

Moray Licensing Committee

Annual Functions Report

1 April 2019 - 31 March 2020

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About Moray

With a population of around 95,500, Moray nestles between the rugged and spectacular Highlands and the flat, fertile farmlands of the north-east and although it belongs to neither, it shares the best elements of both – from the snow-capped peaks of the Cairngorms to the unspoiled coastline of the Moray Firth.

Local industry is as diverse as the landscape in which it is located and makes a major contribution to the area's buoyant economy. Moray is the heartland of the Scotch whisky industry and is home to more than 45 distilleries whose brands are savoured in just about every corner of the world. Whatever country you're in, you'll find a bottle of Speyside Malt for sale.

In the spirit of celebration, music plays a vital role in the Moray community. There are major music festivals every year, including the traditional Speyfest and the Spirit of Speyside, the latter linked to the whisky industry. Venues for the performing arts thrive in the area, and each town sustains a lively artistic culture. Two thriving arts and performance centres exist in Findhorn alone.

Traditional industries - farming, fishing and forestry - play an important part in the area's culture whilst underpinning the economy. In addition, two internationally renowned food producers, Baxters of Speyside and Walkers of Aberlour, have put Moray firmly on the international map.

The area's biggest town and administrative capital is Elgin, which is also Moray's principal shopping centre. Many leading national retailers are represented alongside long-established local outlets. Other main towns include Forres, well known for its successes in national floral competitions; Buckie, with its fishing and commercial harbour; and Keith, built on a once-thriving textiles industry.

Introduction

Moray Licensing Committee ("the Committee") is the licensing authority for the purposes of all civic licensing excluding alcohol and gambling which is dealt with by the Moray Licensing Board.

These members form part of a Committee which are responsible for considering applications and objections in relation to regulating Civic licensing in accordance with the Civic Licensing (Scotland) Act 1982 as amended.

Under the ("the Act"), the Licensing Committee are responsible for considering applications for:-

1. Taxis
2. Second hand dealers
3. Knife dealers
4. Metal dealers
5. Boat hire licences
6. Street traders' licences

7. Market operators' licences
8. Public entertainment licences
9. Indoor sports entertainment licences
10. Late hours catering licences
11. Window cleaners' licences
12. Public processions
13. Houses in Multiple Occupation (HMOs)
14. Various animal related licences e.g pet shops, animal boarding, animal breeding etc
15. Landlord registration

In addition to the above, the licencing of Sexual Entertainment Venues is underway with Short term lets, Travelling Funfairs, Animal welfare and the regulation of fireworks on their way.

In exercising its functions under the Act, the Committee is required to have regard to consultees responses as well as neighbouring or community objections if there are any.

Annual Functions Report

From 1 April 2010 to 31 March 2020, the Committee met on an approximate eight week cycle on the following dates:

- (a) 17 April 2019
- (b) 12 June 2019
- (c) 11 September 2019
- (d) 6 November 2019
- (e) 22 January 2020
- (f) 18 March 2020

Information and assistance is always available to persons wishing to apply for a licence or respond to an application. The committee has published guidance documents and licensing staff are on hand to answer queries.

Committee meetings are as information as possible whilst maintain a fair process. The majority of applicants before the Licensing Committee are willing and able to represent themselves.

Decisions of the Committee

Each application, received by the Licensing Committee is considered on its individual merits. All licence applications that are received must be weighed-up in accordance with the Civic Government (Scotland) Act 1982 and in consultation with the consultees.

During the course of the year, the Committee also received applications for 391 licences. It should be noted that not all licences are due to be considered each year as most licences under the Civic Government (S) Act 1982 have a three year cycle. Therefore the overall number of licence is much higher than the number considered each year.

In addition the majority of licence applications are processed under delegated powers where there are no problems with the application and there are no objections or representations. In cases where an objection or representation does arise the matter is referred to the Licensing Committee. During the period in question the Committee considered and granted 5 taxi driver applications and refused 1 taxi driver application. The Committee also reviewed taxi fares and charges.

In considering the applications, the Committee considered a number of different sources of information to enable them to reach decisions. These sources include applicants themselves, council services (including planning, building standards and environmental health), reports from Community Councils, Local Residents, the Local Licensing Forum, the Licensing Standards Officer, Police Scotland and the NHS.

Tourism and Industry continue to play an important role in parts of Moray. Moray Council has set out a number of community planning priorities including healthier citizens, a growing and diverse economy and safer communities. Licensing plays an important role in all of these and decisions of the Licensing Committee also have regard to these community planning priorities.

Sexual Entertainment Venues

A Resolution in terms of Section 45B of the Civic Government (Scotland) Act 1982, was passed by the Moray Council as Licensing Authority on 6 November 2019, whereby as from 6 November 2019 all places and activities of Sexual Entertainment in Moray shall require to be licensed in accordance with the provisions of the 1982 Act, shall be regulated by those provisions including Schedule 2 of the Civic Government (Scotland) Act 1982 which shall apply as modified for the purposes of Section 45B and a Sexual Entertainment Licence shall be required. The draft Policy Statement has to have been consulted upon, redrafted to include any pertinent comments, and submitted for approval by the Licensing Committee so that the Policy could be put in place by 6 November 2020. However due to the Coronavirus pandemic this has been delayed.

Licensing Standards

There are two full time Licensing Standards Officers (LSOs). One LSO is responsible for all aspects relating to civic and taxi licensing, while the second LSO is responsible for liquor licensing, gambling and adult entertainment. The LSOs will offer guidance and advice to licence holders and communities to supervise the compliance of the requirements of the Act by the licence holders. The LSOs will act as an intermediary between licence holders and the general public helping to avoid and resolve any disputes or agreements. LSOs also attend meetings with the trade and the public which allows them to build a rapport with the local trade and members of the public as a consistent point of contact. This will ensure that there is a cohesive working partnership between all persons interested in the operation of the Act.

Licensing Standards Officer Report

The Civic Licensing Standards Officer is responsible for numerous licence types. The aim of the role is to provide guidance and information to interested parties; ensure compliance by licence holders; and provide a mediation service for the purpose of avoiding or resolving disputes

Below is a brief list of some of the activities carried out by the Civic LSO between April 2019 and March 2020

- Supported creation of a new taxi operator in Keith (ex - employee of Davidsons Taxi)
- Supported Davidsons Taxis in remaining open through the death of operator John Davidson
- Worked with Trading Standards team to licence 6 unlicensed Second hand dealers
- Worked with Forres Live to develop a new Music Event in Forres
- Worked with Elgin Highland Games organisers to restart the Event within licensing parameters
- Worked with C&R taxis to transfer the business to new owner
- Working to bring all Public Charitable Collections accounts up to date to deter fraudulent collection activity
- Worked with Street Traders after complaints and reports, to ensure compliance with licence conditions around litter and distances from schools and traders, mediated between traders over location disputes
- Worked in partnership with Environmental Health with Late Hours Catering establishments after complaints and reports of anti-social, noise and litter issues
- Investigated and licensed unlicensed window cleaners advertising on Facebook
- Investigated and stopped unlicensed taxi operating through Facebook
- Worked with Partners on ensuring public safety for the proposed AUOB march in Elgin which was scheduled for July 4th 2020
- Worked with partners and applicant to licence the new Forres Live concert event in Grant Park Forres
- Issued information and gathered views amongst licence holders on equality issues e.g HIV Equality in Skin Piercing / Access to taxis for Deaf and Blind
- Supported Village and Community Halls in obtaining relevant licences after they took on leases of the facilities in preparation for Community Asset Transfers
- Worked with Market Operators to ensure they had the correct licence types in place for Highland Games, Plainstones Markets and other anticipated Farmers Markets
- Worked with Police Scotland in partnership to alert Taxi drivers and operators to the following issues -
 - Taxi Journeys to A Banks and Financial Institutions to avoid scams on elderly
 - Vehicle Idling - Police Scotland Message
 - A request to all taxi drivers who may have witnessed a incident in the Moray area while on shift Worked with Moray Council Transport Team

to distribute online questionnaire to seek Taxi Operators views on Electric Vehicles.

- The tail end of this Financial Year also included the start of Covid restrictions where the LSO worked with all civic licence holders to ensure they were aware of how any restrictions would impact on them and keep them informed of changes in council processes during the initial lockdown period.

List of Application Numbers 2019-2020**Appendix 1**

Civic Government Licences	
Licences in Force on 31 March 2020	391
HMO Licence	16
Animal Boarding	32
Cinema	2
Dog Breeding	4
Dangerous wild animals	1
Late hours catering	9
Metal Licence Dealer	1
Market Operator Full	4
Public Charitable Collections	27
Pet Shops	4
Private Hire Driver	4
Private Hire Operator	13
Riding Establishments	2
Second Hand Dealers	30
Skin Piercing and tattooing	18
Street Trader	22
Taxi Driver	105
Taxi Operator	53
Venison Dealer	2
Window Cleaners	15
Public Entertainment	32