

Report from the Assistant Director – Housing and Community Safety

A Consultation on Fees under the Licensing Act 2003

Summary

1. This report asks Members to approve the licensing authorities response to the Home Office consultation on fees under the Licensing Act 2003.

Background

2. The Government is committed to cutting red tape in the licensing regime for responsible businesses. They have already reduced the burden of licensing regulation on live music, and have recently brought forward further proposals for the further deregulation of entertainment. They are also giving local government powers to remove licensing burdens on late night refreshment providers and reducing the burden of the personal licence regime.
3. However, the Government is very clear about its commitment to curbing excessive drinking and the problems it causes, especially alcohol related crime and disorder that costs round £11 billion annually in England and Wales. The Government have legislated to rebalance the Licensing Act 2003 (the 2003 Act) in favour of local communities, ensuring that local authorities have significant enhanced powers to tackle alcohol-related crime and disorder, the introduction of legislation relating to the late night levy and early morning alcohol restriction zones.
4. As part of the Governments proposals to rebalance the 2003 Act, they have also recognised arguments from some licensing authorities that they face significant deficits in carrying out their licensing function, given that fee levels have been unchanged since they were set in 2005. The Government therefore introduced provisions in the Police Reform and Social Responsibility Act 2011 to enable locally-set fees based on cost recovery. The Government has decided against setting

fees centrally as they recognise that costs vary for legitimate reasons in different areas, so that raising fees to recover the costs in one area would mean fee payers paying too much in another.

5. Locally-set fees cannot be used to raise extra revenue. Nor are they tools to tackle crime. Fees must be based on recovering the costs that licensing authorities incur in carrying out their licensing functions. Fee payers need to know that locally-set fees will be set transparently and be based on evidence. The Government do not wish to impose excessive duties or complex processes that will increase the costs of the licensing system for everyone. Therefore, the Government are seeking views on how to create a proportionate system of fees that follows these principles.
6. The Government will introduce caps on the level of each fee to reassure fee payers.

Consultation

7. The Home Office is consulting a wide range of persons and organisations with regards to this consultation. The consultation runs for eight weeks from 13 February until 10 April 2014. A copy of the consultation document can be found at Annex 1.
8. The Council has not carried out a formal consultation regarding this response. A copy of the response can be found at Annex 2.

Options

9. Option 1 – approve the proposed response.
10. Option 2 – amend the proposed response.

Analysis

11. Fees under the 2003 Act are currently set nationally and have not changed since they were introduced in 2005.
12. The current fee regulations prescribe different fee amounts for the main fees (grants, full variations, annual fee) depending on the national non-domestic rateable value (NNDR) band of the premises. These fees are currently:

National non-domestic rateable value	Grant / full variation fee	Annual fee
A – £0-£4300	£100	£70
B – £4301 - £33000	£190	£180
C – £33001 - £87000	£315	£295
D - £87001 - £12500	£450	£320
E - £125001 – and above	£635	£350
Dx2 premises that primarily or exclusively sell alcohol	£900	£640
Ex3 premises that primarily or exclusively sell alcohol	£1905	£1050

Other fees are also payable under the 2003 Act, these are:

Applications/Notices	Current fee
Provisional statement	£315
Vary premises licence to specify designated premises supervisor	£23
Vary a premise licence to remove requirement for a designated premises supervisor	£23
Transfer of a premises licence	£23
Interim authority notice	£23
Grant or renewal of a personal licence	£37
Replace stolen, lost etc, premise licence or certificate	£10.50
Change of name and address of premises licence holder	£10.50
Minor variation	£89
Change of name and address or change of club rules	£10.50
Temporary event notice	£21
Replace stolen, lost etc temporary event notice	£10.50
Replace stolen, lost etc, personal licence	£10.50

Change of name or address of personal licence holder	£10.50
Interest of freeholder etc in premises	£21

13. The consultation proposes variable fee amounts; licensing authorities may be able to apply different fee amounts across their area for the main fees, if the Government move away from the use of NNDR bands.

14. The proposed cap levels for fees is:

Applications/Notices	Proposed cap level
Grant for a premises licence / certificate	£2400
Provisional statement	£2400
Vary a premise licence / certificate	£2400
Vary a premises licence to specify designated premises supervisor	£105
Vary a premises licence to remove requirement for a designated premises supervisor	£105
Transfer of a premises licence	£65
Interim authority notice	£114
Annual fee payable by premises licence holders	£740
Annual fee payable by club premises certificate holders	£720
Grant or renewal of a personal licence	£114
Replace stolen, lost etc, premise licence or certificate	£46
Change of name and address of premises licence holder	£46
Minor variation	£244
Change of name and address or change of club rules	£46
Temporary event notice	£100
Replace stolen, lost etc temporary event notice	£38
Replace stolen, lost etc, personal licence	£59

Change of name or address of personal licence holder	£59
Interest of freeholder etc in premises	£50

15. The administration costs to the council in processing a number of licensing applications / notices is as follows (all figures are approximate and do not include the costs of appeals, inspections, enforcement and producing policies):

- a) Grant / full variation premise licence applications - £420.00
- b) Vary designated premises supervisor / Transfer premise licence applications - £100.00
- c) Personal licence application - £80.00
- d) Temporary event notice - £90.00

Council Priorities

16. The Licensing Act 2003 has 4 objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

17. By setting their own fees the council will be able to recover the cost incurred in implementing the 2003 Act, this will assist in the promotion of the licensing objectives and will support the Council's priorities to protect vulnerable people and build strong communities.

Implications

18. The implications arising from this report are:

- **Financial:** There are no direct financial implications associated with this report.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** There are no equalities implications associated with this report.
- **Legal:** There are no legal implications arising directly from this report.
- **Crime and Disorder:** There are no crime and disorder implications associated with this report.

- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

Risk Management

19. There are no known risks associated with this report.

Recommendations

20. That Committee approves option 1 and instruct officers to submit the response to the Home Office.

Reason: To provide an appropriate response to the consultation.

Contact Details

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**Report
Approved**



Date 7th March 2014

Specialist Officer Implications: None

Wards Affected:

All



Background Papers:

None

Annexes

Annex 1: Consultation Document

Annex 2: City of York Council response.