

## Appendix 1.

# Review of Licensing Fees

## Previous Decisions

1. At its meeting held on 16 March 2017, the Licensing Sub-committee noted:

1.1. That, on 22 February 2017, when setting the revenue budget for 2017/18, the Council resolved that Executive Directors should review and increase existing charges by a minimum of 3%, from 1 April 2017, if possible to do so, or as early as possible thereafter, with exceptions, where alternative arrangements were required.

1.2. That the exceptions to increasing existing charges by a minimum of 3%, from 1 April 2017, referred to at paragraph 1.1 above, included licensing fees.

1.3. That a comparison of fees charged by the Council with fees charged for similar types of licences or approvals by other local authorities in the north of Scotland had been undertaken, with the outcome detailed in Appendix 1 to the joint report by the Executive Director of Corporate Services and the Executive Director of Development and Infrastructure.

1.4. That the comparison exercise, referred to at paragraph 1.3 above, indicated that fees charged by the Council for a number of types of licences were lower than the other authorities.

1.5. The proposal that, where the Council had discretion, licensing fees be increased by a minimum of 3% with effect from 1 April 2017, in accordance with the guidance outlined in section 10 of the joint report by the Executive Director of Corporate Services and the Executive Director of Development and Infrastructure.

1.6. That, although the list of licensing fees currently indicated a fee for registration of caravan sites, research had clarified that there was no provision within legislation to charge registration fees for caravan sites.

1.7. The proposal that, in accordance with the Corporate Charging and Concessions Policy, consultation be undertaken with relevant licence holders in respect of the following:

- Registrations of additional performing animals submitted by existing licence holders being charged at 50% of the new registration fee applicable at the time per animal.
- The proposal to increase the fees for theatre licences in excess of the minimum 3% increase.

2. The Sub-committee resolved, in terms of delegated powers:

2.1. That, in order to comply with relevant legislation, charging of fees for registration of caravan sites should cease with immediate effect.

2.2. That, where the Council had discretion, licensing fees be increased by a minimum of 3%, resulting in the fee levels detailed in Appendix 2 to the Minute.

2.3. That the fees, referred to at paragraph 2.2 above, should take effect from 1 April 2017.

2.4. That the Executive Director of Corporate Services and the Executive Director of Development and Infrastructure should undertake consultation with existing licence holders on the proposals referred to at paragraph 1.7 above.

2.5. That the Executive Director of Corporate Services and the Executive Director of Development and Infrastructure should submit a joint report, to the meeting of the Sub-committee to be held on 6 July 2017, detailing the outcome of the consultation referred to at paragraph 2.4 above.

3. At its meeting held on 6 July 2017, the Licensing Committee noted:

3.1. That, on 16 March 2017, the Licensing Sub-committee resolved that the Executive Director of Corporate Services and the Executive Director of Development and Infrastructure should undertake consultation with existing licence holders in respect of the following proposals:

- Registrations of additional performing animals submitted by existing licence holders being charged at 50% of the new registration fee applicable at the time per animal.
- Fees for theatre licences being increased in excess of the minimum 3% increase.

3.2. That the consultations were undertaken during the period 20 March to 14 April 2017, when one holder of a performing animal registration and four theatre licence holders were requested to submit comments in respect of the proposals, referred to at paragraph 3.1 above.

3.3. That one representation was received from Gable End Theatre, attached as Appendix 1 to the joint report by the Executive Director of Corporate Services and the Executive Director of Development and Infrastructure.

4. The Licensing Committee resolved, in terms of delegated powers:

4.1. That fees for registrations of additional performing animals submitted by existing licence holders should be charged at 50% of the new registration fee applicable at the time per animal with immediate effect.

4.2. That the fee for a theatre licence should increase by 10%, from £62 to £69, with immediate effect.

5. At its meeting held on 6 July 2017, the Licensing Committee also noted:

5.1. That, on 16 March 2017, the Licensing Sub-committee resolved, in terms of delegated powers, that, in order to comply with relevant legislation, charging of fees for registration of caravan sites should cease with immediate effect.

5.2. That the Licensing Sub-committee was also advised that consultation to modernise legislation relating to caravan site licensing was ongoing and included provisions for authorities to charge fees.

5.3. That, in April 2017, the Scottish Government issued Guidance to Local Authorities on the Licensing System for Mobile Homes Sites with Permanent Residents, to which the local authority must have regard.

5.4. That, on 1 May 2017, a new licensing system came into force for mobile homes sites with permanent residents as enacted by Part 1A of the Caravan Sites and Control of Development Act 1960.

5.5. The proposal to set fees relating to caravan site licensing, in line with those currently pertaining to Houses in Multiple Occupation, as outlined in section 7.7 of the report by the Executive Director of Development and Infrastructure.

5.6. That, although a decision in respect of ceasing to charge fees for registration of caravan sites was taken within the last 12 months, in accordance with Standing Order 131, the Chief Executive was satisfied that a material change of circumstance had occurred and, accordingly, Standing Order 130 would not require to be suspended in order to consider the resolutions at paragraph 6 below.

6. The Committee resolved, in terms of delegated powers:

6.1. That, in respect of caravan sites with permanent residents, the fee for a first site licence, for a period of 5 years, be set at £669, with immediate effect.

6.2. That the fee for a licence renewal should be charged at 50% of the first site licence application fee applicable at the time.

7. At its meeting held on 12 October 2017, the Licensing Committee noted:

7.1. That operation of public performances of plays in Scotland was regulated by the Theatres Act 1968.

7.2. That section 74 of the Air Weapons and Licensing (Scotland) Act 2015 would repeal existing licensing requirements for the use of premises for the public performance of plays in terms of the Theatres Act 1968.

7.3. That no date for implementation of section 74 of the Air Weapons and Licensing (Scotland) Act 2015 had yet been specified.

7.4. That the Council currently required a public entertainment licence, in terms of section 41 of the Civic Government (Scotland) Act 1982, to be obtained for premises which were to be used for any of the purposes identified in section 5.5 of the report by the Executive Director of Corporate Services.

7.5. That, should the Committee recommend that the use of premises for the public performance of plays be licensed by means of public entertainment licensing in terms of the Civic Government (Scotland) Act 1982:

- The Council would require to vary its existing Resolution in terms of section 9 of that Act.
- The process would require a minimum nine month lead-in period.
- A further report specifying the terms of the proposed Notice of Intention to Make Resolution would be required.

7.6. Current fees for public entertainment and theatre licences, as detailed in sections 7.2 and 7.3 respectively of the report by the Executive Director of Corporate Services.

7.7. That the Committee could, if so minded, propose different classes of fees, compared to other public entertainment premises, for:

- Theatres licensed for public entertainment.
- Theatres providing performances for purely educational or charitable purposes.

7.8. The proposal that all premises used for the public performance of plays should be charged the standard public entertainment licence fee.

8. The Committee resolved, in terms of delegated powers that, following implementation of section 74 of the Air Weapons and Licensing (Scotland) Act 2015, the use of premises for the public performance of plays should not be licensed by means of public entertainment licensing in terms of the Civic Government (Scotland) Act 1982.