

**Falkirk Council Licensing Board**

**Subject:**        **Licensing (Scotland) Act 2005**  
                     **Annual Retention Fee**  
**Meeting:**      **Licensing Board**  
**Date:**         **14 November 2018**  
**Author:**       **Consumer Protection Manager**

**1.     Purpose of Report**

- 1.1    The purpose of this report is provide to members details of those premises licenceholders that failed to pay their annual fee by 1 October 2018.

**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 26 June 2018, members approved the annual fee and instructed officers to prepare a report for the first available meeting after 1 October 2018, listing the premises licence holders that have failed to pay the annual fee prior to the statutory deadline.
- 3.3    The annual fee for 2018/19 is due on 1 October 2018 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    Invoices were sent out on 24 August 2018 by Sundry Accounts. A covering letter was issued with the invoice explaining the legal requirement to pay the annual fee by 1 October 2018. 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 Non-Payers**

- 5.1 On 2<sup>nd</sup> October 2018, officers were advised by Sundry Accounts that 119 invoices were still outstanding. This represents 33% of premises licenceholders.
- 5.2 On 8<sup>th</sup> October 2018, Sundry Accounts issued 79 final notices in relation to the outstanding invoices.
- 5.3 25 invoices were still outstanding by 22 October, and officers from the Licensing Section has to contact the non-payers to chase up payment.
- 5.4 All fees were paid by 1 November 2018 with the exception of one. A Section 14 notice was served by the Licensing Standards Officer on the licenceholder and, at the time of writing this report, the fee remains outstanding. The notice was served on GGR Public House Limited. The company holds the premises licence for the Town Bar in Bo'ness. The premises has not traded since February of this year.

## **6. Consideration**

- 6.1 In light of the number of non-payers after the statutory deadline, officers are planning to review the payment process.

## **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 third of licenceholders failed to pay before the statutory deadline. Officers are planning to review the payment process to see if it can be made simpler which would facilitate the collection of the fees

pp.....  
**Clerk to the Licensing Board**

Date: 1 November 2018

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

Appendix 1 – Letter sent to Licenceholders

## **LIST OF BACKGROUND PAPERS**

Nil

Date: August 2018  
Our Ref: Annual Fee Payment  
Your Ref:



## Falkirk Council Licensing Board

Premises Licenceholder

Enquiries to: Alison Barr  
Direct Dial: 01324 501265  
Fax No.: 01324 501588  
Email: [Alisone.barr@falkirk.gov.uk](mailto:Alisone.barr@falkirk.gov.uk)

Dear Sir/Madam,

### **Licensing (Scotland) Act 2005 Annual Fee Payment / Important Changes to Festive Extended Hours / Office Relocation**

I write to remind you that the annual fee for your premises **must** be paid no later than 1 October 2018. Failure to pay by the due date is a breach of a mandatory condition.

The Board has instructed officers to submit to the next available meeting after 1 October 2018, a list of those licenceholders that failed to pay their annual fee by the due date. The Board can issue a warning, suspend or revoke your licence. The fee is on the attached invoice as are the payment details.

The Board has approved a new Supplementary Statement of Licensing Policy in relation to Extended Hours during the Festive Period. It is available to view on the Council's website. A list of dates when a general extension of hours will be in force for the 2018/19 Festive Period is on the reverse of this letter. If you normally apply for extended hours over the Festive Period it is **essential** that you familiarise yourself with the new policy.

The Licensing Office will be relocating in mid-September into the main Municipal Buildings. The address and contact details will be unchanged. There will be disruption to the service during this period and the office will be closed for two days. Exact dates will be on the Council's website.

Kind regards



ALISON BARR  
Consumer Protection Manager

*Clerk to the Board: Colin Moodie*

Corporate & Housing Services  
Municipal Buildings  
Falkirk FK1 5RS  
LP 1 Falkirk-2

[www.falkirk.gov.uk](http://www.falkirk.gov.uk)

**\*\*\*CHANGES TO EXTENDED HOURS DURING THE FESTIVE PERIOD\*\*\***

At the meeting of the Licensing Board on 26 June 2018, the Board approved a supplementary Statement of Licensing Policy in relation to extended hours over the Festive Period. This replaces paragraph 11.8 in the current policy. This change **reduces** the length of the Festive Period and it will now begin mid-December and end on 2 January the following year (event to start on 1 January).

A General Extension of hours on certain dates during the Festive Period will be granted by the Board each year. At their August meeting, the Board approved the following dates:

Date of General Extension Event starting on the following dates:	Terminal Hour	
	Nightclub Premises	Non Nightclub Premises
Friday 14 December 2018	4am	2am
Saturday 15 December 2018	4am	2am
Friday 21 December 2018	4am	2am
Saturday 22 December 2018	4am	2am
Monday 24 December 2018	4am	2am
Tuesday 25 December 2018	4am	2am
Wednesday 26 December 2018	4am	2am
Friday 28 December 2018	4am	2am
Saturday 29 December 2018	4am	2am
Monday 31 December 2018	4am	2am
Tuesday 1 January 2019	4am	2am

**You do not need to make an application for extended hours on the above dates.**

Any premises requiring extended hours for dates that are **not** covered by a general extension must make an application to the Licensing Board **at least 5** weeks before the event. As these applications will be outwith policy, they need to be determined by the Board and you will be asked to attend the Licensing Board meeting to speak in support of your application.

Premises taking advantage of the general extension of hours must comply with the mandatory late opening condition if they open beyond 1am.

Please note that this applies to **on-sales premises only**.