

EAST LoTHIAN COUNCIL

LICENSING STANDARDS

From: K. Harling
Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 14th November 2022

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Subject: LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE- NON PAYMENT OF ANNUAL FEES
THE NEW PLOUGH, 63 HIGH STREET, TRANENT EAST LoTHIAN EH33 1LN

Licensing Standards Officer's Report

Thomas O'Brien was granted a conversion of a Full Premises Licence in 2008 as part of the transition to the 2005 Act in respect of the above premises.

On 21st July 2020 the Clerk to the East Lothian Licensing Board wrote to all Premises Licence Holders advising of the Annual Fee due in respect of their licence, requesting payment by 1st October 2020. It was intimated at this time that payment was a mandatory condition of the Premises Licence, in terms of Section 27(1) of the Licensing (Scotland) Act 2005 and failure to pay may be treated as a breach of Premises Licence. Details of payment method were included in this letter.

On 20th September 2022 the Clerk to the Board sent additional letters of reminder to the premises address and licensing agent. No response was received.

During October multiple attempts were made by the licencing team and LSO to contact the licence holder and persons who may have details from him with no response.

On Tuesday 8th November, the Depute Clerk to the Board sent a letter to the licensee with a further reminder that the they had not paid their mandatory annual fee and since this was a breach of a condition of their Premises Licence they would require to make payment of the outstanding fee and also appear at the Licensing Board on 24th November 2022 to explain the reason for the stated breach of licence.

By the time of preparation for the Licensing Board meeting, on 24th November 2022, payment of the mandatory annual fee had still not been made.

Since 2008 the premises licence annual fee last year was made on 23/08/2021 and all payments previous to this have been made.

K. Harling
Licensing Standards Officer