

## The Highland Licensing Board

Meeting – 6 August 2013

Agenda Item	7
Report No	HLB/080/13

### Application and Annual Fees

#### Report by the Clerk to the Licensing Board

##### Summary

This Report seeks the Board's approval to increase the schedule of application and annual fees.

#### 1. Background

- 1.1** Fees are prescribed by the Licensing (Scotland) Act 2005 and the Licensing (Fees) (Regulations) 2007. Generally fees are linked to rateable values, except in relation to certain clubs, visitor attractions and guest houses. The Board is empowered to set its own fees for transfers, temporary premises licence, provisional premises licences, confirmations, replacement licences and major variation applications. Fees for the following are fixed by regulation: substitution of premises manager, occasional licences, extended hours, personal licences and minor variations.
- 1.2** The regulations prescribe maximum fees for applications for premises licences and annual fees. The Board's existing fee structure already charges the maximum for applications for premises licences but not for annual fees.
- 1.3** In determining the fees, the Board must have regard to the desirability of ensuring that the total fees payable are likely to be broadly equivalent to the expenses incurred in administering liquor licensing. In other words the system must be self-funding.
- 1.4** Apart from some minor adjustments there has been no substantive increase in fees since 2009.

#### 2.0 Proposed Changes

- 2.1** In conjunction with the Finance Service the annual costs of administering the licensing system have been reviewed and it is recommended that fees should be increased by 3% which is broadly in line with the consumer price index.

**2.2** However, the Act and Fees Regulations impose certain restrictions on the level of fees and when they can be increased.

The fees for the following are fixed by statute:

- Applications for premises licence under section 20;
- Applications for substitution of premises manager under section 31;
- Applications for minor variations under section 31;
- Applications for Occasional Licence under section 56;
- Applications for extended hours under section 68;
- Applications for personal licence under section 72;

The fees for the following cannot come into effect until 31 August 2014:

- Applications for transfer under section 33;
- Applications for transfer under section 34;
- Applications for a temporary premises licence;
- Applications for a replacement personal licence;

The fees for the following can come into effect on 31 August 2013:

- Annual fees;
- Applications for major variation under section 29;
- Applications for provisional premises licence under section 45;
- Applications for confirmation of provisional premises licence under section 46;
- Applications for replacement premises licence;

**2.3** The proposed new fees and when they will come into effect are shown in the attached Schedule. The proposed increase in the annual fee will not exceed the statutory maximum limits.

<b>3.0</b>	<b>Recommendation</b>
<b>3.1</b>	It is recommended that the Committee agree the attached schedule of fees to take effect from 31 August 2013 and 31 August 2014.

Designation: Clerk to the Licensing Board

Date: 19 July 2013

Author: Alasdair Mackenzie

Appendix 1

Schedule of fees

**HIGHLAND LICENSING BOARD  
LICENSING (SCOTLAND) ACT 2005  
APPLICATION FEES FROM 31 AUGUST 2013**

A.							
<ul style="list-style-type: none"> <li>• GRANT OF PREMISES LICENCE</li> <li>• ANNUAL PREMISES FEE</li> <li>• MAJOR VARIATION</li> </ul>							
CATEGORY	RATEABLE VALUE OF PREMISES		GRANT/ANNUAL FEES			MAJOR VARIATION FEES	
			GRANT OF PREMISES LICENCE	CURRENT ANNUAL FEE	PROPOSED ANNUAL FEE (3% increase from 31 August 2013)	CURRENT VARIATION FEE	PROPOSED VARIATION FEE (3% increase from 31 August 2013)
1	<ul style="list-style-type: none"> <li>• Premises Rated at Nil</li> <li>• Premises not shown in the valuation roll</li> <li>• Visitor Attractions</li> <li>• Clubs</li> <li>• Private Accommodation</li> </ul>		£200	£153	£157	£70 £350 (with balance payable or refundable when rateable value known £70 £70 £70	£72 £360 (with balance payable or refundable when rateable value known £72 £72 £72
2	£1 -	£11,500	£800	£187	£192	£280	£288
3	£11,501 -	£35,000	£1,100	£238	£245	£385	£396
4	£35,001 -	£70,000	£1,300	£425	£438	£455	£469
5	£70,001 -	£140,000	£1,700	£595	£613	£595	£613
6	£140,001 -	and above	£2,000	£765	£788	£700	£721

B. PROVISIONAL PREMISES LICENCE				
TYPE OF APPLICATION		APPLICATION SECTION	CURRENT APPLICATION FEE	PROPOSED APPLICATION FEE (3% increase from 31 August 2013)
Provisional Premises Licence		Section 45	£200	£206
Confirmation of Provisional Premises Licence		Section 46	Grant of Premises Licence fee, less £200 paid for <i>Provisional</i> Premises Licence Application.	Grant of Premises Licence fee, less £206 paid for <i>Provisional</i> Premises Licence Application.

C. TRANSFERS/SUBSTITUTION				
TYPE OF APPLICATION		APPLICATION SECTION	CURRENT APPLICATION FEE	PROPOSED APPLICATION FEE (3% increase from 31 August 2014)
	Transfer by Licence Holder <sup>1</sup>	Section 33	£275	£283
	Transfer by person other than the Licence Holder <sup>1</sup>	Section 34	£275	£283
	Variation to Substitute Premises Manager	Section 31	£31*	*Fixed by Statute – no increase

D. MISCELLANEOUS APPLICATIONS					
TYPE OF APPLICATION		APPLICATION SECTION	CURRENT APPLICATION FEE	PROPOSED APPLICATION FEE (3% increase from 31 August 2013)	PROPOSED APPLICATION FEE (3% increase from 31 August 2014)
	Occasional Licence	Section 56	£10*	*Fixed by Statute – no increase	
	Extended Hours	Section 68	£10*	*Fixed by Statute – no increase	
	Personal Licence	Section 72	£50*	*Fixed by Statute – no increase	
	Replacement/Amendment to Personal Licence	Section 92	£10	-	£11
	Replacement Premises Licence	Section 55	£20	£22	-
	Minor Variation	Section 29	£20*	*Fixed by Statute – no increase	
	Temporary Premises Licence	Section 47	£250	-	£257

<sup>1</sup> Where a variation is sought with a transfer the fee will be aggregate of the transfer and variation fee