

LICENSING COMMITTEE

Thursday 21 November 2013 at 6.30 pm

Council Chamber, Ryedale House, Malton

Agenda

1 **Emergency Evacuation Procedure**

The Chairman to inform Members of the Public of the emergency evacuation procedure.

2 **Apologies for absence**

3 **Minutes of the meeting held on 19 September 2013**

(Pages 3 - 4)

4 **Minutes of the Licensing Sub Committee held on 10 September 2013** (Pages 5 - 6)

5 **Urgent Business**

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

6 **Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE

7 Gambling Act 2005 - Setting of Fees

(Pages 7 - 16)

8 Any other business that the Chairman decides is urgent.

Licensing Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 19 September 2013

Present

Councillors Arnold, Mrs Frank, Hope (Chairman), Mrs Sanderson, Fraser, Walker, Clark, Mrs Keal, J Andrews and Windress (Vice-Chairman)

In Attendance

Nicki Lishman, Phil Long and Steve Richmond

Minutes

8 Apologies for absence

Apologies for absence were received from Councillor Hicks.

9 Minutes of the meeting held on 6 June 2013

Decision
That the minutes of the meeting of the Licensing Committee held on 6 June 2013 be approved and signed by the Chairman as a correct record.

10 Urgent Business

There were no items of urgent business which the Chairman considered should be dealt with as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972 (as amended).

11 Declarations of Interest

There were no declarations of interest.

PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE

12 Scrap Metal Dealers Act 2013

Decision
(i) The discharge of the Council's functions in relation to the Scrap Metal Dealers Act 2013 be delegated to the Head of Environment, Streetscene, Facilities, ITC, with the exception of the setting of fees and the dealing with refusals, revocations and variations where representations have been received.
(ii) The fees were set at the following levels: Application Site £300

Renewal Collector £160
Site £300
Collector £160

Fees for variations

Variation of name and address £40
Variation from site licence to collectors licence £40
Variation from collectors licence to site licence £40
Variation of site manager £100
Variation to change site £100

Copy of licence £26

(iii) Where applications were recommended for refusal, revocation or variation, and representations have been received they should be referred to the Licensing Sub Committee for decision and the Constitution be amended accordingly.

13 **Licensing Act 2003 - Review of Licensing Policy**

Decision

Members supported the draft revision of the Council's Licensing Policy for consultation.

14 **Any other business that the Chairman decides is urgent.**

There being no items of urgent business, the meeting closed at 8:35 pm.

Licensing Sub Committee

Held at Council Chamber, Ryedale House, Malton
on Tuesday 10 September 2013

Present

Councillors Mrs Frank, Hope (in the Chair) and Walker

Sergeant M France (North Yorkshire Police Licensing Unit)
Mr R Sharman (The Pickering Exhibition and Leisure Village)

In Attendance

Ronnie McClure, Nicki Lishman and Fiona Brown

Minutes

1 **Declarations of Interest**

There were no declarations of interest.

2 **To determine whether to grant a Temporary Event Notice where an objection notice has been given by North Yorkshire Police. Applicant Mr Richard Sharman**

The Chairman welcomed representatives to the meeting and appropriate introductions were made.

The Chairman reported that the hearing was subject to the prescribed procedure, a copy of which had been circulated with the agenda. Representatives were reminded that opening statements were to be brief as all parties had been afforded the opportunity to make detailed written submissions and to consider the submissions from other parties. The Chairman also advised those present that additional information produced at the hearing without prior disclosure might not be heard if, following objections to its submissions, the Sub-Committee so determined.

The Council's Licensing Officer then presented the report, which had been circulated with the agenda and referred to the relevant points contained in the guidance.

The purpose of the report was to enable the Licensing Sub-Committee to consider an objection notice served on the Licensing Authority by North Yorkshire Police (relevant person) in respect of the notice of a temporary event to take place at The Showground Bar – Main Building – Ground Floor, The Pickering Exhibition and Leisure Village, (Pickering Showground), Malton Road, Pickering, YO18 8EA and, having regard to the objection notice, to

consider whether the premises user should be served with a counter notice to ensure the promotion of the licensing objectives.

Sergeant M France, Police Licensing Unit Manager, gave a statement outlining that the Police were objecting to the Temporary Event Notice application on the grounds of public safety.

A fire safety audit undertaken by North Yorkshire Fire and Rescue Service found a number of deficiencies and resulted in an unsatisfactory letter being served. The audit found inadequate fire precautions, systems, policies and emergency lighting were in place.

The objection by the Police stated that all safety requirements must be in place to protect the public and prevent any dangers.

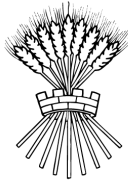
Mr Sharman, representing The Pickering Exhibition & Leisure Village, responded that the company was working with the Fire Authority to resolve the issues identified in the audit, including the fitting of a new alarm system by the end of the week. He requested that the TEN be granted based on the work being approved by the Fire Authority, who would undertake an inspection during the planned event.

After consideration, the Council's Assistant Solicitor advised that it was not possible, based on the Licensing legislation, to make the granting of the TEN conditional on completion of these works.

Following the debate, the Sub Committee retired to consider the application accompanied by the Committee's legal advisor, to advise on points of law, and the clerk, after which the following decision was announced:

DECISION

The Council would be issuing a counter notice as it was satisfied, based on the evidence put forward at the hearing and having heard from the Police and the applicant, that if the premises were allowed to be used in accordance with the Notice, the public safety licensing objective would be undermined due to the issues raised by the Fire Authority following a fire safety audit of the premises on 30 August 2013.



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	LICENSING COMMITTEE
DATE:	21 NOVEMBER 2013
REPORT OF THE:	HEAD OF ENVIRONMENT,STREETSCENE,FACILITIES,ICT PHIL LONG
TITLE OF REPORT:	GAMBLING ACT 2005 - SETTING OF FEES
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek Member approval for the setting of fees under the provisions of the Gambling Act 2005

2.0 RECOMMENDATION

- 2.1 It is recommended that Members approve the fees as recommended in Annex B

3.0 REASON FOR RECOMMENDATION

- 3.1 The setting of fees must relate to the costs incurred by the local authority and be defensible.

4.0 SIGNIFICANT RISKS

- 4.1 The fees have been calculated in accordance with LACORS/Local government Regulation guidance and have been benchmarked against other North Yorkshire authorities and are defensible if challenged.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 Under the provisions of section 154(2)(b) of the Gambling Act 2005, the Licensing Authority has the discretion to delegate the decision on the setting of fees to the Licensing Committee. This delegation was approved by Council on 8 March 2007.

6.0 POLICY CONTEXT

- 6.1 The following Policies have informed this report:

- Council Plan 2013
- Health and Environment Service Delivery Plan 2013/14
- Budget Policy 2014/15

7.0 CONSULTATION

7.1 No consultation has taken place in revising these fees

8.0 REPORT DETAILS

8.1 Section 154 of the Gambling Act 2005 provides that all decisions relating to premises licences are delegated to the Licensing Committee of the authority that has been established under section 6 of the Licensing Act 2003, except:

- A resolution not to issue casino licences, which must be taken by the whole authority;
- Functions in relation to the three-year licensing policy, which must be taken by the whole authority; and
- Setting fees (to the extent that a licensing authority has delegated power in relation to fees). The Licensing Authority can delegate decisions to the Licensing Committee, but there is no automatic delegation, so each authority must decide its approach to setting fees.

The power of setting of fees was delegated to the Licensing Committee by Council on 8 March 2007.

8.2 The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 provide that the following types of fees are to be determined by licensing authorities:

- Licence application fee
- First annual fee
- Annual fee
- Notification of a change of circumstance fee
- Application to vary a licence fee
- Application to transfer a licence fee
- Fee for a copy of a licence
- Application for reinstatement of a licence fee
- Provisional statement application fee

8.3 Part 9 of the Gambling Act 2005 allows 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. Applications for Temporary Use Notices under the Gambling Act 2005 may be made to the Licensing Authority. In accordance with The Gambling Act (Temporary Use Notices) Regulations 2007, the Licensing Authority must determine the fee payable under Section 219(b) of the Act and this amount must not exceed £500 for the fee and £25 for an endorsed copy of the Temporary Use Notice.

In each case, the fee determined by a Licensing Authority must not exceed a maximum fee specified in the relevant regulation. Section 212 of the Act requires that the income from fees as near as possible equates to the costs of providing the service to which the fee relates. For the Licensing Authority this means that the service should be cost neutral. In determining application and other fees licensing must ensure that these are limited to recovery of the costs of carrying out their functions under the Act. Licensing Authorities are required to review their fees on an

annual basis. The suggested discretionary fees have been increased in line with the 2014/15 Revenue Budget and are available in Annex B.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

The Gambling (Premises Licences Fees)(England and Wales) Regulations 2007 and The Gambling Act (Temporary Use Notices) Regulations 2007, require the Licensing Authority to set fees for the granting of premises licences. The regulations set the maximum fee payable for each category of gambling premises licence and allow Licensing Authorities to determine their own fees, on a cost recovery basis. This means the service should be cost neutral. Licensing Authorities have to review their fees annually to ensure that the income from the premises licence fees in any one accounting period (i.e. in any full year) does not exceed the full costs incurred by the authority in carrying out the relevant functions.

Phil Long
Head of Environment

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Background Papers:
None

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GAMBLING ACT 2005 – SETTING OF FEES - RISK MATRIX

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Failure to review and set fees for 2014/15	Revised fees would be unable to be charged	2	B	Committee Report recommends fee level for 2014/15	1	A

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

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SCHEDULE
Table of proposed fees for 2014/15

<i>Classes of premises licence</i>	<i>Maximum conversion application fee for non-fast track application</i>	<i>Maximum non-conversion application fee in respect of provisional statement premises</i>	<i>Maximum non-conversion application fee in respect of other premises</i>	<i>Maximum annual fee</i>	<i>Maximum fee for application to vary licence</i>	<i>Maximum fee for application to transfer a licence</i>	<i>Maximum fee for application for reinstatement of a licence</i>	<i>Maximum fee for application for provisional statement</i>
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	

<i>Classes of premises licence</i>	<i>Maximum conversion application fee for non-fast track application</i>	<i>Maximum non-conversion application fee in respect of provisional statement premises</i>	<i>Maximum non-conversion application fee in respect of other premises</i>	<i>Maximum annual fee</i>	<i>Maximum fee for application to vary licence</i>	<i>Maximum fee for application to transfer a licence</i>	<i>Maximum fee for application for reinstatement of a licence</i>	<i>Maximum fee for application for provisional statement</i>
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises licence	£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	£1,330 (£1,280)	£400 (£385)	£1,000	£950	£950	£1,330 (£1,280)

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Betting premises (other) licence	£1,330 (£1,280)	£1,200	£1,330 (£1,280)	£400 (£385)	£1,330 (£1,280)	£1,200	£1,200	£1,330 (£1,280)

N.B. Proposed discretionary fees emboldened. This year's fees in brackets. All other fees set at maximum levels. Temporary Use Notice fee £500. Copy of licence/other document £27(£26), change of circumstances – Fee £54(£52).

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