

# LICENSING ACT COMMITTEE

5 June 2007

## GAMBLING ACT 2005 – SETTING OF APPLICATION FEES

### REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

STRATEGIC OBJECTIVES:	TO IMPROVE OUR ECONOMY AND INFRASTRUCTURE
SERVICE PLAN(S):	PUBLIC PROTECTION
WARD(S):	ALL

#### 1. PURPOSE OF THE REPORT

- 1.1 This report is to provide information to enable the Council to set fees for Premises Licence Applications made under the Gambling Act 2005.

#### 2. RECOMMENDATION

- 2.1 **That the Licensing Act Committee recommends that Council approves the fees set out in Appendix 1 for applications made under the Gambling Act 2005 in respect of Premises Licences.**

#### 3. REASON FOR RECOMMENDATION

- 3.1 The Gambling Act 2005 has provisions for the Council as the Licensing Authority to charge fees related to Premises Licences. The Secretary of State has set a series of maximum fees payable for each category of Gambling Premises Licences, and each authority is to determine their own fees based upon cost recovery.
- 3.2 Each authority is responsible for setting their own costs and care has been taken that the proposed fees are based only on cost recovery. It is anticipated that there could be Industry challenges by way of Judicial Review if fees set were considered excessive. Full justification of these figures is available.

#### 4. BACKGROUND

- 4.1 Rutland County Council (RCC) is designated as the Licensing Authority under the Gambling Act 2003.
- 4.2 The Licensing Authority can set fees relating to the processing of premises licences up to a maximum charge for different categories of premises, which are set out in regulations.
- 4.3 These fees have been set using LACORS and Department of Culture Media and Sport guidelines.

- 4.4 Appendix 1 shows both the recommended fees for members to consider and the maximum fee set by regulations.
- 4.5 These fees include the cost of administration, inspection and enforcement and include direct and indirect costs including a full proportional share of overhead costs, information exchange with the Gambling Commission and maintenance of various public registers. However, no start up costs have been included as these were included in the Revenue Support Grant.
- 4.7 Consultation has taken place with other Leicestershire Authorities of a similar size and type to Rutland and the fee structures for each authority is similar.
- 4.8 At the present time there are only two premises in the County which will need to apply for a Premises Licence, both are betting premises. As these are existing premises it is anticipated that they will apply for a conversion of their existing licence provisions which relate to their premises.

## **5. DETAIL OF REPORT**

- 5.1 The Council as the Licensing Authority for the licensing of premises under the Gambling Act 2005 can set fees to cover the cost of determining applications for premises licences.
- 5.2 The Gambling Act Statement of Policy is the Council's policy relating to these charges and they have been set in line with this policy.
- 5.3 Whilst the Licensing Authority can set fees that reflect the costs of dealing with these applications, the regulations set out the maximum fee that can be applied. The regulations set the maximum fees for different types of gambling activities at premises, to reflect the costs of dealing premises activity. Fees for permits are set by the Government.
- 5.4 The suggested fees are shown in appendix 1 together with the maximum fees that can be applied.

## **6. FINANCIAL IMPLICATIONS**

- 6.2 The costs associated with processing a licence application under the Gambling Act will be covered by the fees set by the Council.

## **7. LEGAL IMPLICATIONS**

- 7.1 The Authority is charged with implementing the provisions of the Gambling Act 2005.
- 7.2 There is the risk of Judicial Review or a Gambling Industry Challenge if the fees are set too high or cannot be justified. If the fees are set based only on cost recovery and if this can be justified, the risk is minimised.

## **8. SUSTAINABILITY IMPLICATIONS**

- 8.1 None applicable to this report

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 The full cost of enforcement and compliance with Premises Licence conditions has been taken into account when setting these fees. This will ensure that the Licensing objectives will be adhered to by Licensed Premises.

## **10. CONCLUSION**

- 10.1 The Gambling Act 2005 makes the Council, as the Licensing Authority, responsible for the setting of fees that reflect the cost of processing applications for Premises Licences. These must be reasonable and be based on the actual costs involved.

### **Background Papers:**

RCC Gambling Act 2005 Policy  
The Gambling Act 2005  
LACors Advice on setting fees under the Gambling Act 2005

### **Report Author:**

Mr S Haigh Public Protection manager  
Tel. 01572 722577 e-mail: [enquiries@rutland.gov.uk](mailto:enquiries@rutland.gov.uk)

# APPENDIX 1

Premises Type	Conversion fast-track Application	Conversion application non - fast Track	Non Conversion other Premises	Annual Fee	Variation Fee	Change of circumstance	Transfer of licence	Re-instatement fee	Provisional Statement	Copy of licence
	(Max Fee) £	(Max Fee) £	(Max Fee) £	(Max Fee) £	(Max Fee) £	(Max Fee) £	(Max Fee) £	(Max Fee) £	(Max Fee) £	(Max Fee) £
Existing casinos	300 (will become a converted licence)	2,000 (will become a converted licence)	<b>n/a</b> (5,000)	<b>n/a</b> (3,000)	<b>n/a</b> (2,000)	<b>n/a</b> (50)	<b>n/a</b> (1,350)	<b>n/a</b> (1,350)	n/a	<b>n/a</b> (25)
New small casino	<b>n/a</b>	<b>n/a</b>	<b>n/a</b> (8,000)	<b>n/a</b> (5,000)	<b>n/a</b> ( 4,000)	<b>n/a</b> (50)	<b>n/a</b> (1,800)	<b>n/a</b> (1,800)	<b>n/a</b> (8,000)	<b>n/a</b> (25)
New large casino	<b>n/a</b>	<b>n/a</b>	<b>n/a</b> (10,000)	<b>n/a</b> (10,000)	<b>n/a</b> (5,000)	<b>n/a</b> (50)	<b>n/a</b> (2,150)	<b>n/a</b> (2,150)	<b>n/a</b> (10,000)	<b>n/a</b> (25)
Regional casino	<b>n/a</b>	<b>n/a</b>	<b>n/a</b> (15,000)	<b>n/a</b> (15,000)	<b>n/a</b> (7,500)	<b>n/a</b> (50)	<b>n/a</b> (6,500)	<b>n/a</b> (6,500)	<b>n/a</b> (15,000)	<b>n/a</b> (25)
Bingo club	<b>n/a</b> (300)	<b>n/a</b> (1,750)	<b>n/a</b> (3,500)	<b>n/a</b> (1,000)	<b>n/a</b> (1,750)	<b>n/a</b> (50)	<b>n/a</b> (1,200)	<b>n/a</b> (1,200)	<b>n/a</b> (3,500)	<b>n/a</b> (25)
Tracks	<b>n/a</b> (300)	<b>n/a</b> (1,250)	<b>n/a</b> (2,500)	<b>n/a</b> (1,000)	<b>n/a</b> (1,250)	<b>n/a</b> (50)	<b>n/a</b> (950)	<b>n/a</b> (950)	<b>n/a</b> (2,500)	<b>n/a</b> (25)
Family Entertainment Centres	<b>n/a</b> (300)	<b>n/a</b> (1,000)	<b>800</b> (2,000)	<b>300</b> (750)	<b>800</b> (1,000)	<b>25</b> (50)	<b>285</b> (950)	<b>285</b> (950)	<b>800</b> (2,000)	<b>25</b> (25)
Adult Gaming Centre	<b>n/a</b> (300)	<b>n/a</b> (1,000)	<b>800</b> (2,000)	<b>300</b> (1,000)	<b>800</b> (1,000)	<b>25</b> (50)	<b>285</b> (1,200)	<b>285</b> (1,200)	<b>800</b> (2,000)	<b>25</b> (25)
Betting Premises (other) licence	<b>300</b> (300)	<b>800</b> (1,500)	<b>800</b> (3,000)	<b>300</b> (600)	<b>800</b> (1,500)	<b>25</b> (50)	<b>285</b> (1,200)	<b>285</b> (1,200)	<b>800</b> (3,000)	<b>25</b> (25)

**RCC fees in bold type.** Maximum fee set by Government shown in brackets ( )

**Permits (Prescribed Fees)**

Fee Type / Permit Type	New Applications	Annual Maintenance	Renewal	Application Fee (Existing Operator)	Change of Name	Copy of Permit
	£	£	£	£	£	£
Family Entertainment Centre Gaming Machine (10 Years)	300.00	n/a	300.00	100.00	25.00	15.00
Prize Gaming	300.00	n/a	300.00	100.00	25.00	15.00

The Fees for permits have been set by the Secretary of State.