

Agenda item No. 14

Title: **Setting of some fees and the delegation of fee setting for the Gambling Act 2005 to the Licensing Committee**

Portfolio holder: **Cllr. Rosemary Brown**

Reporting officer: **Clive Harland**

Purpose

- To delegate the powers to set Gambling Act 2005 fees to the Licensing Committee.
- To set fees from 1 April 2007 for:
 - Amendments to some other licences
 - Priority processing of hackney carriage and private hire driver, vehicle and operator applications

Background

- This Council will take on responsibility for regulating gambling at premises commencing on 21 May 2007. The new arrangements will become fully operational on 1 September 2007.
- The Gambling Act 2005, in section 212 allows licensing authorities to set certain fees. Section 154(2)(b), allows this council to delegate the setting of those fees to the Licensing Committee.
- The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 that controls how District Councils, as licensing authorities, set their own fees have only recently been published.
- Some other charges that do not relate to gambling were omitted from the list of fees and charges that was considered by Council on 21 February 2007

Key issues

- The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 have only recently been published. The advice from the Local Authorities Co-ordinators of Regulatory Services (LACORS) is that local authorities could face judicial review if they set fees that do not reflect the cost of providing the service.
- Delegating the power to set fees to the Licensing Committee will enable them to consider fees at the end of April 2007. This will give more time for officers to prepare detailed costings and suggest appropriate fee levels. The fees need to be agreed by 21 May 2007 when the first applications can be made.
- We are now regularly receiving non gambling applications to vary existing licences and suggest that a fee should now be payable for this work.

- We normally require three working days notice to process hackney carriage type applications. This enables us to batch process them, which is more cost effective. There are however occasions where licences are requested urgently and a fee is being proposed to enable us to process them the same working day.

The following fees are suggested:

- A fee of £10 be payable for applications to vary one of the following types of licence
 - Animal Boarding Establishments
 - Dog Breeding
 - Pet Shops
 - Riding Establishments
 - Dangerous Wild Animals
- That an additional fee of £10 is payable to process Hackney Carriage and Private Hire (driver, vehicle and operator) licences, by agreement, the same working day.

Effect on strategies and codes

- None

Risk management Implications

- None

Finance and performance implications

- None

Legal and human rights implications

- None

Next Steps

- To delegate the power to set Gambling Act 2005 fees to the Licensing Committee who will then set the fees in late April 2007.
- Agree the non gambling fees.

Recommendations

- Delegate the power to set fees under section 212 of the Gambling Act 2005 to the Licensing Committee as permitted by section 154(2)(b) of the Act
- Adopt the non-Gambling Act fees above with effect from 1 April 2007, which in summary are:
 - £10 for applications to amend certain existing licences
 - £10 for priority processing of Hackney Carriage and Private Hire licences

Background papers

A copy of The Gambling Act 2005 is available in the licensing office room G-3.