

FEES

(Report by the Head of Administration)

1. INTRODUCTION

- 1.1 The issue of the Fees Regulations under the Licensing Act 2003 has raised a number of questions with regard to exemptions and the determination of fees where premises are used exclusively or primarily for the consumption of alcohol on the premises. These are explained below.

2. EXEMPTIONS

- 2.1 The exemptions under the Licensing Act 2003 are less extensive than was the case for the licensing of public entertainment under the Local Government (Miscellaneous Provisions) Act 1982.

Under the latter, no fee was payable for a licence issued by the Council for a church or village hall or similar and the Council had discretion to remit the whole or part of the fee where the entertainment was of an educational character or for a charitable purpose. In practice, the Council remitted the whole of the fee for primary schools, 50% of the fee for secondary schools and considered applications for the remission of fees for charitable events on their merits. Although the fees for the latter were usually remitted, it was not unusual for those events to require additional supervision and work for officers, especially when they were being held in marquees or the open air.

In the case of the Licensing Act 2003, an exemption from the payment of fees for premises licences and club premises certificates will only apply to certain premises where the provision of regulated entertainment is the sole form of licensable activity. If the sale or supply of alcohol or the provision of late night refreshment is carried out, the exemption will not apply. The premises that benefit from the exemption are church and village halls (or similar) and educational institutions for under 19 year olds where the entertainment is for the purposes of that institution.

Thus there is no exemption for charitable events, nor for village and church halls and schools where alcohol or late night refreshment is being provided. Typical charity events could vary from a large fund-raising ball to a local carnival with a beer tent. In the same manner, a village hall or school in which a local charitable event is being held will be required to meet the cost of a temporary events notice for the sale of alcohol under the new legislation.

It is probable that the licensing authority will receive requests to remit fees for charitable events but if the Committee wished to consider these favourably, the loss of income would have to be borne by the Council and could not be recouped from other licence holders as the fees are fixed nationally.

The Cabinet adopted a policy on charging in November of last year which requires all relevant legislation to be complied with, particularly where it specifies the charges to be made or constrains them in some way. The policy also requires Directors and Heads of Service, when fixing charges, to seek to maximise income, net of applicable costs. Discounts can be considered if

they are in the best interests of the service, particularly where they make the service available to those who could not otherwise afford it and provided that such discounts do not result in an additional net cost to the Council

It is difficult to gauge with any accuracy the potential number of applicants who may apply for an exemption and therefore to assess the potential loss of revenue if such applications were to be granted. The Committee are therefore invited to give early consideration to their response to potential approaches.

3. PREMISES USED PRIMARILY FOR ALCOHOL CONSUMPTION

- 3.1 A late amendment to the Fees Regulations was issued after the first appointed day to enable additional revenue to be generated to address the problems caused by large establishments used primarily or exclusively for the consumption of alcohol on the premises. The revised Regulations require the fee for premises in rateable value Band D to be doubled and for those in Band E to be tripled. However the terms primarily and exclusively are not defined and a judgement will have to be made as to the nature of the individual establishments that fall in Bands D and E. It is suggested that the authority to exercise this judgement is delegated to officers, after consultation with the Chairman of the Committee.

RESOLVED

- (a) that the Committee considers whether to remit the fee for events held for charitable or other like purposes, if applications of this nature are received; and
- (b) that the authority to determine whether the fees for premises in Bands D and E should be increased be delegated to the Head of Administration (or in his absence the Central Services Manager) after consultation with the Chairman or Vice Chairman of the Committee.

BACKGROUND PAPERS

None

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