



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.

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Date:

Consultees: Cllr Walter Williams, Chair, Taxi and General Licensing Committee
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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