

SHETLAND ISLANDS AREA LICENSING BOARD

3 September 2010

Premises Licences Proposal for Review Hearing for Non-Payment of Annual Fee

1. Introduction

1.1 The purpose of this report is to notify the Board of the few premises in respect of which the annual fee has not been paid, and to ask Members to authorise the making of a Premises Licence Review proposal and ultimately to hold a Premises Licence Review Hearing for the premises for which the fees remain unpaid.

2. Background and Discussion

2.1 In terms of the Licensing (Fees) (Scotland) Regulations 2007 (the “Fees Regulations”) made under the Licensing (Scotland) Act 2005, annual fees are payable in respect of Premises Licences which have been granted and are in effect. The first annual fee in respect of those Premises Licences granted during the transitional period, where the licences came into effect on 1 September 2009, became due on 1 October 2009. For licences which were granted and took effect after 1 September 2009, the first annual fee becomes due 30 days after the date on which the licence took effect. Subsequent annual fees will become due on 1 October each year.

2.2 The amount of the annual fees determined by the Licensing Board are in accordance with the table in the Fees Regulations according to the category of the premises, with category 1 being for the special categories of clubs, visitor attractions etc and categories 2 - 6 according to the rateable value of all other types of premises. The amounts of the annual fees are as follows:

Category 1 - £180
Category 2 - £220
Category 3 - £280
Category 4 - £500
Category 5 - £700
Category 6 - £900

2.3 It is a mandatory condition of each Premises Licence, in terms of Schedule 3 of the 2005 Act, that the annual fee must be paid. It seems that the route to enforce payment of the annual fee in terms of the 2005 Act is through a Premises Licence Review Hearing which can ultimately carry the sanction of suspension or revocation of the licence.

2.4 Notification of the annual fees payable has been duly given to each Premises Licence holder and payment has been received for most premises. There are, however, a few premises for which despite notification and reminder letters being sent out, the annual fee remains unpaid. A second final demand notice has now been sent for each of the premises, as listed in the Appendix, for which the first annual fees remain unpaid.

2.5 I would propose that the Board authorise that a Premises Licence Review proposal is made for those premises listed in the Appendix on the ground that one of the conditions to which the Premises Licence is subject has been breached, namely the payment of the annual fee, and that I arrange for a Premises Licence Review Hearing at the next meeting of the Board, scheduled for 8 October 2010 for those premises for which the annual fee continues to remain unpaid at that time.

3. Recommendation

3.1 I recommend that the Board endorse the proposal at 2.5 above.

Depute Clerk to the Licensing Board

Z/Gen BCH

27 August 2010