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## THE MORAY LICENSING BOARD

THURSDAY 15 AUGUST 2013

**NOTICE IS HEREBY GIVEN** that the Meeting of **THE MORAY LICENSING BOARD** is to be held within the The Moray Council, Council Chambers, High Street, Elgin on Thursday 15 August 2013 at 10.00am.

Rhona Gunn  
CLERK

7 August 2013

### BUSINESS

1. Prior Minutes
  - (i) Minutes of the Meeting held on 20 June 2013 (copy attached)
  - (ii) Minutes of the Special Meeting held on 8 August 2013 (to be tabled)

### The Licencing (Scotland) Act 2005

2. Application for Variation of Premises Licence – Appendix 1
3. Premises Licence Review Hearing – Case Number 1 of 2013 Continuing Review Following Application for Review by Chief Constable – Report by the Clerk (copy attached)
4. Personal Licence Review Hearing Following Application For Review by the Chief Constable (Case Number 5 of 2013) – Report by the Clerk (copy attached)
5. Personal Licence Application Hearing Following Notification of Relevant Conviction on Application (Case Number 9 of 2013) – Report by the Clerk (copy attached)
6. Personal Licence Application Hearing Following Recommendation by Chief Constable on Application (Case Number 10 of 2013) – Report by the Clerk (copy attached)
7. Statement of Policy – Report by the Clerk (copy attached)
8. Annual Review of Licensing Fees and Business Transacted – Report by the Clerk (copy attached)

CONTACT PERSON:	Rhona Gunn
Telephone No:	01343 543451 Ext 3152- Direct Line: 563152
Room No:	102

**THE MORAY LICENSING BOARD**

**SEDERUNT**

**COUNCILLOR J ALLAN**

**COUNCILLOR G ALEXANDER**

**COUNCILLOR S CREE**

**COUNCILLOR M HOWE**

**COUNCILLOR B JARVIS**

**COUNCILLOR A MCLEAN**

**COUNCILLOR M McCONACHIE**

**COUNCILLOR R H SHEPHERD**

**COUNCILLOR C TUKE**

CLERK TO THE BOARD: Mrs R Gunn  
Telephone No: 01343 543451 Ext 3152 - Direct Line: 563152  
Room No: 102

# **APPENDIX 1**

## Key to Colour Coding of Applications within Appendices to the Agenda of Business for the Moray Licensing Board

All matters are to be heard by the Moray Licensing Board and the Moray Licensing Board has the final decision. However, in accordance with Government Guidance and locally agreed procedure, applications may be submitted to the Board with a general recommendation.

Please note that colour coding may be subject to change given the nature of the licensing procedure. Documents may be received and/or negotiations resolved following publication of the agenda.

RED

Indicates that the application will normally require to be heard, whether by virtue of general procedural rules or as a result of problems arising. There may be ongoing negotiations to resolve problems.

YELLOW

Indicates changing circumstances with the application. It is not ready to be granted at the time of publication but there are not normally major problems e.g. procedural issues or ongoing negotiations. Applications will normally be submitted with recommendation for grant or deferral.

GREEN

Indicates that all is in order with the application. All documents have been received and checked. All procedures have been followed. There are unlikely to be any representations, objections or problems or the same have been resolved. It is being submitted with a recommendation for grant but members are free to make enquiries as they see fit.

## MORAY LICENSING BOARD LICENSING BOARD

MEETING, 15 AUGUST 2013 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

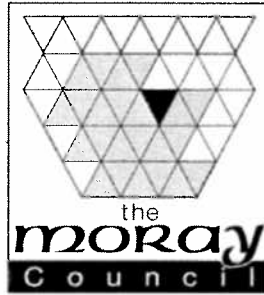
## Licensing (Scotland) Act 2005

## Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
1	CLIFTON HOTEL 5 CLIFTON ROAD LOSSIEMOUTH IV31 6DJ	PUNCH PARTNERSHIP LIMITED C/O TLT LLP ONE REDCLIFF STREET BRISTOL BS1 6TP	23 July 2013	Variation to include addition of restaurant facilities as an activity, change opening hour on a Sunday to 11.30am; and to permit children and young persons into the lounge (restaurant) and toilet area. Change to child access so must be heard.
2	KISS 9 CLUNY SQUARE BUCKIE AB56 1AH	MORVEN HOLDINGS LIMITED C/O LORNA MURRAY 45 CULDUTHEL ROAD INVERNESS IV2 4HQ	10 July 2013	Variation to change hours on a Thursday and Sunday night from 9pm to 1am to 9pm to 2am. No objs/rep

**MORAY LICENSING BOARD LICENSING BOARD****MEETING, 15 AUGUST 2013 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX****Licensing (Scotland) Act 2005****Transfer(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
3 THISTLE BAR 168 HIGH STREET FORRES IV36 1NP	ROBERT ALAN SUTHERLAND	18 June 2013	Application to transfer. Recommendation from Chief Constable so hearing required.



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**REPORT TO: THE MORAY LICENSING BOARD 15<sup>TH</sup> AUGUST 2013**

**SUBJECT: LICENSING (SCOTLAND) ACT 2005 – PREMISES LICENCE  
REVIEW HEARING - CASE NUMBER 1 OF 2013  
CONTINUING REVIEW FOLLOWING APPLICATION FOR  
REVIEW BY THE CHIEF CONSTABLE**

**BY: CLERK TO THE BOARD**

**1. Reason for Report**

- 1.1 The Licensing (Scotland) Act 2005 at section 36 provides that anyone can request a review of a premises licence.
- 1.2 This report is to notify the Board:
- 1.2.1 That an application for a review of a particular premises licence had been submitted by the Chief Constable's representative.
  - 1.2.2 Section 38(1) of the Licensing (Scotland) Act 2005 required the Board to hold a review hearing to consider and determine the review application.
  - 1.2.3 That, if satisfied at the hearing that a ground for review is established, The Board is to proceed to determine whether any further steps should be taken in respect of the premises licence.
  - 1.2.4 That if during the course of the premises licence review, the Board makes a finding that a personal licence holder, who is or was working in the premises, acted in a manner inconsistent with the licensing objectives then the Board must also hold a hearing to review the personal licence.
  - 1.2.5 At the review hearing on 17 January 2013 the Board was satisfied a ground for review was established and applied a condition to the licence for 6 months and requested a further review at the closest Board meeting to the end of that period.
  - 1.2.6 No finding was made in respect of any personal licence holder.

## **2. Recommendations**

It is recommended that the Board:-

- 2.1 Note the application for review by the Chief Constable and the initial requirement for the Board to determine if it considers the application to be frivolous or vexatious or does not disclose any matter relevant to a ground for review;
- 2.2 Note the requirement in section 38 to hold a review hearing, following the application by the Chief Constable, if the Board determines that any matter relevant to a ground for review is disclosed;
- 2.3 Note that details of the premises licence review application have been passed to the licence holder and the Licensing Standards Officer (LSO) and the LSO has reported on the same;
- 2.4 Note that the Chief Constable intends to provide an updated report to the meeting.
- 2.5 Hear from the parties, note any recommendations from the Chief Constable, take the LSO's report into account, consider the matter and determine whether a ground for review is established and, if so, determine whether one of the possible steps set out in paragraph 3.10 is necessary.
- 2.6 Note the requirement that if during the course of the premises licence review, the Board makes a finding that a personal licence holder, who is or was working in the premises, acted in a manner inconsistent with the licensing objectives then the Board must also hold a further hearing to review his/her personal licence.

## **3. Background**

- 3.1 A request for review from the Chief Constable was received on 13<sup>th</sup> December 2012. The Chief Constable states that the grounds for review are relevant to one or more of the conditions to which the premises licence is subject has been breached and the licensing objectives of preventing crime and disorder, securing public safety, preventing public nuisance, protecting and improving public health and protecting children from harm.
- 3.2 The grounds for review, as set out in the Licensing (Scotland) Act 2005 at section 36(2), are as follows:
  - 3.2.1. That one or more of the conditions to which the premises licence is subject has been breached; or
  - 3.2.2. Any other ground relevant to one or more of the licensing objectives.



- 3.3 It should be noted that in this case the Chief Constable has included a recommendation that, if the Board finds that ground(s) for review are established, then the Board should proceed to suspend the premises licence.
- 3.4 It should be noted that the Chief Constable intends to provide an updated report to the meeting regarding the 6 month period during which the condition has been in force.
- 3.5 Section 36(6) provides that the Board may reject a premises licence review application if it considers the application to be frivolous or vexatious or if it does not disclose any matter relevant to a ground for review.
- 3.6 By virtue of section 38(1), if the review application is not rejected, then the Board must hold a hearing for the purposes of considering and determining the review application.
- 3.7 Where a hearing of a review application is to be held the Board must give notice of the hearing to the applicant, the licence holder and the Licensing Standards officer (LSO). Notices were issued to all on the 14<sup>th</sup> December 2012 and, in relation to the licence holder and LSO, notices were accompanied by a copy of the review application. Notice of this continued hearing was issued on 26 July 2013.
- 3.8 The LSO is required to prepare and submit a report to the hearing and a copy of that report has been circulated to members. The Board must take the report into account at the hearing. The LSO had no comments.
- 3.9 The Board may also obtain further information from such persons, and in such manner, as the Board thinks fit, and take the information into account. The Board may also take into account any information relevant to any ground for review even though it is not relevant to any circumstances alleged in the review application under consideration.
- 3.10 At the hearing the Licensing Board may, after giving the parties an opportunity to be heard and having regard to both the recommendation contained in the Chief Constable's application and the report of the LSO and if satisfied that a ground for review is established take such of the following steps that the Board considers necessary or appropriate for the purposes of any of the licensing objectives:
- 3.10.1. Issue a written warning to the licence holder;
  - 3.10.2. Make a variation of the licence, which may be permanent or for such period as the Board may determine;
  - 3.10.3. Suspend the licence for such period as the Board may determine;
  - 3.10.4. Revoke the licence.
- 3.11 Any steps taken must also be reasonable and proportionate, having regard to all the circumstances of the case, as well as necessary or appropriate for the purposes of the licensing objectives.

- 3.12 The licensing objectives are set in out in paragraph 5(a).
- 3.13 Where the Board has made a variation or suspended the licence the Board may, on the application of the licence holder, and if satisfied that, by reason of a change of circumstances, the variation or suspension is no longer necessary, revoke the variation or suspension.

#### **4. Implications**

##### **(a) Single Outcome Agreement / Service Improvement Plan**

In the exercise of functions under the Licensing (Scotland) Act 2005 the Licensing Board is to have regard to and promote the licensing objectives which are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

The licensing objectives closely reflect some of the objectives of the Community Plan and are intended to promote community involvement and prevent the consumption of alcohol from being the source of nuisance, anti-social behaviour and harm. This is also true of the social inclusion and environmental aspects of the Corporate Plan.

##### **(b) Policy and Legal**

Legal implications have been explained above.

##### **(c) Financial Implications**

None

##### **(d) Risk Implications**

Taking account of allegations made, the Board is to have regard to all the circumstances and decide whether any of the licensing objectives have been compromised and whether any potential risk identified then justifies further intervention as necessary and appropriate for the purpose of the objectives.

##### **(e) Staffing Implications**

None.

##### **(f) Property**

None.

##### **(g) Equalities**

There are no issues in this case.

##### **(h) Consultations**

Consultation is not required.

5. Conclusion

- 5.1 It is proposed that the Board continue with the review hearing if the application is not rejected, hear from the parties, take account of the LSO's report and the recommendation by the Chief Constable, consider the matter and determine whether a ground for review is established and, if so, determine whether one of the possible steps set out in paragraph 3.10 is necessary for any of the licensing objectives, reasonable and proportionate.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers: There are no background papers

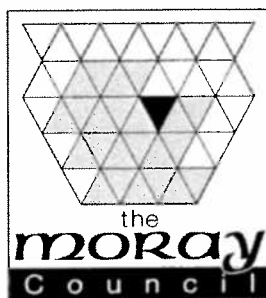
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Signature

Designation Head of Legal and Democratic Services, Clerk to the Board

Name Rhona Gunn

8/8/13



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**REPORT TO:** THE MORAY LICENSING BOARD ON 15<sup>TH</sup> AUGUST 2013

**SUBJECT:** LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE REVIEW HEARING FOLLOWING APPLICATION FOR REVIEW BY THE CHIEF CONSTABLE (CASE NUMBER 5 OF 2013)

**BY:** CLERK TO THE BOARD

**1. REASON FOR REPORT**

1.1 The Licensing (Scotland) Act 2005 section 84A provides that the Chief Constable has the power to report conduct inconsistent with the licensing objectives.

1.2 This report is to notify the Board:

1.2.1 That the Chief Constable has provided a report under section 84A as he considers that the personal licence holder (case number 5 of 2013) has acted in a manner which is inconsistent with the licensing objectives of preventing crime and disorder and securing public safety;

1.2.2 That, as a result, s.84A(2) of the Licensing (Scotland) Act 2005 requires the Board to hold a hearing to consider and determine whether any further order should be made in respect of the personal licence for the purposes of any of the licensing objectives.

**2. RECOMMENDATIONS**

**It is recommended that the Board:**

**2.1 Note the requirement to hold a review hearing following the report by the Chief Constable;**

**2.2 Note any recommendations from the Chief Constable, hear from appropriate person(s), consider the matter and determine whether one of the possible orders set out in paragraph 3.4 is necessary for the purposes of any of the licensing objectives;**

### 3. **BACKGROUND**

- 3.1 On the 28 January 2013 the Clerk received a report under s.84A from the Chief Constable. At their meeting on 7 March 2013 the Board agreed to defer the hearing until 20 June 2013. At their meeting on 20 June 2013 the Board again agreed to defer the hearing.
- 3.2 A copy of the report referred to in paragraph 3.1 above has been separately circulated to members. It should be noted that in this case the Chief Constable has included a recommendation for revocation.
- 3.3 This report is to notify the Board of the requirement under s.84A(2) of the Licensing (Scotland) Act 2005 to hold a hearing as a result of receipt of the Chief Constable's report.
- 3.4 At the hearing the Licensing Board may, after giving the licence holder concerned, the Chief Constable and any other person(s) the Board consider appropriate an opportunity to be heard and if satisfied that it is necessary to do so for the purposes of any of the licensing objectives make one of the following orders:
- 3.4.1. revoking;
  - 3.4.2. suspending for such period, not exceeding 6 months, as the Board considers appropriate; or
  - 3.4.3. endorsing;
- the personal licence held by the licence holder concerned.
- 3.5 The Licensing (Scotland) Act 2005 provides for a system akin to driving licence endorsements whereby an endorsement will remain on the licence for 5 years from the date of endorsement. If at any time a licence holder amasses 3 endorsements then the Board must hold a further hearing to determine whether to suspend or revoke the licence.

### 4. **IMPLICATIONS**

#### (a) **Council/Community Planning Priorities**

In the exercise of functions under the Licensing (Scotland) Act 2005 the Licensing Board is to have regard to and promote the licensing objectives which are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

The licensing objectives closely reflect some of the objectives of the Community Plan and are intended to promote community involvement and

prevent the consumption of alcohol from being the source of nuisance, anti-social behaviour and harm. This is also true of the social inclusion and environmental aspects of the Corporate Plan.

With particular regard to relevant convictions the Board is to have regard to the crime prevention objective.

**(b) Policy and Legal**

Legal implications have been explained above.

**(c) Financial Implications**

None

**(d) Risk Implications**

With particular regard to relevant convictions the Board is to have regard to the crime prevention objective and whether the risk justifies further intervention on this ground.

**(e) Staffing Implications**

None.

**(f) Property**

None.

**(g) Equalities**

There are no issues in this case.

**(h) Consultations**

Consultation is not required.

**5. CONCLUSION**

**5.1 It is proposed that the Board note the Chief Constable's report and the requirement to hold a review hearing;**

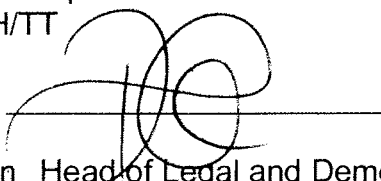
**5.2 It is proposed that the Board note any recommendations from the Chief Constable, hear from appropriate person(s), consider the matter and determine whether one of the possible orders set out in paragraph 3.4 is necessary for the purposes of any of the licensing objectives.**

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers: There are no background papers

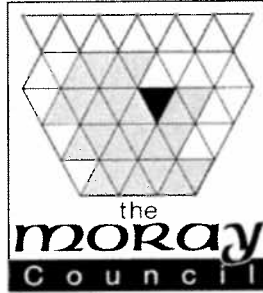
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Signature



8/8/13

Designation Head of Legal and Democratic Services, Clerk to the Board  
Name Rhona Gunn



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**REPORT TO: THE MORAY LICENSING BOARD ON 15<sup>TH</sup> AUGUST 2013**

**SUBJECT: LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE APPLICATION HEARING FOLLOWING NOTIFICATION OF RELEVANT CONVICTION ON APPLICATION (CASE 9 NUMBER OF 2013)**

**BY: CLERK TO THE BOARD**

**1. REASON FOR REPORT**

1.1 This report is to notify the Board:

1.1.1 That notice of relevant conviction(s) has been received from the Chief Constable on an application for a personal licence;

1.1.2 The Chief Constable has advised the Clerk that the applicant (case number 9 of 2013) has been convicted of relevant offence(s) and the Chief Constable has recommended that the application be refused for the purpose of preventing crime and disorder and securing public safety.

1.1.3 That, as a result, s.74(5) of the Licensing (Scotland) Act 2005 requires the Board to hold a hearing to consider and determine whether the licence should be granted or refused.

**2. RECOMMENDATIONS**

**It is recommended that the Board:-**

**2.1 Note the existence of a relevant conviction and the requirement to hold a hearing following notice of relevant conviction and the making of a recommendation by the Chief Constable;**

**2.2 Note the recommendation from the Chief Constable, hear from the parties, consider the matter and determine whether to grant or refuse the personal licence having regard to any of the licensing objectives;**

### **3. BACKGROUND**

- 3.1 The Licensing (Scotland) Act 2005 section 73 requires the Board to notify the Chief Constable of the receipt of an application for a personal licence. The Chief Constable then has up to 21 days to respond to the notice of application with notice as to whether the applicant has been convicted of a relevant or foreign offence.
- 3.2 The Chief Constable has advised the Clerk that the licence holder (case number 9 of 2013) has been convicted of an offence and the Chief Constable has made a recommendation that the application be refused.
- 3.3 The Licensing (Relevant Offences) (Scotland) Regulations 2007 (SSI 2007 No. 513) prescribe which offences are relevant offences for the purposes of the Licensing (Scotland) Act 2005. The list of relevant offences within the Regulation includes, amongst others, the offence disclosed.
- 3.4 Accordingly the applicant for personal licence has been convicted of a relevant offence which has been advised by the Chief Constable's representative and a recommendation on behalf of the Chief Constable has been provided.
- 3.5 This report is to notify the Board of the requirement under s.74(5) of the Licensing (Scotland) Act 2005 to hold a hearing as a result of receipt of the Chief Constable's notice.
- 3.6 At the hearing the Licensing Board must, after having regard to the Chief Constable's notice and after giving the licence holder concerned and the Chief Constable an opportunity to be heard:
  - 3.6.1. If satisfied that it is necessary to do so for the purposes of any of the licensing objectives refuse the application; or
  - 3.6.2. If not so satisfied grant the application.
- 3.7 The licensing objectives are:
  - 3.7.1. Preventing crime and disorder
  - 3.7.2. Securing public safety
  - 3.7.3. Preventing public nuisance
  - 3.7.4. Protecting and improving public health
  - 3.7.5. Protecting children from harm



#### 4. **IMPLICATIONS**

##### (a) **Council/Community Planning Priorities**

In the exercise of functions under the Licensing (Scotland) Act 2005 the Licensing Board is to have regard to and promote the licensing objectives which are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

The licensing objectives closely reflect some of the objectives of the Community Plan and are intended to promote community involvement and prevent the consumption of alcohol from being the source of nuisance, anti-social behaviour and harm. This is also true of the social inclusion and environmental aspects of the Corporate Plan.

With particular regard to relevant convictions the Board is to have regard to the crime prevention objective.

##### (b) **Policy and Legal**

Legal implications have been explained above.

##### (c) **Financial Implications**

None.

##### (d) **Risk Implications**

The Board is to have regard to any of the licensing objectives, particularly the crime prevention objective and decide whether the risk justifies intervention on such grounds.

##### (e) **Staffing Implications**

None.

##### (f) **Property**

None.

##### (g) **Equalities**

There are no issues in this case.

##### (h) **Consultations**

Consultation is not required.

#### 5. **CONCLUSION**

- 5.1 **It is proposed that the Board note the existence of a relevant conviction and the requirement to hold a hearing following confirmation of the conviction and the making of a recommendation by the Chief Constable;**

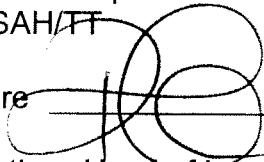
- 5.2 It is proposed that the Board, having regard to the notice from the Chief Constable, hear from the parties, consider the matter and determine whether to grant or refuse the licence for the purposes of any of the licensing objectives.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers: There are no background papers

Ref: SAH/TT

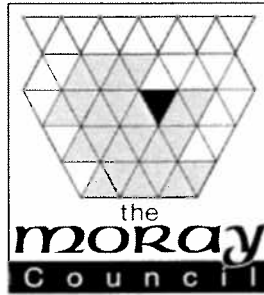
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8/8/13

Designation Head of Legal and Democratic Services, Clerk to the Board

Name Rhona Gunn



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**REPORT TO: THE MORAY LICENSING BOARD ON**

**SUBJECT: LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE APPLICATION HEARING FOLLOWING RECOMMENDATION BY CHIEF CONSTABLE ON APPLICATION (CASE 10 NUMBER OF 2013)**

**BY: CLERK TO THE BOARD**

**1. REASON FOR REPORT**

1.1 This report is to notify the Board:

1.1.1 The Chief Constable has confirmed to the Clerk that the applicant (case number 10 of 2013) has not been convicted of any relevant offence but that the Chief Constable has nevertheless recommended that the application be refused for the purpose of preventing crime and disorder and securing public safety.

1.1.2 That, as a result, s.74(5) of the Licensing (Scotland) Act 2005 requires the Board to hold a hearing to consider and determine whether the licence should be granted or refused.

**2. RECOMMENDATIONS**

**It is recommended that the Board:-**

**2.1 Note the requirement to hold a hearing following the making of a recommendation by the Chief Constable;**

**2.2 Note the recommendation from the Chief Constable, hear from the parties, consider the matter and determine whether to grant or refuse the personal licence having regard to any of the licensing objectives;**

### 3. **BACKGROUND**

- 3.1 The Licensing (Scotland) Act 2005 section 73 requires the Board to notify the Chief Constable of the receipt of an application for a personal licence. The Chief Constable then has up to 21 days to respond to the notice of application with notice as to whether the applicant has been convicted of a relevant or foreign offence.
- 3.2 The Chief Constable has confirmed to the Clerk that the licence holder (case number 10 of 2013) has not been convicted of any relevant offence but nevertheless the Chief Constable has made a recommendation that the application be refused for the purpose of crime prevention.
- 3.3 This report is to notify the Board of the requirement under s.74(5) of the Licensing (Scotland) Act 2005 to hold a hearing as a result of receipt of the Chief Constable's notice.
- 3.4 At the hearing the Licensing Board must, after having regard to the Chief Constable's notice and after giving the licence holder concerned and the Chief Constable an opportunity to be heard:
  - 3.4.1. If satisfied that it is necessary to do so for the purposes of any of the licensing objectives refuse the application; or
  - 3.4.2. If not so satisfied grant the application.
- 3.5 The licensing objectives are:
  - 3.5.1. Preventing crime and disorder
  - 3.5.2. Securing public safety
  - 3.5.3. Preventing public nuisance
  - 3.5.4. Protecting and improving public health
  - 3.5.5. Protecting children from harm

#### 4. IMPLICATIONS

##### (a) **Council/Community Planning Priorities**

In the exercise of functions under the Licensing (Scotland) Act 2005 the Licensing Board is to have regard to and promote the licensing objectives which are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

The licensing objectives closely reflect some of the objectives of the Community Plan and are intended to promote community involvement and prevent the consumption of alcohol from being the source of nuisance, anti-social behaviour and harm. This is also true of the social inclusion and environmental aspects of the Corporate Plan.

With particular regard to relevant convictions the Board is to have regard to the crime prevention objective.

##### (b) **Policy and Legal**

Legal implications have been explained above.

##### (c) **Financial Implications**

None.

##### (d) **Risk Implications**

The Board is to have regard to any of the licensing objectives, particularly the crime prevention objective and decide whether the risk justifies intervention on such grounds.

##### (e) **Staffing Implications**

None.

##### (f) **Property**

None.

##### (g) **Equalities**

There are no issues in this case.

##### (h) **Consultations**

Consultation is not required.

#### 5. CONCLUSION

##### 5.1 **It is proposed that the Board note the requirement to hold a hearing following the making of a recommendation by the Chief Constable;**

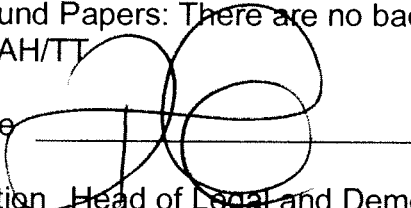
- 5.2 It is proposed that the Board, having regard to the notice from the Chief Constable, hear from the parties, consider the matter and determine whether to grant or refuse the licence for the purposes of any of the licensing objectives.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers: There are no background papers

Ref: SAH/TT

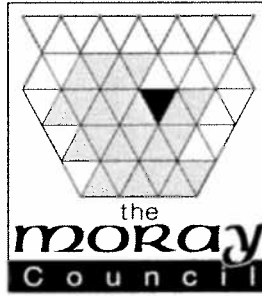
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8.8.13

Designation Head of Legal and Democratic Services, Clerk to the Board

Name Rhona Gunn



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**REPORT TO: MORAY LICENSING BOARD 15<sup>TH</sup> AUGUST 2013**

**SUBJECT: LICENSING (SCOTLAND) ACT 2005 – STATEMENT OF POLICY**

**BY: CLERK TO THE BOARD**

**1. Reason for Report**

- 1.1 The reason for this report is to advise the Board with regard to the statutory obligation to develop, consult and publish a policy statement setting out the principles they propose to apply to the exercise of their functions under the Licensing (Scotland) Act 2005.
- 1.2 Section 6(1) of the Act provides that “Every Licensing Board must, before the beginning of each 3 year period, publish a statement of their policy...”.
- 1.3 The second 3 year period started on the 30<sup>th</sup> November 2010 and is due to expire on the 29<sup>th</sup> November 2013. A revised policy statement must be in place and publicised by then.

**2. Recommendations**

**It is recommended that the Board:-**

- 2.1 **Note the statutory obligation to develop, consult upon and publish a statement of licensing policy each 3 years and note that a revised policy must be in place by 29<sup>th</sup> November 2013;**
- 2.2 **Note the terms of the draft revised policy following informal consultation and review by the Board’s policy sub-committee at Appendix 1 (please note that the appendices are not reproduced in full given the volume of paper and will be available on the members’ portal);**
- 2.3 **Proceed with formal consultation on the draft revised policy statement in accordance with the timetable attached at Appendix 2.**
- 2.4 **Note that the policy statement will require final approval by the full Board before publication.**

### 3. **Background**

- 3.1 The Licensing (Scotland) Act 2005 came into full force on the 1<sup>st</sup> September 2009. In November 2007 the Board published it's first Statement of Policy under this Act.
- 3.2 The Licensing (Appointed Day and Transitional Provisions) (Scotland) Order 2007 provided that the appointed day for the commencement of the statement of licensing policy was the 30th November 2007. The Statement of Policy must be revised every 3 years and the first revision took place in November 2010. Therefore a revised statement must be in place and publicised before the 29<sup>th</sup> November 2013. The Board may also review the policy at any time within the 3 year period.
- 3.3 Section 6(3)(b) sets out the persons/bodies that the Board is required to consult as part of the process of preparing or revising the policy statement. The persons/bodies are:
- the Local Licensing Forum for the Board's area;
  - if the membership of the Forum is not representative of the interests of all of the persons specified in paragraph 2(6) of schedule 2, such person or persons as appear to the Board to be representative of those interests of which the membership is not representative; and
  - such other persons as the Board thinks appropriate.

### 3.4 **Informal Consultation**

In order to inform on policy drafting a large volume of data from numerous sources has been collected and analysed as follows:

- 3.4.1 The police were asked to update their previous crime statistics analysis in terms of identifying hot spots;
- 3.4.2 The Local Licensing Forum has discussed policy issues over several meetings. The Forum agreed to collect data from members and have the same analysed by Research & Information Officer Amanda Ware. LLF data included data from the police, the NHS, census data and Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) data. The resultant report has been used in some detail to inform and support policy matters. A copy of the report is reproduced within the overprovision assessment.
- 3.4.3 A wide ranging community engagement exercise with the aid of the Council's Community Support Unit. An online survey was established asking questions relating to policy and the survey was distributed to a wide audience across Moray. The response was much greater than any pervious policy consultation had produced. The results were analysed by Research & Information officer Anna Jermyn. A copy of the report is reproduced in full within the overprovision assessment and will also be published separately as part of the policy consultation exercise.



- 3.5 As part of the Statement of Policy section 7 of the Act requires that the Board include a statement as to the extent to which the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description, in any locality within the Board's area. The current policy contains such a statement.
- 3.6 The Policy Sub Group has met to discuss revision of the policy on 10<sup>th</sup> July 2013. The key areas for discussion were:

- 3.6.1 Overprovision. In accordance with the duty described in paragraph 3.4 above the assessment of overprovision has been updated. This is the most significant area of change within the policy document. The assessment itself has not changed in that the current conclusion is that there is no overprovision within Moray. This has been discussed with members informally on several occasions. The previous assessment, however, suffered from several deficiencies and the new assessment recounts and addresses those. In essence the new assessment is much more evidence based given the data from numerous sources as described above in paragraph 3.4.

All data relevant to overprovision has been included in the assessment and that has necessitated the production of two versions of the document: a summary assessment; and a full version assessment including all relevant data.

- 3.6.2 Children in licensed premises. The sub group meeting did not identify any areas for change within the current policy.

The public opinion survey asked about children in licensed premises. The majority of respondents who gave an answer indicated that children and young people should be allowed in licensed premises, predominantly for meals and/or with family or another responsible adult. The findings were very similar across the all areas. Nearly 85% of respondents who replied indicated that there were times / situations when children and young people should NOT be allowed in licensed premises. Mainly they should not be allowed in a public bar and they should only be allowed in for meals or functions. The most common suggested time limit was 21:00 to 21:30 though some suggested later times of 22:00 or 23:00. Very few suggested earlier times.

In terms of the licensing objective of protecting children from harm a range of comments were made, the most common indicating that it is the responsibility of parents to protect their children. Also common was providing education to children and young people regarding the dangers of alcohol.

The results of the survey appear to be broadly in line with existing policy.

- 3.6.3 Hours in general. The sub group meeting did not identify any areas for change within the current policy.

The public opinion survey asked about licensing hours. The majority of respondents who gave an answer indicated that licensing hours are okay as they are, indicating that no change in policy is required. This was the same in all areas of Moray. Those that think licensing hours are too long identify the resultant anti-social behaviour (ASB) as the reason for their opinion. This mainly applied to respondents from Forres, Elgin, Buckie and Speyside and this can and will be borne in mind in terms of deciding on individual applications where ASB is identified as an issue.

- 3.6.4 The curfew. Again the sub group meeting did not identify a need to change the current policy.

The public opinion survey asked about the curfew. There were fewer comments in respect of the curfew but the majority of those who did respond were in favour of a curfew and the majority think the current time of 00:30 is fine. Respondents from Forres were more in favour of a slightly earlier curfew of 00:00. Slightly more than half of respondents who gave an answer indicated that people who leave a premises to smoke should not be allowed to re-enter a premises after the curfew. Only Elgin and Milne's indicated that they should be allowed to re-enter.

Again public opinion appears to be in line with existing policy.

- 3.6.5 Conditions. The Chief Constable has been more in the habit of seeking a set of standard conditions on occasional licence applications. The policy group noted that the Depute Clerk is in communication with the Chief Constable's representatives locally regarding changes to procedure sought by the police to bring local practise more in line with national practise, given the changes to the single police force. Changes include sets of standards conditions which are still under discussion at the time of writing. The Clerk will update the Board in due course regarding proposed changes for consideration.

- 3.6.6 In general the policy sub group were of the opinion that each application should be judged on its own merits and policy matters should assist and guide in that process rather than policy dictating decision making. The alternative would be to move to a system more like planning where a great deal of time is taken in policy development and then policy dictates the outcome of individual applications but this was not felt to be sufficiently flexible to allow for individual circumstances.

- 3.7 Following on from the above the Policy Statement has been revised in order to proceed with formal consultation and is produced at Appendix 1, albeit with little in terms of revision.

- 3.8 It should be noted that as at the time of writing the Scottish Government is working on updated guidance to Licensing Boards under the Licensing

(Scotland) Act 2005. The existing guidance is no longer fit for purpose, given numerous changes to the law and developments within caselaw. The Scottish Government has confirmed that updated guidance will not be available in time for the publication of revised policies. The Board's policy can be revised at any time and it is anticipated that a further revision will be undertaken as and when the updated guidance is published.

#### **4. Further Consultation Timetable**

- 4.1 A timetable is suggested for production of the final licensing Policy Statement at Appendix 2.
- 4.2 The Policy Statement will ultimately be published on both the Council's web site and at certain premises like Access points and main libraries where the document may be inspected. The publication must also be advertised in accordance with section 6(6) of the Act which also requires that copies must be available for inspection by the public free of charge.

#### **5. Implications**

##### **(a) Council / Community Planning Priorities**

The Licensing Policy Statement sets out how the Moray Licensing Board will exercise its functions under the Licensing (Scotland) Act 2005 and promote the licensing objectives which are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

The licensing objectives closely reflect some of the objectives of the Community Plan and, therefore, consultation with the Local Licensing Forum and judicious employment of the Policy Statement will promote community involvement and prevent the consumption of alcohol from being the source of nuisance, anti-social behaviour and harm. This is also true of the social inclusion and environmental aspects of the Corporate Plan.

##### **(b) Policy and Legal**

Legal implications are detailed in the report.

##### **(c) Financial implications**

None.

##### **(d) Risk Implications**

None.

##### **(e) Staffing Implications**

Consultation and preparation of revised documents has involved a very considerable amount of staff time across several services. In addition a further revision will be required as and when Scottish Government guidance is updated, which will require further considerable time. However it is anticipated that no additional resources are required.

**(f) Property**

None.

**(g) Equalities**

As part of the consultation process the draft policy will be referred to the Council's Equal Opportunities Officer for comment and to assist in terms of an equality impact assessment EIA before a final decision is made on policy. The results will be brought back before the Board.

**(h) Consultations**

Consultation will be required in accordance with the Act and is catered for in the proposed timetable at Appendix 2.

**6. Conclusion**

- 6.1 It is proposed that the Board note the requirement to develop, consult upon and publish a Statement of Policy as to how it will exercise its functions under the Licensing (Scotland) Act 2005 and instruct the Clerk to proceed to consult on the draft policy at Appendix 1 in accordance with the suggested timetable at Appendix 2.**

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers: There are no background papers

Ref: SAH/TT

Signature \_\_\_\_\_

Date 8.8.13

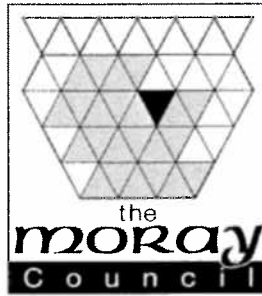
Designation Head of Legal and Democratic Services, Clerk to the Board

Name Rhona Gunn

### Timetable for Consultation on the Licensing Statement of Policy

Date	Action
15 <sup>th</sup> August 2013	Board meeting to approve policy for consultation.
16 <sup>th</sup> August to 13 <sup>th</sup> September 2013 incl.	Consultation to be undertaken with the Local Licensing Forum, Planning and Building Standards Departments, Environmental Services Department, The Police, The Fire Authority and the Scottish Tourist Board; and the general public via access to the Statement of Policy on the Council web pages and hard copies available at the Access Point and local libraries – 4 weeks in view of the consultation already undertaken.
17 <sup>th</sup> September 2013	Policy Sub Group meeting to review any feedback from the consultation and make recommendations for consequent amendments if necessary
3 <sup>rd</sup> October 2013	Final policy presented to Board for adoption at meeting
After 3 <sup>rd</sup> October before 29 <sup>th</sup> November 2013	Publicising on the website and via newsletter, and publication of new policy statement after the meeting and before the end of November 2013.





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**REPORT TO:** THE MORAY LICENSING BOARD 15<sup>th</sup> AUGUST 2013

**SUBJECT:** LICENSING (SCOTLAND) ACT 2005 – ANNUAL REVIEW OF LICENSING FEES AND BUSINESS TRANSACTED

**BY:** CLERK TO THE BOARD

**1. Reason for Report**

- 1.1 This report is to:
- 1.1.1 Update the Board on the overall amounts received by way of licensing fees;
  - 1.1.2 Compare that income figure as against overall expenditure;
  - 1.1.3 Make predictions in respect of likely future income and expenditure;
  - 1.1.4 Determine whether the Board wishes to undertake a further review of licensing fees as a result.
  - 1.1.5 Advise the Board of business transacted.

**2. Recommendations**

**It is recommended that the Board:-**

- 2.1 Note the contents of the report including:**
- 2.1.1. The current fee scale at Appendix I;**
  - 2.1.2. The review of income and expenditure data both to date and for the future at Appendix II and at paragraph 4 below;**
  - 2.1.3. The business transacted at Appendix III**
- 2.2. Either agree that no action is required in respect of altering the current fee structure at this time (recommended option); OR**
- 2.3. Consider whether the Board wishes to revise the current fee structure and either agree changes or proceed to consultation on proposed changes as the Board sees fit;**
- 2.4. Note the annual review of business transacted as detailed in the table which is produced at Appendix III;**

### 3. **Background**

- 3.1 The Licensing (Fees) (Scotland) Regulations of 2007 (referred to here as the "Fees Regulations") were made in accordance with the Licensing (Scotland) Act 2005. The Fees Regulations require each Licensing Board to set certain fees in respect of various applications under the Licensing (Scotland) Act 2005. This includes application and annual premises licence fees that are set by Boards but within overall maxima prescribed by the Scottish Government.
- 3.2 The current fee scale is attached at **Appendix I**. It came into force on the 1<sup>st</sup> August 2010.
- 3.3 The current scale sets the premises licence application and annual fees at the maximum level prescribed by the Scottish Government, which means that those fees cannot be increased but they could be reduced.
- 3.4 In accordance with the Fees Regulations, the fee structure was designed around the principle that licensing was to become, as far as possible, self funding and that each Board was to broadly recover, through licensing fees, the overall cost to the Council and Board of providing licensing functions.
- 3.5 It is also clear that the expenses to be recovered are not limited to Licensing Board expenses. Expenses include all those incurred by both the Board and the Moray Council in administering the Act in general. This includes expenses for all Board and Council licensing administration including that from other departments of the Council contributing to the licensing procedure.

### 4. **Income and Expenditure**

- 4.1 A review of licensing fees is undertaken annually. The Clerk last reported on a review of licensing fees that was undertaken up to September 2012 at which time the Board agreed no change was required to the fee structure. (Item 2 of minutes for the 20<sup>th</sup> September 2012 refers).
- 4.2 With the assistance of officers in the Finance department, the Clerk has now collated income and expenditure figures for the financial years up to the 31<sup>st</sup> March 2013 as well as projected income and expenditure for the financial period 1<sup>st</sup> April 2013 to 31<sup>st</sup> March 2014.
- 4.3 The figures are summarised at **Appendix II**.
- 4.4 Examination of the figures reveals the following indications:
  - 4.4.1 Since the last review of licensing fees in 2012 there has been a reduction in the level of recharges following a review of legal staff and LSO time;



- 4.4.2 The reduction in the level of expenses has resulted in a notional surplus of £25,206 for the financial year 2012/2013;
- 4.4.3 Individual fluctuations between financial years can be viewed in the light of the figures for previous years with a view to ensuring that overall income broadly equates to expenditure. In 2011/2012 income fell short of expenditure.
- 4.4.4 In both 2009/2010 and 2010/2011 income exceeded expenditure but prior to that a large loss had occurred during the transition period. Aggregating the figures since the start of transition overall income has fallen short of expenditure by £8256. Therefore the previous shortfall is still being recouped.
- 4.4.5 The income for the past two years has been almost identical. It is therefore anticipated that the income for 2013/2014 will be of a similar level. This is estimated at £137000.00. However it should be borne in mind that overall numbers of applications, particularly major variations are reducing as time goes on.
- 4.4.6 It appears likely that income will exceed expenditure in 2013/2014. If the predicted surplus occurs, it will be the first time overall income exceeds overall expenditure under the Licensing (Scotland) Act 2005.
- 4.5 With the reduction in recharges, it would appear that income might exceed expenditure in future years although it should be noted that figures for both projected income and expenditure can only ever be estimates and may not be a true reflection of actual amounts. The estimates are based on historical data about income, expenditure and transactions.
- 4.6 The target is for income to be broadly in line with expenditure as set out in the Fees Regulations.
- 4.7 Should income continue to exceed expenditure then consideration must be given to the possibility of reducing licensing fees.

## **5. Future Fee Structure**

- 5.1 The first option is for the current fee structure to remain in place and no action be taken at present, other than monitoring. This is on the basis that the current, overall shortfall is still being recouped. At the time of the next review, if income continues to exceed expenditure then consideration should be given to reducing fees rather than making a profit.
- 5.2 The first option is the recommended option. If this option is accepted then the Board previously agreed to review fees on an annual basis, which would make the next review due around July / August 2014. However, given the ongoing fee review by the Scottish Government, as set out in paragraph 5.5 below, it is also recommended that the next review be tied into the Government's timescale, which will likely mean the next review will be in October / November 2014.

- 5.3 The second option, is for the Board instead to review the current fee structure now, and consider instructing the Policy Sub Group to:
- 5.3.1 Work with Officers on the task of balancing income and expenditure more closely for 2013/2014;
  - 5.3.2 Settle on proposals for a revised fee structure;
  - 5.3.3 Decide whether and how the same should be issued for consultation;
  - 5.3.4 Proceed with and consider the results of any consultation and revise proposals if required;
  - 5.3.5 Bring final draft proposals back to the Board for approval and implementation.
- 5.4 In respect of any review it should be noted that where, in accordance with legislation, fees are set by the Board there is no requirement to consult upon those fees before any variation is brought into effect. The only requirement is that a fee may not be varied so that the variation comes into effect less than a year after the date with effect from which the fee in question was first determined or last varied. As the fees were last varied in August 2010, changes could be brought in at any time from now on but if changes are made now then fees could not be varied again before the expiry of another year.
- 5.5 Finally, it should also be noted that the Scottish Government is reviewing licensing fees and exploring options for a possible change to the fee structure. This is still in the information gathering stage and no decisions have yet been made. The timescale is for review with a view to making any changes before October 2014 when annual fees are due. Recommendations in this report proceed on the assumption of the same statutory fee structure for the financial year 2013/2014.

## 6. **Business Transacted**

- 6.1 The Clerk reports annually on the business transacted under the Licensing (Scotland) Act 2005. Attached at **Appendix III** is a list, by application type of the number of transactions undertaken. The previous year is also shown for comparison purposes.
- 6.2 Examination of the figures reveals the following indications:
- 6.2.1 As referred to in paragraph 4.4.3 above major variations are reducing in number.
  - 6.2.2 Personal licence numbers remain buoyant although they are expected to trail off as the number of personal licences reaches saturation point.
  - 6.2.3 It is interesting to note the number of occasional licences and extended hours where the cost of processing exceeds the licence fee.

## 7 SUMMARY OF IMPLICATIONS

### (a) **Single Outcome Agreement/ Service Improvement Plan**

Licensing fees fund the Moray Licensing Board and the Moray Council in the exercise of functions under the Licensing (Scotland) Act 2005 and help to promote the licensing objectives which are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

The licensing objectives closely reflect some of the objectives of the Community Plan and are intended to promote community involvement and prevent the consumption of alcohol from being the source of nuisance, anti-social behaviour and harm. This is also true of the social inclusion and environmental aspects of the Corporate Plan.

### (b) **Policy and Legal**

Policy and Legal implications have been explained above.

### (c) **Financial implications**

Financial implications have been explained above.

### (d) **Risk Implications**

As explained above, the projected figures for future income are only estimates. Accordingly there is a risk that the actual income differs from the projected income.

### (e) **Staffing Implications**

Preparation of fee projections has involved considerable staff time and fees will be reviewed annually. No additional resources are required. It is anticipated that going forward fee income will ensure full cost recovery in terms of providing the licensing function.

### (f) **Property**

None.

### (g) **Equalities**

None.

### (h) **Consultations**

As far as possible, the figures within this report have been prepared in consultation with Deborah Brands, Principal Accountant of the Council's Finance Department.

**8 Conclusion**

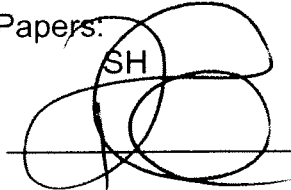
8.1 It is proposed that the Board note the contents of this report and decide on whether further action is required.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers:

Ref:

Signature:

 SH

8.8.13

Designation: Head of Legal and Democratic Services, Clerk to the Board

Name: Rhona Gunn

## Fee Scale for the Moray Licensing Board

### Licensing (Scotland) Act 2005

Category	Rateable Value	Application fee	Annual fee
Category 1	nil rateable value or within certain defined exemptions	200	180
Category 2	rateable value between £1 and £11,500	800	220
Category 3	rateable value between £11,501 and £35,000	1100	280
Category 4	rateable value between £35,001 and £70,000	1300	500
Category 5	rateable value between £70,001 and £140,000	1700	700
Category 6	rateable value over £140,000	2000	900

Type of Application	Fee - £ Categories 1-3	Fee - £ Categories 4-6
Any variation of a premises licence that is not within the definition of the prescribed fees below i.e. that is a major variation	350	500
Application by the licence holder to transfer and vary a licence	375 for major variations and 145 for minor ones	600 for major variations and 220 for minor ones
Application by the licence holder to transfer a licence (no variation)	125	200
Application by another person to transfer and vary a licence	450 for major variations and 220 for minor ones	675 for major variations and 295 for minor ones
Application by another person to transfer a licence (no variation)	200	275
Application for a provisional premises licence £Variable (to be the same as a category 1 premises)	180	180
Application for confirmation of a provisional premises licence £Variable (this will vary between premises. The confirmation fee will be the fee that would have been payable for a premises licence application (based on the rateable value as above) LESS the amount paid on application for the provisional premises licence as a category 1)	Variable	Variable

Application for a temporary premises licence	200	200
Application for a replacement personal licence	25	25
Application for a replacement premises licence	40	40

Type of Application	Fee - £
An application to vary a premises licence where the variation sought is the substitution of a premises manager and any other variation is a minor variation	31
An application to vary a premises licence where the variation sought is a minor variation and there is no substitution of the premises manager	20
Application for an occasional licence	10
Application for extended hours	10
Application for a personal licence	50

# Gambling Act 2005

## Gambling Premises

Classes of premises licence	Application fee in respect of provisional statement premises	Fee for – (a) non-conversion application in respect of other premises; or (b) application for provisional statement	Annual fee	First annual fee following application	Fee for application to vary licence	Fee for (a) application to transfer or (b) reinstate a licence
Regional casino premises licence	£6,000	£11,250	£11,250	£8,440	£5,625	£4,880
Large casino premises licence	£3,750	£7,500	£7,500	£5,620	£3,750	£1,600
Small casino premises licence	£2,250	£6,000	£3,750	£2,810	£3,000	£1,350
Converted casino premises licence			£2,550		£1,500	£1,000
Bingo premises licence	£840	£2,450	£700	£525	£1,200	£840
Adult gaming centre premises licence	£840	£1,400	£700	£525	£700	£840
Betting premises (track) licence	£660	£1,750	£1,000	£750	£870	£660
Family entertainment centre premises licence	£660	£1,400	£500	£375	£700	£660
Betting premises (other) licence	£840	£2,100	£400	£300	£1,050	£840

## Other Gambling Fees

Type of Application	Fee - £
Application for a copy of a licence	25
Small Society Lottery Registration (new)	40
Small Society Lottery Annual fee	20
Notification of Intention to make 1 or 2 Category C / D Gaming Machines Available (Licensed Premises)	50
Licensed Premises Gaming Machine Permit (existing operator)	100
Licensed Premises Gaming Machine Permit (new)	150
Licensed Premises Gaming Machine Permit Annual Fee	50
Licensed Premises Gaming Machine Permit Variation Fee	100
Licensed Premises Gaming Machine Permit Transfer	25
Licensed Premises Gaming Machine Permit Change of Name	25
Club Gaming Permit or Club Machine Permit (existing operator)	100
Club Gaming Permit or Club Machine Permit (new)	200
Club Gaming/Machine Permit Annual Fee	50
Club Gaming/Machine Permit Variation Fee	100
Club Gaming/Machine Permit Renewal Fee	200
Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permit (new)	300
Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permit (renewal)	300
Prize Gaming Permit	300
Application for a copy of a Permit	15
Temporary Use Notice	350
Application for a copy of a Temporary Use Notice	25



Table for Licensing Board fee check

Period	01/04/2010 – 31/03/2011	01/04/2011 – 31/03/2012	01/04/2012 – 31/03/2013	TOTALS	ESTIMATED 01/04/2013 – 31/03/2014
Income	£145,109	£136,682	£136,476	£418,267	£137,000
Expenditure	£129,828	£147,612	£111,270	£388,710	£115,015
Surplus/(Shortfall)	£15,281	-£10,930	£25,206	£29,557	£21,985

Notes

Accy crude calcs based on last 12mths transactions

Please note that there was an error in the 2010/11 recharge as the Trading Standard element was omitted I have included in table to provide true picture

**Table for Licensing Board Business Transacted**

Transaction Type	2011 - 2012	2012 - 2013
Occasional Licences / Extended Hours	496	523
Transfers	20	10
Personal Licences New	114	92
Premises Licences New	1	4
Variations (minor)	49	52
Variations (major)	14	10
Provisional Licences New	4	2