

**REPORT TO:** EAST LoTHIAN LICENSING BOARD

**MEETING DATE:** 29 October 2015

**BY:** Clerk of the East Lothian Licensing Board

**SUBJECT:** Request for Reviews of Premises Licences

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## **1 PURPOSE**

- 1.1 To seek the Board's agreement to instigate review proceedings in respect of Premises Licences where the Annual Fee for 2015/2016 remains unpaid, that being a breach of the Mandatory Conditions attached to those Premises Licence.

## **2 RECOMMENDATIONS**

That the Board agrees:-

- 2.1 To hold a Review Hearing in respect of the Premises Licences listed in Appendix 1 on the basis that the Annual Fees for 2015/2016 have not been paid and this constitutes a breach of Mandatory Condition number 10 and is a ground for Review Hearings, at the Board's initiative in terms of Section 37 of the Licensing (Scotland) Act 2005.

## **3 BACKGROUND**

- 3.1 In terms of Condition 10 of the Mandatory Conditions attached to Premises Licences in terms of Section 27(1) of the Licensing (Scotland) Act 2005, the holder of a Premises Licence must pay the annual fee in respect of the licence in terms of the appropriate regulations.
- 3.2 All holders of Premises Licences in East Lothian were sent a letter advising of the Annual Fee due in respect of their licence on 31 July 2015 and payment was requested by 1 October 2014. The holders of the Premises Licences for the premises listed in Appendix 1 have failed to make payment. All other licence holders throughout East Lothian have paid.
- 3.3 In terms of Section 37 of the Licensing (Scotland) Act 2005, the Board can undertake a review of a Premises Licence at its own initiative where it is satisfied that one of the grounds for review exists. In terms of Section 36(3) of the Act, one of the grounds for review is "that one or more of the conditions to which the Premises Licence is subject has been breached".

- 3.4 Given that there is a competent ground for review, the Board is recommended to instigate reviews and hold a review hearing at the next scheduled Board meeting on 26<sup>th</sup> November 2015.
- 3.5 All of the premises listed in Appendix 1 were sent a second reminder on 5<sup>th</sup> October 2015 asking for immediate payment and a verbal update on those fees that remain outstanding will be given at the Board on 29<sup>th</sup> October 2015. It may therefore be unnecessary to decide to hold a review for those who have made payment by that date.

#### **4 POLICY IMPLICATIONS**

- 4.1 It is in the interest of fairness and efficiency that all licence holders should pay the Annual Fee when it falls due and those who do not should be subject to the consequences set out in the Licensing (Scotland) Act 2005.

#### **5 RESOURCE IMPLICATIONS**

- 5.1 Financial – Not applicable.
- 5.2 Personnel – Not applicable.
- 5.3 Other - None

#### **6 BACKGROUND PAPERS**

- 6.1 Licensing (Scotland) Act 2005

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<b>Premises Name</b>	<b>Address</b>	<b>Address</b>	<b>Annual Fee</b>	<b>Status</b>
<b>1</b> Castle Park Golf Club	Castlepark Golf Club	Gifford	£280.00	
<b>2</b> Dragon Way	81 High Street	Musselburgh	£280.00	
<b>3</b> Giancarlo's	119 High Street	Tranent	£220.00	
<b>4</b> New Bayswell Hotel	16 Bayswell Park	Dunbar	£280.00	
<b>5</b> North Berwick Masonic Social Club	8 Forth Street	North Berwick	£180.00	
<b>6</b> Ormiston Post Office	18A Main Street	Ormiston	£220.00	
<b>7</b> The Drovers Inn	5 Bridge Street	East Linton	£220.00	<b>Closed</b>
<b>8</b> Dolphin Inn	Queens Road	Dunbar	£220.00	<b>Closed</b>
<b>9</b> George Hotel	91 High Street	Haddington	£280.00	<b>Closed</b>
<b>10</b> Madisons (Formerly-The Mayfair)	Olivebank	Musselburgh	£500.00	<b>Closed</b>
<b>11</b> Musselburgh Doll Museum	200 High Street	Musselburgh	£220.00	<b>Closed</b>