

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 1 JUNE 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 what action, if any requires to be taken in respect of fees charged for Public Entertainment Licences obtained by Community Councils.

1. RECOMMENDATIONS

The Committee is invited to consider the information contained in this report, and determine what action, if any, requires to be taken in respect of fees charged for Public Entertainment Licences obtained by Community Councils.

2. BACKGROUND

2.1 This Committee, at its meeting on 23 February 2017, considered a report by the Head of Legal and Democratic Services in respect of the licensing of places of public entertainment (Report 93/17 refers). This report advised that representations had been received from Arbroath Community Council in respect of fees charged for Public Entertainment Licences obtained by Community Councils. Having considered the terms of the report and representations made at the meeting, the Committee agreed:-

- “(i) to note that the fee structure detailed in **Appendix 1** to the Report had been approved by this Committee on 25 February 2016 for public entertainment licences which created a scale of fees based on the capacity of the venue/event;
- (ii) to note that the new fee structure contained a flat rate fee for registered charities;
- (iii) to note the terms of the representations received in respect of an organisation which is not a registered charity and which organises an event which requires a public entertainment licence;
- (iv) to recognise the roll of the Community Councils as such that merits them benefitting from the discount applied to organisations with charitable status; and
- (v) that a further Report be submitted to a future Civic Licensing Committee detailing the financial implications of giving Community Councils a discount as this would reduce income to the Council unless the fee structure was adjusted to ensure the proposal was cost neutral.”

For completeness, a copy of the agreed fee structure is attached as **Appendix 1**

2.2 In the year to 31 December 2017, 2 public entertainment licences were obtained by community councils which (under the new fee structure) would have generated income of £1,000. If the Committee were minded to recognise that the role of community councils in the community (as a focus for community activity) is such that merits them benefitting from the discount applied to organisations with charitable status then this would result in a reduction in income of £930. 83 public entertainment licences were granted to charitable organisations in the same period. This reduction in income could be offset by an increase in the discounted fee applied to organisations with charitable status (and including community councils) from £35 to £47.

2.3 It should be noted that if the Committee is minded to permit community Councils to benefit from the discount applied to organisations with charitable status then this may result in community councils taking a greater role in the organising of community events which may

result in further loss of licensing income with no commensurate reduction in workload or demand.

- 2.4 Committee is asked to note that the Council licence the organisers of a public entertainment. If an application is made for a public entertainment licence and the organisers stated in the application are not the actual organisers then those making the application could be found to have made statements which they know to be false or recklessly made statements which are false in a material particular. Such applicants shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.
- 2.5 Committee will be fully aware of the significant financial challenges facing the Council in the current economic climate. If Committee makes a decision which will result in a reduction in projected income then equivalent savings will require to be found from within other budgets. This will be in addition to the savings that all Council services require to find.

3. FINANCIAL IMPLICATIONS

- 3.1 In 2016, 149 Public Entertainment Licences were processed and issued. These can be broken down as follows:-

	Premises	Events
Community	11	18
Charity	58	25
Commercial	<u>11</u>	<u>26</u>
Total	<u>80</u>	<u>69</u>

The total income to the Council was £19,587.

If the Committee was minded to allow all community organisations to benefit from the charitable discount then this would result in a loss of income of £7,071.

If the Committee was minded to allow all organisations to benefit from the charitable discount then this would result in a loss of income of £14,136.

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.

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(a) Current Public Entertainment Licence fees approved by the Civic Licensing Committee on 25 February 2016 (with effect from 1 September 2016)

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%
<i>For Charities registered with OSCR</i>	£ 35.00	£ 61.25	£ 20.42	-5%	-32%