

2007 No. 479

BETTING, GAMING AND LOTTERIES, ENGLAND AND WALES

The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007

<i>Made</i> - - - -	<i>21st February 2007</i>
<i>Laid before Parliament</i>	<i>21st February 2007</i>
<i>Coming into force</i> - -	<i>21st May 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 159(6), (7) and (8)(a), 184(1) to (4), 186(3)(a) and (9)(a), 187(3) and (4), 188(2), 190(2) and (6)(a), 195(3), 204(2), 212(1), (4) and (5), and 355(1) of, and paragraphs 6, 7 and 11 of Schedule 18 to, the Gambling Act 2005(a):

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and shall come into force on 21st May 2007.

(2) These Regulations extend to England and Wales only.

Interpretation

2.—(1) In these Regulations—

“annual fee” in relation to a premises licence means the fee payable under section 184(1)(b) for the licence,

“application fee” means—

- (a) in relation to an application for a premises licence under section 159(1) (whether it is a conversion or non-conversion application), the fee to accompany such an application payable under section 159(6)(c),
- (b) in relation to an application to vary a premises licence under section 187(1), the fee to accompany such an application payable under section 159(6)(c) (as applied by section 187(3)),
- (c) in relation to an application to transfer a premises licence under section 188(1), the fee to accompany such an application payable under section 159(6)(c) (as applied by section 188(2)),
- (d) in relation to an application for a copy of a premises licence under section 190(1), the fee to accompany such an application payable under section 190(2),

(a) 2005 c. 19.

(e) in relation to an application for reinstatement of a premises licence under section 195(2), the fee to accompany such an application payable under section 159(6)(c) (as applied by section 195(3)), and

(f) in relation to an application for a provisional statement under section 204(1), the fee to accompany such an application payable under section 159(6)(c) (as applied by section 204(2)),

“betting premises (other) licence” means a betting premises licence that is not a betting premises (track) licence,

“betting premises (track) licence” means a betting premises licence issued in respect of a track or any part of a track,

“conversion application” means an application to which paragraph 54 of Schedule 4 to the Transitional Order applies,

“converted casino premises licence” means a casino premises licence to which paragraph 65 of Schedule 4 to the Transitional Order applies,

“fast track application” means an application to which paragraph 57 of Schedule 4 to the Transitional Order applies,

“first annual fee”, in relation to a premises licence, means the fee payable under section 184(1)(a) for the licence,

“non-conversion application” means an application for a premises licence under section 159(1) that is not a conversion application,

“non-fast track application” means an application to which paragraph 56 of Schedule 4 to the Transitional Order applies,

“relevant licensing authority” means—

(a) in relation to an application for—

(i) a premises licence under section 159(1) (whether it is a conversion or non-conversion application), or

(ii) a provisional statement under section 204(1),
the licensing authority to whom the application is made, and

(b) in relation to—

(i) any other application,

(ii) a notification of a change of circumstance under section 186(1), or

(iii) the first annual fee or annual fee,

in respect of a premises licence, the licensing authority who issued the licence,

“the Table” means the table of maximum fees set out in the Schedule, and

“the Transitional Order” means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006(a).

(2) A reference in these Regulations to a section of an Act is a reference to a section of the Gambling Act 2005.

Classes of premises licence

3.—(1) For the purposes of these Regulations, there are the following classes of premises licence—

(a) a regional casino premises licence,

(b) a large casino premises licence,

(c) a small casino premises licence,

(a) S.I. 2006/3272 (C.119), to which there are amendments not relevant to this Order.

- (d) a converted casino premises licence,
 - (e) a bingo premises licence,
 - (f) an adult gaming centre premises licence,
 - (g) a betting premises (track) licence,
 - (h) a family entertainment centre premises licence, and
 - (i) a betting premises (other) licence.
- (2) In applying regulations 4(2)(b), 5(2), 11(2), 12(2), 14(2) and 15(2)—
- (a) the class of premises licence to which an application relates, or
 - (b) the relevant class of premises licence, in the case of an application for a provisional statement,

is to be determined as at the date that the application is made.

(3) In applying regulation 8(2), the class of premises licence to which an annual fee relates is to be determined as at the date by which the fee is payable.

Application fee for conversion application

4.—(1) The amount of the application fee for a conversion application shall be determined by the relevant licensing authority.

- (2) But the amount of that fee shall not exceed—
- (a) in the case of a fast track application, £300, and
 - (b) in the case of a non-fast track application, the amount specified in column (2) of the Table which is opposite the class of premises licence in column (1) to which the application relates.

Application fee for non-conversion application

5.—(1) The amount of the application fee for a non-conversion application shall be determined by the relevant licensing authority.

- (2) But the amount of that fee shall not exceed—
- (a) in the case of an application in respect of provisional statement premises, the amount specified in column (3) of the Table which is opposite the class of premises licence in column (1) to which the application relates, and
 - (b) in the case of an application in respect of any other premises, the amount specified in column (4) of the Table which is opposite the class of premises licence in column (1) to which the application relates.
- (3) In paragraph (2) “provisional statement premises”—
- (a) means premises in respect of which a licensing authority have issued a provisional statement under section 164 (as applied by section 204(2)), but
 - (b) does not include any such premises which have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement in accordance with section 204(3).

First annual fee for premises licence

6.—(1) The amount of the first annual fee for a premises licence shall be determined by the relevant licensing authority.

(2) But the amount of that fee shall not exceed the amount of the annual fee for the licence as determined in accordance with regulation 8.

- (3) In applying paragraph (2) the amount of the annual fee for the licence is to be determined—
- (a) as at the date by which the first annual fee is payable, and

(b) as if the annual fee were payable by that date.

(4) This regulation is subject to regulation 9.

Date by which first annual fee is payable

7.—(1) Where a licence comes into effect on the issue date, the first annual fee for the licence shall be paid within 30 days after that date.

(2) Where a licence specifies that it is to come into effect on an effective date, the first annual fee for the licence shall be paid within—

- (a) the relevant period, or
- (b) 12 months,

after the issue date, whichever is sooner.

(3) Paragraph (2) does not apply to a premises licence issued before 1st September 2007.

(4) In this regulation—

“the effective date”, in relation to a licence which specifies that it is to come into effect on a date after the issue date, means the date so specified,

“the issue date” means the date on which a licence is issued, and

“the relevant period”, in relation to a licence, means the period which is equal to the sum of—

- (a) the period between the issue date and the effective date, and
- (b) 30 days.

Annual fee for premises licence

8.—(1) The amount of the annual fee for a premises licence shall be determined by the relevant licensing authority.

(2) But the amount of that fee shall not exceed the amount specified in column (5) of the Table which is opposite the class of premises licence in column (1) to which the fee relates.

(3) This regulation is subject to regulation 9.

First annual and annual fees for premises licence that is subject to a seasonal condition

9.—(1) Where a premises licence is subject to a seasonal condition, the relevant licensing authority may determine—

- (a) a first annual fee, and
- (b) an annual fee,

for the licence that are less than the first annual fee and annual fee respectively that would, but for this regulation, be payable in respect of the licence.

(2) In paragraph (1), “seasonal condition” means a condition attached to a licence by a licensing authority under section 169(1)(a) which provides that the premises to which the licence relates may be used for the activities specified in the licence for part of a year only.

Change of circumstance fee

10.—(1) The amount of the fee under section 186(3)(a) to accompany a notification of a change of circumstance under section 186(1) shall be determined by the relevant licensing authority.

(2) But the amount of that fee shall not exceed £50.

Fee for application to vary licence

11.—(1) The amount of the application fee for an application to vary a licence under section 187(1) shall be determined by the relevant licensing authority.

(2) But the amount of that fee shall not exceed the amount specified in column (6) of the Table which is opposite the class of premises licence in column (1) to which the application relates.

Fee for application to transfer

12.—(1) The amount of the application fee for an application to transfer a licence under section 188(1) shall be determined by the relevant licensing authority.

(2) But the amount of that fee shall not exceed the amount specified in column (7) of the Table which is opposite the class of premises licence in column (1) to which the application relates.

Fee for application for copy of licence

13.—(1) The amount of the application fee for an application for a copy of a licence under section 190(1) shall be determined by the relevant licensing authority.

(2) But the amount of that fee shall not exceed £25.

Fee for application for reinstatement

14.—(1) The amount of the application fee for an application for reinstatement of a licence under section 195(2) shall be determined by the relevant licensing authority.

(2) But the amount of that fee shall not exceed the amount specified in column (8) of the Table which is opposite the class of premises licence in column (1) to which the application relates.

Fee for application for provisional statement

15.—(1) The amount of the application fee for an application for a provisional statement under section 204(1) shall be determined by the relevant licensing authority.

(2) But the amount of that fee shall not exceed the amount specified in column (9) of the Table which is opposite the relevant class of premises licence in column (1).

(3) In paragraph (2), “the relevant class of premises licence”, in relation to an application for a provisional statement in respect of premises, means the class of premises licence to which an application for a licence in respect of the premises would, if made, relate.

21st February 2007

Richard Caborn
Minister of State
Department for Culture, Media and Sport

SCHEDULE

Table of maximum fees

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>	<i>Column (6)</i>	<i>Column (7)</i>	<i>Column (8)</i>	<i>Column (9)</i>
<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	
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

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>	<i>Column (6)</i>	<i>Column (7)</i>	<i>Column (8)</i>	<i>Column (9)</i>
<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>
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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about application, annual and other fees relating to premises licences issued under Part 8 of the Gambling Act 2005 (“the Act”) in England and Wales.

The Regulations provide that the following types of fees are to be determined by licensing authorities:

- licence application fee (regulations 4 and 5),
- first annual fee (regulations 6 and 9),
- annual fee (regulations 8 and 9),
- notification of a change of circumstance fee (regulation 10),
- application to vary a licence fee (regulation 11),
- application to transfer a licence fee (regulation 12),
- fee for a copy of a licence (regulation 13),
- application for reinstatement of a licence fee (regulation 14), and
- provisional statement application fee (regulation 15).

In each case, the fee determined by a licensing authority must not exceed a maximum fee specified in the relevant regulation or in the table of maximum fees in the Schedule. The table in the Schedule specifies maxima for different types of fee according to the class of premises licence to which the fee relates. Regulation 3 sets out the different classes of premises licence. Six of these classes are identical to those set out in section 150 of the Act. The remainder are defined in regulation 2.

Regulations 4 and 5 provide for licensing authorities to determine different licence application fees for conversion applications and non-conversion applications. The terms “conversion application” and “non-conversion application” are defined in regulation 2 – the former meaning an application to which paragraph 54 of Schedule 4 to the Gambling Act 2005 (Commencement No.6 and Transitional Provisions) Order 2006 (S.I. 2006/3272) (“the Transitional Order”) applies.

Regulation 4 provides for two types of conversion application – fast track and non-fast track applications – which are defined in regulation 2 as meaning applications to which paragraphs 57 and 56 of Schedule 4 to the Transitional Order, respectively, apply. Regulation 4 provides for licensing authorities to determine different fees for fast track and non-fast track applications, which must not exceed amounts specified in regulation 4(2)(a) and the table in the Schedule respectively.

Regulation 5 provides for licensing authorities to determine different fees for two types of non-conversion applications:

- those in respect of provisional statement premises, and
- those in respect of any other premises.

The term “provisional statement premises” is defined in regulation 5(3).

Regulations 6(2) and (3) provide that the first annual fee for a licence determined by a licensing authority must not exceed the annual fee for the licence, determined as at the date by which the first annual fee is payable as if the annual fee were payable by that date.

Regulation 7(1) provides that, where a licence comes into effect on the date on which it is issued (“the issue date”), the first annual fee shall be paid within 30 days after that date. Regulation 7(2) provides that, where a licence specifies that it is to come into force on a date after the issue date (“the effective date”), the first annual fee shall be paid either within 30 days after the effective date, or within 12 months of the issue date, whichever is sooner. Regulation 7(2) does not apply to licences which were issued before 1st September 2007 – transitional provision as to the payment

of first annual fees in respect of such licenses is made in paragraph 36 of Schedule 4 to the Transitional Order.

Regulation 9 provides for licensing authorities to determine specific first annual fees and annual fees for licences that are subject to seasonal conditions. The term “seasonal condition” is defined in regulation 9(2). Where a licensing authority does determine a specific first annual fee and annual fee in these circumstances, those fees must be less than the first annual fee and annual fee that would otherwise apply to the licence.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from Frances Macleod at the Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH; email: frances.macleod@culture.gsi.gov.uk.

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