

REQUESTS FOR REFUND OF LICENCE APPLICATION FEES

September 2013

The purpose of this policy is to guide applicants and officers of the City of Edinburgh Council ('the Council') in relation to requests for the refund or reduction of licence application fees.

Applicants should note that the fee is paid to cover the cost of the application process, not for the licence itself.

The policy will apply to all requests for refunds or reduction of licence application fees.

The Council acts as a Licensing Authority as required by a number of statutes, and this currently involves processing and issuing approximately 25,000 licence applications or renewals each year. This policy seeks to ensure fairness and consistency for all applicants.

The Council's Licensing Authority functions are funded directly by the income collected from fees. The Council's charging structure is considered and approved by the Council or Regulatory Committee.

A considerable amount of work is required to lodge, process, administer and consider an application, including engaging with relevant consultees. The cost for this work is reflected in the application fee.

Legislation requires that the total fees payable for any period are equivalent to the expenses incurred by the Council in administering the licensing function during that period.

Prior to making an application, applicants should consider seeking independent legal advice.

An applicant must be ready, willing and able to complete the process before lodging an application. If this is not the case the applicant is recommended to delay applying.

ALL FEES ARE PAYABLE AT THE TIME OF LODGING THE APPLICATION AND ARE NON-REFUNDABLE EXCEPT AS OUTLINED BELOW.

- I. All fees are payable at the time of lodging and are non-refundable except in exceptional circumstances.
- II. While exceptional circumstances are not defined, they would include events such as a bereavement or serious illness etc. which has an impact upon the application.
- III. The applicant may be called upon to provide documents or other information in support of their request.

- IV. 'Exceptional circumstances' will not be taken to include withdrawal by the applicant due to a change of business plan or circumstances, nor an applicant's inability to secure or obtain any relevant or essential permissions, consents, leases or vehicles etc. Nor will it include circumstances where an application has been refused or conditions have been attached to a licence granted.
- V. No policy can be fully comprehensive or inclusive, and it is recognised that rules should be enforced in a fair and consistent manner. It is essential, however, that each case is treated on its merits and that decisions are reasonable in the circumstances.
- VI. It is the intention of the Council that, in applying this policy, due consideration will be given to an applicant's personal and domestic circumstances etc.
- VII. Where a request for a refund or reduction of fees is made it will be considered by the relevant Executive Director or their nominated officer, who will determine the response to the request based on the facts and circumstances.
- VIII. Where a request for a refund or reduction is refused the applicant will be given written reasons for the decision.
- IX. The decision will be final and there is no right of appeal or review of that decision.
- X. This policy does not affect any right to raise a complaint under the Council's Complaints procedure. Any request for a refund based on dissatisfaction with the service will be dealt with using the Council's Complaints Procedure.