges
Appendix 3 – Licensing Act 2003 – Main fees

GAMBLING ACT 2005 – PREMISES LICENCE FEES 2018/19 (unchanged)

Premises Type	New Application £	Annual Fee £	Application to Vary £	Application to Transfer £	Application for Re-Instatement £	Application for Provisional Statement £	Licence Application (Provisional Statement Holders) £	Copy Licence Statutory Maximum £	Notification of Change Statutory Maximum £
Bingo Club	£680	£405.00	£680	£680	£680	£680	£405.00	25*	50*
Betting Premises (excluding Tracks)	£680	£405.00	£680	£680	£680	£680	£405.00	25	50
Tracks	£900	£564	£900	£564	£564	£900	£564	25	50
Family Entertainment Centres	£680	£405.00	£680	£680	£680	£680	£405.00	25	50
Adult Gaming Centre	£680	£405.00	£680	£680	£680	£680	£405.00	25	50

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	New Application	Renewal Fee	Change of Name £	Copy of Permit £	Variation £	Transfer £	Annual Fee £
Temporary Use Notice (set locally) Unchanged	398	N/A	N/A	25	N/A	N/A	N/A
Centrally Set Fees							
FEC Gaming Machine Permits*	300	300	25	15	N/A	N/A	N/A
Prize Gaming Permits*	300	300	25	15	N/A	N/A	N/A
(Alcohol) Licensed Premises Gaming Machine Permit*	150#	N/A	25	15	100	25	50
(Alcohol) Licensed Premises Notification Fee – (maximum 2 machines)*	50	N/A	N/A	N/A	N/A	N/A	N/A
Club Gaming Permit*	200##	200##	N/A	15	100	N/A	50
Club Machine Permit*	200##	200##	N/A	15	100	N/A	50

* Statutory Fee set centrally

Where applicant is an existing operator fee is £100.00

Where applicant is an existing Part 2 or Part 3 operator under the Gaming Act 1968 or the holder of a club premises certificate issued under the Licensing Act 2003, the fee is £100.00.

LICENSING ACT 2003 - set centrally by Government.**MAIN FEES –
PREMISES LICENCE AND CLUB PREMISES CERTIFICATE**

BAND	A	B	C	D	E
NON DOMESTIC RATEABLE VALUE	None-£4,300	£4,301-£33,000	£33,001-£87,000	£87,001-£125,000	£125,001+
Premises Licence*					
NEW APPLICATION AND VARIATION	£100	£190	£315	£450	£635
MULTIPLIER APPLIED TO PREMISES USED EXCLUSIVELY OR PRIMARILY FOR THE SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE PREMISES (BANDS D & E ONLY)	N/A	N/A	N/A	X2 (£900)	X3 (£1905)
ANNUAL CHARGE*	£70	£180	£295	£320	£350
ANNUAL CHARGE MULTIPLIER APPLIED TO PREMISES USED EXCLUSIVELY OR PRIMARILY FOR THE SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE PREMISES (BANDS D & E ONLY)	N/A	N/A	N/A	X2 (£640)	X3 (£1050)
Club Premises Certificate					
NEW APPLICATION AND VARIATION	£100	£190	£315	£450	£635
ANNUAL CHARGE	£70	£180	£295	£320	£350

To locate the non-domestic rateable value of your premises, log into the Valuation Office's website, www.voa.gov.uk where there is a facility to enter the post code.

*There are additional fees for premises licence applications and annual fee, for exceptionally large-scale events (5,000 people+), unless certain conditions apply. Please read regulation 4(4) & 4(5) of The Licensing Act 2003 (Fees) Regulations 2005

Exemptions exist for certain premises such as church halls, community halls, schools and colleges and where the application relates to the provision of regulated entertainment only.

Additional Fees Applied to Premises Licence Application and the Annual Fee for Exceptionally Large Scale Events

Number in attendance at any one time	Additional fee payable	Annual fee payable if applicable
5,000 - 9,999	£1,000	£500
10,000 - 14,999	£2,000	£1,000
15,000 - 19,999	£4,000	£2,000
20,000 - 29,999	£8,000	£4,000
30,000 - 39,999	£16,000	£8,000
40,000 - 49,999	£24,000	£12,000
50,000 - 59,999	£32,000	£16,000
60,000 - 69,999	£40,000	£20,000
70,000 - 79,999	£48,000	£24,000
80,000 - 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

Personal Licence, Temporary Event Notice and Other Fees

Application for a grant or renewal of personal licence	£37.00
Temporary event notice	£21.00
Theft loss, etc. of premises licence or summary	£10.50
Application for a provisional statement where premises being built, etc.	£315.00
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23.00
Application for transfer of premises licence	£23.00
Interim authority notice following death, etc. of licence holder	£23.00
Theft, loss, etc. of certificate or summary	£10.50
Notification of change of name or alteration of rules club	£10.50
Change of relevant registered address of club	£10.50
Theft, loss etc. of temporary event notice	£10.50
Theft, loss etc. of personal licence	£10.50
Duty to notify change of name or address	£10.50
Right of freeholder etc. to be notified of licensing matters	£21.00
Application for a minor variation	£89.00
Application for the mandatory condition requiring a DPS to be dis-applied	£23.00