

**CABINET**  
**3 APRIL 2014**

**LOCALLY SET FEES CONSULTATION**

**1. Summary**

- 1.1 The Licensing Act 2003 (the 2003 Act) regulates the sale of alcohol, the provision of late night refreshment and regulated entertainment in England and Wales, and is administered by local authorities, acting in their capacity as licensing authorities.
- 1.2 Licensing fees are intended to recover the costs that licensing authorities incur in carrying out these licensing functions.
- 1.3 Current fee levels were set in 2005 and apply nationally. They have not been adjusted since (other than for the introduction of new fees for new processes). The Police Reform and Social Responsibility Act 2011 amended the 2003 Act to introduce a power for the Home Secretary to prescribe in regulations that in future, fee levels should be set by individual licensing authorities to enable them to recover their licensing costs
- 1.4 The consultation seeks views on important aspects of the regulations that will govern locally-set fees.

**2. RECOMMENDATION**

- 2.1 That Cabinet endorse the response to the Locally Set Fee Consultation as set out in Appendix B to the report.

**3. Background and Discussion**

- 3.1. The current Licensing fees were set in 2005 and apply nationally. They have not been adjusted since (other than for the introduction of new fees for new processes).
- 3.2. The Home Office has launched a consultation (Appendix A to the report) on the move from centrally-set to locally-set fees under the Licensing Act 2003.
- 3.3. The consultation invites views on a number of specific aspects of the regulations that will introduce locally-set fees under the 2003 Act. These are:
  - The future of the current variable fee “bands” based on the national non-domestic rateable value (NNDR) of the premises.
  - Whether the basis on which fees are determined should include new discretionary mechanisms to apply different fee amounts depending on whether or not premises are:
    - authorised to provide licensable activities until a late terminal hour and/or
    - used exclusively or primarily for the sale of alcohol for consumption on the premises.

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- If licensing authorities are able to apply different fee amounts, whether they should have further discretion to exclude certain classes of premises from liability for the higher amount.
  - The proposed cap levels that will apply to each fee category.
  - What guidance will be needed on setting fees and on efficiency and the avoidance of “gold-plating” (by which we mean activities that go beyond the duties of the 2003 Act and are not justified by proportionality).
  - Whether there should be a single annual fee date.
- 3.4. The Licensing Authority’s response to the consultation is detailed in Appendix B to the report and is recommended for endorsement.
- 3.5. On 25 March the Licensing Committee endorsed the consultation response and any comments will be available to Cabinet.

4. Relationship to the Corporate Plan

Not Applicable.

5. Financial, legal, staffing and other administrative implications and risk assessments

Financial Implications	None
Legal Implications	The statutory framework for the Council's Licensing Policy is provided by the Licensing Act 2003 and national guidance
Staffing Implications	None
Administrative Implications	None
Risk Assessment	No uncertainties and/or constraints

6. Details of Exempt Information Category

Not applicable

7. Appendices

Appendix A – Home Office Consultation

Appendix B – Licensing Authority’s Response to the Consultation

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
		Joanne Philpott - Senior Licensing Officer (01322) 343024	Licensing - Strategic	N/A