

Licensing Committee – 4th December 2007

5. Fees for Temporary Use Notices

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Purpose of the Report

To determine the fee to be charged by the Council for Temporary Use Notices under the Gambling Act 2005

Recommendation(s)

- (1) The Licensing Committee is recommended to set a fee of £425 for Temporary Use Notices

Background

The Gambling Act 2005 empowers the Secretary of State to make regulations to control gambling. To this end, the Gambling Act 2005 (Temporary Use Notices) Regulations 2007 were published on 7th November 2007 and come into force on the 1st December 2007

Report Detail

The new regulations give the local authority the discretion to charge a fee for Temporary Use Notices (TUN), subject to a maximum fee of £500. As these are new regulations, the Council has not yet had the opportunity to consider a fee and is now required to do so, hence the reason for this report.

The Licensing Committee should be aware that a TUN under the Gambling Act 2005 does not equate to a Temporary Event Notice under the Licensing Act 2003. In order for a TUN to be utilised, the person submitting it must hold an Operator's Licence, issued by the Gambling Commission, and the type of gambling permitted is restricted to any form of equal chance gaming where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner – not by use of a machine. An example of this would be Poker for high stakes.

Following discussion with other authorities in the County, it is suggested that the same criteria (85% of maximum fee) be applied to this fee as was applied to the other discretionary fees under the Gambling Act. To that end, a fee of £425 is suggested, and all other licensing authorities in Somerset will be recommending this fee to their committees.

Financial Implications

Failure to set a fee would result in costs being incurred in the administration of applications for Temporary Use Notices, without a fee being charged.

Implications for Corporate Priorities

The regulation of Gambling contributes to corporate aim 4, ensuring safe, sustainable and cohesive communities.

Other Implications

None

Background Papers: The Gambling Act 2005
The Gambling Act 2005 (Temporary Use Notices)
Regulations 2007
