

## **Revaluation 2017**

### **Commercial Properties Committee**

#### **Practice Note 19 Valuation of Licensed Premises**

#### **1.0 Introduction**

##### **1.1 Use of Practice Note**

This Practice Note should be used for the valuation of licensed premises with the character of Public Houses, Licensed Restaurants and Nightclubs. Consideration should also be given to the valuation of snooker halls and other licensed clubs not covered by The Licensing (Clubs)(Scotland)Regulations 2007.

##### **1.2 Licensing**

The Licensing (Scotland) Act 2005, which became effective on 1 September 2009, is the current legislation governing the sale of liquor for all establishments in Scotland.

Each establishment requires an Operating Plan approved by a local Licensing Board. The Operating Plans contain information relating to the proposed operation of the premises, and copies should be available from Licensing Boards. Although they provide some detail, the Plans are nevertheless fairly general, and examination of an Operating Plan alone could be insufficient to clarify if the premises are being run as a nightclub, public house, restaurant etc.

#### **2.0 Basis of Valuation**

The subjects covered by this Practice Note should be valued by application of the comparative principle, using the percentages of turnover shown in 5.1, which should be applied to the adjusted hypothetical achievable turnover (HAT) which excludes VAT.

It should be recognised by valuers that the essence of the valuation scheme is based on the HAT. The scheme is designed to enable valuers to ascertain “the rent at which the lands and heritages might reasonably be expected to let from year to year” on the statutory terms, by identifying a relationship between rents and turnovers which can then be used to arrive at Net Annual Value.

The turnover adopted should represent the annual amount considered to be the hypothetical achievable level in the year to 1<sup>st</sup> April, 2015, having regard to the physical nature of the property and its location as at 1<sup>st</sup> January, 2017, on the assumption that the premises will be operated by a competent operator seeking to maximise profits. The statutory hypothesis assumes that the letting takes place in an open market, which includes prospective tenants who would recognise past and/or current good practices and operating techniques, and seek to at least replicate them.

Due care should be taken when valuing vacant licensed premises, to ensure that all relevant factors are taken into account.

### **3.0 Rental Analysis**

Rents have been analysed in terms of the SAA Basic Principles Committee Practice Note 1.

For analysis purposes the turnover considered was the gross turnover excluding VAT for the nearest accounting period to the year of the rent or rent review, and adjustment was carried out in accordance with the procedure described at 4.0 below which should be used in the valuation process to arrive at the HAT.

### **4.0 Adjustment of Turnover**

4.1 All income should be taken at 100%.

4.2 Income from Machines should be net of all charges.

4.3 Entertainment Costs

If a specific admission charge is made to cover the cost of providing entertainment and there is a surplus of income over expenditure, the surplus should be taken at 100%.

If, however, either expenditure exceeds income from admission charges or expenditure on entertainment is not offset by admission charges, and the expenditure incurred could be seen to have increased turnover, then the following approach should be adopted.

Door stewarding costs are now the norm in urban locations, and are a licensing board requirement if premises are open after 1 am. They should not be allowed as entertainment costs, being considered as one of a range of operating costs which requires to be met in certain locations.

Analysis of entertainment costs shows that most operators will spend on average approximately 5% of their total turnover on entertainment costs, and therefore expenditure for this item should be treated as follows:-

**No account should be taken of entertainment costs amounting to the first 5% of total turnover.**

**Entertainment costs amounting to the next 5% of total turnover – deduct at 2 x the actual costs incurred.**

**Any entertainment costs exceeding 10% of total turnover – deduct at 1 x the actual costs incurred.**

## **5.0 Valuation**

Licensed premises differ in their locational advantages, attractiveness, and character, and are affected by the trading policies of licensees, along with being subject to the vagaries of current popular trends.

### **5.1 Percentages To Be Applied & Recommended Approach to Valuation**

Using the turnover figures from the year closest to the year of the rent, an analysis relating all rents to adjusted turnovers was carried out.

It should be borne in mind that while actual turnover figures will have been provided and these are, in many cases, likely to be adopted in order to arrive at a valuation, it is nevertheless the HAT which should be used if the actual figures are considered not to be representative of the hypothetical situation.

It is recommended that 8.5% is applied to all levels of turnover. Where there exists local evidence/material factors which is sufficient to merit a variation, a rate between 6% and 8.5% may be applied.

### **5.2 Valuation Of Extensions to Existing Establishments**

A strictly arithmetical approach should be treated with extreme caution, as the HAT in relation to any property is not necessarily proportionate to floor area.

In order to estimate the increase in value which might be achieved as a result of an extension having been added to an existing establishment, the reduction factors contained in Appendix 1 may be applied to the floor area of the premises in order to arrive at a rate per square metre of reduced area, which can then be used as a guide.

### **5.3 Valuation of Establishments Where Turnover is Not Known**

In the absence of any indication of the anticipated level of turnover, the HAT should be estimated by comparison with other similar properties.

#### 5.4 Valuation of Office Accommodation

Offices situated within the premises occupied for the purposes of the administration of that property alone should be ignored.

Office accommodation used for other commercial purposes or not occupied solely in connection with the premises in which they are situated should be valued in comparison to other commercial offices.

### 6.0 Other Factors

#### 6.1 Hours of Opening

With extensions to permitted opening hours being fairly commonplace, it should be assumed that the hypothetical tenant will seek to maximise turnover by opening during the hours which generate the maximum income.

Operating hours should be clearly specified in the Operating Plans.

#### 6.2 Over or Under Performance

As stated at 6.1, it should be assumed that the hypothetical tenant will seek to maximise the potential turnover of the premises.

Since licensed premises differ in their locational advantages, attractiveness and character and in the trading policies of the licensees, it should be recognised that turnover per square metre is not a reliable guide to annual value.

No adjustment to actual turnover should be made solely on the grounds that a particular operator occupies the property, nor should the popularity of the products on offer give rise to any adjustment.

It has been clearly established in Lands Valuation Appeal Court decisions that neither should good management practice be identified as a cause of overperformance requiring an adjustment, since it is open to other hypothetical operators to replicate them.

If, after consideration, there is *clear evidence* the actual turnover is considerably different from the HAT, an adjustment to the supplied turnover may be appropriate.

### 6.3 Pricing Policy

No adjustment should be made to the level of turnover applied to any particular licensed premises simply because the operator's pricing policy permits the sale of liquor at lower prices than those offered by competitors, on the basis that another hypothetical operator could do the same.

### 6.4 Opening Period

Where a property is new, or has reopened, the initial turnover may be enhanced for the duration of a 'honeymoon' period, and may require caution before estimating the hypothetical achievable level of turnover. The duration of any recognised honeymoon period should be individually assessed according to the particular circumstances.

Conversely, it may be the case that during an initial opening period trade is still building towards the hypothetical level of turnover and again caution should be exercised in assessing the HAT.

### 6.5 Promotional Activities.

No adjustment should be made to reflect alleged reduced profitability resulting from such activities, since it is assumed that any such instances are part of the operator's efforts to maximise his/her turnover.

## Appendix 1

### 2017 REVALUATION – LICENSED PREMISES REDUCTION FACTORS

<u>GROUND FLOOR</u>		<u>FACTOR</u>
1.	PUBLIC BAR On its own	1
2.	LOUNGE BAR On its own	1
3.	LOUNGE BAR WITH PUBLIC BAR With separate accesses and separate service bar.	Public Bar 1 Lounge 1
4.	LOUNGE BAR WITH PUBLIC BAR Where no separate access e.g Lounge enters off Public Bar:	Public Bar 1 Lounge 0.9
	Where lounge has no separate service Bar	Lounge 0.7
5.	RESTAURANT, LOUNGE, DINING AND DANCE FLOOR AREAS	1
6.	GAMES ROOM, DINING ROOM, SITTING ROOM OR FUNCTION HALL ETC As 3+4 above, depending on access and bar service facilities	1.0 to 0.7
7.	CHILDREN'S PLAY BUILDINGS	0.25
8.	KITCHEN, TOILETS, CELLARAGE, STORAGE, STAFF ROOMS, STAIRS, ENTRANCE VESTIBULE (OF MODEST AREA) AND PASSAGES Note however that where the Kitchen area is open to and integral with the bar then that area should be taken at 1.	Nil
9.	OFF SALES	1

Although generally off sales should be taken at 1, consideration may have to be given to quality, extent, access and location.

## ACCOMMODATION ON OTHER FLOORS

### A. First Floor & Basement

As for ground floor, but with consideration being given to a reduction factor where quality, extent, access and location are deserving of such. It is anticipated that where a restaurant is solely situated on a first or basement floor, a reduction factor of **1** will apply.

**0.5 to 1**

In the case of public houses, a reduction factor of **1** will only be appropriate in exceptionally good circumstances.

Where the main part of the premises is on the ground floor, a reduction factor from the range shown of less than **1** may be adopted, if considered appropriate.

### B. Other Floors

An appropriate reduction factor should be applied, having regard to quality, extent, access and location.

**Up to 1**