

REPORT TO: Cabinet

MEETING DATE: 12 November 2024

BY: Executive Director for Council Resources

SUBJECT: Addition of Licensing Fees to the Fee Structure

1 PURPOSE

- 1.1 To provide Cabinet with details of the proposed licence fees to be added to the current fee structure in respect of certain activities not currently included in the structure.

2 RECOMMENDATIONS

- 2.1 That Cabinet agree to fix the licence fee for licences (as detailed at paragraph 3.6 below) at the levels proposed at paragraph 3.6 below.

3 BACKGROUND

- 3.1 Following consideration of a report submitted to Cabinet on 14 May 2024, Cabinet agreed to adopt a new fee structure for licensing, based on the methodology outlined in that report. The new fee structure took effect from 1 June 2024.
- 3.2 Since the adoption of the fee structure, the Licensing Sub-Committee on 10 October 2024 made a resolution to add the activity of operating a sex shop to the list of activities for which a licence is required in East Lothian. The fee for this new activity therefore requires to be added to the fee structure.
- 3.3 Additionally, it has come to light that two other licensed activities, namely Cinemas and Performing Animals, were inadvertently omitted from the fee structure approved by Cabinet on 14 May 2024 and the fees for these activities therefore require to be added to the fee structure.
- 3.4 It is also noted that certain licenced activities, including in particular Short Term Lets, make allowance for Transfer of a Licence. Transfers are not

currently covered by the fee structure and a fee for transfer therefore requires to be added to the structure.

3.5 Recent changes to the regulations governing Short Term Lets have introduced a new concept of a Provisional licence, for which a fee also requires to be added to the structure.

3.6 It is proposed that the fees in respect of the matters noted at paragraphs 3.2-3.5 above be set as noted below. The proposed fee levels have been calculated in accordance with the calculator as described in the methodology in respect of the fee review as laid out in the report to Cabinet dated 14 May 2024, and will remain subject in future to review in line with the reviews procedure outlined in the said report to Cabinet dated 14 May 2024.

- (i) Sex Shops- 1 year- £269.00
- (ii) Cinemas- 1 year- £207.00
- (iii) Cinemas- for period of less than 1 year- monthly fee- £30.00
- (iv) Performing Animals- one-off lifetime registration- £207
- (v) Variation of licence (i) to (iv) above- £89.00
- (vi) Duplicate of licence (i) to (iv) above- £30.00
- (vii) Transfer of a licence, where permitted- £89.00.
- (viii) Provisional Short Term Let Licence- £269.00

4 POLICY IMPLICATIONS

4.1 Licensing is a statutory obligation for East Lothian Council in terms of the Civic Government (Scotland) Act 1982 and certain other legislative provisions. This report is based upon Legislation and the obligation on the Council to have fees which cover the cost of providing a licensing service, per the license fee methodology outlined in the report to Cabinet on 14 May 2024.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – This relates to the addition of certain new licensing activities to the existing licensing fee structure and creates potential additional work

along with potential new income streams with regard to the fees as agreed in respect of the new licensing activities outlined above.

6.2 Personnel - None

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Report to Cabinet on 14 May 2024 regarding the Licensing Fee Review.

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