



LICENSING AND GAMBLING COMMITTEE

MINUTES OF THE MEETING HELD IN THE RHYMNEY ROOM, PENALLTA HOUSE ON
THURSDAY, 2ND MARCH 2017 AT 10.00 A.M.

PRESENT:

Councillor D.W.R. Preece - Chair

Councillors:

J. Bevan, Mrs P. Cook, W. David, Ms J. Gale, C. Hawker, A. Lewis

Together with:

J. Morgan (Trading Standards, Licensing and Registrars Manager), M. McSherry (Licensing Manager), B. Davies (Solicitor) and R. Barrett (Committee Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs K.R. Baker, P.J. Bevan, D. Bolter, C.J. Gordon, Mrs P.A. Griffiths, K. Lloyd, Mrs G.D. Oliver and Mrs D. Price

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. LICENSING AND GAMBLING/REGISTRATION/PERMIT FEES - 2017/18

The Trading Standards, Licensing and Registrars Manager presented the report, which recommended increases to licensing/registration/permit fees under the Gambling Act 2005 for the next financial year, outlined fees centrally set under the Licensing Act 2003, and sought the views of the Committee prior to its presentation to Council.

It was explained that the Authority has a statutory duty to administer certain licenses, 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, some permits for matters such as street collections are free of charge, and the remaining fees can be determined locally in order to recover the cost of providing that particular service.

Following a number of High Court cases regarding the setting of licensing fees, the Local Government Association has issued guidance to local authorities (updated November 2015). The underlying principle in setting fees is that the Council must not use fees to make a profit or which 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.

A fee calculator toolkit has been devised by the All-Wales Licensing Expert Panel and approved by the Directors of Public Protection in Wales, which is used by Caerphilly Council to determine such fees. The calculation process has indicated that some current gambling fee levels require amending for 2017/18 due to streamlined processes within the Licensing Department and apportionment of some costs across a specific period (such as policy review and amendment). It was therefore proposed that premises licence fees be reduced accordingly, with details of the existing fees and the proposed reduced fees set out at Appendix 1 of the report.

Members were also asked to note the level of fees charged in connection with the Licensing Act 2003 (as set out in Appendix 3 of the report), and the fees for the majority of gambling permits and associated charges (as set out in Appendix 2 of the report). Officers explained that although the majority of permit fees and associated charges are centrally set (and have remained static since 2005), there is an exception for the setting of the fee for Temporary Use Notices, with it recommended that this fee remains at the existing level. Officers added that Licensing Act 2003 fees are set centrally by the UK government and have not increased since 2005. Legislative changes have been made to enable local authorities to set fees locally but to date have not been implemented.

A Member queried the significant reduction across the proposed gambling premises licence fees. Officers explained that the toolkit allows for a more accurate calculation of costs and streamlining of processes and other changes made, which were identified in the report, and have resulted in the need to reduce fees in this area (as charges must be reasonable and proportionate to the cost of providing the service). Discussion also took place regarding costs incurred by the Licensing Department and whether sufficient income would be generated if the reduced premises licence fees were to be implemented. Officers explained that current legislation across a number of other Licensing areas restricts full cost recovery and that unless this were to change in the future, there will always be a shortfall between the income received and the true cost of providing the Licensing service.

Discussion also took place regarding premises inspections and new legislation surrounding gaming machines. It was explained that where legislation permits the Authority to do so, any ensuing costs have been incorporated into the fee calculation process.

Following consideration of the report, it was moved and seconded that the following recommendations be forwarded to Council for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED to Council that:-

- (i) the level of fees charged in connection with the Licensing Act 2003 (as set out in Appendix 3 of the report) and for the majority of gambling permits and associated charges (as set out in Appendix 2 of the report) be noted;
- (ii) the reduced level of premises licence fees proposed under the Gambling Act 2005 for 2017/18 (as outlined in Appendix 1 of the report) be implemented with effect from 1st April 2017;
- (iii) the fee for Temporary Use Notices (as outlined in Appendix 2 of the report) remains at the existing level.

The meeting closed at 10.19 a.m.