

Appendix 3

Proposed Responses to Consultation Document - A consultation on fees under the Licensing Act 2003	
Question	Proposed Response
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. If it is the intention to introduce provisions to enable the introduction of locally set fees based on cost recovery, then the use of national non-domestic rateable value bands as a criterion for variable fee amounts is not appropriate.
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.	Not applicable.
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.
Question 4: If you agree, please provide evidence for your answer in the box below, keeping your views to a maximum of 200 words.	On the whole, applications we receive that involve providing activities to a later terminal hour require more resources for us to consider. This includes the liaison with other responsible authorities and other persons, exercising our functions under the Act in the capacity as a responsible authority, the consideration of representations that are made and the process of undertaking

	licensing hearings.
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.
Question 6: If you do not agree, please state your reasons in the box below, keeping your views to a maximum of 200 words.	Not applicable.
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. However, although it is logical to use the same hours for the purposes of applying a late night levy, this could lead to suggestions that a system of late night levy is no longer needed which will need to be addressed.
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.	Not applicable.
Question 9: Do you agree or disagree that licensing authorities that impose higher fees for premises which open later should have discretion to exclude premises that are authorised to open late only on certain nights per year?	Agree.
Question 10: Please state your reasons, keeping your views to a maximum of 200 words.	Any discretion excluding the imposition of higher fees on premises to open late only on certain nights a year would need to be strictly defined. We would want these to relate solely to public holidays or certain days preceding public holidays and not

	'selected' by the premises licence holder.
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.
Question 12: Please provide evidence for your answer in the box below, keeping your views to a maximum of 200 words.	
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.
Question 14:If you do not agree, please state your reasons in the box below, keeping your views to a maximum of 200 words.	Not applicable.
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.
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.
Question 17:If discretion to exclude certain types of premises from a higher fee amount were available, what types of premises	As set out in Paragraph 6.19 of the consultation document, these should be certain types of premises that are not

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.	associated with higher costs.
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.	Yes, we believe premises offering late night refreshment and the sale of alcohol for consumption off the premises should also be subject to different fee amounts.
Question 19: Do you agree or disagree that the proposed cap levels will enable your licensing authority to recover costs?	Please see the response to Question 20 below.
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.	The intention of this consultation is to set out provisions to enable the introduction of locally set fees based on cost recovery, we believe proposing a cap goes against this and is therefore not necessary. After all, the fees set would have to be justified.
Question 21: Do you agree or disagree that the proposed cap of £100 (in relation to TEN applications) will enable your licensing authority to recover costs?	We do not have any comments about this.
Question 22: Please set out evidence for your answer in the box below, keeping your views to a maximum of 200 words.	Not applicable.
Question 23: Do you agree or disagree that licensing authorities be required, before locally-set fees are implemented, to:	
a: publish their proposed fee levels?	Agree.

b:publish the basis on which they have been calculated?	Disagree.
c:publish the measures they have taken to keep costs down?	Disagree.
d:invite comments from interested parties?	Agree.
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.	We do not have any comments about this.
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?	
Question 25(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 of local residents, and that more cost efficient methods of further engagement may be available)	Agree.
Question 25(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.	Agree.
Question 25(c): The costs of discharging the statutory functions	Disagree.

<p>of licensing authorities that arise under other legislation, such as the duties arising under the Environmental Protection Act 1990. (Given that these functions are funded through taxation, and should not be funded by fees under the 2003 Act merely because they arise in respect of premises that hold an authorisation under the 2003 Act, see paragraph 8.5 above).</p>	
<p>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.</p>	<p>We do not have any comments about this.</p>
<p>Question 27: Do you agree or disagree that there should be a single national payment date for annual fees in England and Wales?</p>	<p>Disagree.</p>
<p>Question 28: Do you think that the Impact Assessments related to the consultation provide an accurate representation of the costs and benefits of the proposal to move to locally-set fees (including, in particular, the costs of setting fees locally)?</p>	<p>We do not have any comments about this.</p>
<p>Question 29: Do you have any comments on the methodologies or assumptions used in the impact assessment? If so, please detail them in the box below, referencing the page in the impact assessment to which you refer. Please keep your views to a maximum of 200 words.</p>	<p>We do not have any comments about this.</p>

