

Moray Licensing Committee
Annual Functions Report

1 April 2020 - 31 March 2021

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About Moray

With a population of around 95,500, Moray nestles between the rugged and spectacular Highlands and the flat, fertile farmlands of the north-east and although it belongs to neither, it shares the best elements of both – from the snow-capped peaks of the Cairngorms to the unspoiled coastline of the Moray Firth. Local industry is as diverse as the landscape in which it is located and makes a major contribution to the area's buoyant economy. Moray is the heartland of the Scotch whisky industry and is home to more than 45 distilleries whose brands are savoured in just about every corner of the world. Whatever country you're in, you'll find a bottle of Speyside Malt for sale.

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

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

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

Introduction

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

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

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

1. Taxis
2. Second hand dealers
3. Knife dealers
4. Metal dealers
5. Boat hire licences
6. Street traders' licences
7. Market operators' licences
8. Public entertainment licences
9. Indoor sports entertainment licences
10. Late hours catering licences
11. Window cleaners' licences
12. Public processions
13. Houses in Multiple Occupation (HMOs)
14. Various animal related licences e.g pet shops, animal boarding, animal breeding etc
15. Landlord registration

In addition to the above, the licencing of Sexual Entertainment Venues has been brought into effect with Short term lets, Travelling Funfairs, Animal welfare and the regulation of fireworks on their way. In exercising its functions under the Act, the Committee is required to have regard to consultees responses as well as neighbouring or community objections id there are any.

Annual Functions Report

From 1 April 2020 to 31 March 2021, the Committee met when it was possible on an approximate eight week cycle on the following dates:

- (a) 10 and 17 September 2020
- (b) 30 September 2020
- (c) 2 December 2020
- (d) 17 February 2021

Meetings were held remotely and, barring a few technical difficulties, successfully. It is hoped that this option will remain open to applicants going forward.

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

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

Decisions of the Committee

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

During the course of the year, the Committee granted a total of 895 licences. It should be noted that not all licences are due to be considered each year as most licences under the Civic Government (S) Act 1982 have a three year cycle. Therefore the overall number of licences is much higher than the number considered each year.

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

The committee also considered a request from Police Scotland to suspend the taxi operator and driver licences for an individual. The Committee agreed that both licenses be suspended on the grounds that the license holder has or is likely to cause a public nuisance or cause a serious threat to public safety with immediate effect for the remainder of the term of the licenses.

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

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

Sexual Entertainment Venues

A new licence type of was introduced in respect of activities involving Sexual Entertainment. In Moray such activities now require to be licensed in accordance with the provisions of the 1982 Act. The new licence type included a full Policy Statement and came into force in January 2020.

Licensing Standards

There are two full time Licensing Standards Officers (LSOs). One LSO is responsible for all aspects relating to civic and taxi licensing, while the second LSO is responsible for liquor licensing, gambling

and adult entertainment. The LSOs will offer guidance and advice to licence holders and communities to supervise the compliance of the requirements of the Act by the licence holders. The LSOs will act as an intermediary between licence holders and the general public helping to avoid and resolve any disputes or agreements. LSOs also attend meetings with the trade and the public which allows them to build a rapport with the local trade and members of the public as a consistent point of contact. This will ensure that there is a cohesive working partnership between all persons interested in the operation of the Act.

Licensing Standards Officer Report

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

Below is a brief list of some of the activities carried out by the Civic LSO between April 2020 and March 2021. During this time period there were a variety of restrictions put in place by Scottish Government to help minimise the spread of the Covid Pandemic, from Full Lockdown to the Tiered System.

- Administered the Taxi / Private Hire business support grant on behalf of Scottish Government distributing a total of £133,500 in payments
- Contacted and supported Taxi and Private Hire Drivers in completion of application resulting in 89 successful grant payments.
- Worked with Estates and Roads to develop an updated procedure for Street Traders to obtain correct permissions for trading on Council Owned and Private land.
- Mediated and provided relevant information to street traders, local businesses and complainants re: allowable activities, locations and social distancing requirements
- Worked with all civic licence holders to ensure they were kept up to date with changing Covid regulations and guidance.
- Worked with Public Entertainment Licence Holders on reallocation of licences for events cancelled due to Covid regulations
- Supported taxi operators in the implementation of protective screens in vehicles in line with guidelines and licence conditions
- Liaised with Fleet Services in keeping operators and drivers up to date and available for work while garage services and new driver tests were on hold due to restrictions
- Provided information and guidance re: music licencing and performances via social media to Moray Council Education Service
- Supported all licence holders in ensuring they were aware of any new Covid guidance, restrictions, timelines that would impact their ability or permission to trade.
- Worked closely with Police Scotland investigating received reports of Covid breaches

List of Application Numbers 2020-2021

Civic Government Licences	
Licences in Force on 31 March 2021	895
Animal Boarding	12
Cinema	3
Dangerous Wild Animals	0
Dog Breeding	1
HMO licence	23
Knife Dealers	1
Late Hours Catering	23
Market Operators - Full	2
Metal Dealer	3
Pet Shops	5
Private Hire Driver	13
Private Hire Operator	33
Public Charitable Collections	1
Public Entertainment – 3 Years	29
Riding Establishments	1
Second Hand Dealer	102
Skin Piercing and Tattooing	36
Street Trader	68
Taxi Booking Office	5
Taxi Driver	287
Taxi Operator	178
Venison Dealer	5
Window Cleaner	64

The figures have been skewed by the pandemic and various lockdowns. On its face there would appear to have been a large rise in application numbers as compared to 2019/2020. However the reports are produced based on the date that a licence is granted. So many of the applications already in process from the previous year were delayed and granted in this year when backlogs were cleared. It can be seen from separate financial information that income has suffered as application numbers have been down.