

BRECKLAND COUNCIL

Report of: The Assistant Director of Commissioning

To: Licensing Committee – 7th April 2014

Author: Rowland Wilson – Licensing Manager

Subject: A consultation on fees under The Licensing Act 2003

Purpose: The Licensing Committee are asked to consider the Home Office consultation so that an agreed response can be returned to the Home Office before 10th April 2014.

Recommendation(s):

That a formal response be sent to the Home Office providing answers to the questions posed within the consultation, and that this be the response from Breckland Council.

1.0 BACKGROUND

- 1.1 The Government is committed to cutting red tape within the licensing regime for responsible businesses. They have recently reduced regulation on live music and have also brought forward additional proposals for further deregulation of entertainment, and removing burdens on late night refreshment providers as well as reducing the burden of the personal licence holder.
- 1.2 The Government are also very clear in its commitment to curbing excessive drinking and the related problems this causes, especially alcohol related crime and disorder which costs around £11 billion each year in England and Wales. The Government have legislated to rebalance the Act in favour of local communities, ensuring that local Councils have significant powers with the introduction of legislation relating to the late night levy and early morning alcohol restriction zones.
- 1.3 As part of the Governments proposals to rebalance the Act, they have recognised that some Licensing Authorities face significant deficits in carrying out the licensing function as the fee levels have remained unchanged since the implementation of the Act in 2005. The current fee regulations prescribe different fee amounts for grants, variations, and annual fees, which are set in bands depending on the non domestic rateable value of a premises.
- 1.4 The Government introduced provisions in the Police and Social Responsibility Act 2011 to enable local set fees based on cost recovery. The Government decided not to continue to set fees centrally as they recognised costs can vary and could result in fee payers paying too much in certain areas.
- 1.5 The proposed locally set fees cannot be used to raise extra revenue, or tackle crime, but shall be based on recovering the costs that an authority incurs carrying out the licensing function. It is important that fee payers can be clear that locally set fees are set transparently and based on a cost recovery basis.
- 1.6 The government intention is not to impose excessive duties or complex processes that would increase the costs of the licensing system, so they are seeking views on how to create a proportionate system of fees. They will however introduce caps on levels of each fee.

- 1.7 The consultation on fees runs between 13th February 2014 and 10th April 2014 and a copy of the document is attached at Appendix A.
- 1.8 The consultation proposes variable fee amounts that licensing authorities may be able to apply for the main fees if they choose to move away from the use of the non domestic rateable value.
- 1.9 The full cost to the Council of issuing any particular licence is still to be determined, but will be carried out fully prior to any proposal of any new fee structure, following further guidance from the Home Office. This will then allow the Council to recover the full cost of dealing with the Licensing Act 2003.

2.0 **OPTIONS**

- 2.1 The Licensing Committee are asked to approve or amend the proposed response

3.0 **REASONS FOR RECOMMENDATION(S)**

4.0 **EXPECTED BENEFITS – N/A**

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

- 5.1.1 It is the opinion of the Report Author that there are no implications

5.2 **Constitution & Legal**

- 5.2.1 It is the opinion of the Report Author that there are no implications.

5.3 **Contracts**

- 5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 **Corporate Priorities**

- 5.4.1 It is the opinion of the Report Author that there are no implications.

5.5 **Crime and Disorder**

- 5.5.1 It is the opinion of the Report Author that there are no implications.

5.6 **Equality and Diversity / Human Rights**

- 5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 **Financial**

- 5.7.1 It is the opinion of the Report Author that there are no implications.

5.8 **Risk Management**

- 5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 **Staffing**

5.9.1 It is the opinion of the Report Author that there are no implications.

5.10 **Stakeholders / Consultation / Timescales**

5.10.1 It is the opinion of the Report Author that there are no implications.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All

7.0 **ACRONYMS**

7.1 None

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Director / Officer who will be attending the Meeting

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Key Decision: No

Exempt Decision: No

Appendices attached to this report:

Appendix A – Copy of Consultation

Appendix B – Copy of proposed response