

## **APPENDIX B**

### **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.

#### **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.

*Additional costs are incurred due to enforcement work, which includes late night inspections, dealing with noise and anti social behaviour complaints .Additional costs are also incurred during a premises licence application process for a late night hour, through receipt of representations, mediation / hearings.*

#### **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.

#### **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.

*23.00 hours is a more appropriate time as it corresponds to the public view, previous terminal hour as recognised by the public, and to tie in with noise nuisance legislation.*

**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 Disagree Don't know

**Consultation Question 10:**

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

*Licensing Authorities should be able to determine what premises should be excluded, for example premises that are authorised to open late only on certain nights of the year, for example Bank Holidays or New Years Eve.*

**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 Disagree Don't know

**Consultation Question 12:**

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

*Costs are more linked to late terminal hour, and other activities such as entertainment and off sales*

**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 Disagree Don't know

**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 is difficult to define 'exclusively or primarily' and could lead to costly disputes. For example defining whether a petrol station should be licensed for the sale of alcohol can currently be problematic.*

**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 Disagree Don't know

**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.

*Premise providing overnight accommodation, where the alcohol is supplied to residents only, for consumption on the premises, Theatres, where alcohol is supplied to ticket holders in relation to a relevant production at the premises or people concerned in the performance only, Cinemas, where alcohol is supplied to ticket holders in relation to the exhibition of a film at the premises only, and for example 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.

*Premises that are located in special policy areas, cumulative impact areas/zones, as these premises within these areas are usually used exclusively or primarily for the consumption of alcohol and the provision of late night regulated entertainment. More enforcement work is carried out in these areas by licensing authorities.*

**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.

**Consultation Question 21: (TEN)**

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.

*The number of TEN that are determined at sub committee hearings is minimal. Applicants are usually willing to work with responsible authorities regarding their concerns.*

**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.

*Increase electronic communication with applicants and licence holders. Continue with targeted and proportionate enforcement.*

**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.

*General advice and guidance on Licensing Act 2003 applications. Notifications to members and parish Councillors and Town Councils of applications.*

**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** Don't know

**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 **Don't know**

**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**