

The Highland Licensing Board

Meeting – 11 December 2014

Agenda Item	6
Report No	HLC/145/14

The Licensing (Scotland) Act 2005, Section 37

Premises Licence Review Proposal – Non Payment of Annual Premises Licence Fee 2014/15

Report by the Clerk to the Licensing Board

Summary

This Report relates to the non-payment of annual premises licence fees for the period 1 October 2014 to 30 September 2015.

1.0 Background

1.1 In terms of the Licensing (Scotland) Act 2005, Schedule 3, Mandatory Condition 10, an Annual Premises Fee must be paid in accordance with the regulations.

In terms of the Licensing (Fees) (Scotland) Regulations 2007 payment of the Annual Premises Licence fee is due on 1 October each year.

1.2 An invoice in respect of this fee was issued to Premises Licence Holders by the Licensing Board on 1 September 2014, in accordance with the Regulations.

Two subsequent reminders have also been issued by the Council's Finance/Corporate Development Service.

Details of the premises who have failed to pay this fee are attached as Appendix 1.

1.3 In terms of Section 37, if the Board decide to make a premises licence review proposal then the Board must hold a hearing for the purposes of considering and determining the proposal.

1.4 The grounds for any Premises Licence Review are:

- (a) That one or more of the conditions to which the premises licence is subject has been breached (ie. Mandatory Condition 10 - Non-payment of Annual Fee).
- (b) Any other ground relevant to one or more of the licensing objectives.

1.5 In terms of Section 39, if the Licensing Board establish that a ground for review is failure to pay the annual fee, it has the power to take the following steps:

- To issue a written warning to the licence holder,
- To make a variation of the licence,
- To suspend the licence for such period as the Board may determine,
- To revoke the licence.

1.6 The Premises Licence Holders have been advised of the possible consequences of failure to pay the annual fee.

Recommendation

If the Board is satisfied that grounds for a Premises Licence Review have been established on the basis of non-payment of the annual premises fee, the Board are invited to make a Review Proposal with a view to holding Review Hearings at their next meeting.

Designation: Clerk to the Licensing Board

Date: 2 December 2014

Author: AMK/JT

Background Papers: The Licensing (Scotland) Act 2005.

Appendices: (A) Details of Premises for which annual fee remains outstanding.

Appendix A

	HC/RSL/0338	Café 115, 115 High Street, Fort William	Licence fee to 2014 unpaid
	HC/RSL/0271	Marine Hotel, Mallaig	Licence fee to 2014 unpaid
	HC/RSL/1544	Sonachan Hotel, Kilchoan	Licence fee to 2014 unpaid
	HC/RSL/0472	Polish Delicatessen	Licence fee to 2014 unpaid
	HC/RSL/1374	Onich Hotel, Onich	Licence fee to 2014 unpaid
	HC/RSL/1221	Duntulm Castle Hotel, Duntulm	Licence fee to 2014 unpaid
	HC/RSL/1192	Fuaran Bar, Achiltibuie	Licence fee to 2014 unpaid
	HC/RSL/1469	Dundonnell Stores, Dundonnell	Licence fee to 2014 unpaid
	HC/RSL/0158	MacKinnon Country House Hotel, Kyleakin	Licence fee to 2014 unpaid
	HC/INBS/60	Croy Shop, Croy	Licence fee to 2014 unpaid Ceased Trading
	HC/INBS/462	Daviot Lodge, Daviot	Licence fee to 2014 unpaid
	HC/INBS/557	Macveans, Fort Augustus	Licence fee to 2014 unpaid
	HC/INBS/362	The Lodge Hotel Newtonmore	Licence fee to 2014 unpaid Ceased Trading
	HC/INBS/228	UV Nightclub, Inverness	Licence fee to 2014 unpaid
	HC/INBS/542	Whisky by MacWilliam, Inverness	Licence fee to 2014 unpaid
	HC/INBS/19	Windsor Hotel Nairn	Licence fee to 2014 unpaid Ceased Trading
	HC/INBS/532	Glen Affric Bar Cannich	Licence fee to 2014 unpaid Ceased Trading
	HC/CSER/1633	Retro, 6 Bridge Street, Wick	Licence fee for 2014 unpaid
	HC/CSER/0267	The Bridge Hotel, Dunrobin Street, Helmsdale	Licence fee for 2014 unpaid