

AGENDA ITEM

FALKIRK COUNCIL LICENSING BOARD

Subject: Licensing (Scotland) Act 2005
The Licensing (Fees) (Scotland) Regulations 2007
Premises Licences
Meeting: Licensing Board
Date: 17 August 2011
Author: Clerk to the Licensing Board

1. INTRODUCTION

- 1.1 The purpose of this report is (a) to set the annual fee for payment by holders of premises licences for the period from 1 October 2011 to 30 September 2012 and (b) to set the level of discretionary fees for various miscellaneous applications.

2. ANNUAL FEE

- 2.1 Regulation 7 of The Licensing (Fees)(Scotland) Regulations 2007 obliges every holder of a premises licence to make payment of an annual fee in relation to the performance of relevant functions by the Licensing Board, the Council and the Council's Licensing Standards Officers. The fee becomes due on 1 October in each year and thirty days' notice of the amount due is required.
- 2.2. It is the duty of the Licensing Board to determine the level of annual fee to be paid subject to a maximum amount detailed in the Regulations. There are six categories of fee contained in the Regulations dependant on the rateable value of the premises. The maximum fees range from £180 to £900 with these figures remaining unchanged since their introduction in 2007.
- 2.3. In determining the fee levels, Regulation 13 requires the Board to have regard to the desirability of ensuring that the total fees payable to the Board are likely to be broadly equivalent to the expenses incurred by the Board and the Council in administering the Act. As the expenses of administering the Act locally have exceeded fee income since the introduction of the Act, and are forecast to do the same during the current financial year, it is recommended that the annual fee for the year beginning 1 October 2011 remains unchanged at the maximum level set out in the Regulations. The amounts currently charged for both new applications and for annual fees are shown on appendix 1 to this report.
- 2.4 The Board can decide whether to require payment of the annual fee in a lump sum or to spread it over 4 or 12 equal instalments. To date, the Board has required a single payment.

3. MISCELLANEOUS APPLICATIONS

3.1 There are a variety of other miscellaneous applications under the Act where the fee level is not set in the Regulations but by the Board. Decisions in that regard have been taken by the Board in 2008, 2009 and 2010. The list of fees is shown on appendix 2 to this report with those fees that are discretionary to the Board highlighted by way of an asterisk (*). As with the level of annual fee, the Board is also required to take the expenses of administering the Act into account when setting charges. It is accordingly recommended that the current levels of fee remain unchanged. One exception to this is for minor variations relating to a change in a premises' trading name. That is currently carried out free of charge but in future will attract a £20 fee in accordance with the Licensing (Minor Variations) (Scotland) Regulations 2011.

4. RECOMMENDATION

4.1 It is recommended that the Board:

- (a) maintains the annual and miscellaneous fee levels at their current rates as set out in appendices 1 and 2 to this report, and
- (b) determines whether to require payment of the annual fee by lump sum or instalments.

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Clerk to the Licensing Board

Date: 10 August 2011

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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 2011
1		£200	£180
2	£1 and £11,500	£800	£220
3	£11,501 and £35,000	£1,100	£280
4	£35,001 and £140,000	£1,300	£500
5	£70,001 and £140,000	£1,700	£700
6	Over £140,000	£2,000	£900

*The figures in **bold** print are the proposed Premises Licences Annual Fees from 1 October 2011, referred to in the **foregoing** report.

Appendix 2

LICENSING (SCOTLAND) ACT 2005 – FEES				
PREMISES LICENCES				
Category	Rateable Value	New	Annual	Confirmation
1	See below	£200	£180	£0
2	£1 to £11,500	£800	£220	£600
3	£11,501 to £35,000	£1,100	£280	£900
4	£35,001 to £70,000	£1,300	£500	£1,100
5	£70,001 to £140,000	£1,700	£700	£1,500
6	Over £140,001	£2,000	£900	£1,800
Category 1				
See The Licensing (Fees) (Scotland) Regulations 2007 for full details but, generally, premises fall within Category 1 if:-				
(a)	they are not on valuation roll or have a nil value;			
(b)	they are a visitor attraction;			
(c)	they are a members' club; or			
(d)	their main function is to provide accommodation.			
Provisional Premises Licence S45				£200
Temporary Premises Licence S47(2)				£200*
Variation – S29(1) – Minor				£20*
Variation – S29(2) – Minor – Change of Premises Manager				£31
Variation – S29(1) – Non Minor				£160*
Transfer on behalf of Licenceholder:				
Transfer under S33(1)				£35*
Transfer under S33(1) including minor variation				£55*
Transfer under S33(1) including non minor variation				£195*
Transfer on behalf of Person other than Licenceholder:				
Transfer under S34(1)				£35*
Transfer under S34(1) including minor variation				£55*
Transfer under S34(1) including non minor variation				£195*
Copy Premises Licence				£25*
Occasional Licence				£10
Extended Hours				£10
PERSONAL LICENCES				
Personal Licence				£50
Replacement Personal Licence				£25*