

# WEST DUNBARTONSHIRE LICENSING BOARD

## Report by the Clerk to the Licensing Board

Licensing Board : 17 December 2013

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**Subject: The Licensing (Fees) (Scotland) Regulations 2007 – Variation of Fees for Miscellaneous Applications**

### **1. Purpose**

1.1 The purpose of the report is to make recommendations on the variation of fees for miscellaneous applications in terms of the above regulations.

### **2. Recommendation**

2.1 It is recommended that:-

- a) the proposals with respect to the level of fees to be charged in relation to miscellaneous licensing applications be approved as detailed in the appendix to the report; and
- b) the Board agree that the fees specified in the appendix may be increased by the Clerk in line with any Council decision to increase its fees and charges.

### **3. Background**

3.1 The Licensing (Fees) (Scotland) Regulations 2007 came into force in February 2008 and made provision for fees payable to Licensing Boards under the Licensing (Scotland) Act 2005. The Previous Board on 21<sup>st</sup> April 2009 agreed such fees and set the relevant amounts. In terms of Regulation 14 a Board may from time to time vary these amounts. The fees have not been reviewed since then.

### **4. Main Issues**

4.1 Regulations 11 and 12 provide discretion for individual Licensing Boards to set fees in respect of miscellaneous applications, mainly relating to applications for transfer of licences, and applications to vary premises licences.

4.2 Whilst the regulations prescribe certain fees, provision is made for some fees to be determined by Boards, subject to specified upper limits in certain cases and to the general rule on cost recovery referred to in regulation 13. Regulation 13 places a duty on a Licensing Board, in determining any fee under regulation 6(1), 8(1), 11(1) or 12(2), to have regard to the desirability of ensuring that the total fees payable under the regulations to the Board in

respect of any period are likely to be broadly equivalent to the expenses incurred by the Board, and the Council for the area of the Board, in administering the Act generally during that period.

**4.3** The Council generally determines to increase discretionary fees and changes by a fixed amount every year. These decisions are not applicable to the Board Fees which has led to those fees not being increased for nearly four years. Currently the Board incurs a significant deficit in administering the Licensing (Scotland) Act 2005.

**5. People Implications**

5.1 None.

**6. Financial Implications**

6.1 Currently, the fees charged for these miscellaneous fees do not meet the true cost of such. Increasing the fees as suggested will assist in reducing the difference between the fees and the expenses of the Board administering the Act.

**7. Risk Analysis**

7.1 None.

**8. Equalities Impact Assessment (EIA)**

An Equalities Impact Assessment has been prepared that discloses no significant equality impact of the proposals.

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**Peter Hessett**  
**Clerk to the Licensing Board**

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**Background Papers:** The Licensing (Fees) (Scotland) Regulations 2007.

**Appendix:** List of proposed fees.

## Appendix

	<b>Type of Application</b>	<b>Recommended Fee</b>
1.	Section 33(1) of Licensing (Scotland) Act 2005 Application to transfer a Premises Licence by the licence holder, including an application for variation (which is not a minor variation)	£200 (increase of £50)
2.	Section 33(1) of Licensing (Scotland) Act 2005 Application to transfer a Premises Licence by the licence holder, including an application for a minor variation	£80 (increase of £10)
3.	Section 33(1) of Licensing (Scotland) Act 2005 Application to transfer a Premises Licence by the licence holder which does not include an application for variation	£60 (increase of £10)
4.	Section 34(1) of Licensing (Scotland) Act 2005 Application to transfer a Premises Licence by a person other than the licence holder, including an application for variation (which is not a minor variation)	£200 (increase of £50)
5.	Section 34(1) of Licensing (Scotland) Act 2005 Application to transfer a Premises Licence by a person other than the licence holder, including an application for minor variation	£80 (increase of £10)
6.	Section 34(1) of Licensing (Scotland) Act 2005 Application to transfer a Premises Licence by a person other than the licence holder which does not include an application for variation	£60 (increase of £10)
7.	Section 29(1) of Licensing (Scotland) Act 2005 Application to vary a Premises Licence other than a Minor Variation	£200 (increase of £50)
8.	Section 47(2) of Licensing (Scotland) Act 2005 Application for a Temporary Premises Licence	£175 (increase of £45)
9.	Section 92(1) of Licensing (Scotland) Act 2005 Application for Replacement Personal Licence	£25 (increase of £5)