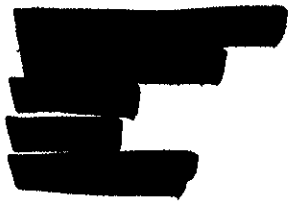
(17)

Received 31/1



30th January 2007

Simon Richardson
Licensing Guidance Review Team
Tourism Division
6th Floor
Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Dear Mr. Richardson,

With reference to the consultation on revised guidance made under section 182 of the Licensing Act 2003 being undertaken by your department. I should like to make the following contribution in response to question 31 of your consultation document: "Are there any other issues that you would like to see addressed in the revised Guidance? Please specify."

Under section 8 of the Licensing Act 2003:

"(4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.
(5) A licensing authority may charge such reasonable fee as it may determine in respect of any copy supplied under subsection (4)."

I requested information from the register from Crawley Borough Council. This information amounted to four A4 sheets of paper for which Crawley Borough Council attempted to charge £42. £10-50 per sheet for photocopies is grossly excessive, and not at all a reasonable fee as required by the Licensing Act 2003. I would suggest that guidance issued under section 182 of the Licensing Act 2003 should indicate what would be reasonable.

Under the Freedom of Information Act the Information Commissioner suggests that "Authorities can charge for the actual costs incurred, but charges are expected

to be reasonable. For example, in most cases, photocopying and printing would be expected to cost no more than 10 pence per sheet of paper" (see paragraph 3.4.5 of Guidance on the application of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004), so perhaps something similar should be included within the Licensing Act guidance.

N.B. This cannot be enforced under the Freedom of Information Act 2000 because the licensing authority is obliged to communicate to members of the public on request this information by an enactment (i.e. the Licensing Act 2003) and is therefore exempt under section 21(1) and 21(2)(b)of the Freedom of Information Act 2000.

The contents of the above submission may be made public except for my personal details, i.e. my name and address. As you are aware under Schedule 2 paragraph 1 of the Data Protection Act 1998 I have the option to withhold my consent for my personal details to be made public.

I note that your consultation document states: "If a correspondent requests confidentiality, this cannot be guaranteed and will only be possible if considered appropriate under the legislation." However, there is no statutory authority or necessity within the Licensing Act 2003 allowing the publication without permission of the personal details of those contributing to this consultation, and any such publication without permission would contravene the Data Protection Act 1998 and the Data Protection Principles.

Yours Sincerely

[redacted]