

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
22ND FEBRUARY 2007

Gambling Act 2005 – Premises Licence Fees

OPEN	
COMMUNITY STRATEGY THEME:	Safer Communities
CORPORATE PLAN THEME:	Enabling Community Wellbeing
KEY PRIORITY:	Community Safety
CABINET MEMBER:	Councillor Anne Hingley
RESPONSIBLE OFFICER:	Mike Parker, Head of Planning, Health and Environment Division
CONTACT OFFICER:	Brian Kent – Ext. 2593 Brian.Kent@wyreforestdc.gov.uk
APPENDICES	None

1. PURPOSE OF REPORT

- 1.1 To approve a Delegation of authority to set Premises Licences Fees granted under the provisions of the Gambling Act 2005.

2. RECOMMENDATION

The Cabinet is asked to RECOMMEND to Council that:

- 2.1 the Head of Financial Services and the Head of Planning, Health & Environment be given delegated authority, in conjunction with the Cabinet Members for Finance & Corporate Affairs and Planning, Health & Environment, to set fees relating to the Gambling Act 2005 according to government guidelines.**

3. BACKGROUND

- 3.1 The Gambling Act 2005 (the Act) gives responsibility for the licensing and regulation of gambling premises to licensing authorities. The costs of these new responsibilities will be met by gambling operators through a one off application fee and annual fees for gambling premises licences.

- 3.2 The Act allows the Secretary of State to devolve to licensing authorities in England and Wales the freedom to set fees for premises licence applications, subject to any constraints which may be prescribed.
- 3.3 When determining the fees they will charge, each licensing authority will be limited to recovery of costs of carrying out their functions under the Act. This will include the cost of hearings, inspection and enforcement.

Transitional Arrangements

- 3.4 A scale of fees must be set by each Local Authority by 30th April 2007, to commence a transitional period leading to the full operational date of the Act on 1st September 2007.

New Licensing Regime

- 3.5 Under the Act, each of the following type of gambling premises will require a licence:
- existing casinos, (originally licensed under the 1968 Gambling Act)
 - new small casinos
 - new large casinos
 - bingo clubs
 - betting Offices (i.e. Betting premises excluding tracks)
 - race tracks
 - adult gaming centres
 - family entertainment centres

4. KEY ISSUES

- 4.1 The Department of Culture, Media, and Sport (DCMS) is currently consulting with all local authorities to assess fee bands which will enable full cost recovery of the licensing function.
- 4.2 The Regulations, subsequent to the consultation, are not yet published by Government but should be in place by the 30th April 2007 to enable transition to take place. These will detail some specified permit fees but will leave others to be set locally.
- 4.3 Neither the Licensing and Environmental Committee nor Cabinet is next due to meet in time to report and consider the DCMS recommendations and have fees agreed by Council in time for the April deadline.
- 4.4 Gambling Fees will be set as part of the budget in future financial years.

5. LEGAL AND POLICY IMPLICATIONS

- 5.1 The recovery of fees is in accordance with the Gambling Act 2005.

6. FINANCIAL IMPLICATIONS

- 6.1 The total estimated income for Gambling Fees is likely to be in the region of £3,000.
- 6.2 The Council should aim to ensure that fees are set at a level to ensure cost recovery only.

7. RISK MANAGEMENT

- 7.1 Failure to establish delegation to set fees will result in the Council not being able to meet the April deadline for setting fees.

8. CONCLUSION

- 8.1 Gambling Fees cannot be set until Government has published Regulations.
- 8.2 Delegation to set fees is therefore necessary to enable the licensing transition to take place according to Government timescale, and to ensure that all costs are recovered.

9. CONSULTEES

- 9.1 Head of Legal and Democratic Services.

10. BACKGROUND PAPERS

- 10.1 Gambling Act 2005.
- 10.2 Gambling Act 2005 Premises Licenses Regulations Consultation.

1st February 2007