

ANNEX 1: QUESTIONNAIRES

Questionnaire 1: Minor variations to premises licences and club premises certificates

QUESTION 1: Do you agree that this draft Order accurately reflects the new minor variation process described at Section 2, Chapter 1 of this Consultation Document? Yes/No

If No, please describe in detail how you think the draft Order should be amended.

QUESTION 2: Does this draft Guidance (Section 2, Chapter 3) provide sufficient advice to assist licensing officers in coming to a decision on whether a variation is minor? Yes/No

If No, please describe in detail what additional Guidance should be provided.

QUESTION 3: Do you agree that there is no need for any specific action in the event that a licensing authority is unable to respond to the applicant within the statutory time period? (See Section 2, Chapter 3) Yes/No

If No, please explain what action should be taken and why?

QUESTION 4: Do you think the recommended fee (Section 2, Chapter 4) is a) right, b) too low, or c) too high?

If you think the fee is too high or too low, please suggest an alternative figure including tasks undertaken and provide average time required to complete them and proportion of professional/administrative effort required.

The fee is too low. The assumptions appear to be based on a well presented application with no complications and requiring little or no discussion with the applicant. In this licensing authority, discussions with applicants are carried out by the licensing officers and so the proposed fee should be increased to take this into account. Suggest minimum fee should be £100.

There is a need to address what happens if the licensing authority decides that the application should be a full variation and how the initial minor variation fee is to be treated. If the decision is taken after discussions with the relevant RAs, it should not be refundable or be treated as part payment for a full variation.

QUESTION 5: Do you think that applicants will be able to complete this form (Section 2, Chapter 5) easily without seeking legal advice? Yes/No.

If No, please specify how it could be made more user-friendly.

QUESTION 6: Does this form (Section 2, Chapter 5) provide sufficient information for a licensing officer to decide whether a variation is minor? Yes/No?

If No, please specify what additional information should be provided

QUESTION 7: Do you agree with the costings in this Impact Assessment? (Section 2, Chapter Yes/No.

If No, please give your reasons and provide alternatives

Questionnaire 2: Remove the Requirement for Designated Premises Supervisor

QUESTION 1: Do you agree that this draft Order accurately reflects the new process described at Section 3, Chapter 1 of this Consultation Document to allow the disapplication of mandatory conditions relating to the sale of alcohol in relation to community premises? Yes/No

If No, please describe in detail how you think the draft Order should be amended.

QUESTION 2: Does this draft Guidance (Section 3, Chapter 3) provide sufficient advice to assist licensing officers in coming to a decision on whether a premises meets the requirements set out in the proposed s25A(6) of the 2003 Act to allow the disapplication of the mandatory conditions relating to personal licence holder and DPS? Yes/No

If No, please describe in detail what additional Guidance should be provided.

QUESTION 3: Do you think the recommended fee (Section 3, Chapter 4) is a) right, b) too low, or c) too high?

If you think the fee is too high or too low, please suggest an alternative figure and provide evidence, including tasks undertaken, average time required to complete them, and proportion of professional/administrative effort involved.

The proposed fee is too low. The process will not be the same as simply registering a change of DPS. In order to be satisfied that there is a proper management/committee board and ensuring that there are appropriate letting conditions etc it may require further enquiries and discussions. The majority of these committees are occupied by volunteers and some require lots of hand-holding during any application process. A more appropriate fee would be £50.

As the LA will need to be satisfied that there are suitable controls in place to comply with the licensing objectives, it will usually be necessary to see the letting conditions etc so these should accompany the application.

It should also be noted that LA's income will be reduced as they will receive

fewer TENs for events at the community halls etc.

QUESTION 4: Do you think that applicants will be able to complete this form (Section 3, Chapter 5 easily without seeking legal advice? Yes/No.

If No, please specify how it could be made more user-friendly.

QUESTION 5: Does this form (Section 3, Chapter 5) strike the right balance between providing sufficient information for a licensing officer to decide whether a hall is a community premises and has an adequate management structure and minimising burdens on applicants? Yes/No?

If No, please specify what additional information should be provided or what should be excluded and explain why.

Yes, but the guidance on what constitutes community use of, for example, school halls, is likely to be interpreted by some licensing authorities as a reason for charging when they might not have done so before.