

# CHESHIRE EAST COUNCIL

## LICENSING COMMITTEE

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**Date of meeting:** 29<sup>th</sup> March 2010  
**Report of:** Peter Simester Licensing Officer  
**Title:** Fees and charges – Gambling Act 2005

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### **1.0 Report Summary**

- 1.1 The purpose of this report is to provide the Licensing Committee with information on proposed fees and charges in relation to the Gambling Act 2005 for the 2010/11 financial year and to seek approval for the introduction of such fees. The proposed fees include 2.5% increase, to ensure overheads are accurately reflected

### **2.0 Recommendations**

- 2.1 The Licensing Committee is requested:
- 2.1.1 to consider the proposed fees set out at **Appendix 1**; and
- 2.2.1 to determine the fees to be charged in relation those functions under the Gambling Act 2005 set out within the appendix.

### **3.0 Reasons for Recommendations**

- 3.1 To ensure that Cheshire East Borough Council is charging the appropriate fees as permitted by the Gambling Act 2005, and that the additional increase of overheads is accurately reflected.
- 3.2 The Licensing Committee has delegated authority to determine the relevant fee

### **4.0 Wards Affected**

- 4.1 All.

### **5.0 Local Ward Members**

- 5.1 Not applicable.

### **6.0 Policy Implications including - Climate change, Health**

- 6.1 Not applicable.

## **7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

- 7.1 If the committee decide not to approve the proposals, then this will have an impact on the budget.

## **8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

- 8.1 None.

## **9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 Fees in relation to certain functions, such as permits and notifications, under the Gambling Act 2005 are prescribed by regulations. However, in accordance with the Gambling (Premises License Fees) (England and Wales) Regulations 2007 and the Gambling Act 2005 (Temporary Use Notices) Regulations 2007, licensing authorities have the power to determine the fees to be charged in relation to gambling premises licenses and temporary use notices respectively, up to a prescribed level.
- 9.2 Sub-section 212(2)(d) of the Gambling Act 2005 prescribes that in determining the fee to be charged, the authority should “aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service.”

## **10.0 Risk Management**

- 10.1 None

## **11.0 Background and Options**

- 11.1 As Members will recall, on 19<sup>th</sup> December 2008 the Licensing Committee set the fees in relation to gambling premises licenses shown within Appendix 1 to the report within the column titled ‘current fee.’ This report requests that the Committee consider the further fees in relation to functions under the Gambling Act 2005 as set out within Appendix 1.
- 11.2 As set out above, certain fees under the Gambling Act 2005 are set by legislation and, therefore, the Council has no option but to charge this amount. For gambling premises licenses (e.g. for betting shops, bingo and amusement arcades etc.) a maximum fee level that the Council may impose is prescribed by the Gambling (Premises License Fees) (England and Wales) Regulations 2007. However, the Council has discretion to set the fee up to the maximum level. Similarly the Gambling Act 2005 (Temporary Use Notices) Regulations 2007 prescribe maximum fees in relation to temporary use notices. The proposed fees, and maximum permitted fees, are shown within Appendix 1.

- 11.3 In determining the level of fee to be set, in circumstances where the Council does have discretion, the Council must take into account the cost of providing the service to ensure that the fees are reasonable and relate to cost recovery. Guidance from LACORS suggests “all direct and indirect costs, including a full proportional share of overhead costs, insurance, depreciation and cost of capital charge. For example, overheads include accommodation, telephone, furnishing, IT, printing, stationery and postage. Staff costs include salary, pension, National Insurance contributions, travel & subsistence. There will also be legal and central support services costs such as personnel, press & publications, accountants etc.
- 11.4 The proposed fees shown within Appendix 1 have been calculated following an exercise to calculate the number of hours needed to process each application from start to finish.
- 11.5 Appendix 1 shows the current fees, the proposed fees for 2010/11 and the maximum fees permitted by the Gambling Act 2005.
- 11.6 Appendix 2 gives a breakdown of how the fees are calculated showing all costs, related to the license.
- 11.7 The Licensing Committee is requested to consider the fee levels proposed.

## **12.0 Overview of Year One and Term One Issues**

- 12.1 Not applicable.

## **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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