

Moray Licensing Committee

Annual Functions Report

1 April 2021 - 31 March 2022

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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, animal rehoming, horse riding establishment etc
15. Landlord registration
16. Short term lets
17. Sex shops and sexual entertainment venues

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

Annual Functions Report

From 1 April 2021 to 31 March 2022, the Committee met on an approximate eight week cycle on the following dates:

- (a) 20 May 2021
- (b) 9 June 2021
- (c) 25 August 2021
- (d) 20 October 2021
- (e) 8 December 2021
- (f) 9 February 2022
- (g) 23 March 2022

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

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

Decisions of the Committee

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

During the course of the year, the Committee also received applications for 229 licences. It should be noted that not all licences are due to be considered each year as most licences under the Civic Government (S) Act 1982 have a three year cycle. Therefore the overall number of licence is much higher than the number considered each year.

In addition the majority of licence applications are processed under delegated powers where there are no problems with the application and there are no objections or representations. In cases where an objection or representation does arise the matter is referred to the Licensing Committee.

During the period in question the Committee considered and granted 3 taxi driver applications and 1 private hire driver application. All applications were granted.

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 (SEV)

Following the Resolution in terms of Section 45B of the Civic Government (Scotland) Act 1982 passed on 6 November 2019 there have been no applications for a SEV licence.

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 2021 and March 2022. During the start of 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.

- Worked with Lands and Parks, Estates and Funfair Operators on the removal of PEL exemption at Boroughbriggs and Strathlene due to change of land use.
- Worked with Lands and Parks to create a new process to include the Open Spaces Land Use policy
- Joint Investigation with EH Public Protection officer of Unlicensed Second Hand Dealer opening through Covid as an essential trader
- Supported Taxi Operators in the application and administered the processing of 2 separate Covid Relief Funds Grants totalling £110, 000 to 38 Taxi / Private Hire Operators
- Supported Taxi Drivers in the application and administered the processing of a 2nd and 3rd round of Covid Relief Funds Grants totalling over £145, 000 to 95 Taxi / Private Hire Drivers (Total Covid Grant allocation of £392, 950 to Taxi Trade in Moray)
- Updated licensing webpages with new templates and information to help streamline and provide more relevant information in an easy to access to format for license holders and interested parties e.g. Information on obtaining medical checks for taxi drivers etc.