

FALKIRK COUNCIL LICENSING BOARD

Subject: Licensing (Scotland) Act 2005
Premises Licences –
The Licensing (Fees) (Scotland) Regulations 2007
Miscellaneous Applications - Fees

Meeting: Licensing Board Sub-Committee

Date: 18 August 2010

Author: Clerk to the Licensing Board

1. BACKGROUND

- 1.1 Members will recall that at its meetings on 12 March 2008 and 13 July 2009, the Board, in terms of the Licensing Fees (Scotland) Regulations 2007, determined the discretionary fees for the various miscellaneous classes of applications highlighted in red in Appendix 1 to this report.
- 1.2 The purpose of this report is to set the highlighted (in red*) miscellaneous application fees for a further minimum period of 12 months from 1 October 2010.
- 1.3 It is the recommendation that the level of miscellaneous application fees, as agreed previously and highlighted in appendix 1 are retained. The basis for the recommendation is to maintain and support the necessary resources and staffing levels to ensure that the issues and requirements which have been highlighted by the Board as requiring to be addressed are met.
- 1.4 It is further recommended that a 'no charge' item be approved for inclusion in the miscellaneous fees template for amending the premises licences for premises that change their name (Appendix 1 – red *italics*).
- 1.5 This proposal is to address anomalies highlighted during the issuing of premises licences, that whilst, benefiting the licensing service operationally, would have an adverse impact on a premises owner should they wish to change the name of a premise.
- 1.6 The prescribed form for a premises licence asks for the postal address. However, the Anite database system which generates the premises licence incorporates additional information with regard to the trade name of the property. This is beyond the statutory requirements and is considered inappropriate to incur costs on the premises owner as a direct result of this technical position.

2. RECOMMENDATION

- 2.1 That the Board agrees to retain the previously agreed discretionary fees charged with no change.**
- 2.2 That the Board agrees to a 'no cost' item for the amendment to a premises licence, if solely relating to a change of premises trade name from 1 October 2010.**

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pp Clerk to the Licensing Board

Date: 1 July 2010

Contact Officer: Robert Watson, Licensing Co-ordinator (x4798)

LIST OF BACKGROUND PAPERS

Appendix 1.

LICENSING SCOTLAND ACT 2005 - APPLICATION ETC FEES				
				Existing / Proposed Fees
PREMISES LICENCES				
Category	Rateable Value	New	Annual	Confirmation
1	See below	£200	£180	£0
2	£1 and £11,500	£800	£220	£600
3	£11,501 and £35,000	£1,100	£280	£900
4	£35,001 and £70,000	£1,300	£500	£1,100
5	£70,001 and £140,000	£1,700	£700	£1,500
6	Over £140,000	£2,000	£900	£1,800
Provisional Premises Licence S45				£200
Temporary Premises Licence S47(2)				£200*
Variation – S29(1) – Minor				£20*
Variation – S29(1) – Minor – change of Premises Manager				£31
Variation – S29(1) – Non Minor				£160*
<i>Transfer on Behalf of Licence Holder</i>				
Transfer under S33(1)				£35*
Transfer under S33(1) including minor variation				£55*
Transfer under S33(1) including non minor variation				£195*
<i>Transfer on behalf of Person other than Licence Holder</i>				
Transfer under S34(1)				£35*
Transfer under S34(1) including minor variation				£55*
Transfer under S34(1) including non minor variation				£195*
Copy of Premises Licence				£25*
Occasional Licences S56				£10
Extended Hours S68				£10
<i>Change of Trade Name on Premises Licence</i>				<i>No Cost</i>
PERSONAL LICENCES				
Personal Licence S72				£50
Replacement Personal Licence				£25*

Amended - August 2010

FALKIRK COUNCIL LICENSING BOARD

Subject: Licensing (Scotland) Act 2005
The Licensing (Fees) (Scotland) Regulations 2007
Premises Licences - Annual Fees

Meeting: Licensing Board

Date: 18 August 2010

Author: Clerk to the Licensing Board

1. BACKGROUND

- 1.1 Members will recall at their meeting on 26 August 2009, the Board determined the annual fees in relation to premises licences from 1 October 2009.
- 1.2 The purpose of this report is to set the annual fees for premises licences from 1 October 2010.
- 1.3 The annual fee is due on the 1 October 2010 for all premises licences which took effect from the 1 September 2009, or in any other case, 30 days after the date on which the licence takes effect. On future occasions where the fee due date falls on a weekend, then the due date will be the immediate following Monday.
- 1.4 The annual fee payable under regulation 7 of the Licensing (Fees) (Scotland) Regulations 2007, requires to be determined by the Board, this must not exceed the maximum fee level prescribed for each specific category, based on rateable value.
- 1.5 The Board, if so minded may set a lower annual fee, than the maximum prescribed (Appendix 1), with any such reduction being an identical percentage reduction for each category.
- 1.6 It is the recommendation that the annual fees in relation to premises licences are set in accordance with the statutory maximum detailed in appendix 1 to this report. The basis for the recommendation is to maintain and support the necessary resources and staffing levels to ensure that the issues and requirements which have been highlighted by the Board as requiring to be addressed continue for the coming year as set out in Regulation 13 of the Licensing (Fees) (Scotland) Regulations 2007.
- 1.7 With reference to the annual fee, the regulations allow scope for the fee to be paid by instalment. This would be at the discretion of the Board, if it is so minded.

- 1.8 The instalments may be paid in 4 or 12 equal payments covering the total cost of the renewal fee, over the course of the year. This would commence from the date that the fee would have been due.
- 1.9 Members will recall that this option was considered previously at the Board of 26 August 2009, and rejected.
- 1.10 The next annual review of premises licence annual fees will be presented to Members no later than June 2011, for consideration and determination. This report will be based on a full appraisal of future service requirements following a sustained period of settled operations and an analysis of resource implications following the realignment of the service.

2. RECOMMENDATION

- 2.1 **That the Board agree to adopt the Premises Licence - Annual Fee levels proposed in Appendix 1, with effect from 1 October 2010.**

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pp Clerk to the Licensing Board

Date: 25 August 2010

Contact Officer: Alison Barr, Consumer Protection Manager ext. 1005

LIST OF BACKGROUND PAPERS

Appendix 1

LICENSING (SCOTLAND) ACT 2005
The Licensing (Fees) (Scotland) Regulations 2007
PREMISES LICENCES – FEE TABLE

Category	Rateable Value	New Application Fees	*Annual Renewal Fees 1 October 2010
1		£200	£180
2	£1 and £11,500	£800	£220
3	£11,501 and £35,000	£1,100	£280
4	£35,001 and £70,000	£1,300	£500
5	£70,001 and £140,000	£1,700	£700
6	Over £140,000	£2,000	£900

***Please Note: The figures in Bold print are the proposed Premises Licences Annual Fees from 1 October 2010, referred to in the report for Members consideration.**