

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE and PROPERTY ADVISORY BOARD

23 May 2007

Joint Report of the Chief Solicitor and Director of Finance

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 GAMBLING ACT 2005: PREMISES LICENCE FEES

1.1.1 Under the Gambling Act 2005, the Council has responsibility for issuing premises licences. Premises to be licensed by the Council in this Borough are mainly betting offices, currently licensed by the Justices' Licensing Committee. The fees set must not exceed the table of maximum fees prescribed by the Secretary of State as set out in Annex 1 to this report.

1.1.2 Under the Act, the Council has a duty to "aim to ensure that the income from fees... as nearly as possible equates to the costs of providing the service to which the fee relates". Because the Borough has very few licensable premises (approximately six), the amount of work in dealing with them will be disproportionate to the number involved. We estimate that, in a normal year, the income from adopting the maximum fees specified would be in the order of £3,600, although in the first year this would be slightly higher because of the possible need to convert licences. Accordingly, we recommend that the Council adopts as its fees the maximum fees specified in the Annex to this report.

1.2 Legal Implications

1.2.1 Under the Gambling Act 2005, the Council is required to adopt a scale of fees which do not exceed those specified in the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.

1.3 Financial and Value for Money Considerations

1.3.1 By adopting the maximum permitted fees, the Council will ensure that the fee income covers, so far as possible, the cost of providing the service.

1.4 Risk Assessment

1.4.1 If fees are not set for all categories of licence the Council will be unable to recover any income for discharging this function.

1.5 Recommendations

- 1.5.1 It is **recommended** that the Council adopts as its fees the maximum fees specified in the Annex to this report

Background papers:

Contact: Duncan Robinson

Gambling Act 2005

The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007

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