

Consultation on fees under the Licensing Act 2003

50%

Consultation questions

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Question 1. Do you agree or disagree that the use of national non-domestic rateable value bands as a criterion for variable fee amounts should be abandoned?

- Agree
- Disagree
- Don't know

Question 2. If you disagree, please provide evidence that higher national non-domestic rateable value is consistently linked to higher average costs to the licensing authority within individual licensing authority areas, keeping your views to a maximum of 200 words.

Question 3. Do you agree or disagree that the criterion of whether or not a premises is authorised to provide licensable activities to a late terminal hour is linked to costs?

- Agree
- Disagree
- Don't know

Question 4. If you agree, please provide evidence for your answer in the box below, keeping your views to a maximum of 200 words.

Premises with a "late terminal hour" are ones that require frequent compliance visits, a higher level of mediation during application/variation processes and are more likely to end up with a hearing either following residential objections to an application or review.

Question 5. Do you agree or disagree that the criterion of whether or not a premises is authorised to provide licensable activities to a late terminal hour is sufficiently practical to implement?

- Agree
- Disagree
- Don't know

Question 6. If you do not agree, please state your reasons in the box below, keeping your views to a maximum of 200 words.

Question 7. Do you agree or disagree that the licensing authority should be able to determine the hours during which the higher fee is payable within the boundaries of midnight to 6am?

- Agree
- Disagree
- Don't know

Question 8. If you disagree, please state the hours during which you think licensing authorities should be able to determine that a higher fee is payable.

	From		To
Select hours	<input type="text"/>		<input type="text"/>

Question 9. Do you agree or disagree that licensing authorities that impose higher fees for premises that open later should have discretion to exclude premises that are authorised to open late only on certain nights per year?

- Agree
- Disagree
- Don't know

Question 10. Please state your reasons, keeping your views to a maximum of 200 words.

The fee should be based on the overall opening hours of the premises not one off events. This will make it easier for the LA, at the application stage, to ascertain if the higher fee is payable and reduce the number of Temporary Events Notices for events which may be omitted from the application form to avoid the higher fee.

Question 11. Do you agree or disagree that the criterion of whether or not a premises is used primarily for the sale of alcohol for consumption on the premises is linked to costs?

- Agree
- Disagree
- Don't know

Question 12. Please provide evidence for your answer in the box below, keeping your views to a maximum of 200 words.

There is no link that premises that are licensed for the sale of consumption on the premises requires additional work to warrant a high fee level. In this Authority 71% of reviews have been for premises licensed for sales of alcohol for consumption off the premises and 43% of applications for a new premises or variation which resulted in a hearing are for off sales.

Question 13. Do you agree or disagree that the criterion of whether or not premises are exclusively or primarily used for the sale of alcohol for consumption on the premises is sufficiently practical to implement?

- Agree
- Disagree
- Don't know

Question 14. If you do not agree, please state your reasons in the box below, keeping your views to a maximum of 200 words.

Deciding if a premises is exclusively or primarily for the consumption of alcohol on the premises is an existing concept which has not worked under the current fee scheme. There are very few premises which are licensed for only one licensable activity so a business plan will need to be provided to ascertain if the premises is exclusively or primarily for the consumption on the premises. One premises in this area originally paid the multiplier as it only a Licence of the sale of alcohol for consumption on the premises, the Licence was then varied to include other licensable activities, even though these did not take place, so the multiplier was removed.

Question 15. Do you agree or disagree that there should be discretion to apply higher fee amounts only where both criteria apply in combination?

- Agree
- Disagree
- Don't know



Question 16. Do you agree or disagree that, if a licensing authority has determined that different fee amounts should apply, it should have discretion to exclude certain types of premises from that higher fee amount?

- Agree
- Disagree
- Don't know

Question 17. If discretion to exclude certain types of premises from a higher fee amount were available, what types of premises should be specified in the regulations as potentially excluded classes? Please give reasons for your answer, keeping your views to a maximum of 200 words.

If both the criteria of "on sales" and "late terminal hour" are met then the premises which should be excluded are cinemas and hotels. ▲

Question 18. Are there alternative options that should be available to licensing authorities to apply different fee amounts in their area? Please specify and set out your evidence in the box below, keeping your views to a maximum of 200 words.

A flat fee for the grant of a licence is an option which is most likely to comply with the "Hemming" Case Law and the EU Services Directive. ▲

Question 19. Do you agree or disagree that the following cap levels will enable your licensing authority to recover costs? (please see consultation document for current or maximum fee)

	Agree	Disagree	Don't know
a. Application for the grant of a premises licence. Proposed cap: £2,400	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Application for a provisional statement. Proposed cap: £2,400	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p>c. Application to vary a premises licence. Proposed cap: £2,400</p>			
<p>d. Application to vary premises licence to specify designated premises supervisor. Proposed cap: £105</p>	Ⓞ	Ⓞ	Ⓞ
<p>e. Application to vary a premises licence to remove requirement for a designated premises supervisor. Proposed cap: £105</p>	Ⓞ	Ⓞ	Ⓞ
<p>f. Application for the transfer of a premises licence. Proposed cap: £65</p>	Ⓞ	Ⓞ	Ⓞ
<p>g. Interim authority notice. Proposed cap: £114</p>	Ⓞ	Ⓞ	Ⓞ
<p>h. Annual fee payable by premises licence holder. Proposed cap: £740</p>	Ⓞ	Ⓞ	Ⓞ
<p>i. Application for the grant of a certificate. Proposed cap: £2,400</p>	Ⓞ	Ⓞ	Ⓞ
<p>j. Application to vary a certificate. Proposed cap: £2,400</p>	Ⓞ	Ⓞ	Ⓞ
<p>k. Annual fee payable by club premises</p>	Ⓞ	Ⓞ	Ⓞ

certificate holder.
Proposed cap:
£720

l. Application for grant or renewal of a personal licence.
Proposed cap:
£114

m. Application to replace stolen, lost etc. premises licence.
Proposed cap:
£46

n. Notification of change of name or address of premises licence holder.
Proposed cap:
£46

o. Application for minor variation of a licence.
Proposed cap:
£244

p. Application to replace stolen, lost etc. certificate.
Proposed cap:
£46

q. Notification of change of name or change of rules of club.
Proposed cap:
£46

r. Notification of change of address of club.
Proposed cap:
£46

s. Application to replace stolen, lost etc. temporary event notice.

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Proposed cap:
£38

t. Application to
replace stolen,
lost etc.
personal
licence

Proposed cap:
£50

u. Notification of
change of name
or address of
personal
licence holder

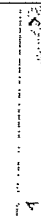
Proposed cap:
£59

v. Notification of
interest of
freeholder etc.
in premises

Proposed cap:
£59

Question 20. Do you have any other comments on the proposed cap levels? Please specify them in the box below, keeping your views to a maximum of 200 words.

As the fee is about cost recovery and LA's are expected to be transparent with the calculations used to propose the fee there should be no need for a cap on the levels.

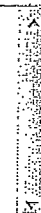


Question 21. Do you agree or disagree that the proposed cap of £100 on the fee for a Temporary Event Notice will enable your licensing authority to recover costs?

- Agree
- Disagree
- Don't know

Question 22. Please set out evidence for your answer in the box below, keeping your views to a maximum of 200 words

Increasing the current fee level will ensure that LA's are able to recover the costs of issuing TENs. Small charitable organisation will be less effected by the increase as the events they hold do not usually include alcohol and under the deregulation orders will no longer require TENs.



Question 23. Do you agree or disagree that licensing authorities be required, before locally-set fees are implemented, to:

	Agree	Disagree	Don't know
a: publish their proposed fee levels?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b: publish the basis on which they have been calculated?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
c: publish the measures they have taken to keep costs down?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
d: invite comments from interested parties?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Question 24. What practical steps can licensing authorities take to secure efficiency? Please state and give reasons for your answer in the box below, keeping your views to a maximum of 200 words.

As the current fees do not provide for complete recovery of costs, Licensing Authorities are already working efficiently to reduce the financial burden on Local Authorities.

Question 25. Do you agree or disagree that the guidance should suggest that these areas present a particular risk of excessive costs or gold-plating?

	Agree	Disagree	Don't know
a: Notification of residents individually of licensing applications in their area by letter (given that the existing duties to advertise on the premises and on the licensing authorities' website enable the involvement	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

of local residents, and that more cost efficient methods of further engagement may be available).

b: Central re-charges, such as payments from the licensing budget to legal services or external communications. These should relate to costs actually incurred in the delivery of functions under the 2003 Act and not, for example, a standard percentage of central costs.

c: The costs of discharging the statutory functions of licensing authorities that arise under other legislation, such as the duties arising under the Environmental Protection Act 1990.

Question 26. Do you think that there are other activities that may present a particular risk of excessive costs or gold-plating? Please state and give reasons for your answer in the box below, keeping your views to a maximum of 200 words.