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Wednesday, 27 March 2024

Notice of Reports Received following Publication of Agenda.

Licensing and Regulatory Committee

Tuesday, 9th April, 2024 at 10.00 am,
Council Chamber, County Hall, The Rhadyr USK and Remote Attendance

Attached are reports that the committee will consider as part of the original agenda but were submitted to democratic services following publication of the agenda.

Item No	Item	Pages
4.	Gambling Act 2005 - Premises Licence Fees	1 - 14

Paul Matthews
Chief Executive

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MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Gambling Act 2005 – Premises Licence Fees 2024/25

DIRECTORATE: Social Care, Safeguarding and Health

MEETING: Licensing & Regulatory Committee

Date to be considered: 9th April 2024

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To agree the fees to set for this Authority in relation to Premises Licences under the Gambling Act 2005 for 21st May 2024 – 20th May 2025.

2. RECOMMENDATION(S):

- 2.1 It is recommended that:-

- (i) the fees and charges detailed in Appendix A of the report be approved and have effect from 21st May 2024; and
- (ii) The fees are subsequently reviewed annually.

3. KEY ISSUES

- 3.1 This Authority has a statutory duty under the Gambling Act 2005 to set fees for Premises Licences in accordance with the Gambling (Premises Licence)(England and Wales) Regulations 2007. The fees for these licences are to be reviewed and set annually on the 21st May each year. Premises Licences will include Betting Shops, Tracks, Adult Gaming Centres, Family Entertainment Centres and Bingo Premises. A fee assessment has not been carried out for Casinos as the Authority carried a resolution not to allow Casinos within its County at Full Council on 4th November 2021.
- 3.2 The general functions of the licensing authority in dealing with Gambling Premises Licences has been delegated to the Licensing and Regulatory Committee. This was agreed in the Gambling Act 2005 Statement of Licensing Policy approved at Full Council on 4th November 2021.
- 3.3 Licensing Authorities do not have the power to set fees for Permits which will be set by Central Government.
- 3.4 The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 provided for the following types of fees to be determined by licensing authorities, with a stipulation within these regulations of a maximum figure permitted to charge:
- Licence application fee
 - First annual fee
 - Annual fee
 - Notification of change of circumstances fee
 - Application to vary a licence fee
 - Application to transfer a licence fee
 - Fee for a copy of a licence
 - Application for re-instatement of a licence fee
 - Provisional statement application fee.

The Authority currently licence thirteen premises under the Gambling Act 2005 consisting of six betting premises, one track betting and six adult gaming centres all of whom will be required to pay an annual fee. This Authority do not currently licence bingo premises or family entertainment premises. The number of gambling premises this Authority licence has not changed for the previous three years.

- 3.5 The European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a “reasonable” cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years).
- 3.6 Government guidance on the types of costs that licensing authorities should include within their licensing fees.

In relation to applications, any costs associated with the licensing authority of receiving, considering and determining the application may be included, including:

- staff costs
- overheads, IT, legal and other central support costs
- initial inspections
- Licensing Committee costs, and
- the cost of hearings and appeals.

In relation to annual fees, fees should cover:

- regulatory compliance and enforcement costs for the forthcoming year (eg inspection, holding reviews and enforcement activity). This would include any action in relation to illegal gambling, and could also include the cost of providing councillor training on gambling licensing.
- the costs associated with processing the annual fee (eg updating computer systems, register of gambling premises licences and processing fee).
- annualised periodic costs incurred by the licensing authority in respect of its three year licensing policy statement.

- 3.7 Throughout 2023-24 Licensing Officers has conducted refresher training by carrying out the Gambling Commission e-learning on conditions, machine types. The duties of licence holders such as, local risk assessments, signage, how to deal with problem gambling and action, advice and information they provide pertinent to the type of licence they hold. Licensing introduced the use of risk rated inspection forms (which assess if a normal annual inspection should be conducted or more frequent visits if a problematic premises) as recommended by the Gambling Commission. As a result of the e-learning and the new inspection forms, more in-depth programmed inspections has been conducted on the racecourse, on all 6 betting shops and all 6 adult gaming centres and this will continue with at least annual inspections and maybe more where applicable. Every machine was thoroughly looked at within the venues to ensure all had the correct amount of machines, the correct stakes and prize payouts to ensure compliance along with the scrutiny of management and staff training of the premises.

Work has commenced with Gwent Licensing Managers who met on 21st February 2024 on the draft of the next Local Authority Gambling Licensing Policy Statement.

[Monmouthshire County Council's current gambling policy](#) will need to be reviewed and in place by 2025. The lead in period to adopt the 2025 policy for Monmouthshire County Council will be as follows;

- 21st May 2024 – First Draft of Policy to the Licensing and Regulatory Committee
- 1st June – 31st August 2024 – Consultation on Gambling Policy

- 17th Sept 2024 – Final Draft, results of consultation to the Licensing and Regulatory Committee
- 24th October 2024 – Gambling Policy report to Full Council
- End of November 2024 – Legal Notice in Newspaper
- 3rd January 2025 – Publication of Gambling Policy
- 31st January 2025 – Commencement of Gambling Policy

3.8 Taking into account the elements that can be considered when setting fees as in 3.6 and 3.7 above and the work conducted by the Licensing team, which will ongoing. An assessment has been conducted the using the Wales Licensing Expert Panel spreadsheet – as recommended for national use. As such, the cost and the proposed fees commencing the 21st May 2024 is attached to this report in Appendix A. The assessment, however, cannot exceed the maximum figure a local authority is permitted to charge for the licensing of premises under the Gambling Act 2005 as stated in 3.4 above. A breakdown of the change in fees and the maximum fee that can be charged is attached in Appendix B.

3.9 There has been no change in the gambling premises we currently licence as stated in 3.4 above. As such, those currently licensed will be paying annual fees and this fee has not changed as per the previous financial year due to it reaching the maximum threshold permitted to be charged.

4. REASONS:

4.1 The Authority has a duty to set fees and the charges set out represent a cost recovery within the Government's maximum levels.

5. RESOURCE IMPLICATIONS:

5.1 The fees in Appendix A are set out to ensure the recovery of reasonable costs.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:

An evaluation has been provided in Appendix C to consider the effect of the schedule of Fees proposed for Gambling Premises Licence Fees for 2022-23.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

[Gambling Act 2005](#)

[The Gambling Act 2005 \(Licensing Authority Policy Statement\) \(England and Wales\) Regulations 2006](#)

[The Gambling \(Premises Licence Fees\) \(England and Wales\) Regulations 2007](#)

9. AUTHOR:

Linda O’Gorman
Principal Licensing Officer

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APPENDIX A

Gambling Act 2005 – Premises Licence Fees 21st May 2024 - 20th May 2025

Application Fee		
	Bingo Premises Licence	£3094
	Adult Gaming Centre Premises Licence	£1369
	Betting Premises (Track) Licence	£2500
	Family Entertainment Centre Premises Licence	£2000
	Betting Premises (Other) Licence	£1546
Application Fee for Premises with a Provisional Statement		
	Bingo Premises Licence	£1200
	Adult Gaming Centre Premises Licence	£1200
	Betting Premises (Track) Licence	£ 950
	Family Entertainment Centre Premises Licence	£ 950
	Betting Premises (Other) Licence	£1200
Annual Fee		
	Bingo Premises Licence	£1000
	Adult Gaming Centre Premises Licence	£1000
	Betting Premises (Track) Licence	£1000
	Family Entertainment Centre Premises Licence	£ 750
	Betting Premises (Other) Licence	£ 600
Transfer Application Fee		
	Bingo Premises Licence	£1200
	Adult Gaming Centre Premises Licence	£1169
	Betting Premises (Track) Licence	£ 950
	Family Entertainment Centre Premises Licence	£ 950
	Betting Premises (Other) Licence	£1200
Variation Application Fee		
	Bingo Premises Licence	£1750
	Adult Gaming Centre Premises Licence	£1000
	Betting Premises (Track) Licence	£1250
	Family Entertainment Centre Premises Licence	£1000
	Betting Premises (Other) Licence	£1500
Provisional Statement Application Fee		
	Bingo Premises Licence	£3090
	Adult Gaming Centre Premises Licence	£1365
	Betting Premises (Track) Licence	£2500
	Family Entertainment Centre Premises Licence	£2000
	Betting Premises (Other) Licence	£1542
Application for Reinstatement Fee		
	Bingo Premises Licence	£1200
	Adult Gaming Centre Premises Licence	£1200
	Betting Premises (Track) Licence	£ 950
	Family Entertainment Centre Premises Licence	£ 950
	Betting Premises (Other) Licence	£1200
Change of Circumstances Fee		£ 50
Duplicate Licence Fee		£ 25

APPENDIX B

	MAXIMUM PERMITTED FEES ALLOWED	MON C.C. EXISTING FEES ENDING 20 TH MAY 2024	MON C.C. FEE CALCULATION	MON C.C. PROPOSED FEE FROM 21 ST MAY 2024
Application Fee				
Bingo Premises Licence	£3,500	£1,648	£3,094	£3,094
Adult Gaming Centre Premises Licence	£2,000	£1,238	£1,369	£1,369
Betting Premises (Track) Licence	£2,500	£1,898	£2,906	£2,500
Family Ent Centre Premise Licence	£2,000	£1,501	£2,936	£2,000
Betting Premises (Other) Licence	£3,000	£1,272	£1,546	£1,546
Application Fee where Provisional Statement Previously Issued				
Bingo Premises Licence	£1,200	£1,200	£2,984	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,259	£1,200
Betting Premises (Track) Licence	£950	£950	£2,834	£950
Family Ent Centre Premise Licence	£950	£950	£2,826	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,436	£1,200
Annual Fee				
Bingo Premises Licence	£1,000	£1,000	£2,856	£1,000
Adult Gaming Centre Premises Licence	£1,000	£1,000	£1,131	£1,000
Betting Premises (Track) Licence	£1,000	£1,000	£2,707	£1,000
Family Ent Centre Premise Licence	£750	£750	£2,698	£750
Betting Premises (Other) Licence	£600	£600	£1,308	£600
Transfer Application Fee				
Bingo Premises Licence	£1,200	£1,200	£2,826	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,041	£1,169	£1,169
Betting Premises (Track) Licence	£950	£950	£2,676	£950

Family Ent Centre Premise Licence	£950	£950	£2,735	£950
Betting Premises (Other) Licence	£1,200	£999	£1,268	£1,200
Variation Application Fee				
Bingo Premises Licence	£1,750	£1,606	£3,052	£1,750
Adult Gaming Centre Premises Licence	£1,000	£1,000	£1,326	£1,000
Betting Premises (Track) Licence	£1,250	£1,250	£2,902	£1,250
Family Ent Centre Premise Licence	£1,000	£1,000	£2,893	£1,000
Betting Premises (Other) Licence	£1,500	£1,231	£1,504	£1,500
Provisional Statement Application Fee				
Bingo Premises Licence	£3,500	£1,644	£3,090	£3,090
Adult Gaming Centre Premises Licence	£2,000	£1,234	£1,365	£1,365
Betting Premises (Track) Licence	£2,500	£1,895	£2,902	£2,500
Family Ent Centre Premise Licence	£2,000	£1,498	£2,932	£2,000
Betting Premises (Other) Licence	£3,000	£1,268	£1,542	£1,542
Application for Reinstatement Fee				
Bingo Premises Licence	£1,200	£1,200	£2,927	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,132	£1,261	£1,200
Betting Premises (Track) Licence	£950	£950	£2,778	£950
Family Ent Centre Premise Licence	£950	£950	£2,837	£950
Betting Premises (Other) Licence	£1,200	£1,109	£1,379	£1,200
Change of Circumstances Fee	£50	£50	£131	£50
Duplicate Licence Fee	£25	£25	£35	£25



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Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p>Name of the Officer completing the evaluation David H Jones</p> <p>Phone no: 01633 644100 E-mail: davidhjones@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Slight decrease in some discretionary fees (though some remain static if they have reached the threshold in accordance with The Gambling (Premises Licence Fees (England and Wales) Regulations 2007), .</p>
<p>Name of Service</p> <p>Licensing Public Protection Social Care, Safeguarding and Health</p>	<p>Date Future Generations Evaluation form completed</p> <p>02/04/2024</p>

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NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc


1. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Fee levels are set on a cost recovery basis, minimising costs to the trade.</p>	

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)		
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	The revised fee structure includes Licensing Officers providing guidance on awareness and service standards of vulnerable persons.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Fee revenue ensures sustainable Licensing Service maintained, providing public reassurance Licensing standards are complied with.	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Fee recovery will ensure certificate displayed to the public is bilingual.	
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Fee levels should not preclude anyone to undertake their business in a fair and safe manner.	

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>Slight fee decrease for any new applications along with variations and provisional statements. However, those licensed, the annual fee remains static to ensure the Licensing Service provides sustainable provision into the future.</p>	
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>MCC Licensing have ensured reduced cost by working in partnership with the All Wales Licensing Expert Panel, Gwent Licensing Forum, which includes Local Government Licensing Officers, Police, Public Health and the Gambling Commission.</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>Schedule of fees advertised.</p>	
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Slight decrease in discretionary Gambling Premises fees (where applicable), some are static which will ensure a continuing service, incorporating preventative measures where necessary.</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>Key service aim is to ensure safe venues, preventing problem gambling, etc.</p>	

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or alanburkitt@monmouthshire.gov.uk

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Sustainable fee levels will ensure quality service maintained, protecting vulnerable customers.		
Disability	As above.		
Gender reassignment			
Marriage or civil partnership			

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Pregnancy or maternity			
Race			
Religion or Belief			
Sex			
Sexual Orientation			
Welsh Language			

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?

Safeguarding	Fee set – to include guidance and policy promotion/risk assessments of venues to prevent harm from problem gambling and those who are vulnerable.	Safeguarding is about ensuring that everything is in place to promote the well-being of children and vulnerable adults, preventing them from being harmed and protecting those who are at risk of abuse and neglect.	
Corporate Parenting			

5. What evidence and data has informed the development of your proposal?

All Gambling Premises fees and charges are reviewed annually, to ensure cost recovery in service delivery.

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6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The Licensing service can meet customer expectations, and continue to protect the public.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Work with Gambling Premises licence holders, namely, Adult	21 st May 2024	Linda O’Gorman	

Gaming Centres, Betting Shops and Racecourse			

8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	1st February 2025
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9. VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

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Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	L&R Committee Report	09/04/2024	

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