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Date: 22nd February 2017

Dear Sir/Madam,

A meeting of the **Licensing and Gambling Committee** will be held in the **Rhymney Room, Penallta House, Tredomen, Ystrad Mynach** on **Thursday, 2nd March, 2017** at **10.00 am** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
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.

To receive and consider the following report(s): -

3 Licensing and Gambling/Registration/Permit Fees - 2017/18.	
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Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



Circulation:

Councillors Mrs K.R. Baker, J. Bevan, P.J. Bevan, D. Bolter, Mrs P. Cook, W. David, Ms J. Gale, C.J. Gordon (Vice Chair), Mrs P. A. Griffiths, C. Hawker, A. Lewis, K. Lloyd, Mrs G.D. Oliver, D.W.R. Preece (Chair) and Mrs D. Price

And Appropriate Officers



LICENSING AND GAMBLING COMMITTEE – 2ND MARCH 2017

SUBJECT: LICENSING AND GAMBLING /REGISTRATION/PERMIT FEES – 2017/18

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To recommend Licensing/Registration/Permit Fees under the Gambling Act 2005 for the next financial year, inform of fees set centrally under the Licensing Act 2003 and to seek the views of Members prior to its presentation 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.

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 establish the fees for 2017/18.

The process indicated that some current gambling fee levels require amending due to streamlining of processes and apportionment of some costs across a specific period, for example policy review and amendment.

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 Appendix 1 to this report details the existing fees and those proposed for Gambling premises. For the ease of calculation and collection, all these fees have been rounded to the nearest pound. The majority of Permit fees and associated charges are set centrally and are detailed for information in Appendix 2. The only exception is the fee for Temporary Use Notices (TUNs). The report recommends that this fee remains at the existing level. The fees charged in connection with the Licensing Act 2003 are attached for information as Appendix 3.

4.5 **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. A CIPFA survey in 2016 estimated a shortfall in income for the Authority of 8K based on 2014/15 data. Until such changes are implemented, applications and annual fees must continue to be charged at the current fee level.

4.7 **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. Members will note from Appendix 1 a recommended reduction to the cost of most premises licences when compared to previous years. The recommended reduction is as a result of the following:

- Improved and streamlined administrative systems
- Increased functionality of the software available to support the licensing unit (such as time recording system, adaptations to current database, development of the toolkit for the calculation of fees)
- Greater support from the Gambling Commission in the provision of guidance and assistance in respect of the Gambling Act 2015
- Changes to the way that costs associated with the Gambling Policy review and amendment process are apportioned.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The Authority has a duty to improve the social, economic, environmental and cultural well-being of Wales. The proposals in this report contribute 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. 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.

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 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 2017 to 2018 will be dependent on the aggregation of fees for different licence types. The main impact in respect of this report will arise from a reduction in income of about £2,300 due to decreases in the fees payable for the majority of gambling premises licences. Use of the toolkit referred at point 4.3 above has seen a rationalisation of fees across the types of gambling premises, with Adult Gaming Centres, Betting on Tracks and Bingo being reduced and a slight increase in respect of Betting Shops.

The total licensing income for 2017/18 also takes into consideration proposals considered by the Taxi and General Committee and Cabinet for Scrap Metal and Dog Breeding Fees. Depending on the outcome of these meetings the overall income in 17/18 is likely to increase by either £2,500 or £6,500.

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) 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.
- (b) Consider and offer any comment on the level of fees proposed under the Gambling Act 2005 for 2017/18 as outlined in Appendix 1 and for Temporary Use Notices in Appendix 2.

10.2 To refer the above recommendations to Council on 7th March 2017.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To recover a reasonable level of costs incurred by the Council in administering the licensing service.

12. STATUTORY POWER

12.1 Local Government Act 1972; Licensing Act 2003 and the Gambling Act 2005 etc and Regulations made under these Acts. This is a Council function.

Author: Myra McSherry, Licensing Manager

Consultees:

Clr, Denver Preece Chair, Licensing Committee
Clr C Gordon, Vice Chair, Licensing Committee
Clr Nigel George, Cabinet Member for Community and Leisure Services,
Dave Street, Corporate Director, Social Services
Robert Hartshorn, Head of Public Protection
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
Gail Williams, Interim Head of Legal services and Monitoring Officer
Sue Ead, Solicitor, Legal Services
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager

Background Open for business LGA guidance on Licensing fees Nov 2015

Appendices:

Appendix 1 – Gambling Act 2005 – Proposed premises licence fees for 2017/18

Appendix 2 – Gambling Act 2005 – Permits and associated charges

Appendix 3 – Licensing Act 2003 – Main fees

GAMBLING ACT 2005 – PROPOSED PREMISES LICENCE FEES FOR 2017/18

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	3016	663	1393	955	955	2785	955	25*	50*
Proposed	£680	£405.00	£680	£680	£680	£680	£405.00	25	50
Betting Premises (excluding Tracks)	2586	398	1194	955	955	2785	955	25*	50*
Proposed	£680	£405.00	£680	£680	£680	£680	£405.00	25	50
Tracks	2155	663	994	757	757	1988	757	25*	50*
Proposed	£900	£564	£900	£564	£564	£900	£564	25	50
Family Entertainment Centres	1724	499	796	757	757	1591	757	25*	50*
Proposed	£680	£405.00	£680	£680	£680	£680	£405.00	25	50
Adult Gaming Centre	1724	663	796	955	955	1591	955	25*	25*
Proposed	£680	£405.00	£680	£680	£680	£680	£405.00	25	50

PERMITS AND ASSOCIATED CHARGES

APPENDIX 2

Permit Fees

	New Application	Renewal Fee	Change of Name £	Copy of Permit £	Variation £	Transfer £	Annual Fee £
Temporary Use Notice (set locally)	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

**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