

REPORT TO LICENSING BOARD – 4 December 2019
LICENSING (SCOTLAND) ACT 2005
SCHEDULE 3 PARAGRAPH 10
FAILURE TO PAY ANNUAL FEE BY DUE DATE

1 Reason for Report

1.1. Schedule 3 to the of The Licensing (Scotland) Act 2005 (“The Act”) sets out a list of conditions that attach to all premises’ licences (referred to as “mandatory” because boards must attach them to all licences). Paragraph 10 of Schedule 3 states that the annual fee must be paid as required by the Licensing (Fees) (Scotland) Regulations 2007 (the “Fees Regulations”). This report provides the Board with information as to the collection of fees.

2. Recommendation

The Board is asked to note this report and acknowledge the work that has been carried out by the Licensing Standards Officer to ensure that annual fees are collected or in the case of non payment that appropriate steps are taken in relation to the premises concerned

3. Legislation

3.1. Paragraph 7 of the Fees Regulations provides when the annual fee must be paid by (1 October) and states that notification must be given to every holder of a premises licence no later than 30 days before the date that the licence is due.

4. Non payment and late payment of fees

4.1. In 2019, 78 (2018 - 48) premises licence holders paid their annual fee after 1st October. Four premises have subsequently surrendered their licences and four are under consideration for ceased to have effect under Section 28 (5)(b) of the Act.

4.2. The table below shows the dates on which the late payments were received. The vast majority of the late payments were received within two weeks of the due date.

DATE	NUMBER PAID	
01/10/19-06/10/19	23	Up to 1 week late
07/10/19-13/10/19	25	Up to 2 weeks late
14/10/19-20/10/19	13	Up to 3 weeks late
21/10/19-27/10/19	3	Up to 4 weeks late
28/10/19 onwards	6	Over 4 weeks late

The table below illustrates which premises failed to pay by the due date and have subsequently surrendered the premises licence:

<u>Premises Number</u>	<u>Premises</u>	<u>LSO Comments / Actions</u>
AB-S-P040	Sauchieburn Hotel	No longer used as a hotel and to be converted to private house or B&B
AB-S-P248	Spider on a Bicycle	No Longer required
AB-S-P257	Corsee House	New premises at 78 High Street, Banchory will substitute for this premises
AB-S-P142	Lyon's Kitchen	Premises to be significantly refurbished but will not re-open for some time so surrender made with new application to follow in future.

The above is presented to the Board to illustrate that despite reminders, licence holders continue to withhold payment until an intervention is put in place by the LSO. Whilst in all cases payment has now been received, there has been a great deal of time and resource expended to obtain this result.

Report Prepared by: Keith Simpson, Senior Licensing Standards Officer.

Date: 22 November 2019