



REPORT TO: THE MORAY LICENSING BOARD 14 JUNE 2018

**SUBJECT: LICENSING (SCOTLAND) ACT 2005 - SCOTTISH GOVERNMENT
OCCASIONAL LICENCE CONSULTATION**

BY: CLERK TO THE BOARD

1. REASON FOR REPORT

- 1.1 This report is to notify the Board of an ongoing consultation by the Scottish Government on occasional licence fees and applications.

2. RECOMMENDATION

2.1 It is recommended that the Board consider and note :-

- i) the current consultation by Scottish Government in relation to occasional licence fees at Appendix 1;**
- ii) the issues raised, in particular whether the occasional licence fee should be increased and the options proposed;**
- iii) the desirability of introducing a prescribed limit on occasional licence applications; and**
- iv) that the Clerk may submit comments in relation to the occasional licence process and instruct the Clerk to respond to the consultation accordingly.**

3. BACKGROUND

- 3.1 Section 56-61 of the Licensing (Scotland) Act 2005 sets out the relevant procedures for handling of occasional licences. Only those eligible, that is, the holder of a premise licence, the holder of a personal licence and a representative of any voluntary organisation may apply for an occasional licence. The maximum duration for each occasional licence is 14 days and will be subject to the conditions set out in schedule 4 of the 2005 Act. All applications are considered by the relevant statutory consultees to establish whether there are any grounds for refusal, if not the application must be granted.
- 3.2 The current fee for occasional licences has been determined by the Licensing (Fees) (Scotland) Regulations 2007 at £10 for all applicants.

- 3.3 In February 2014, Scottish Ministers published a report entitled the Review of Alcohol Licensing Fees. The report made a number of recommendations, including the recommendation to increase the fee for occasional licences.
- 3.4 Scottish Government have begun a consultation to consider whether or not to raise the fee for an occasional licence from the current price of £10, to either £50, £75 or £100 or any other alternative levels.
- 3.5 In addition, Scottish Government are also consulting on whether there should be a prescribed limit on the number and duration of occasional licences for holders of a premise licence and holders of a personal licence. At present there are no restrictions on the number of occasional licences that may be granted to a premise licence holder or a personal licence holder.
- 3.6 To inform the Board on the consultation process, the Clerk has reviewed the current application process and has determined that the processing of an application from submission to refusal or granting of the application can take an estimated 160 minutes. It should be noted that times for individual applications can vary considerably.
- 3.7 The consultation also invites Boards to consider the likelihood of inappropriate use of occasional licences for long term use to circumvent the licensing process. This can be balanced against those who seek to rely on occasional licences to open a new venture as they await their full licence and who can demonstrate that the licensing objectives are not compromised.
- 3.8 The Board is also invited to consider the key role that occasional licences play for events in churches, highland games, fetes and galas within Moray's local tourism industry and the effect of putting a limit on these events or setting the fee too high to deter applicants from applying for an occasional licence.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Alcohol and alcohol dependency influence the health of the population. The alcohol industry in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of the sale of alcohol contributes to a safer community.

(b) Policy and Legal

Policy and Legal implications have been explained above.

(c) Financial implications

A review of occasional licence fees may necessitate the review of other licensing fees charged by Moray Council.

(d) Risk Implications

None identified. It is a legal requirement to publish the report. There is no stated action for failure to do so therefore any failure would be open to challenge by judicial review.

(e) Staffing Implications

None identified.

(f) Property

None.

(g) Equalities/Socio Economic Impact

In considering individual decisions the Board should have regard to issues of equality and the subject's (licence holders) rights under the European Convention on Human Rights (and the Human Rights Act 1998). It is not considered necessary to undertake an equalities and human rights impact assessment in connection with this report.

(h) Consultations

All interest parties are free to respond to the consultation in any event.

5. CONCLUSION

5.1 The Board is invited to note the ongoing consultation on occasional licences and express any comments for the Clerk to respond to the Scottish Government.

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Background Papers:
Ref:SH