



Licensing Board

Thursday, 13 June 2019

NOTICE IS HEREBY GIVEN that a Meeting of the **Licensing Board** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 13 June 2019** at **10:00**.

BUSINESS

1. **Sederunt**
2. **Minute of 4 April 2019** **5 - 8**
3. **Application List** **9 - 18**
4. **LSA05 personal Licence Application Report. doc** **19 - 22**
5. **Annual Functions Report** **23 - 46**
6. **Annual Review of Fees Report** **47 - 56**
7. **Scottish Government Occasional Licence Consultation Report** **57 - 76**
8. **Social Responsibility - verbal update**

9. **Review of Suspension for Non Payment of Annual Fees**

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

Clerk Name: Alasdair McEachan

Clerk Telephone: 01343 563080

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THE MORAY COUNCIL

Licensing Board

SEDERUNT

Councillor Gordon Cowie (Chair)
Councillor James Allan (Member)
Councillor David Bremner (Member)
Councillor Frank Brown (Member)
Councillor Paula Coy (Member)
Councillor Ryan Edwards (Member)
Councillor Louise Laing (Member)
Councillor Maria McLean (Member)
Councillor Amy Taylor (Member)

Clerk Name: Alasdair McEachan
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THE MORAY LICENSING BOARD

MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 4 April 2019

1. SEDERUNT

PRESENT

Councillors: J Allan
G Cowie
P Coy
R Edwards
L Laing
A Patience

APOLOGIES

Apologies were intimated on behalf of Councillors Bremner, Brown and McLean

IN ATTENDANCE

Sean Hoath, Depute Clerk to the Licensing Board

2. PRIOR MINUTES

- (i) The Minutes of the Meeting held on 7 February 2019 were submitted and approved

There were no declarations of interest.

3. APPLICATIONS

- (i) **Major Variation – Baxters Highland Village**

The Applicant was represented by Mr A Tough. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. The granting of the application was proposed and there being no-one otherwise minded it was agreed to grant the application.

- (ii) **Major Variation – The Speyside Whisky Shop**

The Applicant was represented by Mr R Anderson of Messrs Grigor and Young, solicitors. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. The granting of the application was proposed and there being no-one otherwise minded it was agreed to grant the application.

- (iii) **Major Variation – Scribbles Pizza House**

The Applicant was represented by Ms F Holding. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. The granting of the application was proposed and there being no-one otherwise minded it was agreed to grant the application.

- (iv) **Major Variation – Zed Bar Joannas Downtown USA**

The Applicant was represented by Mr R Anderson of Messrs Grigor and Young, solicitors. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. The granting of the application was proposed and there being no-one otherwise minded it was agreed to grant the application.

(v) **Major Variation – Johnstons of Elgin**

The Applicant was represented by Mr R Anderson of Messrs Grigor and Young, solicitors. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. The granting of the application was proposed and there being no-one otherwise minded it was agreed to grant the application.

(vi) **New Provisional Licence – Glenallachie Distillery**

The Applicant was represented by Mr R Beattie. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. The granting of the application was proposed and there being no-one otherwise minded it was agreed to grant the application.

4. Licensing (Scotland) Act 2005 – Application for Personal Licence

There was a report to the Board confirming that the Chief Constable had objected to an application for a personal licence case number 1 of 2019. The Board was obliged to hold a hearing to consider and determine the personal licence application. The applicant was present to represent himself and was accompanied. The Chief Constable's representative was present. The Board heard from the parties and the parties responded to questions. After consideration of all the evidence Cllr Edwards proposed granting the licence. The motion was seconded by Cllr Allan. Cllr Coy, seconded by Cllr Laing, proposed an amendment that in considering a ground for refusal existed in that the applicant was not a fit and proper person to be a personal licence holder having regard to the licensing objectives, the licence must be refused. The vote was split with three votes each for the motion and the amendment. The deciding vote rested with the Convenor, who voted for the amendment. So the finding of the Board was that a ground for refusal existed and therefore the Board was obliged to refuse the application.

MORAY LICENSING BOARD

MEETING, 13 June 2019 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

Licensing (Scotland) Act 2005

Type	Premises	Applicant	Date received	Comments
New Premises	Town Hall, Elgin	Donald Squair	25 October 2018	New premises application from Community Group took over ownership of Town Hall, want to sell alcohol at events being held at TownHall. Paperwork in order No objecitons or representations
New Premises	Seafield Hotel, Cullen	Charles Milne	20 March 2019	New premises application hotel lounge bar has been extended. Paperwork in order No objections or representations
New Premises	Speyside Whisky Auctions	Darren Robertson		New premises application for alcohol to be sold on an online platform through a Whisky Auction website. Auctions to be held on a monthly basis. Paperwork in order No objections or representations
New Premises	Spey Valley Brewery	Melanie Newbould		New Premises application new brewery open to the public for tours and tasting. Paperwork outstanding No objections or representations
New Premises	Time Restaurant	Michael Coull	10/04/2019	New premises application Cocktail bar and restaurant. Paperwork in order 1 objection received from neighbour
Major Variation & Transfer	Diceys	Phyllis McGettrick	08/04/2019	Major Variation & Transfer application to transfer licence to A McGettrick and become designated PM. Application seeking to remove curfew attached to the licence and extend on-sales hours.

MORAY LICENSING BOARD

MEETING, 13 June 2019 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

Licensing (Scotland) Act 2005

				Paperwork satisfactory No objections or representations
Major Variation	Gordon Castle	Dyanne Hull	11 April 2019	Major Variation to inculed all of the Walled Garden is covered to sell Both off and On Sales between core opening hours and special events. Paperwork satisfactory No objections or representations
Major Variation	Linkwood Lodge	Whitbread Group PLC	25 April 2019	Major variation to add another 22 bedrooms to the premises. Paperwork satisfactory No objections or representations
Major Variation	Pheonix Café'	David Hammond	3 May 2019	Major Variation to extend hours of selling alcohol Paperwork satisfactory No objections or representation
New Premises	Moray Sports Centre	Gail Cleaver	8 May 2019	New Premises application to hold licenced events and sell alcohol. Paperwork outstanding No objections or representation

Key to Colour Coding of Applications within Appendices to the Agenda of Business for the Moray Licensing Board

All matters are to be heard by the Moray Licensing Board and the Moray Licensing Board has the final decision. However, in accordance with Government Guidance and locally agreed procedure, applications may be submitted to the Board with a general recommendation.

Please note that colour coding may be subject to change given the nature of the licensing procedure. Documents may be received and/or negotiations resolved following publication of the agenda.

RED

Indicates that the application will normally require to be heard, whether by virtue of general procedural rules or as a result of problems arising. This should apply to all new premises/provisional licence applications. There may be ongoing negotiations to resolve problems.

YELLOW

Indicates changing circumstances with the application. It is not ready to be granted at the time of publication but there are not normally major problems e.g. procedural issues or ongoing negotiations. Applications will normally be submitted with recommendation for grant or deferral.

GREEN

Indicates that all is in order with the application. All documents have been received and checked. All procedures have been followed. There are unlikely to be any representations, objections or problems or the same have been resolved. It is being submitted with a recommendation for grant but members are free to make enquiries as they see fit.

Licensing (Scotland) Act 2005

Licensing Objectives

Section 4 sets out the licensing objectives:

- “(1) For the purposes of this Act, the licensing objectives are—
- (a) preventing crime and disorder,
 - (b) securing public safety,
 - (c) preventing public nuisance,
 - (d) protecting and improving public health, and
 - (e) protecting children and young persons from harm.”

Applications for a Premises Licence or Provisional Premises Licence

Section 20 Application

By section 20 any person (over 18) may apply to the appropriate Licensing Board for a premises licence in respect of any premises.

An application under subsection must—

- (a) contain a description of the subject premises, and
- (b) be accompanied by—
 - (i) an operating plan for the subject premises,
 - (ii) a “layout plan” of the subject premises, and
 - (iii) the certificates required by section 50(1).

Notice of Application

Notice of the application has been given to—

- (a) each person having a notifiable interest in neighbouring land *i.e. neighbours within 4 metres of the boundary of the premises*
- (b) the community council within whose area the premises are situated,
- (d) the chief constable, and
- (e) the fire service
- (f) the NHS

Objections / Representations

By section 22 any person may, by notice to the Licensing Board—

- (a) object to the application on any ground relevant to one of the grounds for refusal (detailed below)
- (b) make representations to the Board—
 - (i) in support of the application,
 - (ii) as to modifications which the person considers should be made to the operating plan accompanying the application, or
 - (iii) as to conditions which the person considers should be imposed.

A representation is not an objection to a licence being granted. It means the representer would like to see a changes or changes to the licence or conditions on the licence before it is granted.

Where a Licensing Board receives a notice of objection or representation the Board must—

- (a) give a copy of the notice to the applicant, and
- (b) have regard to the objection or representation in determining the application,

unless the Board rejects the notice as being frivolous or vexatious.

Where a Licensing Board rejects a notice of objection or representation as frivolous or vexatious, the Board may recover from the person who gave the notice any expenses incurred by the Board in considering the notice.

Consideration and determination of a Premises Licence Application

Section 23(4) states that:

“(4) The Board must, in considering and determining the application, consider whether any of the grounds for refusal applies and—

- (a) if none of them applies, the Board must grant the application, or
- (b) if any of them applies, the Board must refuse the application.”

Possible Courses of Action

1. Grant the licence as applied for;
2. Grant the licence with a condition(s) under s.27(6). Determine the licensing objective and how the situation can be improved and the exact terms of a condition.
3. Grant the licence with a modification to the operating plan under s.23(7) which states that
“(7) Where the Licensing Board considers that—
 - (a) they would refuse the application as made, but
 - (b) if a modification proposed by them were made to the operating plan for the subject premises accompanying the application, they would be able to grant the application,the Board must, if the applicant accepts the proposed modification, grant the application as modified.”
4. Refuse - In section 23(5) of Act:
 - (5) The grounds for refusal are—
 - (a) that the subject premises are excluded premises,
 - (b) that the application must be refused under section 25(2) (*licence refused within the last year*), 64(2) (*licence sought for 24 hours continuous*) or 65(3) (*off sale hours outside 10am to 10pm*),
 - (ba) that the Licensing Board consider, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of the premises licence,

- (c) that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives,
 - (d) that, having regard to—
 - (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises,the Board considers that the premises are unsuitable for use for the sale of alcohol,
 - (e) that, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.
5. Defer – if for example the Board wanted to arrange a further site visit.

Consequences of Refusal

Section 25 says that where a Licensing Board has refused a premises licence application the Board must refuse any subsequent premises licence application in respect of the same premises before the expiry of the period of one year beginning with the date of the earlier refusal UNLESS at the time of the earlier refusal the Board directed that this provision would not apply or the Board is satisfied that there has been a material change of circumstances.

Applications to Vary a Licence

Section 29 Application

By section 29(1) a premises licence holder may apply to the appropriate licensing Board for a variation of the licence. Such an application must be accompanied by

- (a) the premises licence to which the application relates, or
- (b) if that is not practicable, a statement of the reasons for failure to produce the licence.

Meaning of Variation

Section 29(5) defines a variation as meaning any variation (which includes addition deletion or other modification) of:

- (a) any of the conditions to which the licence is subject (*other than those to which the licence is subject by virtue of section 27(1) which are Schedule 3 mandatory conditions and cannot be changed*);
- (b) any of the information contained in the operating plan contained in the licence;
- (c) the layout plan contained in the licence; or
- (d) any other information contained or referred to in the licence.

Generally a variation that involves a change to the information contained within the operating plan is not a minor variation and it requires to be determined by the Licensing Board.

Any variation that involves:

- (i) a change to the layout plan that does not affect the operating plan
- (ii) a restriction on the access for children/young persons
- (iii) a change of premises manager
- (iv) reduction in the alcohol display area or capacity
- (v) reduction in the core hours

can be considered to be a minor variation which must be granted and so is dealt with under delegated powers.

Notice of Application

Notice of the application has been given to—

- (a) each person having a notifiable interest in neighbouring land *i.e. neighbours within 4 metres of the boundary of the premises*
- (b) the community council within whose area the premises are situated,
- (d) the chief constable, and
- (e) the fire service
- (f) the NHS

Section 22 applies the same as it does to a premises licence application and so any person may, by notice to the Licensing Board object to the application on any ground relevant to one of the grounds for refusal or make representations to the Board concerning the application.

Determination of the Variation Application

Section 30(3) provides that the Licensing Board must hold a hearing for the purpose of considering and determining the application. The Board must consider whether any of the grounds for refusal applies and:

- (a) if none of them applies, the Board must grant the application;
- (b) if any of them applies, the Board must refuse the application;

Section 30(5) provides that the grounds for refusal are:

- (a) that the application must be refused under section 32(2) (*licence refused within the last year*), 64(2) (*licence sought for 24 hours continuous*) or 65(3) (*off sale hours outside 10am to 10pm*);
- (b) that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives;
- (c) that, having regard to the nature of the activities carried on or proposed to be carried on in the subject premises, the location, character and condition of the premises, and the persons likely to frequent the premises,

the Board considers that the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
(d) that the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises (taking account of the variation), in the locality.

Where the Licensing Board grants the application, the Board may make a variation of the conditions to which the licence is subject.

Where the Licensing Board refuses the application the Board must specify the ground for refusal, and where relevant the Board must specify the licensing objective or objectives in question.

Subsequent Applications Following Refusal

Section 32 says that where a Licensing Board has refused a premises licence variation application the Board must refuse any subsequent premises licence variation application in respect of the same premises licence, and seeking the same variation made before the expiry of the period of one year beginning with the date of the earlier refusal UNLESS at the time of the earlier refusal the Board directed that this provision would not apply or the Board is satisfied that there has been a material change of circumstances.



REPORT TO: THE MORAY LICENSING BOARD 13 JUNE 2019

SUBJECT: LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE APPLICATION HEARING FOLLOWING DISCLOSURE OF RELEVANT CONVICTION ON APPLICATION (REFERENCE CASE NUMBER 2 OF 2019)

BY: CLERK TO THE BOARD

1. REASON FOR THE REPORT

- 1.1 This report is to notify the Board:
- 1.1.1 That notice of a relevant conviction has been disclosed on an application for a personal licence;
- 1.1.2 The Chief Constable has confirmed to the Clerk that the applicant (reference case number 2 of 2019) has been convicted of relevant offence and the Chief Constable has made no recommendation in respect of the application;
- 1.1.3 That, as a result, s.74(5A) of the Licensing (Scotland) Act 2005 states the Board may hold a hearing to consider and determine whether the licence should be granted or refused.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Board:-
- i) consider and note the existence of a relevant conviction and the fact the Board may hold a hearing following confirmation of relevant conviction by the Chief Constable;
 - ii) consider and agree whether to hold a hearing and, if so;
 - iii) hear from the parties, consider the matter and determine whether to grant or refuse the personal licence having regard to any of the licensing objectives;

3. BACKGROUND

- 3.1 On 6 September 2018 the applicant submitted an application for a personal licence. Within the application, applicants are asked to confirm whether they have been convicted of any relevant offence(s).
- 3.2 The applicant in this case did not disclose any offence. A copy of the application form from the applicant has been circulated separately to members.
- 3.3 The Licensing (Relevant Offences) (Scotland) Regulations 2007 (SSI 2007 No. 513) prescribe which offences are relevant offences for the purposes of the Licensing (Scotland) Act 2005.
- 3.4 The Licensing (Scotland) Act 2005 requires the Board to notify the Chief Constable of the receipt of an application for a personal licence. The Chief Constable then has up to 21 days to respond to the notice of application with notice as to whether the applicant has been convicted of a relevant or foreign offence.
- 3.5 The Chief Constable has confirmed to the Clerk that the licence applicant (reference case number 2 of 2019) has in fact been convicted of a relevant offence and a copy of the Chief Constable's letter has been circulated separately to members.
- 3.6 No recommendation, on behalf of the Chief Constable, has been provided in relation to the application.
- 3.7 This report is to notify the Board that under s.74(5A) of the Licensing (Scotland) Act 2005 may hold a hearing to determine the application as a result of receipt of the Chief Constable's notice.
- 3.8 The Board's scheme of delegation requires that an application for a personal licence where the applicant has been convicted of a relevant offence must be determined by the Board.
- 3.9 The Board should first determine whether to hold a hearing.
- 3.10 If a hearing is to proceed then at the hearing the Licensing Board must, after having regard to the Chief Constable's notice and after giving the licence holder concerned and the Chief Constable an opportunity to be heard:
 - If satisfied that, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a personal licence refuse the application; or
 - If satisfied that it is otherwise necessary for the purposes of any of the licensing objectives, refuse the application; or
 - If not so satisfied grant the application.

3.11 The licensing objectives are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children and young persons from harm

4. IMPLICATIONS

(a) Moray 2023 A Plan for the Future/Service Plan

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan (Moray 2023) in relation to healthier citizens, a growing and diverse economy and safer communities. Alcohol and alcohol dependency influence the health of the population. The alcohol industry in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of the sale of alcohol contributes to a safer community.

(b) Policy and Legal

Legal implications have been explained above.

(c) Financial Implications

None

(d) Risk Implications

The Board is to have regard to any of the licensing objectives, particularly the crime prevention objective and decide whether the risk justifies intervention on such grounds.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities

There are no issues in this case.

(h) Consultations

Consultation is not required.

5. CONCLUSION

5.1 It is proposed that the Board note the existence of a relevant conviction and the possibility of holding a hearing following confirmation of the conviction by the Chief Constable;

5.2 It is proposed that the Board, having regard to the notice from the Chief Constable, determine whether to hold a hearing and, if so, hear from the

parties, consider the matter and determine whether to grant or refuse the licence for the purposes of any of the licensing objectives.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers: There are no background papers

Ref: SAH

Signature



REPORT TO: THE MORAY LICENSING BOARD 13 JUNE 2019

SUBJECT: LICENSING (SCOTLAND) ACT 2005 - ANNUAL FUNCTIONS REPORT

BY: CLERK TO THE BOARD

1. REASON FOR REPORT

- 1.1 This report is to seek approval to publish the draft functions report which includes details of the business transacted in the last financial year.

2. RECOMMENDATION

2.1 It is recommended that the Board:-

- i) scrutinises and notes the draft annual functions report at Appendix 1 and Appendix 2, amend the same if the Board considers appropriate and agree the final report;**
- ii) instruct the Clerk to publish the agreed final report on the Board's web pages;**
- iii) note details of the business transacted within the functions report.**

3. BACKGROUND

- 3.1 The Air Weapons and Licensing (Scotland) Act 2015 amended the Licensing (Scotland) Act 2005 ("the Act") so as to require each Licensing Board to prepare and publish an annual report, within 3 months after the end of each financial year, on the following:

- 3.2 A statement as to how the Board has had regard to the licensing objectives and their statement of policy in exercising functions under the Act;

- A summary of the decisions made;
- Information about the number of licences held including the number of occasional licences issued; and
- Such other information as the Board considers appropriate.
-

- 3.3 Following the introduction of the requirement to produce an annual functions report in 2018, the Board is invited to consider the draft report which has been produced for approval and is attached at **Appendix 1** and **Appendix 2**.
- 3.4 The deadline for publication is the 30 June 2019.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Alcohol and alcohol dependency influence the health of the population. The alcohol industry in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of the sale of alcohol contributes to a safer community.

(b) Policy and Legal

Policy and Legal implications have been explained above.

(c) Financial implications

None identified.

(d) Risk Implications

None identified. It is a legal requirement to publish the report. There is no stated action for failure to do so therefore any failure would be open to challenge by judicial review.

(e) Staffing Implications

Preparation of statistics involves considerable staff time and they are required annually buy statistics are also useful for other purposes e.g. the annual return to the Scottish Government. No additional resources are required.

(f) Property

None.

(g) Equalities/Socio Economic Impact

In considering individual decisions the Board should have regard to issues of equality and the subject's (licence holders) rights under the European Convention on Human Rights (and the Human Rights Act 1998). It is not considered necessary to undertake an equalities and human rights impact assessment in connection with this report.

(h) Consultations

None.

5. CONCLUSION

- 5.1 It is proposed that the Board note the contents of this report and agree to publish the report.**

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Board
Background Papers:

Moray Licensing Board
Annual Functions Report

1 April 2018 - 31 March 2019

in accordance with the
Licensing (Scotland) Act 2005
(as amended by the Air Weapons and Licensing (Scotland) Act 2015)

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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 Board ("the Board") is the licensing authority for the purposes of alcohol and gambling in Moray.

The current Board was formed in May 2017 and comprises of nine members who are elected members of Moray Council. Current membership of the Board can be viewed here:

http://www.moray.gov.uk/moray_standard/page_67620.html

These members form part of an independent Board which are responsible for considering applications and objections in relation to regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold in accordance with the Licensing (Scotland) Act 2005 as amended.

Under the (“the Act”), the Licensing Board are responsible for considering applications for:-

- 1.1 provisional premises licences
 - 1.1.1 confirmation of provisional premises licences
 - 1.1.2 premises licences
- 1.2 transfer of premises licences
 - 1.2.1 variation of premises licences
 - 1.2.2 reviews of premises licences
- 1.3 temporary licences
 - 1.3.1 occasional licences
 - 1.3.2 extensions of licensing hours
- 1.4 personal licences
 - 1.4.1 review of personal licences
 - 1.4.2 renewal of personal licences

The Licensing Objectives

Section 4 of the Act sets out the following five licensing objectives

- (a) preventing crime and disorder;
- (b) securing public safety;
- (c) preventing public nuisance;
- (d) protecting and improving public health; and
- (e) protecting children and young persons from harm.

The licensing objectives are central to the licensing system and provide a basis for the administration of the licensing regime. The licensing objectives can also provide the basis for refusing an application for the grant of a premise or occasional licence. The breach of the objectives may form a competent ground for the review of a premises licence and the objectives can also provide a basis for the attachment of conditions to a premise or occasional licence.

In exercising its functions under the Act, the Board is required to have regard to the licensing objectives.

Annual Functions Report

From 1 April 2018 to 31 March 2019, the Board met on an approximate eight week cycle on the following dates:

- (a) 19 April 2018

- (b) 14 June 2018
- (c) 1 August 2018
- (d) 6 September 2018
- (e) 15 November 2018
- (f) 19 December 2018
- (g) 7 February 2019

Applications before the Board were dealt with in an open and transparent manner in accordance with licensing legislation and the Board's policy. A copy of the Board's statement of licensing policy, incorporating hearing procedures, can be found at this link:

<http://www.moray.gov.uk/downloads/file68385.pdf>

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

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

Decisions of the Board

Each application, received by the Licensing Board is considered on its individual merits. All licence applications that are received must be weighed-up in accordance with the Licensing (Scotland) Act 2005 and in particular in cognisance of the licensing objectives. The Board must also consider the licence application in line with the Board's policy statement. Attached to this report at Appendix 1 are details of application numbers and decisions made by the Moray Board.

The majority of applications are dealt with by way of delegated authority to a sub group of the Board or officers appointed to assist the Board. The sub group or officers can only grant such a licence where the application is not contrary to the Licensing Policy and no objections have been received. A copy of the Board's scheme of delegation can be found here:

<http://www.moray.gov.uk/downloads/file70892.pdf>

During the course of the year, the Board also received applications for 451 occasional licences.

In considering the applications, the Licensing Board 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 Board also have regard to these community planning priorities.

Premise Licence Review

Breach of the objectives may also provide grounds for reviewing a premise licence. During the financial year 2018-2019, one premise licence review was brought before the Board. This review related to a breach of a number of the licensing conditions which included lack of staff training records and the sale of alcohol by a non-personal licence holder at the premise in the absence of the Premise Manager or Personal Licence Holder. In addition, representations made by Police Scotland, Environmental Health and local residents identified multiple issues relevant to the prevention of crime and disorder and prevention of public nuisance licensing objectives as a result of the operation of the premise. As a result of the licence holders' lack of compliance with existing premise licence conditions, and the lack of meaningful engagement with the authorities and with neighbours, confidence in the licence holder complying with additional terms was unlikely. The licence holder had failed to demonstrate on a number of occasions the extent of the significant responsibility that was involved in running a licensed premise and in the Board's view illustrated a serious disregard for the prevention of crime and disorder and prevention of public nuisance. The Board found that this conduct was inconsistent with the licensing objectives aforementioned and on this basis the premise licence was revoked.

Personal Licence

During this financial year, the Board refused 1 personal licence application. This was on the ground that the refusal was considered necessary for the purposes of preventing crime and disorder and securing public safety given the serious nature of the applicant's previous conviction.

Statement of Policy

During the financial year, the Board reviewed its policy and sought information from a wide range of partners together with analysing and collecting data and information for a number of sources including Police Scotland, NHS, Moray Alcohol and Drug Partnership, Census etc. on matters relevant to the sale and consumption of alcohol in Moray. The Board considered a number of key areas and agreed to make the following changes to the policy:

Children in Licensed Premises

The Board's initial policy allowed children/young people to access licensed premises until the hours of 8pm. However, the Board recognised that changes in lifestyles and attitudes meant that it was becoming increasingly common for families to eat and socialise later in the evenings. The Board also recognised that tourists were often accustomed to dining later in the evenings. The Board determined that this provision was restrictive and agreed that 10pm would be a more suitable time.

Social Responsibility

During the course of the year, the Board introduced a number of conditions into its policy and premise licences to address a number of concerns raised about the increased risk of vulnerability to those who had consumed an excessive amount of alcohol within the Moray area. Following discussions with Police Scotland and Alcohol Focus Scotland, the Board introduced a condition on premise licence holders to implement a social responsibility policy outlining a standard approach to be taken towards any individual displaying excessive signs of intoxication. In addition, all staff members must have additional training in identifying the signs of intoxication and an enhanced awareness of vulnerability through intoxication. The policy aims to introduce measures to aid in reducing vulnerability through intoxication, however attained, for the promotion of the licensing objectives. The Board is also in the process of issuing guidance to local premises.

Curfew

The Board also reviewed their policy in relation to late night premises that were subject to a curfew. Traditionally, the curfew was introduced to prevent customers who intended to drink past 1.30am from drifting between premises or remaining on the streets and potentially becoming the source of anti-social behaviour or causing a nuisance to local residents within the locality. In addition, the curfew created a staggered system for leaving the premise and as such reducing the overall numbers of people on the street. However, the Board recognised that there was very little evidence to suggest that this curfew was required to deal with high levels of antisocial behaviour or issues relating to public nuisance. Police Scotland provided evidence that currently Moray did not experience a higher level of antisocial behaviour than was generally expected with late night premises. On this basis, the Board agreed that curfew was no longer an effective and proportionate means of promoting the licensing objectives and such a condition should not be automatically attached to any premises licence unless it was appropriate in response to a particular set of circumstances.

Overprovision

During this period, the Board also reviewed its policy on overprovision of licensed premise in its area. As part of the statement of policy the Board has a duty to publish a determination as to whether it considers that there is an overprovision of licensed

premises in its area. Pursuant to that duty the Board consulted with a number of partners including the local licensing forum, Police Scotland, NHS, Moray Alcohol & Drug Partnership and collated a large volume of data from numerous sources to consider the relationship between Moray and alcohol. A report was produced which found that Moray had the 14th highest alcohol related death rate of the 32 local authorities, however, there had been a reduction in the number of active service users engaged in services for alcohol issues. It also noted lower rates of alcohol related hospital stays in comparison to NHS Grampian and nationally. On this basis the Board concluded that there was no evidence to support a finding of overprovision within Moray.

Review of Gambling Policy

During this financial year, the Board undertook a review of its Gambling Policy in accordance with the Gambling Act 2005 which requires local authorities to review their Statement of Gambling Policy every three years. This review provided the opportunity for the Board to align its policy in accordance with the relevant code of practice and guidance issued by the Gambling Commission to ensure that its policy statement continued to be consistent with the licensing objectives.

Current Licences

Appendix 2 contains a breakdown of the current Premises Licences.

Licensing Hours

In granting licences, the Board recognises that licensing hours are an important part of how licensed premises function; However, the Board must continually balance the impact that licensing hours has on the wider area against the increasing growth of the local economy within Moray which continues to play a key role for investment, employment and tourism.

The Board's policy in respect of licensing hours is set out in the statement of policy. The Board's approach to hours has been generally permissive although applications tend to remain within the hours set out in the policy.

The Board has an existing practice of permitting specific hours over the Christmas / New Year festive period by way of a general extension. This is a flexible policy to allow all premises to open if they choose to do so, rather than having to apply for specific hours. This regulation allows businesses to promote themselves and benefit from increased trade. The Board has had no complaints in respect of festive opening. The policy on festive hours is published here:

<http://www.moray.gov.uk/downloads/file107983.pdf>

Licensing Forum

The Moray Licensing Forum forms an integral part of the licensing regime in Moray. The forum membership includes the LSO, Police Scotland, representatives of the

NHS, representatives of the District Licensed Trade Association and representatives of Elgin Community Council. The forum has met four times during the financial year and has sought to promote the work of the licensing forum to develop links with new organisations and engage with the local community. It is anticipated that the Licensing Forum will meet with the Board once a year to provide valuable feedback to the Board on the community's opinion on alcohol licensing issues.

Licensing Standards

Following the appointment of 1 full-time LSO during the previous financial year, a second full time LSO has been appointed. It is envisaged that one LSO will be responsible for all aspects relating to civic and taxi licensing, while the second LSO will be 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.

Conclusion

It is the view of the Board that the licensing function in Moray operates very well. The Board has come to this view based on the very low number of incidents which are linked to Licensed Premises in the area and the low number of premises licence reviews

Premises Licences	
Licences in Force on 31 March 2019	329
(a) on-sales only	88
(b) off-sales only	94
(c) both	147
Applications received during 2018-19	
(a) on sale	2
(b) off sale	3
(c) both	1
Applications refused during 2018-19 under section 23	0
Applications granted during 2018-19 under section 23	6
Applications for review of premises licence during 2018-19 under S36 & S37 resulting in:-	2
(a) written warning	0
(b) variation	0
(c) suspension	1
(d) revocation	1
(e) no action	0
Occasional Licence Statistics	
Number of Occasional Licences granted during 2018-19	451
Personal Licence Statistics	1275
Personal Licences in Force on 31 March 2019	197
Applications during 2018-19 under section 72:-	
(a) refused	1
(b) granted	197

Proceedings taken during 2018-19 under section 83 (notice of conviction) resulting in:-	0
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Proceedings taken during 2018-19 under section 84 (conduct inconsistent with licensing objectives) resulting in:-	0
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Proceedings during 2018-19 under section 86 (multiple endorsements) resulting in:-	0
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Revocations of personal licences during 2018-19 under section 87(3) (failure to provide evidence of having undertaken refresher training)	0
Staff employed at 31 March 2019	
Number (full-time equivalent) of licensing standards officers employed	2

TRADING AS	ADDRESS	ON/OFF SALES
	41 The Square, Tomintoul, Ballindalloch, Moray, AB37 9ET	OFF
	5 Seaview Road, Findochty, Buckie, Moray, AB56 4QJ	OFF
	5 Southfield Drive, Elgin, Moray, IV30 6GR	ON
	Allarburn Farm Shop, Edgar Road, Elgin, Moray, IV30 6XQ	BOTH
	Aroma, Covesea Links, Lossiemouth, Moray, IV31 6SP,	OFF
	Drummuir Castle, Keith, Moray, AB55 5JE	OFF
	Portgordon Bowling Club, Station Road, Portgordon, Buckie, Moray, AB56 5RZ	ON
	Speyburn Distillery, Rothes, Aberlour, Moray, AB38 7AG	OFF
	Upper Hempriggs Farmhouse, Kinloss, Forres, Moray, IV36 2UB	OFF
A & K McKenzie	89-91 New Mill Road, Lesmurdie, Elgin, IV30 4AH	OFF
A Taste of Speyside	10 Balvenie Street, Dufftown, Keith, Moray, AB55 4AB	ON
Abbey Inn	Findhorn Road, Kinloss, Forres, Moray, IV36 3TX	OFF
Aberlour Distillery	Aberlour Distillery, Aberlour, Moray, AB38 9PJ	BOTH
Ada Turkish Restaurant	29 South Street, Elgin, Moray, IV30 1JZ	BOTH
Against the Grain	25 Batchen Street, Elgin, Moray, IV30 1BH	BOTH
Al-Bahar Tandoori Restaurant	156 High Street, Elgin, Moray, IV30 1BD	ON
Aldi Stores Ltd	11 Trinity Place, Elgin, IV30 1VL	OFF
Archiestown Hotel	Archiestown Hotel, The Square, Archiestown, Aberlour, Moray, AB38 7QL	ON
Asda Store	Asda Stores Ltd, Edgar Road, Elgin, Moray, IV30 6YQ	OFF
Ashvale Fish Restaurant	13 Moss Street, Elgin, Moray, IV30 1LU	ON
Aultmore Distillery	Aultmore Distillery, Aultmore, Keith, Moray, AB55 6QY	OFF
B&B Parrandier	Parrandier, Meft Road, Urquhart, Elgin, Moray, IV30 8NH	ON
Badenoch's	178 High Street, Elgin, Moray, IV30 1BA	BOTH
Ballindalloch Castle Golfing Limited	Ballindalloch Castle Golfing Ltd, Lagmore, Ballindalloch, Moray, AB37 9AA	ON
Ballindalloch Shop, Post Office & Filling Station	Ballindalloch, Moray, AB37 9AS	OFF
Balvenie Castle	Balvenie Castle, Castle Road, Dufftown, Keith, Moray, AB55 4GH	OFF
Beach Bar	Beach Bar, Commerce Street, Lossiemouth, Moray, IV31 6BW	BOTH
Beechtree Restaurant	Beechtree Restaurant, Moray College, Moray Street, Elgin, Moray, IV30 1JJ	ON
Bengal Brasserie	5 Cluny Square, Buckie, AB56	ON
Bengal Spice	94 Mid Street, Keith, Moray, AB55 5AE	ON
BenRiach Distillery	Benriach Distillery, Elgin, Moray, IV30 8SF	OFF
Benromach Distillery and Malt Whisky Visitor Centre	Benromach Distillery, Invererne Road, Forres, Moray, IV36 3EB	BOTH
Bijou	8-10 Batchen Street, Elgin, Moray, IV30 1BH	BOTH
Bijou by the Sea	Great Eastern Road, Buckie, Moray, AB56 4DJ	BOTH
Bonnie Earl Bar	Munro Place, Bishopmill, Elgin, IV30 4LL	BOTH
Booker Limited	2 Chanonry Road South, Elgin, IV30 6NG	OFF
Brander Arms	Brander Arms Bar, Shore Street, Lossiemouth, Moray, IV31 6PB	BOTH

Brewmeister Brewery Ltd	Unit R, Isla Bank Mills, Station Road, Keith, Moray, AB55 5DD	OFF
Brodie Countryfare	Brodie Countryfare, Brodie, Forres, Moray, IV36 2TD	OFF
Buckie Bowling Club	2 Low Street, Buckie, AB56 1UX	ON
Buckie Filling Station	Buckie Filling Station, Buckie, Moray, AB56 4AD	OFF
Buckie Victoria Bowling Club	Buckie Victoria Bowling Club, West Church Street, Buckie, Moray,	ON
Buckpool Golf Club	Buckpool Golf Club, Barhill Road, Buckie, Moray, AB56 1DU	BOTH
Burghead Post Office and Stores	49 Grant Street, Burghead, IV30 5TT	OFF
C & W A Longmore	35 High Street, Rothies, Aberlour, Moray, AB38 7AU	OFF
Caberfeidh	Caber Feidh Bar, Main Street, Elgin, Moray, IV30 6BH	BOTH
Cardamon Spice	64 - 66 High Street, Forres, Moray, IV36 1PQ	ON
Cardhu Distillery	Cardhu Distillery, Cardhu, Aberlour, Moray, AB38 7RY	BOTH
Carisbrooke Hotel	Carisbrooke Hotel, Drumduan Road, Forres, Moray, IV36 1BS	BOTH
Carlton Bingo	25-27 South Street, Elgin, Moray, IV30 1JZ	ON
Carlton Bingo	Carlton Bingo, 29 West Church Street, Buckie, Moray, AB56 1BP	ON
Carlton Hotel	67 High Street, Forres, IV36 1AE	ON
Chapter One Restaurant	39 High Street, Forres, IV36 1PB	ON
China Town Buffet	222 High Street, Elgin, Moray, IV30 1BA	ON
Chinatown Restaurant	52 West Church Street, Buckie, Moray, AB56 1HP	ON
Christies of Fochabers (Chemists) Ltd	62 High Street, Fochabers, Moray, IV32 7DU	OFF
Cluny Bank Hotel	Cluny Bank Hotel, 69 St Leonards Road, Forres, Moray, IV36 1DW	ON
Commercial Hotel	Commercial Hotel, 110 Mid Street, Keith, Moray, AB55 5AE	BOTH
Commercial Hotel	Commercial Hotel, 4 Church Street, Dufftown, Keith, Moray, AB55 4AR	BOTH
Commercial Hotel	Commercial Hotel, 4 Young Street, Burghead, Elgin, Moray, IV30 5UB	BOTH
Co-op	52 - 56 High Street, Forres, Moray, IV36 1PF	OFF
Co-op	Coulardbank Road, Lossiemouth, IV31 6ED	OFF
Co-operative	Co-operative, 39 High Street, Fochabers, Moray, IV32 7DX	OFF
Co-operative Group Limited	18 Fife Street, Dufftown, AB55 4AL	OFF
Co-operative Group Limited	36 East Church Street, Buckie, Moray, AB56 1EX	OFF
Co-operative Group Limited	62 Glen Moray Drive, Elgin, Moray, IV30 6YA	OFF
Co-operative Group Limited	80 Queen Street, Lossiemouth, Moray, IV31 6PY	OFF
Co-operative Group Limited	91 High Street, Aberlour, Moray, AB38 9QB	OFF
Co-operative Group Limited	Co-Op , Forres Retail, Falconer Avenue, Forres, Moray, IV36 2PA	OFF
Costcutter	19 - 21 Harbour Street, Hopeman, Elgin, Moray, IV30 5SJ	OFF
Costcutters	27 Morriston Road, Bishopmill, Elgin, IV30 4EB	OFF
Coulard Inn	Coulardbank Road, Lossiemouth, Moray, IV31 6SL	BOTH
Cragganmore Distillery	Cragganmore Distillery, Ballindalloch, Moray, AB37 9AB	BOTH
Craigellachie Distillery	Craigellachie Distillery, Hill Street, Craigellachie, Aberlour, Moray, AB38 9ST	BOTH

Craigellachie Filling Station & Grocery Store	Craigellachie Filling Station, Hill Street, Craigellachie, Aberlour, Moray, AB38 9TB	OFF
Craigellachie Hotel	Craigellachie Hotel, Victoria Street, Craigellachie, Aberlour, Moray, AB38 9SR	BOTH
Craigenroan Bar	Craigenroan, 13 Great Eastern Road, Buckie, Moray, AB56 1SL	BOTH
Crannoch Hotel	Crannoch Hotel, 12 Blantyre Street, Cullen, Buckie, Moray, AB56 4RP	BOTH
Croft Inn	The Croft Inn, Glenlivet, Ballindalloch, Moray, AB37 9DP	BOTH
Crown & Anchor	44 Findhorn, Findhorn, Forres, IV36 3YF	BOTH
Crown Bar	The Crown, 7 The Square, Newmill, Keith, Moray, AB55 6TT	BOTH
Crown Inn	22 Reidhaven Square, Keith, Moray, AB55 5AB	BOTH
CSS Newsagents Limited	172 High Street, Elgin, Moray, IV30 1BD	OFF
Cullen Bay Hotel	Cullen Bay Hotel, Cullen, Buckie, Moray, AB56 4XA	BOTH
Cullen Bowling and Tennis Club	Reidhaven Place, Cullen, AB56 4RN	ON
Cullen Corner Shop	14 - 18 The Square, Cullen, Buckie, Moray, AB56 4RL	OFF
Cullen Golf Club	The Links, Cullen, Buckie, AB56 4WB	BOTH
Dallas Dhu Distillery	Mannachie Road, Forres, IV36 2RR	OFF
Delnashaugh Hotel	Ballindalloch, Banffshire, AB37 9AS	ON
Dicey Rileys	Dicey Reilys, 185C High Street, Elgin, Moray, IV30 1DW	BOTH
Drouthy Cobbler	Drouthy Cobbler, 48A High Street, Elgin, Moray, IV30 1BU	BOTH
Dufftown & District Royal British Legion Club Ltd	The Royal British Legion, 50 Balvenie Street, Dufftown, Keith, Moray, AB55 4AS	ON
Dufftown Golf Club	Dufftown Golf Club, Dufftown, Keith, Moray, AB55 4BS	OFF
Duffus Inn	1 Hopeman Road, Duffus, Elgin, Moray, IV30 5RR	BOTH
Duffus Village Shop and Post Office	1 Hopeman Road, Duffus, Elgin, IV30 5RR	OFF
Eagle Hotel	The Eagle Bar, North Street, Forres, Moray, IV36 1AD	BOTH
Eastbank Hotel	Eastbank Hotel, 11 - 17 High Street, Rothes, Aberlour, Moray, AB38 7AU	BOTH
Eight Acres Hotel	Eight Acres Hotel, Morriston Road, Elgin, Moray, IV30 6UN	BOTH
Elgin & District Indoor Bowling Club	Elgin Indoor Bowling Club, Moycroft Road, Elgin, Moray, IV30 1XZ	BOTH
Elgin City Social Club	Elgin City Social Club, Borough Briggs Road, Elgin, Moray, IV30 1AP	ON
El-Gin Findrassie Ltd	Findrassie House, Elgin, Moray, IV30 5PS	OFF
Elgin Minimarket	11 Commerce Street, Elgin, Moray, IV30 1BS	OFF
Emperor Restaurant	7 North College Street, Elgin, Moray, IV30 1EL	ON
Fiddichside Inn	Fiddichside Inn, Craigellachie, Aberlour, Moray, AB38 9RR	BOTH
Findhorn Village Store	Findhorn Village Store, 114 Findhorn, Forres, Moray, IV36 3YJ	OFF
Firth Hotel	5 Clifton Road, Lossiemouth, Moray, IV31 6DJ	BOTH
Fochabers Bowling Club	Fochabers Bowling Club, Spey Street, Fochabers, Moray, IV32 7EH	ON
Forres Golf Club	Forres Golf Club, Edgehill Road, Forres, Moray, IV36 2RD	BOTH
Forres Mechanics Football Club Members Lounge	Forres Mechanics Football Club Members Lounge, Mosset Park, Lea Road, Forres, Moray, IV36 1AU	ON
Fournet House Holdings Noah's Ark Bistro	Fournet House, Balvenie Street, Dufftown, Keith, AB55 4AB	ON

Garmouth and Kingston Golf Club	Garmouth And Kingston Golf Club, Spey Street, Garmouth, Fochabers, Moray, IV32 7NJ	ON
Garmouth Hotel	South Road, Garmouth, IV32 7LU	BOTH
Glen Grant Distillery	Elgin Road, Rothes, AB38 7BS	OFF
Glen Moray Distillery	Bruceland Road, Elgin, Moray, IV30 1SF	BOTH
Glenallachie Distillery	Glenallachie Distillery, Glenallachie, Aberlour, Moray, AB38 9LR	OFF
Glenavon Hotel	Glenavon Hotel, The Square, Tomintoul, Ballindalloch, Moray, AB37 9ET	BOTH
Glenavon Hotel	Glenavon Hotel, The Square, Tomintoul, Ballindalloch, Moray, AB37 9ET	BOTH
Glenfarclas Distillery	Glenfarclas Distillery, Ballindalloch, Moray, AB37 9BD	BOTH
Glenlivet Distillery	Ballindalloch, Banffshire, AB37 9DB	BOTH
Glenlivet Public Hall	Glenlivet Village Hall, Glenlivet, Ballindalloch, Moray, AB37 9EJ	ON
Glenrinnes Distillery	Glenrinnes Distillery, Glenrinnes, Dufftown, Keith, Moray, AB55 4DB	BOTH
Golf View Hotel And MacIntosh Restaurant	Stotfield Road, Lossiemouth, IV31 6QS	BOTH
Gordon and MacPhail	58-60 South Street, Elgin, IV30 1JY	BOTH
Gordon and MacPhail	Gordon And MacPhail, Borough Briggs Road, Elgin, Moray, IV30 1AP	OFF
Gordon Arms Hotel	Gordon Arms, 80 High Street, Fochabers, Moray, IV32 7DH	BOTH
Gordon Castle Cafe, Restaurant and Shop	Gordon Castle, Fochabers, Moray, IV32 7PQ	BOTH
Grampian Hotel	Grampian Hotel, 5 Regent Square, Keith, Moray, AB55 5DX	BOTH
Granary Elgin	14 Thunderton Place, Elgin, Moray, IV30 1BG	BOTH
Grant Arms Hotel	Grant Arms Hotel, 31 Grant Street, Cullen, Buckie, Moray, AB56 4RS	BOTH
Grant Arms Hotel	Grant Arms, 42 High Street, Fochabers, Moray, IV32 7DX	BOTH
Gulf Keith	Gulf Keith, Regent Street, Keith, Moray, AB55 5ED	OFF
Harbour Bar	83 Main Street, Buckpool, AB56 4XQ	ON
Harbour Inn	Harbour Inn, 59 Granary Street, Burghead, Elgin, Moray, IV30 5UA	OFF
Harbour Lights	5 Pitgaveny Quay, Lossiemouth, Moray, IV31 6TW	ON
Highland Village	Baxters Food Group, Fochabers, Moray, IV32 7LD	BOTH
Highlander Inn	Victoria Street, Craigellachie, Aberlour, Moray, AB38 9SR	BOTH
Home Bargains	Unit 2, Elgin Retail Park, Edgar Road, Elgin, Moray, IV30 6RP	OFF
Hopeman Bowling Club	Hopeman And District Bowling And Social Club, Forsyth Street, Hopeman, Elgin, Moray, IV30 5SY	ON
Hopeman Golf Club	Hopeman Golf Club, Lodge Road, Hopeman, Elgin, Moray, IV30 5YA	BOTH
Hopeman Post Office Store	51 Harbour Street, Hopeman, Elgin, Moray, IV30 5RU	OFF
Hotel Square	The Square, Tomintoul, AB37 9ET	BOTH
Innes House	Innes House, Urquhart, Elgin, Moray, IV30 8NF	ON
Inver House Distillers Ltd	Knockdhu Distillery, Knock, Huntly, Moray, AB54 7LJ	OFF
Ionic Bar	39 High Street, Elgin, IV30 1EE	ON
JiCs	Buckie Masonic Club, Newlands Lane, Buckie, Moray, AB56 1PB	ON
Jimmy Chungs	15 Greyfriars Street, Elgin, IV30 1LF	ON

Johnstons of Elgin	Johnstons Of Elgin, Newmill Road, Elgin, Moray, IV30 4AF	BOTH
Keith Bowling club	Keith Bowling Club, Church Road, Keith, Moray, AB55 5BR	ON
Keith Brewery Limited	Unit R, Isla Bank Mills, Station Road, Keith, Moray, AB55 5DD	OFF
Keith Golf Club	Keith Golf Club, Mar Court, Keith, Moray, AB55 5GF	BOTH
Keystore	11 Main Street, Elgin, Moray, IV30 6BH	OFF
Keystore	172 High Street, Forres, IV36 1QQ	OFF
Kimberley Inn	Kimberley Inn, 94 Findhorn, Forres, Moray, IV36 3YG	BOTH
Kinloss Country Golf Club	Kinloss Country Golf Club, Kinloss, Forres, Moray, IV36 2UB	BOTH
Kirkie Bar	50 Main Street, Elgin, Moray, IV30 6BH	BOTH
Kiss	9 Cluny Square, Buckie, AB56 1AH	ON
Knockomie Hotel	Knockomie Hotel, Forres, Moray, IV36 2SG	BOTH
L & C McBain	40 Balvenie Street, Dufftown, AB55 4AS	OFF
La Faisanderie	2 Balvenie Street, Dufftown, AB55 4AD	ON
Laichmoray Hotel	Maisondieu Road, Elgin, Moray, IV30 1QR	BOTH
Legends	122 High Street, Forres, Moray, IV36 1NP	BOTH
Lennox Inn	5 Lennox Place, Portgordon, Buckie, Moray, AB56 5RY	BOTH
Lhanbryde Post Office	St Andrews Road, Lhanbryde, Elgin, Moray, IV30 8RZ	OFF
Lidl UK GmbH (Store 1001)	Lidl Uk GmbH, Station Road, Elgin, Moray, IV30 1QW	OFF
Lidl UK GmbH (Store 1157)	Lidl UK GMBH, 10 East Cathcart Street, Buckie, Moray, AB56 1PJ	OFF
Lidl UK GmbH (Store 1184)	Lidl UK GmbH, 18 West Road, Forres, Moray, IV36 2GW	OFF
Lodge Pitgaveny No. 681	9 James Street, Lossiemouth, Moray, IV31 6AU	ON
Lodge St John 37 Club	Masonic Lodge, 3 High Street, Forres, Moray, IV36 1BU	ON
Logie Whisky And Wine Shop	Unit 1 The Garage, Logie Steading Visitors Centre, Dunphail, Forres, IV36 2QN,	OFF
Lossie Inn	18 Clifton Road, Lossiemouth, Moray, IV31 6DJ	BOTH
Lossie Inn	The Lossie Inn, 18 Clifton Road, Lossiemouth, Moray, IV31 6DJ	BOTH
Lossiemouth Bowling Club	Lossiemouth Bowling Club, St Gerardines Road, Lossiemouth, Moray, IV31 6JX	ON
Lossiemouth FC Social Club	Lossiemouth Fc Social Club, 41 Macduff Street, Lossiemouth, Moray, IV31 6ET	BOTH
Lossiemouth Indoor Sports & Social Club	Lossiemouth Indoor Sports And Social Club, Queen's Lane, Lossiemouth, Moray, IV31 6DR	ON
Marks and Spencer PLC	213-225 High Street, Elgin, IV30 1DJ	OFF
Maverston Golf Club	Maverston Golf Course, Urquhart, Elgin, Moray, IV30 8LR	BOTH
McColls	11 St Andrew Square, Buckpool, Buckie, AB56 1BU	OFF
McColls	81 High Street, Forres, IV36 1AA	OFF
McColls	Fleurs Place, Forres, Moray, IV36 1LX	OFF
McColls	Martin Mccoll Ltd, 16 New Street, Rothes, Aberlour, Moray, AB38 7BQ	OFF
McColls	Pansport Road, Elgin, Moray, IV30 1HE	OFF
McKays Mini Market	5 Church Street, Portknockie, Buckie, AB56 4LN	OFF
McKenzie Newsagents Limited	60 Glen Moray Drive, Elgin, Moray, IV30 6YA	OFF
Midas	Midas, 13 Lossie Wynd, Elgin, Moray, IV30 1PU	BOTH
Miele's of Lossie	17 Clifton Road, Lossiemouth, Moray, IV31 6DJ	OFF
Mill House Hotel	Mill House Hotel, Buckie, Moray, AB56 5HJ	BOTH

Moray Bowling Club	Moray Bowling Club, Seafield Street, Elgin, Moray, IV30 1QZ	ON
Moray Golf Club	Moray Golf Club, Stotfield Road, Lossiemouth, Moray, IV31 6QS	BOTH
Moray House	1 Trinity Road, Elgin, IV30 1UF	OFF
Moray House	Diageo, 1 Trinity Road, Elgin, Moray, IV30 1UF	OFF
Moray Rugby Football Club	Morrison Park, Haugh Road, Elgin, Moray,	ON
Newmarket Bar And Kristoffs Restaurant	3 - 5 Tolbooth Street, Forres, Moray, IV36 1PH	ON
Northern Lights Public House	Northern Lights, 29 Yuill Avenue, Buckie, Moray, AB56 1NX	ON
OJ's Snooker And Pool	17 West Church Street, Buckie, Moray, AB56 1BN	ON
Old Mill Inn	Old Mill Inn, Burnbank, Brodie, Forres, Moray, IV36 2TD	BOTH
Panache Eastern Indian Cuisine	21 South Street, Elgin, Moray, IV30 1JZ	ON
Pattaya Thai Restaurant	Pattaya Thai Restaurant, 54 High Street, Elgin, Moray, IV30 1BU	BOTH
Phoenix Community Stores Ltd	156 The Park, Findhorn, Forres, Moray, IV36 3TD	OFF
Pinz Bowling Ltd	2 Moycroft Road, Elgin, Moray, IV30 1XZ	ON
Pinz Bowling Ltd	Pinz Bowling Ltd, Moycroft Road, Elgin, Moray, IV30 1XZ	ON
Polish Deli	28 Commerce Street, Elgin, Moray, IV30 1BS	OFF
Portknockie Bowling Club	Seafield Terrace, Portknockie, Buckie, AB56 4NA	ON
Premier Convenience Store	31 Reidhaven Square, Keith, AB55 5AB	OFF
Pricewise Service Station and Shop	Mosstodloch, Fochabers, Moray, IV32 7LH	OFF
Pub in the Square	The Pub In The Square, Cluny Square, Buckie, Moray, AB56 1AH	ON
Qismat Tandoori Restaurant	202 - 204 High Street, Elgin, Moray, IV30 1BA	ON
Ramnee Hotel	Ramnee Hotel, Victoria Road, Forres, Moray, IV36 3BN	BOTH
Red Lion	The Red Lion, 2 - 6 Tolbooth Street, Forres, Moray, IV36 1PH	BOTH
Red Lion Hotel	65 - 67 High Street, Fochabers, Moray, IV32 7DU	BOTH
Rehab	3 West Church Street, Buckie, Moray, AB56 1BN	ON
Richmond Hotel	Richmond Arms Hotel, The Square, Tomintoul, Ballindalloch, Moray, AB37 9ET	BOTH
Rising Sun Bar	37 Bridge Street, Elgin, Moray, IV30 4DE	BOTH
Rock House Hotel	Rockhouse Hotel, Clifton Road, Lossiemouth, Moray, IV31 6DP	BOTH
Roths Football Club Social Club	15 Seafield Square, Roths, Aberlour, Moray, AB38 7AZ	ON
Roths Golf Club	Roths Golf Club, Roths, Aberlour, Moray, AB38 7AN	ON
Royal British Legion Club	British Legion Scotland, 65 High Street, Buckie, Moray, AB56 1AX	BOTH
Royal British Legion Scotland (Forres Branch Club)	The Royal British Legion, Sanquhar Road, Forres, Moray, IV36 1DG	ON
Royal British Legion Keith & District Branch	The Royal British Legion, Balloch Road, Keith, Moray, AB55 5EN	BOTH
Royal Findhorn Yacht Club	Royal Findhorn Yacht Club, Yacht Club Road, Findhorn, Forres, Moray, IV36 3YE	BOTH
Royal Hotel	109 Church Road, Keith, Moray, AB55 5BR	BOTH
Royal Hotel	Station Road, Elgin, IV30 1QW	BOTH
Royal Naval Association	26 Commerce Street, Lossiemouth, Moray, IV31 6QD	BOTH
Royal Oak Hotel	Royal Oak Hotel, 34 Castle Terrace, Cullen, Buckie, Moray, AB56 4SD	BOTH

Royal Oak Hotel	The Royal Oak, Station Road, Urquhart, Elgin, Moray, IV30 8LQ	ON
Sandisons	Sandisons, 22 East Church Street, Buckie, Moray, AB56 1AE	ON
Savers Health And Beauty	42 High Street, Forres, Moray, IV36 1PF	OFF
Scotmid	1 Thornhill Road, Elgin, IV30 6GR	OFF
Scotmid	103 - 105 Milton Drive, Buckie, Moray, AB56 1NZ	OFF
Scotmid	20 - 22 North Street, Bishopmill, Elgin, Moray, IV30 4EF	OFF
Scotmid	9 - 11 Brander Street, Burghead, Elgin, Moray, IV30 5XD	OFF
Scotmid Morning Noon and Night	73 High Street, Fochabers, IV32 7DH	OFF
Scottish Co-op	12 Grant Street, Cullen, Buckie, Moray, AB56 4RS	OFF
Scribbles Pizza House	154 High Street, Elgin, Moray, IV30 1BD	ON
Seafield Arms Hotel	73 New Street, Rothes, AB38 7BJ	BOTH
Shindig	178 High Street, Elgin, Moray, IV30 1BA	BOTH
Silver Sands	Silver Sands Leisure Park, Lossiemouth, Moray, IV31 6SP	BOTH
Silver Sands	Silver Sands Leisure Park, Lossiemouth, Moray, IV31 6SP	BOTH
Spar	16 St Pauls Street, Buckpool, Buckie, AB56 1EJ	OFF
Spar	183 Mid Street, Keith, AB55 5BL	OFF
Spar	Findhorn Road, Kinloss, Forres, Moray, IV36 3TL	OFOFFF
Spar Shop	21 Regent Street, Keith, Moray, AB55 5DY	OFF
Spar Shop	Greshop Filling Station, Nairn Road, Forres, IV36 2EY	OFF
Spar Shop	West Road Service Station, West Road, Elgin, IV30 1SA	OFF
Spey Bay Hotel and Golf Lodges	Spey Bay Golf Club, Spey Bay, Fochabers, Moray, IV32 7PJ	BOTH
Spey Bay Hotel and Golf Lodges	Spey Bay Hotel, Spey Bay, Fochabers, Moray, IV32 7PJ	BOTH
Speyside Cooperage Visitors Centre	Speyside Cooperage Ltd, Craigellachie, Aberlour, Moray, AB38 9RS	OFF
Speyside Craft Brewery	2 Greshop Road, Forres, Moray, IV36 2GU	BOTH
Spice Of India	9-13 Church Street, Dufftown, AB55 4AR	ON
Spice Tandoori	36 High Street, Lossiemouth, Moray, IV31 6AA	ON
Spice Tandoori	9A Moss Street, Elgin, Moray, IV30 1LU	BOTH
Springfield Bar	Springfield Bar, Glen Moray Drive, Elgin, Moray, IV30 6YA	BOTH
St Andrews	St Andrews Bar, Garmouth Road, Lhanbryde, Elgin, Moray, IV30 8PD	BOTH
Station Hotel	Station Hotel, 36 Harbour Street, Hopeman, Elgin, Moray, IV30 5RU	BOTH
Station Hotel	Station Hotel, 51 New Street, Rothes, Aberlour, Moray, AB38 7BJ	BOTH
Strathisla Distillery	Strathisla Distillery, Seafield Avenue, Keith, Moray, AB55 5BS	BOTH
Strathlene Buckie Golf Club	Strathlene Golf Club, Buckie, Moray, AB56 4DJ	BOTH
Stuart Arms	22 Conval Street, Dufftown, AB55 4AE	BOTH
Sunninghill Hotel Limited	Sunninghill Hotel, Hay Street, Elgin, Moray, IV30 1NH	BOTH
Tannochbrae Guest House and Restaurant	Tannoch Brae Guest House, 22 Fife Street, Dufftown, Keith, Moray, AB55 4AL	ON
Tenant Arms	Tenant Arms, 15 St Andrews Road, Lhanbryde, Elgin, Moray, IV30 8NZ	OFF
Tenant Arms Hotel	Tenant Arms, 15 St Andrews Road, Lhanbryde, Elgin, Moray, IV30 8NZ	BOTH

	Moray, IV30 8NZ	
Tesco	High Street, Buckie, AB56 4AD	OFF
Tesco Extra	Tesco Stores Ltd, Blackfriars Road, Elgin, Moray, IV30 1TY	OFF
Tesco Store	Tesco Store Ltd, Moss Street, Keith, Moray, AB55 5HB	OFF
Tesco Store	Tesco Store Ltd, Nairn Road, Forres, Moray, IV36 2EY	OFF
The Aberlour Hotel	87 High Street, Aberlour, Moray, AB38 9QB	BOTH
The Admirals Inn	Admirals Inn, 6 Jubilee Terrace, Findochty, Buckie, Moray, AB56 4QA	OFF
The Bakehouse	91 Findhorn, Forres, Moray, IV36 3YG	ON
The Bonnie Earl Shop	The Bonnie Earl Shop, Munro Place, Elgin, Moray, IV30 4LL	OFF
The Bothy	16 Grant Street, Burghead, Elgin, Moray, IV30 5UE	BOTH
The Braemou Inn	1 Cooper Street, Hopeman, Elgin, Moray, IV30 5SD	BOTH
The Buccaneer	66 Main Street, Elgin, Moray, IV30 6BG	OFF
The Buccaneer	Buccaneer Service Station, 137 Lossiemouth Road, Elgin, Moray, IV30 4LF	OFF
The Captains Table	The Boatyard, Findhorn, Forres, Moray, IV36 3YE	ON
The Clockhouse Restaurant	The Square, Tomintoul, Ballindalloch, Moray, AB37 9ET	ON
The Cooperage	178 High Street, Elgin, IV30 1BA	BOTH
The Co-operative Food	170 Mid Street, Keith, AB55 5BL	OFF
The Co-operative Food	26 - 32 High Street, Fochabers, Moray, IV32 7DX	OFF
The Cottar Hoose	Cottar Hoose, Thornhill Road, Elgin, Moray, IV30 5DY	BOTH
The Day Lodge	The Lecht Ski Centre, Corgarff, Strathdon, Aberdeenshire, AB36 8YP	ON
The Dowans Hotel	The Dowans Hotel, Aberlour, Moray, AB38 9LS	BOTH
The Elgin Bowling Club	10 Reidhaven Street, Elgin, Moray, IV30 1QG	ON
The Elgin Bridge Centre	1 Academy Street, Elgin, Moray, IV30 1LL	BOTH
The Elgin District Ex-Service Men's Club	St Giles, 9 High Street, Elgin, Moray, IV30 1EQ	BOTH
The Fife Arms Hotel	Fife Arms Hotel, Regent Street, Keith, Moray, AB55 5DZ	ON
The Forbes Arms Hotel	Forbes Arms Hotel, Main Street, Rothiemay, Huntly, Moray, AB54 7LT	BOTH
The Glenfiddich & Balvenie Distillery	Glenfiddich Distillery, Castle Road, Dufftown, Keith, Moray, AB55 4DH	BOTH
The Golden Pheasant Bar	The Golden Pheasant, North Street, Bishopmill, Elgin, Moray, IV30 4EF	BOTH
The Haugh Restaurant	Mansion House, Blackfriars Road, The Haugh, Elgin, Moray, IV30 1AW	
The Highlander Hotel	Highlanders Hotel, 75 West Church Street, Buckie, Moray, AB56 1BQ	BOTH
The Keith Railway Club	Keith Railway Club, Union Street, Keith, Moray, AB55 5BP	ON
The Linkwood Lodge	Linkwood Lodge, 15 Linkwood Way, Elgin, Moray, IV30 1HY	BOTH
The Loft Bistro & Venue	The Loft Bistro And Venue, East Grange, Kinloss, Forres, Moray, IV36 2UD	BOTH
The Mansefield Hotel	Mansefield House Hotel, 2 Mayne Road, Elgin, Moray, IV30 1NY	BOTH
The Mansefield Hotel	Mansefield House Hotel, 2 Mayne Road, Elgin, Moray, IV30 1NY	BOTH
The Marine Hotel	Marine Place, Buckie, AB56 5BB	BOTH
The Mash Tun	The Mash Tun, 8 Broomfield Square, Aberlour, Moray,	BOTH

	AB38 9QP	
The Mosset Tavern	The Mosset Tavern, Gordon Street, Forres, Moray, IV36 1DY	BOTH
The Muckle Cross	The Muckle Cross, 36 High Street, Elgin, Moray, IV30 1BU	BOTH
The New Club	The New Club, 8 Greyfriars Street, Elgin, Moray, IV30 1LF	ON
The Old Coach House Hotel	26 High Street, Buckie, AB56 1AR	BOTH
The Peppermill	118 High Street, Forres, Moray, IV36 1NP	ON
The Plough Inn	Plough Inn, 95 Mid Street, Keith, Moray, AB55 5AE	BOTH
The Royal Oak	30 Fife Street, Dufftown, Keith, Moray, AB55 4AL	BOTH
The Salt Cellar	20 Clifton Road, Lossiemouth, Moray, IV31 6DJ	BOTH
The Seafield Inn	Seafield Inn, 5 Victoria Place, Portknockie, Buckie, Moray, AB56 4LH	BOTH
The Seaforth Club	Seaforth Association Club, Academy Street, Elgin, IV30 4LJ	BOTH
The Spey Larder	96 - 98 High Street, Aberlour, Moray, AB38 9QA	OFF
The Speyside Whisky Shop	110A High Street, Aberlour, Moray, AB38 9NX	OFF
The Star Inn	22 Bridgend, Buckie, Moray, AB56 1XN	BOTH
The Station Hotel	2 Brander Street, Burghead, Elgin, Moray, IV30 5UD	BOTH
The Steamboat	15 Pitgavney Street, Lossiemouth, IV31 6NT	BOTH
The Stotfield Hotel	Stotfield Hotel, Stotfield Road, Lossiemouth, Moray, IV31 6QS	BOTH
The Three Kings Inn	The Three Kings Inn, 17 North Castle Street, Cullen, Buckie, Moray, AB56 4SA	BOTH
The Time Out Cafe	79 High Street, Forres, Moray, IV36 1AE	BOTH
The Universal Hall	Universal Hall Arts Centre, The Park, Findhorn, Forres, Moray, IV36 3TE	ON
The Visitor Centre	Knockando Distillery, Knockando, AB38 7RT	ON
The Warehouse Theatre	The Warehouse Theatre, Pitgaveny Quay, Lossiemouth, Moray, IV31 6TW	ON
The Whisky Castle and Highland Market	The Whisky Castle And Highland Market, 6 Main Street, Tomintoul, Ballindalloch, Moray, AB37 9EX	BOTH
The Whisky Shop Dufftown	1 Fife Street, Dufftown, Keith, Moray, AB55 4AL	BOTH
The White Horse	White Horse Inn, 160 High Street, Elgin, Moray, IV30 1BD	BOTH
Thistle Bar	6 West Church Street, Buckie, Moray, AB56 1HD	BOTH
Thistle Bar	Thistle Bar, 168 High Street, Forres, Moray, IV36 1NP	BOTH
Thunderton House Hotel	Thunderton House Hotel, Thunderton Place, Elgin, Moray, IV30 1BG	BOTH
Tomintoul Distillery	Tomintoul Distillery, Kirkmichael, Ballindalloch, Moray, AB37 9AQ	OFF
Ugie House Hotel	Ugie House Hotel, Church Road, Keith, Moray, AB55 5BR	ON
Victoria Bar	Victoria Bar, 1 Seafield Square, Rothes, Aberlour, Moray, AB38 7AZ	BOTH
Victoria Bar	Victoria Bar, 211 High Street, Elgin, Moray, IV30 1DJ	ON
Victoria Hotel	Victoria Hotel, Tytler Street, Forres, Moray, IV36 1EL	ON
Victoria Park Function Hall	Victoria Park, South Pringle Street, Buckie, Moray, AB56 1BJ	ON
Victoria Park Function Hall	Victoria Park, South Pringle Street, Buckie, Moray, AB56 1BJ	ON
Visitors Centre	Macallan Distillery, Craigellachie, Aberlour, Moray, AB38 9RX	BOTH
Windswept Brewing Co Ltd	Unit 13 B, Coularbank Industrial Estate, Lossiemouth, Moray, IV31 6NG	BOTH

Zed Bar Joannas Downtown USA Moray Playhouse	195 High Street, Elgin, Moray, IV30 1DJ	ON
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REPORT TO: THE MORAY LICENSING BOARD 13 JUNE 2019

SUBJECT: LICENSING (SCOTLAND) ACT 2005 – ANNUAL REVIEW OF LICENSING FEES

BY: CLERK TO THE BOARD

1. REASON FOR THE REPORT

- 1.1 This report is to update the Board on the overall income versus expenditure for alcohol licensing for the last financial year by way of an annual financial report; make predictions in respect of likely future income and expenditure; and determine whether the Board wishes to undertake a review of licensing fees as a result;

2. RECOMMENDATIONS

2.1 It is recommended that the Board:-

- i) consider and note the current fees attached at Appendix 1;
- ii) consider and note the financial report on income and expenditure data at Appendix 2;
- iii) agree to publish the financial report; and
- iv) consider future fees i.e. whether the Board wishes to keep the current fee structure or revise the same and in the latter case proceed to nominate and instruct the policy sub group to consider proposals for change as the Board sees fit.

3. BACKGROUND

Current Fees

- 3.1 The Licensing (Fees) (Scotland) Regulations of 2007 (referred to here as the “Fees Regulations”) were made in accordance with the Licensing (Scotland) Act 2005 (“the Act”). The Fees Regulations require each Licensing Board to set certain fees in respect of various applications under the Act. This includes application and annual premises licence fees that are set by Boards but within overall maxima prescribed by the Scottish Government.

- 3.2 The current fee scale is attached at **Appendix 1**. It was agreed by the Board at the meeting on the 11 August 2016 (paragraph 4 of the minute refers).
- 3.3 The current scale sets the premises licence **application** fees at the maximum level prescribed by the Scottish Government, which means that those fees cannot be increased but they could be reduced.
- 3.4 The current scale sets the premises licence **annual** fees at 20% below the maximum level prescribed by the Scottish Government, which means that those fees can either be increased by up to 20% or reduced.
- 3.5 In accordance with the Fees Regulations, the fee structure is designed around the principle that licensing is to be, as far as possible, self funding and that each Board was to broadly recover, through licensing fees, the overall cost to the Council and Board of providing licensing functions.
- 3.6 The expenses to be recovered are not limited to Licensing Board expenses. Expenses must include all those incurred by both the Board and the Moray Council in administering the Act in general. This includes expenses for all Board and Council licensing administration including that from other departments of the Council contributing to the licensing procedure.

4. FINANCIAL REPORT ON INCOME AND EXPENDITURE

- 4.1 A review of licensing fees is undertaken annually.
- 4.2 With the assistance of officers in the Finance department, the Clerk has now collated income and expenditure figures for the financial year 1 April 2018 to 31 March 2019.
- 4.3 The figures and calculations are summarised at **Appendix 2**.
- 4.4 The figures reveal the following indications:
- Taking account of the reduction in income, because of the reduced annual fees, there was still a notional surplus for the last financial year.
 - The notional surplus was greater than anticipated but this was largely because of a temporary reduction in staffing levels and so lower staffing recharges to the Licensing Board. One of the solicitors undertaking licensing work left the Council in early December 2018 and that post was not filled until April 2019, resulting in a significant staff gap of approximately 4 months. The Legal Services Manager for licensing also left the council at the end of January 2019 and that post is not being filled. Another solicitor and a member of clerical staff both of whom carried out some licensing work also left. The LSO for alcohol licensing left the council in August 2018 and a replacement was not recruited until February of 2019. Between those times some of the alcohol related work was covered by the single LSO in post but there was still a significant staff gap for several months. All this resulted in lower than expected staffing costs.

- Legal Services has been through a restructure and in terms of licensing now has a full complement of staff including senior solicitor, solicitor, two LSOs and administrative support.
- During the 2018/2019 year some additional expenditure was anticipated, in particular a mobile ICT system for LSOs. Unfortunately implementation of that system that was delayed by the supplier and so the expenditure for that has been carried forward into the 2019/2020 annual budget.

Publication of the Financial Report

- 4.5 It should also be noted that The Air Weapons and Licensing (Scotland) Act 2015 introduced requirement for Boards to publish both a functions report (relating to the objectives, decisions etc) and a financial report (relating to income and expenditure) no later than three months after the end of each financial year i.e. by the end of June each year. The financial information detailed in this report serves as the required financial report. There is a separate agenda item relating to the functions report that includes details of the licensing applications processed.
- 4.6 The Board is asked to note and agree to publication of the financial report on the Board's web pages.
- 4.7 The Board has previously agreed to review fees on an annual basis and this fits in line with the new requirement for an annual financial report.

5. FUTURE FEES

- 5.1 As income is primarily made up of annual fees and as the number of premises licences is largely stable, overall income is quite consistent. It is therefore anticipated that the income for 2019/2020 will be of a similar level if the current fee structure remains the same. However, it should also be borne in mind that overall numbers of applications, particularly major variations and personal licences are reducing as time goes on.
- 5.2 If fees and expenditure were to remain at the current levels, it appears likely that income will again exceed expenditure in 2019/2020.
- 5.3 It should be noted that figures for both projected income and expenditure can only ever be estimates and may not be a true reflection of actual amounts. The estimates are based on historical data about income, expenditure and transactions.
- 5.4 However, going forward there is also likely to be further expenditure in the coming year that will need to be accounted for, in particular, there will be additional expenditure in respect of staff. As detailed in para 4.4 staff costs were unusually low for the last financial year because of temporary gaps in staffing. It is expected that staffing costs will increase for the next financial year. The amount cannot be precisely predicted as the actual cost is calculated based on the time spent by staff on licensing and time is recorded by staff on an ongoing basis. However it is anticipated that the gap between income and expenditure will be much closer.

- 5.5 The additional anticipated expenditure of approximately £5000 will also fall into the next budget.
- 5.6 The legal requirement is for the Board to “have regard to the desirability of ensuring that the total fees payable under these Regulations to that Board in respect of any period are likely to be broadly equivalent to the expenses incurred by that Board, and the council for the area of that Board, in administering the Act generally...”.
- 5.7 Fee setting is not an exact science. Taking account of all the above, it seems likely that keeping things as they are will result in income being broadly equivalent to expenditure. Therefore the recommendation is for the Board to keep the current fee structure as it is.
- 5.8 Alternatively the Board may choose to revise fees now. In respect of any review it should be noted that where, in accordance with legislation, fees are set by the Board there is no requirement to consult upon those fees before any variation is brought into effect.
- 5.9 In case the Board does choose to take the option of a review now, members are invited to give any guidance or remit as appropriate and appoint and instruct the Policy Sub Group to:
- Work with Officers on the task of balancing income and expenditure more closely;
 - Settle on proposals for a revised fee structure;
 - Decide whether and how the same should be issued for consultation;
 - Proceed with and consider the results of any consultation and revise proposals if required;
 - Bring final draft proposals back to the Board for approval and implementation.
- 5.10 There is a requirement that fees may not be varied so that the variation comes into effect less than a year after the date with effect from which the fee in question was first determined or last varied. As the fees were last varied on 11 August 2016, they can be varied again at any time.
- 5.11 Finally, it has been noted before that the Scottish Government is reviewing licensing fees and exploring options for a possible change to the fee structure. In particular now the Scottish Government is consulting on the statutory fee for occasional licences. No decisions have yet been made and the consultation does not close until July 2019. A major change to the cost of an occasional licence may radically alter the income and expenditure balance and necessitate a further fee review. However, it seems likely that the effects will not be seen until the next financial review in June 2020 anyway. Recommendations in this report proceed on the assumption of the statutory fee structure remaining the same. However, depending on the outcome of the Scottish Government review, if a further review of fees becomes necessary the matter may be brought back before the Board.

6 SUMMARY OF IMPLICATIONS

(a) Moray 2026 A Plan for the Future/ Service Plan

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Alcohol and alcohol dependency influence the health of the population. The alcohol industry in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of the sale of alcohol contributes to a safer community.

(b) Policy and Legal

Policy and Legal implications have been explained above.

(c) Financial implications

Financial implications relating to fee levels have been explained above.

(d) Risk Implications

As explained above, the projected figures for future income are only estimates. Accordingly there is a risk that the actual income differs from the projected income. The risk in connection with the setting of fees is that if fees are set too low then the cost of administering the licensing system may not be recouped. Conversely if fees continue to produce a surplus then the Board's decisions in respect of fees may be open to judicial review.

(e) Staffing Implications

Preparation of fee projections has involved considerable staff time and fees are reviewed annually. No additional resources are required. It is anticipated that going forward fee income will ensure full cost recovery in terms of providing the licensing function.

(f) Property

None.

(g) Equalities

In considering this matter the Board should have regard to issues of equality and the subject's (licence holders) rights under the European Convention on Human Rights (and the Human Rights Act 1998). It is not considered necessary to undertake an equalities and human rights impact assessment in connection with this report.

The Board should have regard to all the circumstances.

(h) Consultations

As far as possible, the figures within this report have been prepared in consultation with Alistair Milne, Accountant of the Council's Finance Department.

7. CONCLUSION

- 7.1 It is proposed that the Board note the contents of this report and determine what further action is required.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Board

Background Papers:
Ref: SH

Moray Licensing Board Current Fee Scale

Premises Licence Application Categories and Annual Fees

Category	Rateable Value	Application Fee	Annual Fee
Category 1	nil rateable value or within certain defined exemptions described above	200	144
Category 2	rateable value between £1 and £11,500	800	176
Category 3	rateable value between £11,501 and £35,000	1100	224
Category 4	rateable value between £35,001 and £70,000	1300	400
Category 5	rateable value between £70,001 and £140,000	1700	560
Category 6	rateable value over £140,000	2000	720

Type of Application and Fee

Type of Application	Fee - £
An application to vary a premises licence where the variation sought is the substitution of a premises manager and any other variation is a minor variation	31
An application to vary a premises licence where the variation sought is a minor variation and there is no substitution of the premises manager	20
Application for an occasional licence	10
Application for extended hours	10
Application for a personal licence	50

Type of Application and Fee

Type of Application	Fee - £ Category 1-3	Fee - £ Category 4-6
Any variation of a premises licence that is not within the definition of the prescribed fees below i.e. that is a major variation	350	500
Application by the licence holder to transfer and vary a licence	375 for major variations and 145 for minor ones	600 for major variations and 220 for minor ones
Application by the licence holder to transfer a licence (no variation)	125	200
Application by another person to transfer and vary a licence	450 for major variations and 220 for minor ones	675 for major variations and 295 for minor ones
Application by another person to transfer a licence (no variation)	200	275
Application for a provisional premises licence £Variable (to be the same as a category 1 premises)	180	180
Application for confirmation of a provisional premises licence £Variable (this will vary between premises. The confirmation fee will be the fee that	Variable	Variable

Type of Application and Fee

Type of Application	Fee - £ Category 1-3	Fee - £ Category 4-6
would have been payable for a premises licence application (based on the rateable value as above) LESS the amount paid on application for the provisional premises licence as a category 1)		
Application for a temporary premises licence	200	200
Application for a replacement personal licence	25	25
Application for a replacement premises licence	40	40

LICENSING (SCOTLAND) ACT 2005

MORAY LICENSING BOARD FINANCIAL REPORT

FOR THE YEAR ENDED 31 MARCH 2019

The Moray Licensing Board is required under section 9B of the Licensing (Scotland) Act 2005 to publish an annual financial report within 3 months of the end of the relevant financial year.

This report has been prepared using financial data taken as at 31 March 2019. The relevant budgets and other finance sources that the data has been extracted from have not yet been audited. Consequently the figures provided in this report are indicative and cannot be relied upon as an accurate reflection of income and expenditure relative to the exercise of the Licensing Board's functions under the Licensing (Scotland) Act 2005.

The financial statement is as follows:

	£
Income¹:	(119,260)
Expenditure	
Direct Staff Costs ²	61,185
Other Direct Costs ³	4,869
Indirect Costs ⁴ :	<u>36,070</u>
Total Expenditure	102,124
Net Income	(17,136)

Notes:

1. Denotes income from applications and annual fees received under the Licensing (Scotland) Act 2005
2. Denotes salary, superannuation, national insurance and pension costs associated with the Clerk, the Licensing Standards Officer and other Council staff responsible for administrative support under paragraph 8 of Schedule 1 to the Licensing (Scotland) Act 2005.
3. Denotes direct costs associated with the exercise of the Licensing Board function such as training, stationery, supplies and services etc.
4. Denotes the portion of central administrative costs such as accommodation, ICT, facility management etc. that are allocated to the Licensing Board.



REPORT TO: THE MORAY LICENSING BOARD 14 JUNE 2018

**SUBJECT: LICENSING (SCOTLAND) ACT 2005 - SCOTTISH GOVERNMENT
OCCASIONAL LICENCE CONSULTATION**

BY: CLERK TO THE BOARD

1. REASON FOR REPORT

- 1.1 This report is to notify the Board of an ongoing consultation by the Scottish Government on occasional licence fees and applications.

2. RECOMMENDATION

2.1 It is recommended that the Board consider and note :-

- i) the current consultation by Scottish Government in relation to occasional licence fees at Appendix 1;
- ii) the issues raised, in particular whether the occasional licence fee should be increased and the options proposed;
- iii) the desirability of introducing a prescribed limit on occasional licence applications; and
- iv) that the Clerk may submit comments in relation to the occasional licence process and instruct the Clerk to respond to the consultation accordingly.

3. BACKGROUND

- 3.1 Section 56-61 of the Licensing (Scotland) Act 2005 sets out the relevant procedures for handling of occasional licences. Only those eligible, that is, the holder of a premise licence, the holder of a personal licence and a representative of any voluntary organisation may apply for an occasional licence. The maximum duration for each occasional licence is 14 days and will be subject to the conditions set out in schedule 4 of the 2005 Act. All applications are considered by the relevant statutory consultees to establish whether there are any grounds for refusal, if not the application must be granted.
- 3.2 The current fee for occasional licences has been determined by the Licensing (Fees) (Scotland) Regulations 2007 at £10 for all applicants.

- 3.3 In February 2014, Scottish Ministers published a report entitled the Review of Alcohol Licensing Fees. The report made a number of recommendations, including the recommendation to increase the fee for occasional licences.
- 3.4 Scottish Government have begun a consultation to consider whether or not to raise the fee for an occasional licence from the current price of £10, to either £50, £75 or £100 or any other alternative levels.
- 3.5 In addition, Scottish Government are also consulting on whether there should be a prescribed limit on the number and duration of occasional licences for holders of a premise licence and holders of a personal licence. At present there are no restrictions on the number of occasional licences that may be granted to a premise licence holder or a personal licence holder.
- 3.6 To inform the Board on the consultation process, the Clerk has reviewed the current application process and has determined that the processing of an application from submission to refusal or granting of the application can take an estimated 160 minutes. It should be noted that times for individual applications can vary considerably.
- 3.7 The consultation also invites Boards to consider the likelihood of inappropriate use of occasional licences for long term use to circumvent the licensing process. This can be balanced against those who seek to rely on occasional licences to open a new venture as they await their full licence and who can demonstrate that the licensing objectives are not compromised.
- 3.8 The Board is also invited to consider the key role that occasional licences play for events in churches, highland games, fetes and galas within Moray's local tourism industry and the effect of putting a limit on these events or setting the fee too high to deter applicants from applying for an occasional licence.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Alcohol and alcohol dependency influence the health of the population. The alcohol industry in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of the sale of alcohol contributes to a safer community.

(b) Policy and Legal

Policy and Legal implications have been explained above.

(c) Financial implications

A review of occasional licence fees may necessitate the review of other licensing fees charged by Moray Council.

(d) Risk Implications

None identified. It is a legal requirement to publish the report. There is no stated action for failure to do so therefore any failure would be open to challenge by judicial review.

(e) Staffing Implications

None identified.

(f) Property

None.

(g) Equalities/Socio Economic Impact

In considering individual decisions the Board should have regard to issues of equality and the subject's (licence holders) rights under the European Convention on Human Rights (and the Human Rights Act 1998). It is not considered necessary to undertake an equalities and human rights impact assessment in connection with this report.

(h) Consultations

All interest parties are free to respond to the consultation in any event.

5. CONCLUSION

5.1 The Board is invited to note the ongoing consultation on occasional licences and express any comments for the Clerk to respond to the Scottish Government.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Board
Background Papers:
Ref:SH

Licensing (Scotland) Act 2005

Consultation on reviewing the fee for occasional licences and considering a limit on the number and duration of occasional licences

Background

1. Alcohol licensing in Scotland is principally regulated by the Licensing (Scotland) Act 2005 ('the 2005 Act') and secondary legislation made under that Act.
2. The operation of the alcohol licensing system is the responsibility of Licensing Boards. Licensing Boards are independent regulatory bodies and their activities are governed by the 2005 Act. Councils elect members from among their councillors to form the Licensing Board(s) for their local authority area, and Boards receive support from local authority staff. However, a Licensing Board is an entirely separate legal entity from a local authority.
3. Licensing Boards are primarily responsible for regulating the sale of alcohol to the public within their particular area. The Boards carry out a range of functions, including granting and reviewing licences to sell alcohol.
4. The Scottish Ministers have powers under the 2005 Act to make secondary legislation in relation to alcohol licensing. For instance, in relation to the procedure that Licensing Boards and applicants are to follow, or as to fees.
5. This consultation relates to the 'occasional licence'. An occasional licence allows unlicensed premises to sell alcohol. Licensing Boards are responsible for issuing occasional licences.

The occasional licence

6. The purpose of the occasional licence is to cater for the multitude of events which take place on premises which are not 'fully' licensed but feature the sale of alcohol, for example fetes, wedding receptions and arts events. When used in their envisaged role, occasional licences offer a flexible regime for the hospitality and entertainment sector to provide alcohol at events outside licensed premises.
7. However, concerns have also been raised that some applicants have sought to use the occasional licence process to apply for consecutive occasional licences as an alternative to a full premises licence, allowing them to circumvent parts of the licensing regime.
8. The procedures for handling occasional licences are set out in sections 56 to 61 of the 2005 Act. Those persons eligible to apply for an occasional licence are:
 - The holder of a premises licence;
 - The holder of a personal licence; and
 - A representative of any voluntary organisation.
9. Occasional licences are subject to mandatory national licensing conditions set out in schedule 4 to the 2005 Act.

10. Voluntary organisations may apply for an occasional licence authorising the sale of alcohol at an event connected with the organisation's activities. A single voluntary organisation may hold over a 12 month period:
 - Not more than 4 occasional licences of 4 days or more in duration;
 - Not more than 12 occasional licences of less than 4 days in duration
11. However the total number of days on which an occasional licence has effect must not exceed 56 during any 12 month period.
12. Occasional licences may be given in respect of a premises licence covering a members' club. This means, for example that a members' club which under its licence is normally only permitted to supply alcohol to its members and their guests may during the period covered by an occasional licence admit members of the public and sell alcohol to them.
13. The maximum duration of each occasional licence is 14 days.
14. Under the 2005 Act and [The Licensing \(Procedure\) \(Scotland\) Regulations 2007](#) (SSI 2007/453), applications for occasional licences are subject to a statutory procedure for notification, publication and determination. This is intended to ensure there is appropriate notification of applications and the ability to object and make representations.
15. Any application for an occasional licence is notified to the Chief Constable and Licensing Standards Officer (LSO), and anyone can lodge an objection.

Reviewing the fee for occasional licences

16. Section 56 of the 2005 Act and [The Occasional Licence \(Scotland\) Regulations 2007](#) (SSI 2007/96) set out the legislative process for applying for an occasional licence.
17. Section 136 of the 2005 Act enables Scottish Ministers to make provision for the charging of alcohol licensing fees by Licensing Boards in a range of situations such as applying for premises licences, personal licences and occasional licences; annual fees and transfers or variations of licences.
18. [The Licensing \(Fees\) \(Scotland\) Regulations 2007](#) (SSI 2007/553) were made in exercise of the powers conferred by the 2005 Act to provide for the fees to be charged by Licensing Boards in relation to various matters under the 2005 Act. In respect of some matters, Licensing Boards have discretion as to the fee that is to be charged. Regulation 13 of SSI 2007/553 sets out the procedure for determining certain fees where Licensing Boards have discretion as to the level of the fee:

13. In determining any fee under regulation 6(1), 8(1), 11(1) or 12(2), a Board is to have regard to the desirability of ensuring that the total fees payable under these Regulations to that Board in respect of any period are likely to be broadly equivalent to the expenses incurred by that Board, and the council for the area of that Board, in administering the Act generally during that period.'

19. However, Licensing Boards have no discretion in respect of the occasional licence fee. Regulation 15 of SSI 2007/553 set the occasional licence fee at £10 for all applicants:

15. The fee payable in respect of an application under section 56(1) of the Act is £10.'

20. The [Review of Alcohol Licencing Fees](#) report published in February 2014 made a number of recommendations to Scottish Ministers. One of which was that the fee for occasional licences should be raised higher than the current £10 level.

21. The steering group set up to review fees reported that the occasional applications were overall the most labour-intensive activity for Licensing Boards, who spent between 5 and 50% of their total activity on these applications. Although many occasional applications require relatively little work, some are much more complex and labour intensive and the £10 fee does not cover the associated costs.

22. Furthermore, there are a large number of these compared to other applications. The feedback received from the steering group was clear that the £10 occasional licence fee was not sufficient to cover the cost of administration.

23. Having considered the above, the Scottish Government believes that there is a case for increasing the fee from the current level of £10.

24. Increasing the fee requires a change to regulation 15 of SSI 2007/553.

25. The Scottish Government is also required to consult before any new fees system comes into force. We are therefore now consulting on whether or not to raise the fee for an occasional licence from the current price of £10, to either £50, £75 or £100. We also welcome views on alternative fee levels

26. In addition to welcoming views from respondents to the consultation on whether or not the fee level for the occasional licence should be increased, we also welcome evidence to support their view.

Prescribing a limit on the number and duration of occasional licences

27. As well as consulting on whether or not to increase the fee level for the occasional licence, we are also consulting on prescribing a limit on the number and duration of occasional licences for holders of a premises licence and holders of a personal licence.

28. Section 56 of the 2005 Act was amended by [section 13 of the Alcohol etc. \(Scotland\) Act 2010](#) ('the 2010 Act') to provide Scottish Ministers with a power to make Regulations limiting when a Licensing Board may issue an occasional licence.

29. Section 13 of the 2010 Act was commenced on 1 October 2011. However, Regulations setting limits have not yet been made for holders of a premises licence and holders of a personal licence. We are therefore now seeking views on whether to prescribe limits, and if so, what they should be. At present there are no restrictions on the number of occasional licences that may be granted to a premises licence holder or a personal licence holder.

30. The power to make Regulations includes the ability to:

- set out limits on the number of occasional licences that could be issued to the same applicant in a 12 month period,
- set out limits on the number of occasional licences that could be issued in relation to the same premises in a 12 month period,
- set out limits on the number of days that the occasional licences issued to the same applicant in a 12 month period could have effect,
- set out limits on the number of days that the occasional licences issued in relation to the same premises in a 12 month period could have effect, and
- can also set out limits on the number of continuous days that a series of occasional licences can have effect in relation to the same premises.

Purpose of consultation

31. The purpose of this consultation is therefore:

- To consult on whether or not to raise the fee for an occasional licence from the current price of £10, and if it is agreed that we should increase the fee, seek views on what that new fee level should be; and
- seek views on prescribing a limit on the number and duration of occasional licences for premises licence holders and personal licence holders.

32. In terms of next steps following this consultation, the Scottish Government will analyse the responses and if considered appropriate will draft and lay secondary legislation embedding any new fee level or limit on the number and duration of occasional licences into Scottish law.

Consultation Questions:

(We would be grateful if you would use the consultation questionnaire provided at Annex C)

Fees

1. Do you agree that the fee for an occasional licence should be increased from the current level of £10?

Yes / No

2. Why?

3. Do you agree that £50 is an appropriate new fee level?

Yes / No

4. Why?

5. Do you agree that £75 is an appropriate new fee level?

Yes / No

6. Why?

7. Do you agree that £100 is an appropriate new fee level?

Yes / No

8. Why?

9. If you do not think that any of the proposed fee levels are appropriate, what do you believe would be a suitable fee level?

10. What evidence, based on cost recovery, can you supply for an appropriate fee level for occasional licences?

Limits

11. Do you agree that limits should be placed on the number and duration of occasional licences for holders of a premises licence and holders of a personal licence?

Yes / No

12. Why?

13. What do you think would be an appropriate limit on the **number** of occasional licences that could be issued to the same **applicant** in a 12 month period, and why?

14. What do you think would be an appropriate limit on the **number** of occasional licences that could be issued to the **same premises** in a 12 month period, and why?

15. What do you think would be an appropriate limit on the **number of days** that occasional licences issued to the **same applicant** in a 12 month period could have effect, and why?
16. What do you think would be an appropriate limit on the **number of days** that the occasional licences issued in relation to the **same premises** in a 12 month period could have effect?
17. What do you think would be an appropriate limit on the **number of continuous days** that a series of occasional licences can have effect in relation to the **same premises**?
18. Are there any other comments you wish to make that relate to the occasional licence?

ANNEX A

Responding to this Consultation

We are inviting responses to this consultation by Tuesday 16 July 2019

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at <https://consult.gov.scot/criminal-law/occasional-licences>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of Tuesday 16 July 2019.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) to:
licensing.consultation@gov.scot

or

Adam Sinclair
Licensing Team
Area GW14
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

If you have any queries contact Adam Sinclair on 0131 244 7931.

We would be grateful if you would use the consultation questionnaire provided (at Annex C) or could clearly indicate in your response which questions you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at: <http://consult.scotland.gov.uk>.

The Scottish Government has an e-mail alert system for consultations. This system, called SEconsult, allows individuals and organisations to register and receive a weekly email with details of all new consultations (including web links). SEconsult complements, but in no way replaces, Scottish Government distribution lists. It is designed to allow people with an interest to keep up to date with all Scottish Government consultation activity. You can register at SEconsult: <http://www.scotland.gov.uk/consultations/seconsult.aspx>

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached at Annex B included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to Adam Sinclair at the above address.

Scottish Government consultation process

Consultation is an essential part the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

ANNEX B

The Licensing (Scotland) Act 2005 – Consultation on reviewing the fee for occasional licences and considering a limit on the number and duration of occasional licences

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.
To find out how we handle your personal data, please see our privacy policy:
<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

☐ Individual ☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☐ Publish response with name
☐ Publish response only (without name)
☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☐ Yes ☐ No

ANNEX C

Questions:

Fees

1. Do you agree that the fee for an occasional licence should be increased from the current level of £10?

Yes ☐ No ☐

2. Why?

Comments

3. Do you agree that £50 is an appropriate new fee level?

Yes ☐ No ☐

4. Why?

Comments

5. Do you agree that £75 is an appropriate new fee level?

Yes ☐ No ☐

6. Why?

Comments

7. Do you agree that £100 is an appropriate new fee level?

Yes ☐ No ☐

8. Why?

Comments

9. If you do not think that any of the proposed fee levels are appropriate, what do you believe would be a suitable fee level?

Comments

10. What evidence, based on cost recovery, can you supply for an appropriate fee level for occasional licences?

Comments

Limits

11. Do you agree that limits should be placed on the number and duration of occasional licences for holders of a premises licence and holders of a personal licence?

Yes ☐ No ☐

12. Why?

Comments

13. What do you think would be an appropriate limit on the **number** of occasional licences that could be issued to the same **applicant** in a 12 month period, and why?

Comments

14. What do you think would be an appropriate limit on the **number** of occasional licences that could be issued to the **same premises** in a 12 month period, and why?

Comments

15. What do you think would be an appropriate limit on the **number of days** that occasional licences issued to the **same applicant** in a 12 month period could have effect, and why?

Comments

16. What do you think would be an appropriate limit on the **number of days** that the occasional licences issued in relation to the **same premises** in a 12 month period could have effect?

Comments

17. What do you think would be an appropriate limit on the **number of continuous days** that a series of occasional licences can have effect in relation to the **same premises**?

Comments

18. Are there any other comments you wish to make that relate to the occasional licence?

Comments

ANNEX D

LIST OF CONSULTEES

Responses to this consultation are welcome from any individual or organisation with an interest.

The following will be sent a copy of the consultation directly:

All Scottish Local Authorities
All Scottish MEPs
Clerk of the Justice Committee of the Scottish Parliament
Clerk of the Local Government and Communities Committee of the Scottish Parliament
Consumer Focus Scotland
COSLA (Convention of Scottish Local Authorities)
Equality and Human Rights Commission
Federation of Small Businesses
Law Society of Scotland
Police Scotland
Scottish Crime and Drug Enforcement Agency
Scottish Government Library
Scottish Human Rights Commission
SOLAR (Society of Local Authority Lawyers and Administrators Scotland)
SPICe (Scottish Parliament Information Centre) library
The 6 Legal Deposit or 'Copyright' libraries

The consultation will also be sent to a number of individuals who have expressed an interest.



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