

LICENSING COMMITTEE: 5 February 2008

Report of the Chief Strategic Planning and Environment Officer

GAMBLING ACT – TEMPORARY USE NOTICE FEES AND CHARGES.

1. Information.

1.1 Part 9 of the Gambling Act 2005 made provision for the temporary use of premises for the purposes of gambling. Any person holding an Operating Licence issued by the Gambling Commission could be enabled to give notice of the temporary carrying on of gambling activities without it being an offence under the Act. The activity was dependant upon the release of further regulations. The regulations were subsequently introduced by the Gambling Act 2005 (Temporary Use Notices) Regulations 2007 which were made on 1 November 2007 and were to have effect from 1 December 2007.

1.2 The regulations provide licensing authorities with the power to set fees in respect of Temporary Use Notices. The Licensing Committee was delegated authority to perform the functions of the licensing authority under Section 212 of the Gambling Act 2005 in respect of the determination of licence fees and charges by the Council at its meeting of 24 June 2007. The permitted fees are in connection with the receipt of a Temporary Use Notice and for the replacement of a lost or stolen notice. The authority has no experience of dealing with such matters and it is recommended that at this time the fees are set at the maximum permitted by the regulations.

2. Legal Implications

2.1 The relevant statutory provisions state that the Council shall aim to ensure that the income from the fees referred to in this Report as nearly as possible equates to the costs of providing the service to which the fees relate (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).

3. Financial Implications

The fees proposed in the report have been established to cover the cost of providing the licensing service functions in respect of Temporary Use Notices required by the Gambling Act 2005 so that the service is provided at no cost to the authority.

4. Recommendation

It is recommended that subject to the approval of the Council acting as the Licensing Authority, that:

- i. the fee payable under Section 219(3)(b) of the Gambling Act 2005 shall be set at £500.00;
- ii. the fee payable under Section 227(6)(a) of the Gambling Act 2005 shall be set at £25.00; and
- iii. the level of fee be reviewed after the first year of operation.

Sean Hannaby
Chief Strategic Planning and Environment Officer

19 December 2007

This report has been prepared in accordance with procedures approved by Corporate Directors.

Background Papers:

1. Licensing Committee Report of 10 January 2006 entitled “Gambling Act – Committee Delegation and Authorisation.”
2. Licensing Committee report of 1 May 2007 entitled “Gambling Act – Licence Fees and Charges.”