

EXECUTIVE NOTE

THE GAMBLING (PREMISES LICENCE FEES) (SCOTLAND) REGULATIONS 2007 (S.S.I. 2007/197)

The above instrument, which extends to Scotland only, was made in exercise of the powers conferred by sections 159(6), (7) and (8)(b), 184(1) and (2), 186(3)(a) and (9)(b), 187(3) and (4), 188(2), 190(2) and (6)(b), 195(3), 204(2) and 355(1) of the Gambling Act 2005 (c.19). The instrument is subject to the negative resolution procedure.

Policy Objectives

Department for Culture, Media and Sport Ministers decided in 2004 that in England and Wales licensing authorities will determine their own fees for gambling premises licences but that the Secretary of State will prescribe the maximum fee payable for each category of licence. When determining the fees they will charge, each licensing authority will be limited to recovery of the costs of carrying out their functions under the Gambling Act. The policy in Scotland is that all fees for Licensing Boards will be set centrally by Scottish Ministers with a flat rate for each premises category, aimed at cost recovery.

The costs of determining and issuing premises licences and other associated functions (such as inspection and enforcement, hearings and appeals) will be met through a one-off application fee and annual fees. The fees payable for gambling premises licences aim to provide fairness and value for money for the gambling industry. The instrument will provide a consistent approach to fee-setting in Scotland and the industry will continue to pay a standard fee, irrespective of where in Scotland they are located.

Consultation

The policy proposals underlying this instrument and proposed fee levels issued for consultation on 6 December 2006 to 200 interested parties including local authorities, Licensing Boards, the police, those involved in the provision of gambling, their trade associations, legal interests, club associations, faith groups and gambling help/charity groups. The consultation paper was also posted on the Scottish Executive's consultation website and copies were placed in SPICe. The Executive received 13 responses as at the closing date of 2 February 2007, which were fully considered before finalising this instrument. The individual responses, an analysis of their comments and the Executive's response will be posted on the Executive's website.

Financial Effects

The instrument is part of a package of regulations affecting premises licences - the mandatory and default conditions regulations and premises licences regulations refer. The fees should allow Licensing Boards to recover the whole cost of the administrative work involved in processing premises licences, and the fees represent a very small proportion of business costs. A Regulatory Impact Assessment covering the package as a whole has been prepared and this is attached.

Scottish Executive Finance and Central Services Department
March 2007