

FALKIRK COUNCIL LICENSING BOARD

Subject: **Licensing (Scotland) Act 2005**
 The Licensing (Fees) (Scotland) Regulations 2007
 Premises Licences – Annual Fees
Meeting: **Licensing Board**
Date: **15 August 2012**
Author: **Clerk to the Licensing Board**

1. BACKGROUND

- 1.1 Members will recall that at its meeting on 17 August 2011, the Board determined annual fees in relation to Premises Licences from 1 October 2011.
- 1.2 The purpose of this report is to set the annual fees for Premises licences from 1 October 2012.
- 1.3 The annual fee for 2012/13 is due on 1 October 2012 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.
- 1.4 The annual fee payable under regulation 7 of the Licensing (Fees) (Scotland) Regulations 2007, requires to be determined by the Board in accordance with regulation 8. There are six categories of premises referred to in this regulation, determined according to the premises rateable value. For each category there is a maximum fee that may be set, varying from £180 to £900. Should the Board determine to set a fee level lower than the maximum, it must:
 - determine different fees for the six different categories, and
 - set those fees by reducing each of the fees by an identical percentage
- 1.5 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. An analysis of the applications processed since 1 September 2009, when the new act came fully into force is below:

Type of Application	2009 (1/9/09 to 31/12/09 only)	2010	2011	2012 (to date)	TOTAL	2009 (1/9/ 09 to 31/12 /09 only)
New Premises Lic	5	7	18	4	34	5
Change of DPM	22	58	77	56	213	22
Transfer	24	41	52	21	138	24
Minor Variation	2	7	29	14	52	2
Non Minor Variation	75	54	41	20	190	75
New Personal Lic	Since 1 September 2009					465
Occasional/extended hours	Since 1 September 2009					1309

1.6 With reference to the annual fee the regulations allow scope for the fee to be paid by instalments. This would be at the discretion of the Board. The instalments may be paid in 4 or 12 equal payments over the course of the year following the date on which the fee would otherwise be due.

1.7 The next annual review of premises licence annual fees will be presented to Members no later than June 2013, 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 agrees to adopt the Premises Licences – Annual Fee levels proposed in Appendix 1, with effect from 1 October 2012.

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Clerk to the Licensing Board

Date: 29 June 2012

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

LIST OF BACKGROUND PAPERS

1. Appendix 1

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	Not entered on the valuation roll or a nil value is shown	£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

***Please Note:** The figures in **Bold** print are the proposed Premises Licences Annual Fees from 1 October 2012, referred to in the Members consideration.