



## LICENSING AND GAMBLING COMMITTEE

MINUTES OF THE MEETING HELD IN THE COUNCIL CHAMBER, PENALLTA HOUSE  
ON THURSDAY, 31ST MAY, 2018 AT 10.30 AM

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PRESENT

Councillor J. Simmonds - Vice-Chair - Presiding

Councillors:

J. Bevan, D. Cushing, K. Etheridge, Ms J. Gale, D.C. Harse, Mrs D. Price, J. Ridgewell,  
R. Whiting, L.G. Whittle, W. Williams

Together with:

J. Morgan (Trading Standards, Licensing and Registrars Manager), L. Morgan (Licensing Manager), T. Rawson (Solicitor), J. Lloyd (Senior Licensing Officer), J. Thomas (Licensing Officer), R. Barrett (Committee Services Officer)

### 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.J. Bevan, W. David, M. Davies and D.W.R. Preece (Chair).

### 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 - 2018/19

The Licensing 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 Members prior to presentation to Council. The report also sought a referral from the Committee to ask Council to note that in accordance with the existing powers contained in the terms of reference for the Licensing and Gambling Committee, in future years the decisions in respect of fees which are set locally will be made by the Committee without further reference to Council.

Members were reminded of the Authority's 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 (e.g. the majority of Gambling fees) 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 (devised by the All-Wales Licensing Expert Panel and approved by the Directors of Public Protection in Wales) is used by Caerphilly Council to determine such fees. There has been little change in respect of licence numbers / types throughout 2017/18, and given the streamlining of licensing processes, a review of Gambling Fees has indicated that the current fees do not require amending for 2018/2019. The proposed fees for premises licenses under the Gambling Act 2005 therefore remained unchanged from the 2017/18 level and were set out in Appendix 1 to the report. Members were asked to note however that 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.

Members were asked to note the fees for the majority of gambling permits and associated charges as set out in Appendix 2 of the report). The majority of these are set centrally by Government, with the only exception being the fee for Temporary Use Notices, and the report recommended that this fee remains at the existing level.

The Committee were also referred to Appendix 3 of the report outlining the fees charged in connection with the Licensing Act 2003, which 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.

Members discussed whether the level of fees allows sufficient income to be generated by the Licensing Department in order to cover their costs. A Member suggested that it would be useful to have a report outlining the income received and the cost to the Licensing Department in providing the service. Officers gave examples of the disparity between the income received and the costs incurred, but explained that current legislation across a number of Licensing areas restricts full cost recovery and that until the Government implements a move to locally-fees, there will always be a shortfall between the income received and the true cost of providing the Licensing service. It was emphasised that this is an issue being experienced by authorities nationwide and is not restricted to Caerphilly Council.

Following discussion on the matter, a Member expressed a need for the WLGA to put pressure on the Government to expedite a move from centrally-set fees to locally-set fees in connection with the Licensing Act 2003, and proposed that an additional recommendation be made to Council in this regard. This was seconded and by a show of hands (with 1 abstention) was agreed by the majority present.

Having fully considered the report, it was moved and seconded that the following recommendations (including the foregoing addition) be supported and forwarded to Council for approval. By a show of hands this was unanimously agreed.

RECOMMENDED to Council that:-

- (i) the level of fees proposed under the Gambling Act 2005 for 2018/19 (as outlined in Appendix 1 of the report) and the fee for Temporary Use Notices (as outlined in Appendix 2 of the report) be approved;
- (ii) 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;
- (iii) it be noted that in accordance with the existing powers contained in the terms of reference for the Licensing 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;
- (iv) the Welsh Local Government Association (WLGA) be asked to approach the Government to take the appropriate action for local authorities to set the level of fees charged in connection with the Licensing Act 2003.

The meeting closed at 10.54 am