

REPORT TO: LICENSING & REGULATORY COMMITTEE

DATE: 22nd February 2010

SUBJECT: **GENERAL LICENSING – FEES AND CHARGES 2010/2011**

WARDS AFFECTED: All

REPORT OF: P.J. Moore,
Environmental Protection Director

CONTACT OFFICER: K.T. Coady,
Senior Licensing Officer,
0151 934 2946

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek the approval of Members for proposed changes to fees and charges for General Licensing Services in 2010/11.

REASON WHY DECISION REQUIRED:

In order to maintain cost recovery for the General Licensing services provided.

RECOMMENDATION(S):

That Licensing and Regulatory Committee:

- (i) Endorse the proposed fees and charges for 2010/11 as listed in the Annex; and
- (ii) Recommends that Cabinet approve the proposed fees and charges for 2010/11.

That Cabinet:

- (i) Approve the proposed fees and charges for 2010/11 as listed in the Annex.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: 1st April 2010

ALTERNATIVE OPTIONS:

Not to agree the proposed fees and charges which would have significant budgetary implications for the department.

IMPLICATIONS:

Budget/Policy Framework: Fees and Charges are outside the budget setting framework.

Financial:

Many of the licensing fees & charges are set nationally. Where this is not the case and increases are proposed, the increases reflect the costs of inflation and are required for the General Licensing Services to maintain cost recovery for the services provided.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<u>REVENUE IMPLICATIONS</u>	-	-	-	-
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources	-	-	-	-
Funded from External Resources	-	-	-	-
Does the External Funding have an expiry date? Y/N N	When?			
How will the service be funded post expiry?				

CORPORATE OBJECTIVE MONITORING:

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People		√	

Legal: None

Risk Assessment: None

Asset Management: None

Consultation Undertaken/Views

None

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None

Background

1. This matter originally came before Members on 18th January 2010. At that time it was RESOLVED that:
 - (1) the proposed fees and charges for 2010/11 as detailed in the Annex to the report be deferred until the next appropriate meeting of the Committee; and
 - (2) a report outlining the expected income from Gambling Act fees for 2010/2011 and the anticipated costs arising from the Licensing Authority's costs for carrying out its functions under the Gambling Act be brought to the next appropriate meeting of the Licensing and Regulatory Committee.
2. The majority of fees applicable to local licensing matters are set by Central Government. Where an increase has been proposed in the Annex to this report, that increase is in line with inflation and LACORS guidance.

Gambling Act Premise Licence fees

3. Members will recall that unlike the Licensing Act 2003, where the fees are set centrally, the fees for Gambling Act Premise Licences are determined by the licensing authorities themselves. These fees being up to a maximum prescribed limit which has been set centrally.
4. When determining these fees, the Licensing Authority is limited to setting those that recover the costs of carrying out their functions under the Gambling Act, in other words this means that the service should be cost neutral. Costs will cover administration (including hearings and appeals), inspection, and enforcement and will include direct costs and indirect costs, including a full proportional share of overhead costs, insurance, depreciation and cost of capital charge.
5. These fees were initially agreed by Members at their Meeting on 26th March 2007. For years 2008/2009 and 2009/2010 it was agreed not to up rate these fees as the new regime was still fairly new; had not yet had a chance to fully "bed in"; and, Officers had not yet fully inspected all relevant premises and risk rated them for targeted inspection in later years.
6. In formulating the original fees certain assumptions were made with regard to the extent of work that would be involved for the Authority in carrying out its functions under the new regime.
7. These assumptions concerned the:
 - Number of applications that would be received each year (this process included the vetting of files, the copying of plans, the inputting of files onto the Authority computer system, maintenance of the Licensing

Register, corresponding with the Gambling Commission and issuing the Licences/Notices);

- Number of representations that would be received each year (this process included Officer involvement in mediation between parties, the preparation of Committee Reports, the sending out of Committee Reports and invites to all parties, the holding of hearings, the notification of Committee results to all parties, and appeals against Committee decisions);
- Number of requests for service that would be received for Gambling premises each year (this process included complaints and requests for information, legal advice etc.); and,
- Number of Inspections that would be required to be completed each year (this process included travelling time, inspection time at the premises, follow up letters and re-inspections).

8. These assumptions have been re-visited and it is apparent that:

- More Licences are now in force than were anticipated (meaning that the Authority will receive more annual fees than expected);
- More requests for service are being received than was anticipated;
- Less applications are being received per year than was anticipated;
- Less representations are being received per year than was anticipated; and,
- Fewer hearings are taking place per year than was anticipated.

9. At the time of compiling this Report the Gambling Act inspection programme has not yet been completed but it is anticipated that the following numbers will require targeted inspections for 2010/2011 and subsequent years:

Risk Rated A (inspected every year)	33
Risk Rated B (inspected every two years)	18

10. This will mean that Officers will need to inspect 42 premises per year. This figure is less than the 50 that was assumed for the exercise outlined in Paragraph 7.

Costs

11. For 2010/2011 the Authority will receive annual fees from Gambling Act Premise Licences totalling £43,530.

12. It is estimated that the costs of carrying out the Authorities functions under the Gambling Act for 2010/2011 will be as follows:

Dealing with applications received	£ 2,404.87
Dealing with representations / hearings etc.	£ 9,702.36
Dealing with requests for service	£16,656.00
Targeted inspection of premises	£ 7,993.08
Future Policy amendments	£ 2,804.45
TOTAL:	£39,560.76

13. This will leave a surplus of £3,969.24 for any unanticipated costs arising from the Act.

Conclusion

14. Sufficient income will be received, in respect of Gambling Premise Licences, to cover the Licensing Authorities costs in carrying out its functions under the Gambling Act 2005 for 2010/2011 and as a consequence no up rating of these fees is recommended.

Annex

Details	VAT rate	Date of last increase	Previous 2009/10 charges	Proposed 2010/11 charges	Percentage increase on charge	Chief Officer Comments
			£ p	£ p	%	

GENERAL LICENSING

SEX ESTABLISHMENT LICENCES

Initial application	) )	1.4.09	1171.00	1206.00	3%
Annual renewal	) (O))	1.4.09	1171.00	1206.00	3%
Transfer of licence))	1.4.09	587.00	605.00	3%

DANGEROUS WILD ANIMALS))	1.4.09	59.00	61.00	3%
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ZOOS) (O))	1.4.09	609.00	627.00	3%
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ANIMAL BOARDING ESTABLISHMENTS

over 50 animals))	1.4.09	93.00	96.00	3%
6 to 50 animals))	1.4.09	59.00	61.00	3%
1 to 5 animals))	1.4.09	36.00	37.00	3%

PET SHOPS))	1.4.09	59.00	61.00	3%
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RIDING ESTABLISHMENTS))	1.4.09	128.00	132.00	3%
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BREEDING OF DOGS))	1.4.09	59.00	61.00	3%
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Details	VAT rate	Date of last increase	Previous 2009/10 charges	Proposed 2010/11 charges	Percentage increase on charge	Chief Officer Comments
ACUPUNCTURE, ELECTROLYSIS))					
person	) )	1.4.09	13.00	13.40	3%	
premises	) )	1.4.09	59.00	61.00	3%	
HYPNOTIST	) )	1.4.09	93.00	96.00	3%	
MOTOR SALVAGE	) )	1.4.09	81.00	83.00	3%	
GAMBLING ACT 2005						
REGIONAL CASINO PREMISE LICENCE						
Grant	) )	N/A	15000.00	15000.00	Nil	
Annual fee	) )	N/A	15000.00	15000.00	Nil	
Variation	) )	N/A	7500.00	7500.00	Nil	
Transfer	) )	N/A	6500.00	6500.00	Nil	
Re-Instatement	) )	N/A	6500.00	6500.00	Nil	
Provisional Statement	) )	N/A	15000.00	15000.00	Nil	
Change of Licence holder's address	) )	N/A	25.00	25.00	Nil	
Copy of Licence	) )	N/A	10.50	10.50	Nil	
LARGE CASINO PREMISE LICENCE						
Grant	) )	N/A	10000.00	10000.00	Nil	
Annual fee	) )	N/A	10000.00	10000.00	Nil	
Variation	) )	N/A	5000.00	5000.00	Nil	
Transfer	) )	N/A	2150.00	2150.00	Nil	
Re-Instatement	) )	N/A	2150.00	2150.00	Nil	
Provisional Statement	) )	N/A	10000.00	10000.00	Nil	
Change of Licence holder's address	) )	N/A	25.00	25.00	Nil	
Copy of Licence	) )	N/A	10.50	10.50	Nil	
SMALL CASINO PREMISE LICENCE						
Grant	) )	N/A	8000.00	8000.00	Nil	
Annual fee	) )	N/A	5000.00	5000.00	Nil	
Variation	) )	N/A	4000.00	4000.00	Nil	
Transfer	) )	N/A	1800.00	1800.00	Nil	
Re-Instatement	) )	N/A	1800.00	1800.00	Nil	
Provisional Statement	) )	N/A	8000.00	8000.00	Nil	
Change of Licence holder's address	) )	N/A	25.00	25.00	Nil	
Copy of Licence	) )	N/A	10.50	10.50	Nil	
CONVERTED CASINO PREMISE LICENCE						
Annual fee	) )	N/A	1800.00	1800.00	Nil	
Variation	) )	N/A	1200.00	1200.00	Nil	
Transfer	) )	N/A	810.00	810.00	Nil	
Re-Instatement	) )	N/A	810.00	810.00	Nil	
Change of Licence holder's address	) )	N/A	25.00	25.00	Nil	
Copy of Licence	) )	N/A	10.50	10.50	Nil	
BINGO PREMISE LICENCE						
Grant	) )	N/A	2100.00	2100.00	Nil	
Annual fee	) )	N/A	600.00	600.00	Nil	
Variation	) )	N/A	1050.00	1050.00	Nil	

Details	VAT rate	Date of last increase	Previous 2009/10 charges	Proposed 2010/11 charges	Percentage increase on charge	Chief Officer Comments
Transfer	) )	N/A	720.00	720.00	Nil	
Re-Instatement	) )	N/A	720.00	720.00	Nil	
Provisional Statement	) )	N/A	2100.00	2100.00	Nil	
Change of Licence holder's address	) )	N/A	25.00	25.00	Nil	
Copy of Licence	) )	N/A	10.50	10.50	Nil	
ADULT GAMING PREMISE LICENCE						
Grant	) )	N/A	1200.00	1200.00	Nil	
Annual fee	) )	N/A	600.00	600.00	Nil	
Variation	) )	N/A	600.00	600.00	Nil	
Transfer	) )	N/A	720.00	720.00	Nil	
Re-Instatement	) )	N/A	720.00	720.00	Nil	
Provisional Statement	) )	N/A	1200.00	1200.00	Nil	
Change of Licence holder's address	) )	N/A	25.00	25.00	Nil	
Copy of Licence	) )	N/A	10.50	10.50	Nil	
BETTING PREMISE (TRACK) LICENCE						
Grant	) )	N/A	1500.00	1500.00	Nil	
Annual fee	) )	N/A	600.00	600.00	Nil	
Variation	) )	N/A	750.00	750.00	Nil	
Transfer	) )	N/A	570.00	570.00	Nil	
Re-Instatement	) )	N/A	570.00	570.00	Nil	
Provisional Statement	) )	N/A	1500.00	1500.00	Nil	
Change of Licence holder's address	) )	N/A	25.00	25.00	Nil	
Copy of Licence	) )	N/A	10.50	10.50	Nil	
FAMILY ENTERTAINMENT PREMISE LICENCE						
Grant	) )	N/A	1200.00	1200.00	Nil	
Annual fee	) )	N/A	450.00	450.00	Nil	
Variation	) )	N/A	600.00	600.00	Nil	
Transfer	) )	N/A	570.00	570.00	Nil	
Re-Instatement	) )	N/A	570.00	570.00	Nil	
Provisional Statement	) )	N/A	1200.00	1200.00	Nil	
Change of Licence holder's address	) )	N/A	25.00	25.00	Nil	
Copy of Licence	) )	N/A	10.50	10.50	Nil	
BETTING PREMISES (OTHER) LICENCE						
Grant	) )	N/A	1800.00	1800.00	Nil	
Annual fee	) )	N/A	360.00	360.00	Nil	
Variation	) )	N/A	900.00	900.00	Nil	
Transfer	) )	N/A	720.00	720.00	Nil	
Re-Instatement	) )	N/A	720.00	720.00	Nil	
Provisional Statement	) )	N/A	1800.00	1800.00	Nil	
Change of Licence holder's address	) )	N/A	25.00	25.00	Nil	
Copy of Licence	) )	N/A	10.50	10.50	Nil	
TEMPORARY USE NOTICE						
Grant	) )	N/A	100.00	100.00	Nil	
Copy of Notice	) )	N/A	10.50	10.50	Nil	

Details	VAT rate	Date of last increase	Previous 2009/10 charges	Proposed 2010/11 charges	Percentage increase on charge	Chief Officer Comments
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FOR INFORMATION ONLY

Fees prescribed by Parliament

LICENSING ACT 2003

PREMISE LICENCE

Grant / Variation

Band A	) )		100.00	100.00	N/A
Band B	) )		190.00	190.00	N/A
Band C	) )		315.00	315.00	N/A
Band D	) )		450.00	450.00	N/A
Band E	) )		635.00	635.00	N/A

Annual charge

Band A	) )		70.00	70.00	N/A
Band B	) )		180.00	180.00	N/A
Band C	) )		295.00	295.00	N/A
Band D	) )		320.00	320.00	N/A
Band E	) )		350.00	350.00	N/A

Copy of Licence	) )		10.50	10.50	N/A
Provisional Statement	) )		315.00	315.00	N/A
Minor Variation	) )		89.00	89.00	N/A
Vary Designated Premises Supervisor	) )		23.00	23.00	N/A
Disapply Designated Premises Supervisor	) )		23.00	23.00	N/A
Transfer	) )		23.00	23.00	N/A
Interim Authority	) )		23.00	23.00	N/A
Notice of Interest in premise	) )		21.00	21.00	N/A

CLUB PREMISES CERTIFICATE

Grant / Variation

Band A	) )		100.00	100.00	N/A
Band B	) )		190.00	190.00	N/A
Band C	) )		315.00	315.00	N/A
Band D	) )		450.00	450.00	N/A
Band E	) )		635.00	635.00	N/A

Annual charge

Band A	) )		70.00	70.00	N/A
Band B	) )		180.00	180.00	N/A
Band C	) )		295.00	295.00	N/A
Band D	) )		320.00	320.00	N/A
Band E	) )		350.00	350.00	N/A

Minor Variation	) )		89.00	89.00	N/A
Copy of Certificate	) )		10.50	10.50	N/A
Notification of change of name or Rule	) )		10.50	10.50	N/A
Change of registered address	) )		10.50	10.50	N/A

Details	VAT rate	Date of last increase	Previous 2009/10 charges	Proposed 2010/11 charges	Percentage increase on charge	Chief Officer Comments
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ADDITIONAL FEE / ANNUAL CHARGE
WHERE MAXIMUM NUMBER OF PERSONS
ALLOWED ON PREMISES IS 5000 OR OVER

Application fee

5000 to 9999	) )		1000.00	1000.00	N/A	
10000 to 14999	) )		2000.00	2000.00	N/A	
15000 to 19999	) )		4000.00	4000.00	N/A	
20000 to 29999	) )		8000.00	8000.00	N/A	
30000 to 39999	) )		16000.00	16000.00	N/A	
40000 to 49999	) )		24000.00	24000.00	N/A	
50000 to 59999	) )		32000.00	32000.00	N/A	
60000 to 69999	) )		40000.00	40000.00	N/A	
70000 to 79999	) )		48000.00	48000.00	N/A	
80000 to 89999	) )		56000.00	56000.00	N/A	
90000 and over	) )		64000.00	64000.00	N/A	

Annual Charge

5000 to 9999	) )		500.00	500.00	N/A	
10000 to 14999	) )		1000.00	1000.00	N/A	
15000 to 19999	) )		2000.00	2000.00	N/A	
20000 to 29999	) )		4000.00	4000.00	N/A	
30000 to 39999	) )		8000.00	8000.00	N/A	
40000 to 49999	) )		12000.00	12000.00	N/A	
50000 to 59999	) )		16000.00	16000.00	N/A	
60000 to 69999	) )		20000.00	20000.00	N/A	
70000 to 79999	) )		24000.00	24000.00	N/A	
80000 to 89999	) )		28000.00	28000.00	N/A	
90000 and over	) )		32000.00	32000.00	N/A	

PERSONAL LICENCE

Grant	) )		37.00	37.00	N/A	
Renewal	) )		37.00	37.00	N/A	
Copy of Licence	) )		10.50	10.50	N/A	
Notification of change of name and/or address	) )		10.50	10.50	N/A	

TEMPORARY EVENT NOTICES

Grant	) )		21.00	21.00	N/A	
Copy of Notice	) )		10.50	10.50	N/A	

GAMBLING ACT 2005

FAMILY ENTERTAINMENT CENTRE

GAMING MACHINE PERMIT

PRIZE GAMING PERMIT

Grant	) )		300.00	300.00	N/A	
Renewal	) )		300.00	300.00	N/A	
Existing Operator Grant	) )		100.00	100.00	N/A	
Change of name	) )		25.00	25.00	N/A	
Copy of Permit	) )		15.00	15.00	N/A	

Details	VAT rate	Date of last increase	Previous 2009/10 charges	Proposed 2010/11 charges	Percentage increase on charge	Chief Officer Comments
CLUB GAMING PERMIT						
CLUB MACHINE GAMING PERMIT						
Grant	) )		200.00	200.00	N/A	
Grant (Club Premises Certificate Holder)	) )		100.00	100.00	N/A	
Existing Operator Grant	) )		100.00	100.00	N/A	
Variation	) )		100.00	100.00	N/A	
Renewal	) )		200.00	200.00	N/A	
Renewal (Club Premises Certificate Holder)	) )		100.00	100.00	N/A	
Annual Fee	) )		50.00	50.00	N/A	
Copy of Permit	) )		15.00	15.00	N/A	
LICENSED PREMISES GAMING MACHINE						
Grant	) )		150.00	150.00	N/A	
Existing Operator Grant	) )		100.00	100.00	N/A	
Variation	) )		100.00	100.00	N/A	
Transfer	) )		25.00	25.00	N/A	
Annual Fee	) )		50.00	50.00	N/A	
Change of name	) )		25.00	25.00	N/A	
Copy of Permit	) )		15.00	15.00	N/A	
LICENSED PREMISES AUTOMATIC NOTIFICATION PROCESS						
On notification	) )		50.00	50.00	N/A	