

POLICY NOTE

THE LICENCING (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2018

SSI 2018/256

1. The above instrument is made in exercise of the order making power provided at sections 136(1) and (2) and section 146(2) of the Licensing (Scotland) Act 2005 (the “2005 Act”) and all other relevant enabling powers. It is subject to negative parliamentary procedure.

Policy Objectives

2. Section 136 of the 2005 Act provides a power for the Scottish Ministers to make regulations to enable fees to be charged by Licensing Boards.
3. [‘The Licensing \(Fees\) \(Scotland\) Regulations 2007’](#) (SSI 2007/553) (the 2007 Regulations) were made in exercise of the powers conferred by sections 136(1) and (2) and 146(2) of the 2005 Act to provide for the fees to be charged by Licensing Boards in relation to various matters under the 2005 Act. Regulation 17 of the 2007 Regulations set the fee payable when applying for a personal licence at £50.
4. Section 77 of the 2005 Act sets out that a personal licence has effect, subject to conditions, for a period of ten years from the date on which it is issued. Renewal of the personal licence every ten years provides an opportunity to check that any convictions for relevant and foreign offences have been properly notified to the relevant licensing authority, and that all such convictions have been properly endorsed upon the licence. It also provides an opportunity to ensure that the photograph of the holder on the personal licence is updated to aid identification.
5. With the licensing regime contained in the 2005 Act going live in September 2009, the ten year point is reached in September 2019. Personal Licence Holders who first obtained their licence at the introduction of the existing regime will therefore need to renew their personal licence for the first time. They have from 31 August 2018 to 31 May 2019 to do so. There will then be an ongoing rolling programme of renewals for the remaining Personal Licence Holders.
6. While there is an initial £50 fee to apply for a personal licence, there is currently no fee set in regulations for a renewal application. The Scottish Government has introduced a fee for applying to renew a personal licence to help Licensing Boards across Scotland with the cost of administration of the personal licence renewal process.
7. These Regulations amend the 2007 Regulations by inserting therein Regulation 17A to make provision for a fee of £50 to be payable to Licensing Boards under the 2005 Act for a personal licence renewal application. This matches the existing fee for an initial application.

Consultation

8. The Scottish Government undertook a public consultation from 11 July 2018 to 15 August 2018. The consultation sought views on whether or not to update the 2007 Regulations to introduce a fee for applying to renew a personal licence, and whether or not to set that fee at £50.
9. The Scottish Government received responses from licensing stakeholders, Licensing Boards and others. We received a total of 52 responses to the consultation and the Regulations have been prepared following consideration of these responses. Where respondents gave permission for their responses to be made public, these will be published on the Scottish Government's consultation web pages shortly.
10. Consultation responses from Licensing Boards generally suggested a higher figure than £50, while responses from the trade raised concerns about the impact of fees on businesses.

Impact Assessments and Financial Effects

11. The consultation responses have been carefully considered and it has been decided to create a fee at renewal of £50. This matches the existing fee on initial application. The Scottish Government intends to undertake a full review of liquor licensing fees, and this will offer the opportunity to look across all the fees to review and update them as appropriate. This will be informed by Board income and expenditure reports.
12. The cost of renewal, every ten years, will fall on the individuals applying to renew a personal licence or the company they work for. Each premises requires to have a premises manager and the premises manager must hold a personal licence. This means that the cost to each business upon renewal will be at least £50. Some businesses may choose to have more than one personal licence holder.
13. For Licensing Boards this additional fee income will help with the costs that they face renewing personal licences. On 31 March 2017 there were 56,236 personal licences in force in Scotland.
14. The Scottish Government does not hold figures on the exact number of personal licence holders who could look to renew their personal licence in 2019, however we estimate that there could be approximately 24,000 renewal applications made. We could expect the total income to Licensing Boards in Scotland to be in the region of £1,200,000 in 2019. There will then be an ongoing rolling programme of renewal of personal licences in the years ahead.

**Criminal Law, Practice and Licensing Unit
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