

## **Report to Corporate Director**

**Subject:** Amendment to the Gambling Act Fees 2021/22

**Date:** 18 August 2021

**Author:** Community Protection Manager

### **Purpose**

To approve an amendment to the Gambling Act annual fees as shown at Appendix 1. The current fees that were approved at the Licensing Act Committee on 9 February 2021 are attached at Appendix 2.

### **Recommendation(s)**

#### **THAT:**

- 1) **The Director of Environment, Communities and Leisure, in consultation with the Chair of the Licensing Act Committee, approves the amendment to the Gambling Act annual fees as at Appendix 1 to ensure compliance with The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007**

## **1 Background**

- 1.1 The fixing of fees for gambling premises is a function of the Licensing Act Committee as laid out in The Gambling (Premises Licence Fees)(England and Wales) Regulations 2007. The fees and charges for 2021/22 were approved at the Licensing Act Committee on 9 February 2021.
- 1.2 It has come to the attention of the Licensing Department that The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 ('the Regulations') provides schedule of maximum fees a licensing authority can charge for applications made under the Gambling Act 2005. This schedule had been missed previously when setting fees. Due to this oversight, at the Licensing Act Committee on 9 February Members approved some fees which exceeded the maximum amounts prescribed

by the Regulations.

1.3 Regulation 8 The Gambling (Premises Licence Fees)(England and Wales) Regulations 2007 states that the amount of the annual fee for a premises licence is to be determined by the licensing authority but that the amount must not exceed the amounts set out in the table contained in Schedule 1 of the Regulations.

1.4 The fees approved by the Licensing Act Committee for 2021/22 contained in Appendix 2 set the following annual fees;

Casino (Regional/Large/Small) - £22,841.00/£15,081.00/£7614.00

Bingo - £2093.00

Adult Gaming Centre/Family Entertainment Centre - £616.00

Betting Premises (Track) - £2093.00

Betting Premises (Other) - £616.00

The table contained in Schedule 1 of the Regulations lists the maximum annual fees as;

Casino (Regional/Large/Small) - £15,000.00/£10,000.00/£5000.00

Bingo - £1000.00

Adult Gaming Centre - £1000.00

Family Entertainment Centre - £750

Betting Premises (Track) - £1000.00

Betting Premises (Other) - £600.00

With the exception of Adult Gaming Centres and Family Entertainment Centres the approved fees for 2021/22 exceed the maximum amount as prescribed by the Regulations for all premise licences.

1.5 The Council currently licences nine betting shops and one bingo premises which are affected by this fee increase. The majority of these fees are due at the end of August/beginning of September 2021. As a result the matter is required to be dealt with under urgent powers rather than at the next Committee meeting to prevent the incorrect invoices for the annual fees being issued.

1.6 The Council do not currently licence or have applications for any casinos or track betting premises and it is unlikely that the Council will receive

any applications, variations or transfers of these types of premise licences.

## **2 Proposal**

- 2.1 It is proposed that the Director of Environment, Communities and Leisure in consultation with the Chair of the Licensing Act Committee approves the revised fees contained in Appendix 1.

## **3 Alternative Options**

- 3.1 That the fees are not amended in line with The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. However this would result in the fees set by the Council being in excess of the statutory maximums contrary to the Regulations and the Gambling Act 2005. This would leave the Council open to action by licence holders.
- 3.2 The Director could decide that this matter is not urgent and refer the fees back to the next Licensing Act Committee for consideration by Members. However, annual bills for premises licences are due imminently and invoices for the unlawful fees will be sent out prior to the next committee meeting.

## **4 Financial Implications**

- 4.1 The amended fees for betting shops will result in a reduction in the annual fee of £16 which will result in a total reduction of income for betting premises licences of £144 for 2021/22. The fee for betting premises for 2020/21 was £584 which is below the maximum and there is no implication on previous year's fees. The amended fees for the Bingo premises will result in a reduction in annual fees of £1093. The fee for Bingo premises has exceeded the statutory maximum since 2014. The one Bingo premises within the borough has been licensed since 2013 and has overpaid on the licensing fee since 2013. This overcharge will need to be reimbursed to the premise either as a refund or by offering a discount on future annual fees.

## **5 Legal Implications**

- 5.1 The maximum fees are set out by legislation if the fees are charged at the current approved rate this will be unlawful and leave the Council open to challenge and legal action by the Licensees. Such action may have greater financial implications on the Council other than refunding the overcharged portion of the licence fee. As the setting of the fees is unlawful the Council may also be liable for any legal costs incurred by Licensees bringing any action against the Council.

## **6 Equalities Implications**

6.1 There are no equalities implications arising from this report.

## **7 Carbon Reduction/Environmental Sustainability Implications**

7.1 There are no carbon reduction/sustainability implications arising from this report.

## **8 Appendices**

8.1 Appendix 1 – Revised Gambling Act Fees 2021/22

8.2 Appendix 2 – Current Gambling Act Fees 2021/22

## **9 Background Papers**

9.1 None