

## **Briefing Note**

### **Scottish Borders Licensing Board**

**Friday 21 June 2019**

The purpose of this note is to brief Members with regard to the ongoing Scottish Government consultation on Occasional Licences and the nature of the response which Licensing Officers propose to make on behalf of the Board.

The consultation is due to close on 16 July 2019.

A copy of the consultation is attached and broadly forms a series of questions which can be broken down into two parts namely the level of fee to be charged for an Occasional Licence Application and whether a limit should be placed on the number and duration of Occasional Licences which can be applied for by holders of a Premises Licence or a Personal Licence.

With regard to the fees, the current fee payable for an Occasional Licence is £10 and this fee has been in place for a considerable period of time. The consultation asks if the Board agrees that this fee should be increased and then asks if a new fee of either £50, £75 or £100 would be an appropriate new fee level. In addition the consultation also invites suggestions for a suitable fee level in the event that none of the fees suggested in the consultation is deemed appropriate.

It is the view of Licensing Officers that the current level of £10 is too low and does not cover the average administration costs incurred in processing such applications. Based on their practical experience of dealing with occasional licence applications on a day to day basis, it is the view of Licensing Officers that a new fee level of at least £50 would be appropriate as this amount would more realistically cover the administration costs which are incurred in processing these applications. That said there is a distinction to be made between occasional licence applications made by the holders of a Premises or Personal Licence and those made by voluntary organisations. During the year 1 April 2018 to 31 March 2019, the Board issued 1356 Occasional Licences of which 384 were issued to voluntary organisations. As voluntary organisations mostly apply for occasional licences to accompany fund raising events as opposed to being a profit making organisation then it may be more appropriate to introduce a tiered fee structure whereby a lesser fee is charged to voluntary organisations. If members found that to be preferable then Licensing Officers would suggest an increased fee of £30 would be appropriate for applications made by voluntary organisations with a fee of £75 being charged for applications made by holders of a Premises or Personal Licence.

The second part of the consultation covers the possibility of placing a limit on the number and duration of occasional licence applications which can be made by holders of premises and personal licences. Currently there is no limit on the number of such applications which can be made by the holders of premises or personal licences.

There are already restrictions on the number of applications a voluntary organisation/members club can make in any period of 12 months.

- Not more than 4 occasional licenses each having effect for a period of 4 days or more; and
- Not more than 12 occasional licenses each having effect for a period of less than 4 days.

Provided that, in any period of 12 months, the total number of days on which occasional licenses issued in respect of the voluntary organisation/registered club have effect does not exceed 56 days.

Having regard to the Board's Policy Statement and the licensing objectives the Licensing Officers do not consider there are any justifiable reasons for imposing any such limit on premises licences and personal licence holders, as in the Board's area multiple licence applications are applied for by holders of premises/personal licences whose business relies heavily or operates solely as outside caterers often using unlicensed community venues for various social gatherings, such as weddings and community events.

Licensing Officers therefore recommend that Members endorse the proposed response to the consultation on behalf of the Board as set out above.

Ron Kirk  
Managing Solicitor – Property and Licencing  
Legal Services