

**REPORT TO:** East Lothian Licensing Board

**MEETING DATE:** 22 March 2018

**BY:** The Clerk of the Licensing Board

**SUBJECT:** Premises Licence Application Fees – Proposed Increase

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## **1 PURPOSE**

- 1.1 To Ask East Lothian Licensing Board to increase the fee for applications for Premises Licenses.

## **2 RECOMMENDATIONS**

- 2.1 That East Lothian Licensing Board determines that Premises Licence Application fees should be set at the maximum amount specified in The Licensing (Fees) Scotland Regulations 2007 (553) (“the Regulations”) as specified in 3.3 rather than at 75% of that figure as is currently charged.

## **3 BACKGROUND**

- 3.1 The Regulations state that licensed premises fall into six different categories for the purpose of determining the appropriate fee. These Categories relate mainly to the rateable value of the premises

- 3.2 **Category 1** premises are those :-

- a) not entered on the valuation roll or having a nil rateable value
- b) whose main function is a visitor attraction and the alcohol sold is not to be consumed on the premises and the sale of alcohol is incidental to other activities
- c) premises that are wholly or mainly used as a club
- d) private guest hotels where any alcohol is consumed only by guests

**Category 2** – Rateable Value £1 - £11,500

**Category 3** – Rateable Value £11,501 - £35,000

**Category 4** – Rateable Value £35,001 - £70,000

**Category 5** – Rateable Value £70,001 - £140,000

**Category 6** – Rateable Value over £140,000

3.3 The Board decided to set fees for Premises Licences at 75% of the maximum at its meeting of 19 February 2008 and the fee has not been revised since that time. That was when the Licensing (Scotland) Act came into force and the Licensing service sat within the Legal and Committees team. Many things have changes since that time without any increase in the fee charged for these applications and full cost recovery is no longer being met.

3.4 Licensing Boards are required to set fees at a level that will ensure that the full cost of providing the Licensing service is recovered from fee income. It is recommended that the Board agrees to increase the current fees

3.5 In 2008 there were three Licensing Officers as well as the Licensing Standards Officer whereas now the team has increased to also include a full time Team Leader at grade nine. The investment in IT systems has increased over the years and now amounts to a considerable outlay not included in the initial calculations. The demands on Licensing Boards have also increased over the years and there is now a statutory requirement to produce Equalities statements, a Records Management Plan, an annual statement of income and expenditure and an annual functions report.

3.6 It is therefore proposed to increase the fees for premises application licences to the maximum specified in the regulations to ensure full cost recovery. The recommended fees are therefore:-

**Category 1 - £200**

**Category 2 - £800**

**Category 3 - £1,100**

**Category 4 - £1,300**

**Category 5 - £1,700**

**Category 6 - £2,000**

## **4 POLICY IMPLICATIONS**

4.1 None

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The Board should ensure full cost recovery by increasing these fees as it is obliged to do
- 6.2 Personnel - None
- 6.3 Other - None

## **7 BACKGROUND PAPERS**

- 7.1 The Licensing (Fees) (Scotland) Regulations 2007 (553)
- 7.2 Report to East Lothian Licensing Board of 19 February 2008 on the fixing of fees

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