

SETTING OF FEES IN RESPECT OF TEMPORARY USE NOTICES IN ACCORDANCE WITH REGULATION 7 – THE GAMBLING ACT 2005 (TEMPORARY USE NOTICES) REGULATIONS 2007

Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Wards Affected:

County-wide

Purpose:

1. The purpose of this report is for the Regulatory Committee to set the level of fees to be charged for Temporary Use Notices (TUNS) given under Part 9 of the Gambling Act 2005.

Law:

2. Section 212 allows the District Council to set its' own fees in respect of the Gambling Act. However any fee set must not exceed the maximum fee set by the Government.
3. 'Council' delegated this function to the Regulatory Committee at their meeting on 25th May 2007.
4. The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 states: -

Fees in connection with temporary use notices

7.—(1) The fee payable under section 219(3)(b) of the Act on giving a temporary use notice shall be of such amount not exceeding £500 as may be determined by the licensing authority to whom the notice is given.

(2) The fee payable under section 227(6)(a) of the Act for the replacement of an endorsed copy of a temporary use notice—

(a) where the licensing authority responsible for issuing the copy of the notice is in England or Wales, shall be of such amount not exceeding £25 as the licensing authority may determine;

Background Information

5. The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 were laid before parliament and came into force on 1 December 2007.
6. A temporary use notice (TUN) may only be granted to a person or company holding a Gambling Commission operating licence
7. These notices allow 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.
8. The same premises cannot be subject to a TUN for more than 21 days in any 12 month period, but may have more than one TUN in that period provided the 21 days is not exceed.

Further information on the subject of this report is available from Suzanne Laughland, Licensing Manager on (01432) 261675

9. A temporary use notice must be lodged with the licensing authority not less than 3 months and 1 day before the day on which the gambling event will begin.
10. The notice must be copied to the:
- Gambling Commission
 - Police
 - HM Revenue & Customs
- within 7 days of the date of the notice.
11. The Licensing Authority and the above Responsible Authorities are permitted to make objections in relation to a temporary use notice. Objections must be made within 14 days of the date of the notice, a hearing will then be held to determine the notice.
12. If no objections are received, the event can proceed as applied for. A copy of the notice must then be displayed on the premises for the duration of the event.
13. It is envisaged that it will mostly be the larger commercial enterprises that take advantage of this temporary authorisation. It remains to be seen how prevalently sought after a permission this will be.
14. It is also not possible at this stage to anticipate the volume, frequency and nature of applications or representations against them, and it is therefore not feasible to offer any meaningful costing prediction.

Options

15. There are two options available to the Committee:
- a) To set the fees at the maximum level allowed under the legislation. (i.e. £500 for a TUN and £25 for a replacement licence).
 - b) To set the fees at some other level below the maximum permitted.
16. **Recommendation**
- That the Committee set the fee at the maximum permitted at this time on the understanding that it will be reviewed in 12 months when historic data will be available to review the fees.