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For all enquiries relating to this agenda please contact Jo Thomas
(Tel: 07714600912 Email: thomaj8@caerphilly.gov.uk)

Date: 24th July 2023

To Whom It May Concern,

A multi-locational meeting of the **Licensing and Gambling Committee** will be held in Penallta House, and via Microsoft Teams on **Monday, 31st July, 2023 at 3.00 pm** (or immediately following the Taxi and General Committee) to consider the matters contained in the following agenda. Councillors and the public wishing to speak on any item can do so by making a request to the Chair. You are also welcome to use Welsh at the meeting, both these requests require a minimum notice period of 3 working days. A simultaneous translation will be provided on request.

Members of the public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the [Council's website](#).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy Harrhy', written over a large, loopy oval shape.

Christina Harrhy
CHIEF EXECUTIVE

A G E N D A

- 1 To receive apologies for absence.

A greener place Man gwyrdach



Pages

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 & Gambling /Registration/Permit Fees 2023/24.

1 - 16

Circulation:

Councillors M.A. Adams (Vice Chair), Mrs E.M. Aldworth, Mrs P. Cook, D. Cushing, G. Ead, C.J. Gordon, D.C. Harse, T. Heron, Ms J.G. Jones, D.W.R. Preece, Mrs D. Price, J.E. Roberts, J. Scriven, S. Williams (Vice Chair Presiding) and W. Williams (Chair)

And Appropriate Officers

HOW WE WILL USE YOUR INFORMATION

Those individuals that attend committee meetings to speak/give evidence will be named in the minutes of that meeting, sometimes this will include their place of employment or business and opinions expressed. Minutes of Meetings including details of speakers will be publicly available to all via the Council website at www.caerphilly.gov.uk. except for discussions involving confidential or exempt items.

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LICENSING AND GAMBLING COMMITTEE – 31ST JULY 2023

**SUBJECT: LICENSING AND GAMBLING /REGISTRATION/PERMIT
FEES 2023/24**

REPORT BY: CORPORATE DIRECTOR, ECONOMY AND ENVIRONMENT

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1. PURPOSE OF REPORT

- 1.1 To recommend Licensing/Registration/Permit Fees under the Gambling Act 2005 for the next financial year.

2. SUMMARY

- 2.1 All locally set Licensing fees are reviewed regularly to recover reasonable costs of providing the service. This report recommends maintaining existing Gambling fees and advises Members of the fee structure established by the Government under the Licensing Act 2003.

3. RECOMMENDATIONS

- 3.1 That the Committee:-
- a) Consider and approve the level of fees proposed under the Gambling Act 2005 for 2023/24 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 4** and for the majority of Gambling Permits and associated charges in **Appendix 2**.

4. REASONS FOR THE RECOMMENDATIONS

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

5. THE REPORT

- 5.1 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.
- 5.2 There have been several 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.
- 5.3 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.
- 5.4 **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 a reduction in the number of betting shops from 22 in 2019 to 15 in 2023, aside from this there has been no change in respect of licence numbers / types.
- 5.5 A review of Gambling Fees for 23/24 has been undertaken and indicates that the current fees should remain at existing levels as set out in **Appendix 1**. The Authority currently licences 24 premises under the Gambling Act 2005 consisting of 1 track, 1 bingo hall, 15 betting premises and 7 adult gaming centres (AGCs) who will be required to pay an annual fee. Whilst the Authority acknowledges the difficulties faced by local businesses in the current economic climate, The Council is entitled to set fees that cover the reasonable costs of providing these services.
- 5.6 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). Such applications are relatively rare and this report recommends no increase to this fee.
- 5.7 **Consultation**
- Existing licensees under the Gambling Act 2005 were informed of the consultation in relation to locally set fees by email and directed to the Consultation Survey published on the Authority's website on 15th June 2023 and comments invited on them for inclusion in this report. A copy of the fees consultation survey is reproduced for Members Information as **Appendix 3**. No Comments were received in relation to Gambling Fees.

5.8 **Licensing Act 2003** fees are set by the Government and have remained static since 2005. There is currently a Home Office informal survey of Licensing Authorities in Wales and England to determine the costs associated with alcohol applications. The deadline date for submission of comments was the 22nd of June 2023 and Officers responded advocating that application costs for all licence types under the Licensing Act 2003 should be increased in order to recover the cost of providing the service. The fees charged in connection with the Licensing Act 2003 are attached for information only as **Appendix 4**.

5.9 **Conclusion**

The Authority is required to review its Licensing fees on an annual basis and has a duty to recover fees that are proportionate to the level of cost incurred in administering the licensing service.

6. **ASSUMPTIONS**

6.1 No assumptions have been made in the preparation of this report.

7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 The council has a duty to cost recover locally set fees. Licence fees have not increased in most instances since 2019/20 and 2017/18 for some licences. A consultation in respect of locally set fees has been undertaken with existing licence holders. The responses have been included in the IIA and reports for Cabinet and Licensing Committees for Member consideration. These reports contain the full cost recovery figures for each licence type. The full impact will be determined by the actual fees set by Cabinet and Licensing Committees.

Link to IIA

8. **FINANCIAL IMPLICATIONS**

8.1 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 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.

8.2 Following review of all locally set fees, the predicted income for the period 2023 to 2024 for Gambling fees will remain the same unless there is a reduction in the number of Betting Shops, Adult Gaming Centres, Track and Bingo Premises.

9. **PERSONNEL IMPLICATIONS**

9.1 There are no personnel implications.

10. **CONSULTATIONS**

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

10.2 No responses were received on Gambling fees in the consultation survey.

11. STATUTORY POWER

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

Author: Lee Morgan Licensing Manager – morgal16@caerphilly.gov.uk
Date:

Consultees: Cllr Walter Williams, Chair, Taxi and General Licensing Committee
Cllr, Shane Williams, Vice Chair, Taxi and General Licensing Committee
Cllr Philippa Leonard, Cabinet Member for Planning and Public Protection
Mark S. Williams, Corporate Director Economy and Environment
willims@caerphilly.gov.uk
Robert Hartshorn, Head of Public Protection, Community and Leisure Services
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Robert Tranter, Head of Legal Services and Monitoring Officer
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Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Morgaj4@caerphilly.gov.uk
Steve Harris, Head of Financial Services and S151 Officer
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Lynne Donovan, Head of People Services
Donovl@caerphilly.gov.uk

Appendices:

Appendix 1 Gambling fees 23/24
Appendix 2 Gambling Permit fees 23/24
Appendix 3 Fees Consultation Survey
Appendix 4 Licensing Act 2003 Fees

Background Papers:
Local Government Association Licensing Fees Guidance

GAMBLING ACT 2005 –PREMISES LICENCE FEES 2023/24

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	£702	£430	£702	£702	£702	£702	£430	£25*	£50*
Betting Premises (excluding Tracks)	£702	£430	£702	£702	£702	£702	£430	£25	£50
Tracks	£900	£582	£900	£582	£582	£900	£582	£25	£50
Family Entertainment Centres	£702	£430	£702	£702	£702	£702	£430	£25	£50
Adult Gaming Centre	£702	£430	£702	£702	£702	£702	£430	£25	£50

	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.

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Licensing Fees Survey

Caerphilly County Borough Council has a statutory duty to administer certain Licences, Registrations, Consents and Permits. The Licensing team is reviewing its fees for locally set Licences, Registrations, Consents and Permits for 2023/2024.

All locally set Licensing fees are reviewed to recover reasonable costs of providing the service. These have not been revised since 2019/2020.

Some fees for example Licensing Act 2003 are set by Central Government and will not form part of this review. Fees are set on a cost recovery basis; the review indicated that some fees would need to be increased in 23/24 to meet full cost recovery values and others decreased.

Information will be provided to Members in respect of the full cost recovery of fees for each licence type. Any comments received from this consultation will be included in reports for Members who will determine the fees which could be full cost recovery or a lesser amount.

How we use your personal information: The information you provide will be used by the service area relevant to the consultation / survey within Caerphilly County Borough Council. Views expressed will be collated together and used to produce a summary report. Depending on scope / nature of the survey / consultation, the summary report will be used to evaluate and remodel services / priorities etc. We will not keep your views in a way that will identify you for longer than is necessary.

You have a number of rights in relation to the information we hold about you, including the right of access to your information and the right of complaint if you are unhappy with the way your information is processed. For further information on how we process the information and your rights please follow this link:

www.caerphilly.gov.uk/CaerphillyDocs/FOI/PrivacyNotices/Privacy-Notice-Consultations-Surveys.aspx

1. Do you hold a Licence, Registration, Consent or Permit?

Yes

No

2. If yes, what type of authorisation is this? Please write in:

3. Do you have any comments that you would like us to take into consideration when we look to set local fees?

Yes

No

4. Which licence, registration, consent or permit type do your comments relate? Please write in:

5. Please give reasons for your answer:

6. Would you like to comment on any other licence, registration, consent or permit?

Yes

No

7. Which licence, registration, consent or permit type do your comments relate? Please write in:

8. Please give reasons for your answer:

9. Would you like to comment on any other licence, registration, consent or permit?

Yes

No

10. Which licence, registration, consent or permit type do your comments relate? Please write in:

11. Please give reasons for your answer:

12. If you would like to speak to the licensing team concerning this consultation please provide your contact details.

13. If your responses to the above questions have been affected either positively or negatively because of any of the following (age, disability, ethnic origin, gender, gender reassignment, marital status, religious belief or non-belief, use of Welsh language, BSL or other languages, nationality or responsibility for any dependents or because you or a member of your household are or have been a member of the armed forces) please give details below.

Thank you for completing the survey

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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 - 9,999	£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