

Falkirk Council Licensing Board

**Subject: Licensing (Scotland) Act 2005
Annual Retention Fee**
Meeting: Licensing Board
Date: 13 November 2019
Author: Consumer Protection Manager

1. Purpose of Report

1.1 The purpose of this report is twofold:

- (i) to update members on the review of the payment process, and
- (ii) to provide to members details of those premises licenceholders that failed to pay their annual fee by 1 October 2019.

2. Recommendation

2.1 For noting.

3. Background

3.1 In accordance with the Licensing (Fees)(Scotland) Regulations 2007, the Board is required to set an annual fee for payment by holders of premises licences. Payment then requires to be made by licence holders not later than 1 October in that year.

3.2 At the meeting of the Licensing Board on 11 June 2019, members approved the annual fee and instructed officers to prepare a report for the first available meeting after 1 October 2019, listing the premises licence holders that have failed to pay the annual fee prior to the statutory deadline.

3.3 The annual fee for 2019/20 is due on 1 October 2019 for all Premises Licences in effect or suspended on that date or, in any other case, 30 days after the date on which the licence takes effect.

3.4 Between 2011 and 2018, the process for collecting the annual fee was done by the issuing of invoices by Sundry Accounts, followed by a reminder. Updates on payments made were emailed weekly to the Licensing Section. The process did not allow payments to be paid directly to the Licensing Section and feedback from licenceholders was critical of this. In the report to the Board dated 14 November 2018, officers advised members that a review the payment process would be undertaken prior to the collection of annual fees in 2019.

- 3.5 In February 2019, a review of the system was carried out by all the services involved in the process. The outcome of the review was to bring the collection of the annual fee back to the licensing section and changes being made by finance to oncome codes to allow payment to be made to the licensing section.
- 3.6 On 19th August 2019, notifications were issued to 351 premises licenceholders by the licensing section. The notification advised of the change of the process for payments and explaining the legal requirement to pay the annual fee on or by 1 October 2019. The letter is attached as appendix 1.

4. Breach of a Mandatory Condition

- 4.1 Payment of the annual fee is a mandatory condition of the licence.
- 4.2 The Licensing Standards Officer can issue a Section 14 notice in relation to a breach of a mandatory condition. Such a notice must give the action that the licenceholder needs to take to remedy the breach – in this instance the remedy is to pay the outstanding annual fee within 48 hours of receipt of the Section 14 notice.
- 4.3 If the licenceholder fails to comply with a Section 14 Notice, the Licensing Standards Officer will make a request to the Board to review the premises licence.

5. Details of Late Payers / Non Payers

- 5.1 On 2nd October 2019, 72 premises licenceholders had not yet paid their fee. This represents 19% of current licenceholders. This is a significant decrease from last year when 33% of premises licenceholders had failed to pay by the statutory deadline.
- 5.2 A proactive approach to gathering the late fees was adopted. Contact was made by email where an email address was available and by phone. By the 8th October only 6% of fees were outstanding and all fees were paid by 24 October 2019.
- 5.3 The premises licence for Coffee on Wooer was deemed to have ceased to have effect as the limited company that held the licence was dissolved in November 2018.
- 5.4 Fiona Kennedy Licensed Grocers and Best One both in Stenhousemuir surrendered their premises licence as did Laurie's Bar in Laurieston. One transfer application was received for Mia's Italian Kitchen and the annual fee was paid by the incoming licenceholder.

6. Consideration

- 6.1 In light of the reduction in the number of licenceholders paying after the statutory deadline, officers are planning to continue with the revised process for the 2020 annual fee collection.

7. Implications

Financial and Resources

- 7.1 The collection of the annual fee is crucial as this income contributes to the costs of the administration of the Board.

Legal

- 7.2 Payment of the annual fee is a mandatory condition of the licence.

Risk

- 7.3 Failure to gather annual fee income will impact on the administration of the Board.

Equalities

- 7.4 The Board's continued commitment to equalities issues is demonstrated in the strategy and reports that have been published since 2013.

Sustainability / Environmental Impact

- 7.5 None

8. Conclusion

- 8.1 A fifth of licenceholders failed to pay before the statutory deadline, however, this is an improvement on previous years. Some issues arose with a number of payment that were made by BACS. Officers are planning to review the new payment process with colleagues in income management to sort out these for future fee collection.

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Clerk to the Licensing Board

Date: 31 October 2019

Contact Officer: Alison Barr, Consumer Protection Manager ext. 1265

Appendix 1 – Letter sent to Licenceholders

LIST OF BACKGROUND PAPERS

Nil



Falkirk Council
Licensing Board

Enquiries to: Licensing Section
Direct Dial: (01324) 501575
E-mail: licensing@falkirk.gov.uk
Our Ref: LB(P)
Date: 19 August 2019

Dear Sir/Madam

Licensing (Scotland) Act 2005
Licensing (Fees) (Scotland) Regulations 2007 - Annual Fee Payment
Premises:

The annual fee for the Premises Licence for the above named premises is now due. The fee covers the period from 1 October 2019 until 30 September 2020.

You must pay the fee before 1 October 2019

Failure to pay the fee by this date will result in the matter being reported to the Licensing Board with a view to a condition being imposed on your licence stopping the sale of alcohol until such time as the fee has been paid.

The fees are based on the rateable value of the premises and, in the case of your premises, this amounts to **£220**.

****Please note that there has been a change to the payment process.** All fees must be paid directly to the Licensing Section by any of the following methods:

1. Cash, cheque or debit or credit card by visiting us at the Licensing Office at Falkirk Council, Municipal Buildings, West Bridge Street, Falkirk, FK1 5RS;
2. Debit or credit card by phoning 01324 501575; or
3. Cheque made payable to Falkirk Council and sent to the Licensing Office at Falkirk Council, Municipal Buildings, West Bridge Street, Falkirk, FK1 5RS

Yours faithfully

Alison Barr
Consumer Protection Manager
for Clerk to the Licensing Board

Clerk to the Board: Colin Moodie

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