

Appendix 2: Proposed consultation response

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	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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.

N/A

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	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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.

N/A

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		Disagree	✓	Don't know	
-------	--	----------	---	------------	--

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.

Whilst local discretion is welcomed (which is indicated in the responses below), clear and practical guidance is needed to demonstrate how fees are to be calculated and implemented. This will promote transparency and consistency across licensing authorities so as to avoid appeals. Accordingly, there is concern that the task of fee calculation and implementation will be onerous so as to ensure a robust system and avoid unnecessary challenge. The task of fee calculation itself could be a costly exercise to the licensing authority.

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?

Agree	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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.

N/A

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?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
-------	-------------------------------------	----------	--------------------------	------------	--------------------------

Consultation Question 10:

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

N/A

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?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
-------	-------------------------------------	----------	--------------------------	------------	--------------------------

Consultation Question 12:

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

N/A

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?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
-------	--------------------------	----------	-------------------------------------	------------	--------------------------

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.

Clear guidance is required to ensure that the term 'exclusively or primarily used for the sale of alcohol for consumption' is defined to ensure that licensing authorities apply this criterion consistently and can demonstrate that fees have been applied accordingly.

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	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
-------	-------------------------------------	----------	--------------------------	------------	--------------------------

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?

Agree	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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.

Community / religious premises, accommodation providers, bingo halls.

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.

-

Consultation Question 19:

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

Agree	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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.

None.

Consultation Question 21:

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

Agree	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

Consultation Question 22:

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

N/A

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	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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

Agree	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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

Agree	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

23d: invite comments from interested parties?

Agree	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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.

Formal documented processes to promote thorough mediation during licence applications so as to protect all parties and avoid the need for hearings. Improved use of IT to reduce the administration costs of coordinating representations during applications and the production of licence registers.

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?

Agree	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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	✓	Disagree		Don't know	
-------	---	----------	--	------------	--

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.

None.

Consultation Question 27:

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

Agree		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)?

Agree	✓	Disagree	
-------	---	----------	--

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.

None.
