

LICENSING ACT COMMITTEE

Home Office Consultation on Locally Set Fees in Relation to the Licensing Act 2003 20 March 2014

Report of Licensing Manager

PURPOSE OF REPORT

This report is to seek Members' views on the proposed responses to the questions posed by the Home Office as part of the consultation on Locally Set Fees in relation to the Licensing Act 2003 and to seek their approval to submit a response on behalf of Lancaster City Council to the consultation.

This report is public

RECOMMENDATIONS

That Members consider the Home Office Consultation on Locally Set Fees and the draft response prepared by officers, and authorise the Licensing Manager to respond to the Home Office on behalf of the licensing authority.

1.0 Introduction

- 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 primarily administered by local authorities, acting in their capacity as licensing authorities. Licensing fees are intended to recover the costs that licensing authorities incur in carrying out these licensing functions. Licensing fees are payable to licensing authorities by holders of licences and certificates, and those making applications or issuing notices. This can include, for example, pubs, shops, restaurants and private members' clubs (such as working men's clubs). Licensing fees are currently set by central Government.
- 1.2 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.
- 1.3 The Home Office recently launched a consultation which will run for eight weeks from 13 February until 10 April 2014 in relation to locally set fees. The consultation seeks views on important aspects of the regulations that will govern locally-set fees. These include:

- whether and under what circumstances licensing authorities should be able to charge different amounts to different types of premises
- the maximum amount that can be charged
- the mechanisms that will provide reassurance to fee-payers that fees are being set transparently, at cost, and efficiency encouraged

1.4 The consultation also asks whether there should be a single national payment date for annual fees. (Annual fees are currently payable on the anniversary of the date the licence was granted.)

1.5 An impact assessment accompanies the consultation document, which estimates the change in fee payments that will result from fees being set locally. This includes an estimate of the costs for licensing authorities of the duty to set fees. This is attached at Appendix 1 to this report.

1.6 Alongside the consultation, the Home Office are conducting a survey of licensing authority costs. This seeks licensing authority estimates of their costs in performing each of their licensing function under the 2003 Act.

1.7 Officers have considered the questions in the consultation and have drafted responses for consideration by this Committee. These responses are attached as Appendix 2 to this report.

2.0 Conclusion

In summary, Members are requested to consider the consultation document and the proposed response, and to approve any amendments to the response that they see fit, and to authorise the Licensing Manager to submit a response to the Home Office.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The report has been prepared on behalf of the Chief Officer (Governance).

BACKGROUND PAPERS

Home Office Consultation Paper on Locally Set Fees

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