

Public Document Pack



Regulatory Committee

Monday, 18 June 2007 6.30 p.m.
Civic Suite, Town Hall, Runcorn

A handwritten signature in black ink, appearing to read 'David W R', is centered on the page.

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Ged Philbin (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Bob Bryant
Councillor Carl Cross
Councillor Philip Drakeley
Councillor Harry Howard
Councillor Alan Lowe
Councillor Diane Inch
Councillor Steff Nelson
Councillor Ernest Ratcliffe
Councillor Kevan Wainwright

*Please contact Gill Ferguson on 0151 471 7395 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 24 September 2007*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATIONS OF INTEREST	
<p>Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.</p>	
3. GAMBLING ACT 2005 - PREMISES LICENCE FEES	1 - 5
4. TAXI LICENSING MATTER	6 - 8

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Regulatory Committee

DATE: 18 June 2007

REPORTING OFFICER: Chief Executive

SUBJECT: Gambling Act 2005 - Premises Licence Fees

WARDS: Boroughwide

1. PURPOSE OF REPORT

To endorse the fees regime to apply under the Gambling Act 2005.

2. RECOMMENDATION

RECOMMENDED: that the fees regime outlined in the report in relation to the Gambling Act 2005 be endorsed.

3. SUPPORTING INFORMATION

- 3.1 At its meeting held on 22nd January the Committee resolved to introduce a scheme of delegations to comply with the Gambling Act 2005 and in addition resolved to request the Council to delegate powers to set fees under section 212 of the Gambling Act 2005.
- 3.2 The Council has endorsed the request made by the Committee.
- 3.3 The decision as to the level of fees to be determined by the Council could therefore be taken either directly by the Committee or by officers acting under delegated powers.
- 3.4 The Gambling Act 2005 has two basic categories of fees (in so far as is relevant to the Council). The first category relates to premises licence applications. Regulations specify the maximum amount which may be charged by licensing authorities. This is the category which is the subject of this report. The second category relates to fees for various kinds of permit and registration under the Gambling Act 2005. These fees are prescribed by regulations and the Council has no discretion in the matter.
- 3.5 The Department for Culture Media and Sport (DCMS) issued a circular letter in early May 2007 requesting local authorities to publish the fees to apply in their area by 21st May 2007.
- 3.6 The fees to apply for at least the first twelve months of the new system were therefore determined under delegated powers. The maximum fees

which may be charged are set out in the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. The main fees are set out at Appendix 1 and 2 to this report. In accordance with the debate at the January meeting of the Committee the fees to be charged have been set at the maximum permitted in these regulations. In addition there are a number of miscellaneous fees for example replacing a lost licence.

- 3.7 The DCMS has advised licensing authorities not to charge the maximum level of fees without good reason. The Committee is advised that calculations have been made to justify the maximum level of fees to be charged. The amount of information available to the Council is extremely limited at present and calculations are based on income which can be assumed with confidence to be likely to be generated. The position will be kept under review. Calculations for future years will be based on firm information from real applications.

4. POLICY IMPLICATIONS

There are no new policy implications arising out of this report.

5. OTHER IMPLICATIONS

There are no other implications arising out of this report.

6. LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972

This report is based on the Gambling Act 2005 and the written responses to the consultation exercise. In addition the DCMS and LACORS web-sites have provided background information.

Appendix 1

Gambling Act 2005

Conversion Fees in the case of fast track applications shall not exceed £300.00 for: -

Bingo Premises Licence

Adult Gaming Centre Premises Licence

Betting Premises (Track) Licence

Family Entertainment Centre Premises Licence

Betting Premises (Other) Licence

Appendix 2

GAMBLING ACT 2005

SCHEDULE

Table of maximum fees

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)
Classes of premises licence	Maximum conversion application fee for non-fast track application	Maximum non-conversion application fee in respect of provisional statement premises	Maximum non-conversion application fee in respect of other premises	Maximum annual fee	Maximum fee for application to vary licence	Maximum fee for application to transfer a licence	Maximum fee for application for reinstatement of a licence	Maximum fee for application for provisional statement
Regional casino premises licence		£8,000	£15,000	£15,000	£7,500	£6,500	£6,500	£15,000
Large casino premises licence		£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence		£3,000	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000

Converted casino premises licence	£2,000			£3,000	£2,000	£1,350	£1,350	
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises	£1,000	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Betting premises (track) licence	£1,250	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£1,000	£950	£2,000	£750	£1,000	£950	£950	£2,000
Betting premises (other) licence	£1,500	£1,200	£3,000	£600	£1,500	£1,200	£1,200	£3,000

REPORT: Regulatory Committee
DATE: 18 June 2007
REPORTING OFFICER: Chief Executive
SUBJECT: Taxi licensing matter
WARDS: Borough-wide

1. PURPOSE OF REPORT

In view of the continuing delay in receiving Criminal Record Bureau (CRB) reports for licensed Single Status Drivers (SSD) the Committee be asked to consider alternative ways of ensuring drivers remain working whilst awaiting the reports.

2. RECOMMENDED

To review the situation regarding the delay in the time taken by the CRB in relation to SSD renewal applications.

3. SUPPORTING INFORMATION

3.1 All new and renewal applications for Single Status Drivers require a CRB check in addition to other documentation before a licence is issued.

3.2 An SSD Licence would not be issued to a new applicant until such time as a CRB form had been received.

3.3 Renewal application forms are sent to all SSD holders approx 2 months before the expiry of their current licence. Various guidance notes are sent with the application forms. The guidance note in relation to CRB checks states the following

‘Please ensure that you submit the renewal application as soon as possible as the CRB checks can take several weeks to process.

We must point out that if your renewal application is not submitted within a minimum of 1 month before the expiry date of your licence you will not be issued with a licence cover note should your CRB check not be returned before your licence expires. This means that your application will not be completed by the due date and will result in you being unlicensed and unable to work.’

3.4 Until recently CRB checks were returned within approx 4 - 6 weeks. However on average CRB checks are now taking in excess of 12 weeks to be processed and the delay appears to be at the Police checking stage. Drivers who do not submit their application 4 weeks prior to the expiry of the licence find themselves unable to work as a taxi driver until

the CRB and other relevant documents are received by the Licensing Section.

3.5 As always there are special circumstances which can be taken into consideration for example in the case of a driver who had been injured or hospitalised and unable to submit the application form and CRB. However the Council would require the driver to 'prove' the exceptional circumstances.

3.6 Recently there has been a number of drivers who for one reason or another have not submitted their renewal application in the specified time and have found themselves with an expired SSD Licence and therefore unable to work as a SSD. These drivers can find themselves unable to work for up to three months.

4. COMMENTS

4.1 There are risks and benefits to take into account in monitoring existing policy and altering existing policy

4.2 It is not recommended to alter existing policy for new drivers. This would not be in the public interest.

4.3 Existing drivers will have been subject to a CRB albeit 3 years previously. The risk to the public is therefore considerably less than with new drivers.

5. OPTIONS

5.1 The options available to the Committee are:

(a) Issue licence cover notes to drivers who submit renewal applications 4 weeks prior to the expiry of their licence to enable them to continue driving provided all other documentation is received

(b) Issue licence cover notes to drivers who submit renewal applications at any date prior to the expiry of their current licence to enable them to continue driving provided all other documentation is received

(c) Do not issue a renewal licence until all documentation including the CRB is received.

6. POLICY IMPLICATIONS

This is a policy item.

7. OTHER IMPLICATIONS

None.

8. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/Kay Cleary