

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: COMMITTEE OF THE LICENSING AUTHORITY

BY: HEAD OF COMMUNITY & NEIGHBOURHOOD SERVICES

SUBJECT: GAMBLING ACT 2005

PURPOSE: TO APPROVE APPLICATION FEES UNDER THE GAMBLING ACT 2005

1.0 INTRODUCTION

- 1.1 The Gambling Act 2005 [Referred to as "The Act"] places a number of duties on local authorities in respect of gambling activities. South Holland District Council [referred to as "The Licensing Authority"] will be responsible for:
- a) The licensing of gambling premises and if successful the issue of Gambling Premises Licences
 - b) The issue of Gambling Permits
 - c) Regulating members clubs and club gaming and machine permits
 - d) The registration of society lotteries below certain prescribed thresholds
 - e) Consideration of Temporary Use Notices and Occasional Use Notices.
 - f) Generally upholding the licensing objectives.
- 1.2 The Licensing Authority has been able to receive applications from 21May 2007. Section 212 of the Act and The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 allow Licensing Authorities to set fees for premises licence applications, subject to maximum permitted limits. Other fees for permits, notifications, registration of lotteries and occasional and temporary use notices will be set by central Government and the Licensing authority will therefore have no discretion to set these particular fees. A briefing note for councillors has been provided by LACORS and is attached at **Appendix A** for guidance.

2.0 LEGAL IMPLICATIONS

- 2.1 Licensing Authorities must not make a profit from the fees. Costs charged must as near as possible, reflect and recover actual costs. Estimates of costs have been carried out as close as is possible at this stage. Licensing authorities may be challenged on the level of fees set. This may lead to judicial review, thus it would be illegal to deliberately set a fee with a view to profit. Members must therefore bear in mind this when setting fees. It is worth stressing however that the estimates have been prepared in good faith by officers prior to receiving applications and the actual costs will not truly be known until applications are actually being dealt with. Licensing Authorities will be able to review fees as and when they think fit and when more accurate information is available.

3.0 FINANCIAL IMPLICATIONS

- 3.1 Estimates have been carried out and are available at members request. The estimates are designed to recover actual cost and if the estimates are approved this should therefore be cost neutral. If lower fees are set than the estimated costs, then there may be a shortfall which would have to be met by the tax payer/other sources.

4.0 STAFFING IMPLICATIONS

- 4.1 Whilst there are no direct staffing implications associated with this report. An amount of staff time will be involved in dealing with applications and work will have to be prioritised and this may have an effect on other areas of work.

5.0 RECOMMENDATIONS

5.1 That the proposed table of fees contained in **Appendix B** are approved.

Background papers:- Gambling Act 2005
Gambling Act 2005, Chapter 19- Explanatory notes [ISBN 0-10-561905-1]
Gambling (Premises Licence Fees) (England & Wales) Regulations 2007
Gambling Act 2005 LACORS Premises Licence Fees Toolkit (republished) 28 March 07

File Ref: cf/GAfees/11.5.07

Appendices: **Appendix A - LACORS premises licence fees under the Gambling Act 2005 (Local Authority Discretion) Briefing for Councillors in England & Wales**
Appendix B - Proposed table of Fees

Local Government (Access to Information) Act 1985

Please contact Craig Fowler, the Team Leader, Food Safety & Licensing if you want more information about this report or the background papers. You can contact him:

- by post at the Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE
- by phone on 01775 761161
- by email at info@sholland.gov.uk