

## **Appendix 2**

### **Licensing Fee Payments and Refunds**

#### **1.0 Payment Options**

- 1.1 The Council provides a number of ways applicants and existing licensees can pay their fees. All application fees can be paid by debit/credit card by telephoning Customer Services on 0303 123 1702 and speaking to an operator. The automated service is not available for licensing application fees. Payments can also be made by BACS. Details of payment methods can be found at <https://www.allerdale.gov.uk/en/payments/other-ways-pay/>

#### **Annual Fees**

- 1.2 Annual fees are required for certain types of licences under the Gambling Act 2005 and Licensing Act 2003 where there is no renewal application process. Annual fees are payable each year and cover the costs associated with the ongoing maintenance and development of these licensing regimes and for ensuring compliance with the Act.

#### **Gambling Act 2005**

- 1.3 The Gambling Act requires all new premises licence holders to pay the first annual fee within 30 days from the date the licence is granted. All ongoing annual fees will then be payable to the Council by the anniversary of the original grant date for the premises licence. If the fee is not paid then the Council must revoke the licence.

#### **Licensing Act 2003**

- 1.4 Premises Licence and Club Premises Certificate holders must pay an annual fee before the anniversary of the original grant date for that licence. Failure to pay the annual fee prior to this date will result in the Council suspending the relevant licence or certificate.

#### **Process of annual fee payments**

- 1.5 It is the responsibility of each licence holder to ensure that the annual fee is paid to the Council in time. The Council will assist licensees by writing to them prior to the annual fee payment due deadline to inform them of this payment and how it can be made.
- 1.6 The payment for annual fees can be made online by using the barcoded invoice, over the phone by debit/credit card or by BACS.

1.7 The Licensing Service does issue invoices for annual fee payments but they are not obliged to and as a result, licensees must ensure that they make a payment using one of the payment options above before the required deadline.

## 1.8 Refunds

Any requests for a refund must be made in writing to the Licensing Service, setting out the reasons for the refund requests, which application the request relates to and providing the required information to enable the refund to be processed. To assist, a refund request form will be provided with this refund information to customers.

If a fee was paid over the phone, it is policy that a refund can be made back to the same card that the payment was made from, subject to that card still being within the relevant expiry date.

If a licence with Part A and Part B fees is surrendered during the period in which that licence is in force, a refund of the Part B fee will be provided for every full month of the outstanding period of that licence. The Part A fee amount is non-refundable as this fee covers the initial processing costs for that application. An example of the calculation of a refund of Part B is provided below.

A licence was issued from 1<sup>st</sup> April for one year but then surrendered on 22<sup>nd</sup> October. The pro-rata refund would be calculated as follows:

Part B fee paid	£120
Part B fee divided by 12 months	£10 per month
Period of licence remaining	5 months (November to March)
Refund = £10 x 5 =	£50

If an application is made to the Council when it should have been made to another local authority, then the Council will refund the full amount if the fee has already been processed.

## 2.0 Failure to Make a Payment

If the application fee is not paid, is made via a payment method that is not accepted or is not the correct fee amount, then the application will be deemed as invalid. This means that if that application process has a consultation period, it will not have started and the Council will not be able to determine the application.

In the event of an application being made without a fee, with the wrong payment method or with a fee that is not correct, a member of the Licensing Team will attempt to contact the applicant or its agent via email or telephone. If these methods are not available, then a letter will be sent to the applicant or agent. The

Licensing Team member will advise the applicant or the agent of the reasons for invalidity and what can be done to rectify the reason for invalidity.

The best option to address the issue with the fee is to make a payment over the phone via credit or debit card. Once the payment is authorised, the officer will be able to confirm that the application is valid and any consultation start dates confirmed over the phone.

If no payment is made or no contact is made by the applicant or agent within 14 days of the notification of the application being invalid, the Council will close the application. A new application will then be required in full. The applicant or agent will be notified of this in writing if the application is closed.

If an annual fee payment has not been made by the specific deadline, the Council will contact the licensee by letter and advise them of the need to make the payment immediately. If the annual fee is not made then the Council will take the required steps which will be to suspend the Licensing Act 2003 Premises Licence or revoke the Gambling Act 2005 Premises Licence or Permit.

If the licensable activity continues whilst a licence is suspended or revoked, the Council will start enforcement action for the relevant offence of operating without the correct permission being in place. It should be noted that some of the penalties relating to providing licensable activities without the required permissions can include a substantial fine, imprisonment or both.



## **REQUEST FOR REFUND OF LICENSING PAYMENT**

If you are completing this form by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

<b>1 LICENCE / APPLICATION DETAILS</b>	
Licence / Application Type	
Licence Number (if issued)	
Applicant Name	
Premises Name (if applicable)	

<b>3 ORIGINAL PAYMENT DETAILS</b>	
Date of Payment	
Payment Amount	
Method of Payment	
Receipt Number (if paid by card)	

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**3 REASON FOR REFUND**

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**4 YOUR DETAILS**

Mr		Mrs		Miss		Ms		Other (specify)	
Forename									
Surname									
Company Name (if applicable)									
Address									
Telephone									
Mobile									
Email									

**5 ACCOUNT / CARD DETAILS****BACS DETAILS**

Sort Code

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Account Number	
Account Name	
Bank / Building Society	
Roll Number (if applicable)	
<b>CREDIT / DEBIT CARD DETAILS</b>	
NOTE: if the original payment was made by credit or debit card then the refund will be made to the same card unless it has expired. If the card has expired please enter the new card details below.	
Name of Cardholder (as shown on card)	
Cardholder Address	
Card Number	
Expiry Date	

<b>6 DECLARATION</b>	
Signature	
Date	
Capacity	

In submitting this form, I declare that the information I have provided above is true to the best of my knowledge. Any reimbursement made as a result of any knowingly incorrect statement made by me or on my behalf shall be invalid and may result in subsequent action being taken against me.

I agree to the use of my data submitted as part of this refund request being used in accordance with Allerdale Borough Council's privacy statement which can be found at <https://www.allerdale.gov.uk/en/privacy-policy/>