

Consultation 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, however we do not know what a suitable and fair alternative would be.

Consultation 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.

Consultation 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

Consultation Question 4:

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

Later establishments have the potential to attract customers who have been drinking longer hours and therefore there is more potential for problems and nuisance. These types of premises tend to require more monitoring and visits.

Consultation 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

Consultation Question 6:

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

Consultation 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?

Disagree

Consultation 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.

We think that this should be set by Central Government. Licensing Authorities would find themselves open to legal challenges and would therefore have to take on a greater work capacity at a time when cut backs are being made to carry out risk assessments and to evidence any decisions made.

Consultation 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?

Disagree. These dates should be set by Central Government e.g. New Years Eve.

Consultation Question 10:

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

There would need to be very clear guidance or as to what nights would fall in to the category of 'certain nights' This description is far too ambiguous and would probably lead to legal challenge. The Government should specify what would fall in to this category. If specific dates e.g. New years Eve are not going to be authorised nationally, then the alternative would be for the Government to place a maximum number of nights a premise can stay open late before invoking the higher fee.

Consultation 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?

Disagree

Consultation Question 12:

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

Although some larger late night venues that are used primarily for the sale of alcohol for consumption on the premise can attract more enforcement activity and therefore more cost, some of them are very well run. There are small take aways that open very late and do not sell alcohol at all that can cause more problems and cost the licensing authority more to enforce and administer whilst benefitting from a very low rateable value and licensing fee.

Consultation 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?

Disagree

Consultation Question 14:

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

It would be difficult to define primary use. A lot of venues may be food led throughout the day whilst the sales of alcohol will increase late at night.

Consultation 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

Consultation 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?

Disagree. The criteria should be set by Central Government this would negate any local arguments and challenges.

Consultation 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.

Consultation 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.

Don't Know

Consultation Question 19:

Do you agree or disagree that the proposed cap levels will enable your licensing authority to recover costs?

Agree

Consultation 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.

No

Consultation Question 21:

Do you agree or disagree that the proposed cap of £100 will enable your licensing authority to recover costs?

Agree

Consultation Question 22:

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

Consultation Question 23:

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

23a: publish their proposed fee levels?;

Agree

23b: publish the basis on which they have been calculated?

Disagree

23c: publish the measures they have taken to keep costs down?

Disagree

23d: invite comments from interested parties?

Disagree

To implement the above would be an additional administrative burden, costing resource and time. It is sufficient that we use a cost recovery method of ascertaining our fees and if challenged we are able to provide this information. To engage other parties in the process would be onerous, as if you ask any party should the fees be increased, they will always respond negatively.

Consultation 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.

The licensing authority can ensure that Best Practice is always used by bench marking against other authorities.

Consultation 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?

25a: 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. This action is not necessary and would not provide the most cost efficient service.

25b: 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

25c: 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.

Agree

Consultation 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.

Not Known at this time

Consultation Question 27:

Do you agree or disagree that there should be a single national payment date for annual fees in England and Wales?

Disagree

Consultation 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)?

Not Known at this time

Consultation 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.

No