

Licensing Committee report



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REVIEW OF LOCALLY SET FEES UNDER THE GAMBLING ACT 2005

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for publication

No

1. Purpose

- 1.1 This report applies to the discretionary fee setting ability of the Council for certain applications made under the Gambling Act 2005.
- 1.2 The report sets out the proposed level of these fees with effect from April 2021.

2. Recommendations

- 2.1 That the proposed fees be endorsed and recommended that they are adopted by due process for implementation in the next financial year.
- 2.2 That a review of the fees takes place in September 2022.

3. Actions and Options

- 3.1 The options are:
 - (a) to endorse the proposed fees and recommend that they are adopted by due process (RECOMMENDED); or
 - (b) to not endorse the proposed fees and charges and instruct officers to carry out such work on revisions as may be considered necessary.
- 3.2 The fees concerned are outlined in the **Annex** to the report.

4. Issues and Choices

- 4.1 The Gambling Act 2005 specifies types of application the Council (as the Licensing Authority) is responsible for. In some cases, fee levels are to be set locally subject to a prescribed maximum level. There are two types of fee - those for applications and those for annual subsistence (fees that are paid yearly once an application that has been granted). The various type of premise licence (casino, betting shops, gaming centres etc.) all have different fee levels and bands under the legislation.
- 4.2 The existing discretionary fee levels were last reviewed in 2018 and implemented for the financial year 2019/20 as part of annual budget setting. There is a need to periodically review whether the fees we are charging are still correct based on the work concerned and for them to either be reduced or increased where necessary. This review also enables us to work towards our service objective of cost neutrality and apports costs involved based on historical data and accounting for the organisational costs involved.
- 4.3 The Council is not permitted to generate profit from licence fees but can charge such fees as reasonable to cover the work undertaken in the processing, consideration, determination and granting of certain licences it administrates. Additionally, the cost of compliance and enforcement can also be charged in respect of the subsistence fees.
- 4.4 Based on the review a limited number of fees have been assessed to now be too high, most to be correct, and one too low. The overall impact of the changes will be a decrease in overall income.

How Fees Are Calculated

- 4.4 For each type of application the time spent on processing applications received within the last 18 months has been recorded. The amount of time spent by administrative staff, officers, senior officers and management have been totalled and averaged by the number of specific applications received. Armed with this information together with an organisational cost for staff per hour we can calculate on average how long particular types of application have cost and the compliance cost per premises sector.
- 4.5 The revised fees and charges include on costs for staff plus Head of Service, Legal and Democratic Services (committees). They also include costs for the writing and review of policies, including this review project.
- 4.6 Costs of inspections and regulatory work have also been included as a factor in setting the subsistence fee levels.
- 4.7 Guidance on fee setting has been considered.

5. Implications

5.1 Policy

No change required. Existing policy recognises fee setting ability.

5.2 Resources and Risk

Any change in charges is open to challenge and needs to be seen to be reasonable and attributable to the associated costs through administration and enforcement. If charges are not found to be justifiable then the result can be that charges paid to the council are returned to those who have paid for the licences.

5.3 Legal

The implications of not adopting the fees as proposed would make the fees charged at the present time more open to challenge.

List of Annexes

Annex	Spreadsheet of proposed fees for financial year 2021/2022 and 2022/2023
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