

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 23 FEBRUARY 2017

PUBLIC ENTERTAINMENT LICENCES - FEES

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

The purpose of this report is to invite the Committee to consider representations received in respect of fees charged for certain types of public entertainment licences.

1. RECOMMENDATIONS

The Committee is asked to:-

- (i) note that the Committee agreed a new fee structure at its meeting on 25 February 2016 for public entertainment licences which created a scale of fees based on the capacity of the venue/event;
- (ii) note that the new fee structure contains a flat rate fee for registered charities;
- (iii) note the terms of representations received in respect of an organisation which is not a registered charity and which organises an event which requires a public entertainment licence; and
- (iv) determines what action, if any, to take arising from the representations received.

2. BACKGROUND

- 2.1 This Committee, on 25 February 2016, considered a report by the Head of Legal and Democratic Services in respect of the licensing of places of public entertainment (Report 96/16 refers). This report advised that, at the time, public entertainment licences were charged at a flat fee of £154.00 for Grants and £128.00 for renewals. There was also a discounted rate for registered Charities of £36.00 for Grants and £29.00 for renewals.
- 2.2 Committee was also advised that these flat rates do not take into account the disproportionate amount of work put into processing applications for larger or temporary venues. It was proposed that there be an increasing scale fee for larger events and maintaining the discount for Registered Charities. It was also proposed that the reduced cost for renewal be abolished and replaced with a three year licence charged at 175% of the 1 year licence. This would reduce the administrative burden on council departments and external consultees as well as offering a further discount to premises within Angus. Overall the fee structure would not significantly alter Council revenue from public entertainment licences.
- 2.3 Having considered the terms of the above report, the Committee agreed to approve the revised fee structure appended to the above report (which is **Appendix 1** to this report).
- 2.4 In November last year the Council received correspondence from Arbroath Community Council. A copy of this letter is attached as **Appendix 2**. In addition, the Head of Legal and Democratic Services attended a meeting of the Community Council on 13 December 2016. Following receipt of this correspondence, officers undertook to present a report to this Committee for consideration.
- 2.5 Committee is asked to note that to qualify for the reduced fee for a charity, an organisation must be registered as a charity with the Office of the Scottish Charity Regulator (OSCR).

2.6 It is submitted that there are a number of options available to the Committee:-

- (i) maintain the status quo,
- (ii) recognise that the role of community councils in the community (as a focus for community activity) is such that merits them benefiting from the discount applied to organisations with charitable status; or
- (iii) agree to widen further the types of organisations which merit gaining the benefit from the discount applied to organisations with charitable status.

2.7 In considering the above, Committee is invited to consider the following:-

- (i) It is a general principle that the fees charged for administering a licensing function should cover the cost incurred in administering that function. If the Committee is minded to widen the number of organisations which can benefit from the discount applied to organisations with charitable status then it is submitted that any amendments to the fee structure should be cost neutral to the Council. This would effectively mean that either the reduced fees or the commercial fees will need to be increased.
- (ii) As referred to in 2.5 above, the current arrangements require that an organisation must be registered as a charity with OSCR. This registration ensures the public that:-
 - (a) an organisation meets the charity test;
 - (b) an organisation is regulated by OSCR; and
 - (c) the charity trustees (the people who control and manage it) must act in certain ways and provide certain information to OSCR and to the public.

To meet the charity test an organisation must only have charitable purposes and its activities must provide public benefit in Scotland or elsewhere. The charitable purposes are:-

- (a) the prevention or relief of poverty,
- (b) the advancement of education,
- (c) the advancement of religion,
- (d) the advancement of health,
- (e) the saving of lives,
- (f) the advancement of citizenship or community development,
- (g) the advancement of the arts, heritage, culture or science,
- (h) the advancement of public participation in sport,
- (i) the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended,
- (j) the advancement of human rights, conflict resolution or reconciliation,
- (k) the promotion of religious or racial harmony,
- (l) the promotion of equality and diversity,
- (m) the advancement of environmental protection or improvement,
- (n) the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage,
- (o) the advancement of animal welfare,
- (p) any other purpose that may reasonably be regarded as analogous to any of the preceding purposes.

2.7 Accordingly, Committee is invited to determine whether it wishes to re-visit its decision on 25 February 2016 when it approved a revised fee structure for public entertainment licences. If Committee is minded to widen further the types of organisations which merit gaining the benefit from the discount applied to organisations with charitable status, then it is submitted that a further report should be requested outlining options for assessing whether an organisation should benefit from the discount and assessing the impact on fee income to the Council.

3. FINANCIAL IMPLICATIONS

- 3.1 If the Committee is minded to widen further the types of organisations which merit gaining the benefit from the discount applied to organisations with charitable status, then this will reduce the income to the Council unless the fee structure is adjusted to ensure the proposal is cost neutral.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.

REPORT AUTHOR: David Thompson

EMAIL DETAILS: LEGDEM@angus.gov.uk

List of Appendices:

Appendix 1 – Revised Fee Structure for public entertainment licences agreed by the Civic Licensing Committee on 25 February 2016.

Appendix 2 - Letter from Arbroath Community Council dated 14 November 2016

CIVIC LICENSING COMMITTEE – 23 FEBRUARY 2017

(a) Current and proposed Public Entertainment Licence fees

Current fees (to be implemented on 1 st April 2016)		
	Grant	Renewal
charity	£ 37.00	£ 30.00
Commercial	£ 158.00	£ 131.00

Proposed Fees					
Capacity of venue/ event	1Year/Temp	3 Year (175% of one year licence fee)	Average annual cost of 3 year licence	Percentage difference in annual cost of license fee based on 1 year licence	Percentage difference in annual cost of license fee based on 3 year licence
<200	£ 140.00	£ 245.00	£ 81.67	-11%	-38%
200-1499	£ 200.00	£ 350.00	£ 116.67	27%	-11%
1500-4999	£ 350.00	£ 612.50	£ 204.17	122%	56%
5000-9999	£ 500.00	£ 875.00	£ 291.67	216%	123%
10000+	£ 750.00	£ 1,312.50	£ 437.50	375%	234%
Charity	£ 35.00	£ 61.25	£ 20.42	-5%	-32%

Fees? - consultants
- after time



ROYAL BURGH OF ARBROATH AND DISTRICT COMMUNITY COUNCIL

14th November 2016



Dear Sheona

Re:-Public Entertainment Licences

We are writing following the meeting of Arbroath and District Community Council on Tuesday, 1st November 2016, to let you know that concerns were raised about the recent increase in the cost of Angus Council's Public Entertainment Licences.

Strong opinions were expressed at the meeting about the burden this charge places on volunteer groups, particularly as many of these groups are providing services formerly provided by the council itself. The groups often have to raise the necessary funds, as in the case of Fireworks for Arbroath 2016, by the volunteers resorting to bag-packing in local supermarkets and numerous quiz nights to reach the desired total required to put on their event.

The Community Council, is considered 'the' local voice for the community and with a view to building community spirit, we feel we must protest on behalf of all volunteer groups and ask that you recognise the difficulties volunteers face in providing services to the community by removing or reducing the charge for Public Entertainment Licences for such groups.

We have already told of the grave concerns we have heard from a number of volunteer groups in Arbroath and District, who have had to finance this charge from their hard won resources. We also believe there may be many other groups out there who are put off entirely from putting on an event for the community on discovering how much

they'll be required to pay both for insurance and a Public Entertainment Licence. Our communities need more good events, therefore, a re-think about Public Entertainment Licence criteria and how they would be applied in future would be helpful in building community spirit within Angus.

Our next meeting is on Tuesday, 13th December 2016, at the VAA in Guthrie Port, Arbroath and we ask that you attend this meeting in order to provide an explanation to us and also help us resolve the concerns about this charge?

Time?

Yours sincerely



Morag Lindsay
Treasurer
Arbroath and District Community Council

cc - Donald Morrison, Communities Convener

Enc. draft minutes