

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO LICENSING COMMITTEE**

**10 MARCH 2008**

**REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**GAMBLING ACT 2005**

**PROPOSALS FOR THE SETTING OF DISCRETIONARY FEES FOR  
TEMPORARY USE NOTICES**

**1.0 Purpose of Report.**

1.1 To propose the fee scale for discretionary fees for Temporary Use Notices to allow the effective implementation and operation of the Gambling Act 2005 ("the Act").

**2.0 Connection to Corporate Improvement Plan / Other Corporate Priority.**

2.1 The duties of the Council under the Act are regulatory in nature. The licensing objectives support many of the overarching aims of the Corporate Improvement Plan and the Council's Corporate Priorities.

**3.0 Background**

3.1 The majority of discretionary fees were set in May 2007 to allow for the transfer of functions from the Magistrates' Court to the licensing authority and to provide for new applications. Regulations have now been published to bring additional sections of the Act into force in relation to the temporary use of premises for gambling.

**4.0 Current situation / proposal.**

4.1 Under the provisions of the Act, and Regulations made thereunder, the licensing authority is responsible for setting fees in respect of applications made relating to premises licences. At its meeting on 25 April 2007 Council delegated the power to set such fees to the Licensing Committee.

4.2 The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 provides for the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for temporary use notice would include hotels, conference centres and sporting venues. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence.

- 4.3 When determining the maximum fee payable, the Secretary of State has indicated that consideration must be given to both ensuring that licensing authorities are able to achieve full cost recovery and ensuring fairness and value for money for the gambling industry.
- 4.4 The fee payable under section 219 (3) (b) of the Act shall not exceed £500 and is set at the discretion of the licensing authority. The fee payable for the replacement of an endorsed copy of a temporary use notice shall not exceed £25.
- 4.5 In drawing up the proposals it is recognised that for this first fees setting exercise, costs calculations are based upon information available at the time and before the service is fully operational. The proposed fee for the Notice is based on cost recovery guidelines including administration and compliance. The proposed fee for a replacement copy notice is based on the current charges applied for copy licences under the Licensing Act 2003. The proposed fees for a Temporary Use Notice and for the replacement of an endorsed copy are therefore as follows:

	Proposed Fee
Temporary Use Notice	£180
Replacement of Endorsed Copy of a Temporary Use Notice	£10.50

## **5.0 Effect upon Policy Framework & Procedure Rules.**

- 5.1 The report content has no direct effect upon the Policy Framework and Procedure Rules but is required to effectively implement the Authority's new regulatory functions in relation to gambling.

## **6.0 Legal Implications.**

- 6.1 The proposals recommended within the report are necessary for the effective implementation of the Gambling Act 2005.

## **7.0 Financial Implications.**

- 7.1 It is anticipated that the proposed fees will cover the cost of the service in 2007/2008 but will be subject to a review at the end of the financial year.

## **8.0 Recommendation.**

It is recommended:

- (i) That the fees for Temporary Use Notices be approved as set out in Table 1 below;

**Table 1**

	Proposed Fee
Temporary Use Notice	£180
Replacement of Endorsed Copy of a Temporary Use Notice	£10.50

**Report Author:** Yvonne Witchell  
Licensing and Registration Officer  
(01656) 643105

**E-mail:** Yvonne.Witchell@bridgend.gov.uk

**Lead Officer:** P A Jolley  
Director of Legal and Democratic Services

**Date:** 4 March 2008

**Background documents**

Gambling Act 2005  
The Gambling Act 2005 (Temporary Use Notices) Regulations 2007

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