City of Glasgow Licensing Board

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Report by Clerk to the Licensing Board

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Item 3	**Licensing (Scotland) Act 2005** **Section 37, Premises Licence Review Hearing**

Purpose of Report:

To allow members of the Licensing Board to consider the attached list of Premises Licences to be reviewed in terms of section 37 of the Licensing (Scotland) Act 2005.

Background:

Each licence holder for the Premises Licences attached has not paid the annual fee to the Licensing Board. Under the Licensing (Scotland) Act 2005, Premises Licences have mandatory conditions. Mandatory condition 10, detailed below, requires the annual fee of a premises to be paid to the Licensing Board, as required by regulations. Regulation 7 of The Licensing Fee (Scotland) Regulations 2007 requires the fee to be paid *on 1st October each year or, where that date falls on a Saturday or Sunday, on the immediately following Monday.*

The Licensing Board has sought payment of the annual fee from each premises licence holder of the Premises Licences attached, however no payment has been received to date.

The ground for review is section 36(3)(a) of the Licensing (Scotland) Act 2005, that one of more of the conditions to which the Premises Licence is subject has been breached. The condition which is alleged to have been breached is Premises Licence: Mandatory Condition 10.

Premises Licence Mandatory Condition 10:
Payment of annual or recurring fees
10.
(1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or recurring fee is to be paid by virtue of regulations under section 136(1)
(2) The fee must be paid as required by regulations.

Recommendations:

Members are asked to consider whether to take any of the following action against each licence holder:

(a) To issue a written warning to the licence holder;

(b) To make a variation of the licence;

(c) To suspend the licence for such period as the Board may determine; or

(d) To revoke the licence.