

Merton Council

Licensing Committee

Membership:

Councillor Rod Scott (Chairman)
Councillor Steve Austin
Councillor Richard Chellew
Councillor Chris Edge
Councillor Philip Jones
Councillor Andrew Judge
Councillor David Simpson CBE
Councillor Gregory Udeh
Councillor Krysia Williams
Councillor Ron Wilson

A meeting of the Licensing Committee will be held on:

Date: 24 June 2008

Time: 7.15 pm

Venue: Committee Rooms, first floor

Merton Civic Centre, London Road, Morden

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the decision making process, contact democratic.services@merton.gov.uk or telephone 020 8545 3574.

Licensing Committee

24 June 2008

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¹Note1: Declarations of interest

Members are advised to make any declaration of personal or prejudicial interests they may have in relation to any item on this agenda. Members may make their declaration either at the start of the meeting or at any time that it becomes apparent that they have an interest in any particular item. If a Member believes that their interest is prejudicial they should leave the meeting while the item is discussed. If in doubt, Members are advised to seek advice from the Head of Civic and Legal Services prior to the meeting. **Declaration forms will be available on request from the attending Democratic Services officer, to who completed forms should be returned.**

LICENSING COMMITTEE

13 NOVEMBER 2007

(7.15pm – 7.40pm)

PRESENT: Councillors John Bowcott (in the Chair), Richard Chellew, Judy Saunders, Linda Scott, David Simpson, Gregory Udeh, Martin Whelton and Krysia Williams.

ALSO PRESENT: Keith Minear (Head of Legal Services), Anne Lippitt (Interim Head of Public Protection & Development (Planning)), Richard Nash (Licensing Manager) and Lynne Hartley (Democratic Services Officer).

1 DECLARATIONS OF INTEREST (Agenda Item 1)

No declarations of interest were made.

2 MINUTES (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 26 June 2007 are agreed as a correct record subject to Councillor Linda Scott being shown as having given apologies for absence.

3 REVIEW/REVISION OF MERTON'S LICENSING POLICY STATEMENT (Agenda Item 4)

The Committee considered the responses to consultation set out in paragraph 1.7 of the report, together with the comments of the Licensing Manager, and agreed to accept the Licensing Manager's recommendations in all cases except for (D) (ii) where it was agreed that no change was necessary.

The Committee were also satisfied that as no significant changes to the document submitted for consultation were being proposed there was no need for further consultation.

RESOLVED: That the Committee agree (1) to approve the recommended amendments to the Draft Policy Statement, save for that proposed at paragraph 1.7 (D) (ii), and to recommend the same for adoption by the Council, and

(2) that no further consultation is necessary.

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Committee: Licensing

Date: 24 June 2008

Agenda item: 4

Wards: All

Subject: Licensing Committee - Membership

Lead officer: Director of Corporate Services

Lead member: Chair of Licensing Committee

Contact officer: colin.millar@merton.gov.uk, 020 8545 3616

Recommendations:

- A. That the Committee determines the arrangements for Chairing of Licensing sub-committees
 - B. That the Committee makes a recommendation on the size of Licensing Committee to General Purposes Committee
-

1. Purpose of report and executive summary

- 1.1 To seek the committee's instructions on the appointment of sub-committee chairs and on the future size of the committee

2. Details

2.1 Chairing of sub-committees

- 2.1.1. At its meeting of 1 February 2005 the Licensing Committee agreed to appoint a group of sub-committee chairs eligible to chair licensing hearings.
- 2.1.2. At that time the committee comprised 15 members (the maximum allowable under the Licensing Act 2003) and the ratio of Chairs was agreed as 4:3:1 (Labour: Conservative: Independent) with nominations to come from the groups.
- 2.1.3. Changes in membership since that time mean that it is necessary for the Committee to re-address this issue as few of the original panel chairs now remain on the committee.

2.2 Size of Licensing Committee

- 2.2.1. The Licensing Act 2003 (The Act) requires the Council to establish a Licensing Committee of at least ten but not more than fifteen members. Because of the nature of the committee substitution is not appropriate as substitutes would not be eligible to be members of sub-committees.
- 2.2.2. The Licensing Committee established to deal with Licensing Act applications originally comprised 15 members but this was reduced to 10 at the Annual Meeting in 2007 in anticipation of a reduction in the number of applications to be dealt with.

- 2.2.3. The number of hearings held since the introduction of the Act are as follows:
- 2005/06 - 45 (Transitional period)
 - 2006/07 - 12
 - 2007/08 - 15
- 2.2.4. It is anticipated that this level of demand for hearings will continue.
- 2.2.5. In addition, the Violent Crime Reduction Act 2006 introduced a revised s53 of the Act which places a requirement on the authority to hold hearings within 48 hours of receiving a notice from the police.
- 2.2.6. It is not anticipated that there will be any significant workload for sub-committees in respect of the Gambling Act 2005
- 2.2.7. Members are asked to consider the size of the Committee in view of the anticipated workload and the changes introduced by the Violent Crime Reduction Act 2006. The views of the Licensing Committee will be reported to General Purposes Committee when they consider this matter with a view to making any relevant recommendation to Council.
- 3. Alternative options**
- 3.1 The appointment of sub-committee chairs is entirely within the discretion of the Committee which can appoint any of its members to carry out this function.
- 4. Consultation undertaken or proposed**
- 4.1 This report consults the Licensing Committee for its views on the size of the Committee.
- 5. Timetable**
- 5.1 Recommendations on the size of the Committee will be reported to General Purposes Committee on 25 June with a subsequent report to Council on 9 July to agree any changes.
- 5.2 Any decisions made by the Committee in respect of chairing sub-committees will have immediate effect.
- 6. Financial, resource and property implications**
- 6.1.1. Sub-committee chairs who are not otherwise in receipt of a special responsibility allowance are entitled to a payment of £240 per hearing which they chair.
- 7. Legal and statutory implications**
- 7.1 The Licensing Committee is established to fulfill the Council's duties under the Act. The Committee may establish sub-committees to discharge its duties in respect of licensing hearings under provisions in the Act. The Committee must comprise at least 10 but not more than 15 members of the Council.

8. Human rights, equalities and community cohesion implications

8.1 It is important that the Council makes proper arrangements to discharge its duties under the Act in order that the Licensing objectives are effectively promoted.

9. Risk management and health and safety implications

9.1 Failure to make proper provision to discharge its duties under the Act could lead to appeals against the authority's decisions and damage to the Council's reputation.

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Committee: Licensing Committee

Date: 24 June 2008

Agenda item: 5

Wards: All Wards

Subject: Review of Gambling Fees

Lead officer: John Hill Head of Public Protection and Development

Lead member: Councillor Rod Scott, Chair of the Licensing Committee

Key decision reference number: n/a

Recommendations:

The Licensing Committee is requested to consider the fees charged for the grant and issue of premises licences under the Gambling Act 2005. It is recommended that they remain at the maximum fee that is permitted.

1. Purpose of report and executive summary

1.1 To review the fees currently charged by this authority for the grant and issue of premises licences under the Gambling Act 2005

2. Details

2.1 The Gambling Act 2005 came fully into law on 21 May 2007 and through it the government has devolved the responsibility for the licensing of gambling premises to local authorities.

2.2 The Secretary of State for the Department of Culture Media & Sport (DCMS) published the licence fees that Councils may charge for the grant and issue of premises licences. Appendix 1 shows the premises bands and maximum fees that local authorities may charge.

2.3 Local Authorities are not permitted to make a profit from the charges levied.

2.4 A costing exercise was undertaken prior to the implementation of the Gambling Act and at the Licensing Committee on 14 May 2007 it was agreed that this authority would charge the maximum fee permitted.

2.5 The Gambling Act requires that local authorities review the fees charged on an annual basis and where necessary adjust them within the limits set.

2.6 To date there have been too few applications on which to base a meaningful assessment and review and it is recommended that no change is made to the current fee structure.

3. Alternative options

3.1 It is a statutory function of the Gambling Act 2005 that fees be reviewed on an annual basis and the committee has the following options:-

- Leave the fees at the current maximum level
- Set the fees at a lower level

4. Consultation undertaken or proposed

4.1 None undertaken, but record has been kept of officers time associated with those applications received and determined. It should be noted that the majority of applications received have been dealt with under the transitional fast track arrangements contained within the legislation and do not therefore reflect an as yet opposed application for the grant of a licence. No hearings have been required to determine any applications made.

4.2 Appendices 2 & 3 indicate the fees charged by Westminster City Council and Wandsworth Borough Council's respectively. It can be seen that there are minor variations in respect of Variation and Transfer fees charged, but that overall there are no major variations in fee levels.

5. Timetable

5.1 Annually from the date of implementation of the Act.

5.2 21 May 2007 was the first day of the Transitional period of the Act

5.3 1 September 2007 was the last day of the Transitional period

5.4 1 September 2007 was the implementation date for all new applications made under the new legislation.

6. Financial, resource and property implications

6.1 Legislation requires the function to be cost neutral and where it is determined by officers that adjustments are necessary further reports will be made to the Licensing Committee.

7. Legal and statutory implications

7.1 As a Licensing Authority under The Gambling Act 2005, the London Borough of Merton has specified regulatory functions in relation to gambling, including licensing premises for gambling activities. The legislation provides for the payment of fees to licensing authorities in relation to these activities.

7.2 The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 No. 479 prescribes the maximum fees that can be charged by a licensing authority.

7.3 Section 212(2)(d) of the Act states that in determining fees licensing authorities must aim to ensure that the income from the fees generated as nearly as possible equates to the cost of providing the service to which the fees charged relate. Section 212 (3) states for the purposes of sub section (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State.

8. Human rights, equalities and community cohesion implications

8.1 These matters have been fully addressed in the report regarding the adoption of the Licensing Policy Statement on Gambling, the Policy Statement itself and the Equalities Impact Assessment relating to this subject.

9. Risk management and health and safety implications

9.1 The original consultation carried out by the DCMS indicated that the gambling industry was unhappy with the maximum fees proposed and believed that local authorities would automatically charge the maximum permitted.

9.2 The recommendation of this report is that there be no change at this time and this authority continue to charge the maximum fee permitted.

9.3 Officers have conscientiously recorded the times spent on all applications and enquiries received and have come to the conclusion that there is insufficient information upon which to make a meaningful assessment at this time.

9.4 It is possible that the authority may be challenged on its current fee level, but the following statement issued by the DCMS should be borne in mind
“ The Department accepted that it would be difficult for licensing authorities to develop an accurate cost base before the Act came into force. The Department understands the industries concerns that the new fees may not be fully reflective. The Department has therefore undertaken to keep the fee regime under review.”

9.5 There has been no indication from the DCMS that they consider the fees set by local authorities throughout the country to be excessive.

10. Appendices – the following documents are to be published with this report and form part of the report

10.1 Appendix 1 Premises bands and maximum fees that local authorities may charge.

10.2 Appendix 2 Westminster City Council premises licence fees

10.3 Appendix 3 Wandsworth Borough Council premises licence fees

11. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

11.1 None

12. **Contacts**

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13. **Useful links**

- 13.1 Merton Council's Web site: <http://www.merton.gov.uk>
- 13.2 Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council's and third party linked websites.
- 13.3 <http://www.merton.gov.uk/legal.htm>
- 13.4 This disclaimer also applies to any links provided here.

APPENDIX 1

Premises Licence Fees published in regulation SI 2007 / 479. These fees are maximums and local authorities must set their own fees on the basis of cost recovery

Premises Type	Transitional Fast-Track	Transitional Non Fast Track	New Application	Annual Fee
Existing Casinos	300	2000	N/a	3000
New Small Casinos	N/a	N/a	N/a	5000
New Large Casinos	N/a	N/a	N/a	10000
Regional Casino	300	N/a	15000	15000
Bingo Club	300	1750	3500	1000
Betting Premises (excluding Tracks)	300	1500	3000	600
Tracks	300	1250	2500	1000
Family Entertainment Centres	300	1000	2000	750
Adult Gaming Centres	300	1000	2000	1000

Application type	Vary	Transfer	Re-instatement	Provisional statement	Licence Application (Prov Statement holders)	Copy licence	Notification of change
Existing Casinos	2000	1350	1350	N/a	N/a	25	50
New Small Casino	4000	1800	1800	8000	3000	25	50
New Large Casino	5000	2150	2150	10000	5000	25	50
Regional Casino	7500	6500	6500	15000	8000	25	50
Bingo Club	1750	1200	1200	3500	1200	25	50
Betting Premises (excluding Tracks)	1500	1200	1200	3000	1200	25	50
Tracks	1250	950	950	2500	950	25	50
Family Entertainment Centres	1000	950	950	2000	950	25	50
Adult Gaming Centre	1000	1200	1200	2000	1200	25	50

Westminster City Council Gambling Act 2005**Premises Licence Fees**

Premises type	Transitional Fast Track Application	Transitional Non-Fast Track appl.	New Application	Annual Fee
Existing Casinos	300	2000	N/a	3000
Bingo Club	300	1750	3500	1000
Betting Premises (Other)	300	1500	3000	600
Betting Premises (Tracks)	300	1250	2500	1000
Family Entertainment Centres (FEC)	300	1000	2000	750
Adult Entertainment Centres (AGC)	300	1000	2000	1000

	Vary	Transfer	Re-instatement	Provisional statement	Licence Application (Prov Statement holders)	Copy licence	Notification of change
Existing Casinos	2000	1012.50	1012.50	N/a	N/a	25	50
Bingo Clubs	1750	900	900	3500	1200	25	50
Betting Premises (Other)	1500	900	900	3000	1200	25	50
Betting Premises (Tracks)	1250	712.50	712.50	2500	950	25	50
Family Entertainment Centres (FEC)	1000	712.50	712.50	2000	950	25	50
Adult Gaming Centre (AGC)	1000	900	900	2000	1200	25	50

WANDSWORTH COUNCIL**Gambling Act 2005 Premises Licence Fees (Abridged)**

Premises type	Transitional Fast Track Application	Transitional Non-Fast Track appl.	New Application	Annual Fee
Bingo Club	300	1750	3500	1000
Betting Premises	300	1500	3000	600
Family Entertainment Centres (FEC)	300	1000	2000	510
Adult Entertainment Centres (AGC)	300	1000	2000	1000

	Vary	Transfer	Re-instatement	Provisional statement	Licence Application (Prov Statement holders)	Copy licence	Notification of change
Bingo Clubs	1750	1000	1000	3500	950	25	50
Betting Premises	1500	1000	1000	3000	1200	25	50
Family Entertainment Centres (FEC)	910	850	850	2000	950	25	50
Adult Gaming Centre (AGC)	1000	900	900	2000	1200	25	50