

Agenda Item 10

Falkirk Council Licensing Board

Subject: Licensing (Scotland) Act 2005
Annual Retention Fee
Meeting: Licensing Board
Date: 23 October 2024
Author: Licensing Co-ordinator

1. Purpose of Report

- 1.1 To provide members with details of those premises licence holders that failed to pay their annual fee by 11 October 2024, as listed in Appendix 1, and to propose next steps.

2. Recommendation

- 2.1 That the Board make review proposals in respect of each of the premises licences listed in Appendix 1, with a view to holding review hearings at the Board's next meeting.**

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. This is a mandatory condition of every premises licence.
- 3.2 At the meeting of the Licensing Board on 19 June 2024, members approved the annual fee and instructed officers to prepare a report for the first available meeting after 1 October 2024, listing the premises licence holders that had failed to pay the annual fee prior to the statutory deadline, after having been given one written reminder.
- 3.4 On 23 August 2024, notifications were issued to 352 premises licence holders by the licensing section. The notification explained the legal requirement to pay the annual fee on or by 1 October 2024. The letter is attached as appendix 2. A reminder letter was sent on 4th October 2024 and is attached as appendix 3.

4. Breach of a Mandatory Condition

- 4.1 Payment of the annual fee is a mandatory condition of the licence. A breach of a condition of a premises licence is a ground on which the

premises licence may be reviewed in terms of section 36 of the Licensing (Scotland) Act 2005 (**the Act**).

- 4.2 In terms of section 37 of the Act, if a ground for review is alleged, the Board may make a premises licence review proposal. Once a review proposal is made, the Board must then hold a review hearing under section 38 of the Act for the purposes of considering and determining the review proposal.
- 4.3 In terms of section 39 of the Act, at a review hearing in relation to any premises licence, the Board may, if satisfied that a ground for review is established, take any of the following steps if the Board considers this necessary or appropriate for the purposes of any of the licensing objectives:
- Issue a written warning to the licence holder,
 - Make a variation of the licence,
 - Suspend the licence for such period as the Board may determine,
 - Revoke the licence.
- 4.4 The premises licence holders listed in Appendix 1 have been warned that their failure to pay the annual fee in accordance with the mandatory condition is a ground for review of their premises licence and that they would be subject to a report to the Board on this.

5. Details of Late Payers/Non Payers

- 5.1 On 1 October 2024, 62 premises licence holders had not yet paid their fee. This represents 18% of current licence holders. Two premises licences were surrendered and two premises licences were deemed to have ceased to have effect.
- 5.3 The 2nd reminder letter resulted in 48 fees being paid subsequently with 13 still to pay.

6. Implications

Financial and Resources

- 6.1 The collection of the annual fee is crucial as this income contributes to the costs of the administration of the Board and any non-payment impacts on its ability to uphold the licensing objectives.

Legal

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

Risk

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

Equalities

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

Sustainability/Environmental Impact

6.5 None

7. Conclusion

7.1 62 licence holders failed to pay before the statutory deadline. As of 11th October 2024, this stands at 13. A verbal update will be given at the Board meeting so that the Board can consider next steps.

pp.....
Clerk to the Licensing Board

Date: 8 October 2024

Contact Officer: Bryan Douglas, ext. 1262

Appendix 1 – List of non-payers as at Friday 11th October 2024

Appendix 2 – Letter sent to licence holders

Appendix 3 – Reminder letter sent to non-paying licence holders

LIST OF BACKGROUND PAPERS

Nil

Appendix 1

Premises Name	Status	Premises Category	Fee Amount	Annual Fee Due
Dundas	Current	Premises Category 3	£280.00	01/10/2024
3 - 7 La Porte Precinct				
Grangemouth				
Falkirk				
FK3 8AZ				
Helix Hotel	Current	Premises Category 4	£500.00	01/10/2024
35 Kerse Road				
Grangemouth				
Falkirk				
FK3 8HY				
Spar Shop	Current	Premises Category 3	£280.00	01/10/2024
95 Glasgow Road				
Camelon				
Falkirk				
FK1 4JD				
Braeview Mini Market	Current	Premises Category 2	£220.00	01/10/2024
1a Orchard Street				
Grangemouth				
Falkirk				
FK3 8JY				
Rehan Licensed Grocers Ltd	Current	Premises Category 3	£280.00	01/10/2024
22 Main Street				
Bainsford				
Falkirk				
FK2 7PB				
Rialto	Current	Premises Category 3	£280.00	01/10/2024
28-30 Vicar Street				
Falkirk				
FK1 1JB				
Aitken's Bar	Current	Premises Category 3	£280.00	01/10/2024
69 Manor Street				
Falkirk				
FK1 1NU				
Omar Khayyam Restaurant	Current	Premises Category 2	£220.00	01/10/2024

Appendix 1

80 Stirling Street				
Denny				
Falkirk				
FK6 6DJ				
The Tower Shop	Current	Premises Category 2	£220.00	01/10/2024
2 Paterson Tower				
Seaton Place				
Falkirk				
FK1 1TJ				
Premier Bo'ness Convenience Store	Current	Premises Category 2	£220.00	01/10/2024
42 Bo'mains Road				
Bo'ness				
EH51 0PL				
Petrol Station, Car Washing and Shop	Current	Premises Category 3	£280.00	01/10/2024
235 Kilsyth Road				
Banknock				
Falkirk				
FK4 1UF				
Day-Today Express	Current	Premises Category 3	£280.00	01/10/2024
23 Paris Avenue				
Denny				
Falkirk				
FK6 5AD				
Buon Appetito	Current	Premises Category 2	£220.00	01/10/2024
202 Grahams Road				
Falkirk				
FK2 7BX				

Licensing (Scotland) Act 2005

Licensing (Fees) (Scotland) Regulations 2007 - Annual Fee Payment

Premises: <.premises05.name><.premises05.address,join(", ")>

The annual fee for the Premises Licence for the above named premises is now due. The fee covers the period from 1 October 2024 until 30 September 2025.

You must pay the fee by 1 October 2024

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 £<.premises05.annualfeamount>.

All fees must be paid by debit or credit card over the phone.

Please call 01324 501575 to make your payment and have your premises licence number handy as you will need to quote it so we can record that you have paid.

Please note that Monday 9 September is a bank holiday and calls will not be answered on that day.

If you are unable to pay by this method, please email us at licensing@falkirk.gov.uk

Festive Extended Hours:

The general extension of hours for all **on sales** premises for the 2024/25 festive period is on our website.

Yours faithfully

pp Rose Mary Hoey

Legal and Licensing Manager

for Clerk to the Licensing Board

Please request to join our Facebook page to keep up with Licensing news:

<https://www.facebook.com/groups/460033454533984/>

Enquiries to: Licensing Section
Direct Dial: (01324) 501575
E-mail: licensing@falkirk.gov.uk
Our Ref: LB(P)
Date: 3 October 2024

*

Dear Sir/Madam

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

*

I refer to my previous letter advising that you are required to pay your annual fee by 1st October 2024.

I note that you have failed to pay the fee in time. Payment of the fee by 1st October is a mandatory condition of your premises licence.

If you do not make payment of the outstanding amount by 4.30pm on Friday 11th October 2024, you will be subject to a report to the Licensing Board at its next meeting on Wednesday 23rd October 2024. This will propose a review of your premises licence given the breach of your licence conditions, namely, non payment of the annual fee.

All fees must be paid by debit or credit card over the phone.

Please call 01324 501575 to make your payment. You will have to provide your premises licence number so we can record that you have paid.

If you are unable to pay by this method, please email us at licensing@falkirk.gov.uk

Yours faithfully

pp Rose Mary Hoey
Legal and Licensing Manager
for Clerk to the Licensing Board