



Licensing Committee

Wednesday, 16 November 2022

NOTICE IS HEREBY GIVEN that a Meeting of the **Licensing Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 16 November 2022** at **09:30**.

BUSINESS

1. **Sederunt**
2. **Declaration of Group Decisions and Members Interests ***
3. **Resolution**

Consider, and if so decide, adopt the following resolution:
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 9 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."
4. **Minutes**
 - 4a. **Minute of the Meeting of the Licensing Committee of 7 September 2022** 5 - 8
 - 4b. **Minute of the Special Meeting of the Licensing Committee of 21 September 2022** 9 - 10
5. **Written Questions ****
6. **Madatory Review of Taxi Fares and Charges** 11 - 18

Report by Depute Chief Executive (Education, Communities and Organisational Development)

7. **Annual Functions Report**

19 - 26

Report by Depute Chief Executive (Education, Communities and Organisational Development)

8. **Question Time *****

Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

Item(s) which the Committee may wish to consider with the Press and Public excluded

9. **Application for the grant of a Taxi Driver Licence - Case No TD-22-004 - [Para 14]**

- Information relating to action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

Summary of Licensing Committee functions:

To deal with all aspects of the issue of licenses by Local Authorities as required by Government; to deal with matters of Licensing and registration not falling within the functions of any other Committee.

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.

THE MORAY COUNCIL

Licensing Committee

SEDERUNT

Councillor Paul McBain (Chair)
Councillor Peter Bloomfield (Depute Chair)

Councillor James Allan (Member)
Councillor Neil Cameron (Member)
Councillor Tracy Colyer (Member)
Councillor Theresa Coull (Member)
Councillor John Divers (Member)
Councillor Jérémie Fernandes (Member)
Councillor Donald Gatt (Member)
Councillor Juli Harris (Member)
Councillor Kathleen Robertson (Member)
Councillor Ben Williams (Member)

Clerk Name:	Lindsey Robinson
Clerk Telephone:	07966 120593
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Licensing Committee**Wednesday, 07 September 2022****Council Chambers, Council Office, High Street, Elgin, IV30 1BX****PRESENT**

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Divers, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor Juli Harris, Councillor Paul McBain, Councillor Kathleen Robertson, Councillor Ben Williams

IN ATTENDANCE

Also in attendance at the above meeting were Sean Hoath, Senior Solicitor, Lindsey Robinson, Committee Services Officer, as Clerk to the Committee, both Moray Council, and PC Brian Milne, Police Scotland.

1. Chair

Councillor Paul McBain, as Chair of the Licensing Committee, chaired the meeting.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

3. Resolution

The Meeting resolved that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 8, 9 and 10 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7a and Reason
8	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime
9	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime
10	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime

4. Minute of the Meeting of the Licensing Committee of 22 June 2022

The minute of the meeting of the Licensing Committee dated 22 June 2022 was submitted and approved.

5. Written Questions **

The Committee noted that no written questions had been submitted.

6. Mandatory Taxi Fare Review

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider the outcome of the recent taxi fare consultation and either resolve to keep taxi fares the same or formulate a set of alternative proposals for the maximum fares and charges applicable to taxis. No powers are delegated to officers in this regard.

Following lengthy discussion during which the Committee noted the very low response to the consultation, Councillor Gatt moved that there should be a 10% increase in fares across the board. This was seconded by Councillor Bloomfield.

As an amendment Councillor Coull moved that there should be a 10% increase in fares across the board and that the fouling charge be increased to £200. This was seconded by Councillor Fernandes.

On a division there voted: -

For the Motion (3)	Councillors Gatt, Bloomfield and McBain
For the Amendment (6)	Councillors Coull, Fernandes, Allan, Divers, Harris and Williams
Abstentions (3)	Cllrs Cameron, Colyer and Robertson

Accordingly the Amendment became the finding of the meeting and the Committee agreed to increase taxi fares by 10% across the board and to increase the fouling charge to £200.

7. Question Time ***

The Committee noted that no questions were asked.

8. Vary Order of Business

In terms of Standing Order 28, the Committee agreed to vary the order of the confidential business set down on the agenda and take item 10 "Case No STD-22-002" as the next item of business as the applicant had joined the meeting remotely.

9. Case No STD-22-002 [Para 14]

A confidential report by the Depute Chief Executive (Education, Communities and Organisational Development) advised the Committee that a letter of complaint has been received on behalf of the Chief Constable in respect of the holder of a current taxi driver licence. There are no powers delegated to the Head of Strategy and Performance in this regard. The matter must therefore be determined by the Licensing Committee.

The Senior Solicitor introduced the report and confirmed that the Committee were not restricted to grounds relied upon by the Police; it may on its own motion consider suspension or revocation of the licence on the grounds set out in paragraph 5 of the report.

The Committee noted that the applicant was in attendance remotely. The Chief Superintendent was represented by PC Brian Milne, Police Scotland.

On the invitation of the Chair, PC Milne addressed the Committee and responded to questions from Members.

On the invitation of the Chair, the applicant addressed the Committee and responded to questions from Members.

As the applicant had not received two weeks notice of the meeting, the Committee agreed to defer the hearing until 21 September 2022.

The applicant stated that as proof that he would not be working in the meantime and he would hand in his taxi licence. This was agreed by the Committee.

10. Registration of Private Landlords [Para 14]

A confidential report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of an objection to a landlord being registered as a private landlord under the requirements of the Antisocial Behaviour etc (Scotland) Act 2004.

The Senior Solicitor introduced the report and confirmed to the Committee that the applicant was not present but the letter sent was signed for on 25 August to confirm delivery.

The Committee noted that the Chief Superintendent was represented by PC Brian Milne, Police Scotland, and agreed that as the applicant had chosen not to attend the case would be heard in their absence.

On the invitation of the Chair, PC Milne addressed the Committee and responded to questions from Members.

Councillor Bloomfield moved that the applicant was not a fit and proper person to be a private landlord based on all of the evidence presented. This was seconded by Councillor Coull.

There being no one otherwise minded, the application was refused.

11. Case No SHD-22-001 [Para 14]

A confidential report by the Depute Chief Executive asked the Committee to consider an application for the grant of a second hand dealer licence received on 26 May 2022 subject to an adverse representation received from a consultee.

The Senior Solicitor introduced the report and confirmed to the Committee that it was a representation from Police Scotland, not an objection.

The Committee noted that the applicant was in attendance. The Chief Superintendent was represented by PC Brian Milne.

On the invitation of the Chair, PC Milne addressed the Committee and responded to questions from Members.

On the invitation of the Chair, the applicant addressed the Committee and responded to questions from Members.

Councillor Coull moved that the licence be granted due to the issues faced by the applicant. This was seconded by Councillor Robertson.

There being no one otherwise minded, the application was granted.

Minute of Special Meeting of the Licensing Committee

Wednesday, 21 September 2022

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor Peter Bloomfield, Councillor Neil Cameron, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Divers, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor Juli Harris, Councillor Paul McBain, Councillor Kathleen Robertson

APOLOGIES

Councillor James Allan, Councillor Ben Williams

IN ATTENDANCE

Also in attendance at the above meeting were Sean Hoath, Senior Solicitor, Jennifer Smith, Solicitor, and Lindsey Robinson, Committee Services Officer, as Clerk to the Committee.

1. Chair

Councillor Paul McBain, as Chair of the Licensing Committee, chaired the meeting.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regards to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

3. Short Term Lets

A report by the Depute Chief Executive (Education, Communities and Organisational Development) presented to the Committee the process, including Policy Statement and supporting documents, for the provision of a new licencing regime for Short Term Lets (STLs) in Moray.

During discussion , members of the Committee commended the amount of work undertaken to produce the report.

Thereafter following further discussion, the Committee agreed:

- i. to approve the full licence package, including application form, fees and supporting documents to licence STLs in Moray produced at Appendix 1 of the report;
- ii. to approve the statement of licensing policy attached at Appendix 2 of the report;

- iii. recommendations for changes to the Scheme of Delegation as per paragraph 3.14 and Appendix 2 of the report and to commend those to Moray Council for formal approval; and
- iv. the final date for the implementation of the complete licensing system of STLs as 1 October 2022.



REPORT TO: LICENSING COMMITTEE ON 16 NOVEMBER 2022

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - MANDATORY REVIEW OF TAXI FARES AND CHARGES

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 This report asks the Committee to consider the responses received as part of the formal consultation carried out in relation to the review of the maximum fares and charges applicable to taxis and, in light of those responses, to agree a new fare card. There are no powers delegated to officers in this regard.
- 1.2 This report is submitted to Committee in terms of Section III G (1) of the Council's Administrative Scheme relating to the exercise of the function of the Council as licensing authority for the Moray Council area.

2. RECOMMENDATIONS

- 2.1 **It is recommended that the Committee, in accordance with the Civic Government (Scotland) Act 1982, :-**
- i. Considers the views received from the formal consultation process;**
 - ii. In light of those responses, agrees the maximum fares and charges applicable to taxis in Moray to have effect from 10 December 2022; and**
 - iii. Instructs the Head of Governance Strategy and Performance to publish the fare structure and issue a new fare card to all operators.**

3. BACKGROUND

- 3.1 The Committee, at its meeting on 7 September 2022, considered views expressed by taxi operators in an informal consultation process, agreed proposals for the maximum fares and charges applicable to taxis in Moray attached at **APPENDIX 1**, and instructed the Head of Governance Strategy and Performance to conduct a formal consultation on those proposals and report back to Committee in order for it to approve a new fare card for implementation on 10 December 2022(para 6 of the minute refers). The original date mentioned in that report was 14 December 2022. The Fleet

Services team have requested this be amended to the earlier date to alleviate space and staffing concerns. This change of date will not cause any issues for the timescale for appeals and would be advantageous to operators.

- 3.2 Following the meeting referred to above, an email detailing the proposals and inviting representations in relation to them was sent to all Operators the following day and also uploaded on the Council's website.

4. RESPONSES TO THE FORMAL CONSULTATION

- 4.1 There are currently 94 licensed taxi operators in Moray. Licensing officers contacted all of them, seeking their views on the proposed changes and requesting they share the consultation with their drivers. The consultation was also published on the licensing pages of the Council's website. The consultation ran from 8 September to 19 October 2022. 6 responses have been received and the responses along with a summary appears in **APPENDIX 2**.

- 4.2 The Committee is invited to agree the maximum fares and charges applicable to taxis in Moray, having taken consideration of the responses received in the formal consultation process.

5. SUMMARY OF IMPLICATIONS

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

The provisions of licensing directly relate to the priorities within the 10 Year Plan in relation to a growing and diverse economy and safer and healthier communities. The various licensable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licensable goods and services are fit to do so.

(b) Policy and Legal

In terms of section 17 of the Civic Government (Scotland) Act 1982, the Council, as taxi licensing authority for the Moray Council area, is required to review the fees and charges in connection with the hire of taxis in its area. The fare card, as it is known, requires to be reviewed within every 18 months of fares coming into effect. The fares and charges set are the maximum that can be charged so that, if the taxi operator so chooses, s/he may charge less.

(c) Financial implications

The costs associated with the review of taxi fares are mainly considerable staff time as described below in staffing. This can be met from existing budgets.

If the Committee chooses to alter the fare structure then it will be necessary to recalibrate all taxi meters. Any costs incurred by the Council's Fleet Services section in relation to resealing the taxi meters (if necessary) will require to be met by taxi operators. The cost of recalibrating the taxi meters (if necessary) will also require to be met by taxi operators. On average the cost by a meter supplier to run and calibrate a meter (one of their own) over the measured mile costs £10, and a tariff update would be approximately £20. There will also be a £5 charge for fleet services to check the paperwork and reseal the meters.

(d) Risk Implications

There is a risk that any decision is open to an appeal. An appeal would be to the Traffic Commissioner and a further process may be specified/required as a result. If the fares are not set within the 18 month statutory timescale then the further delay may also result in an appeal and further process. These risks are mitigated by the fact that we have held a full informal consultation with the clear view of the majority of responses being to alter fares. We will also hold a full formal consultation should the committee decide to alter the fare structure based on the informal consultation responses, which will mitigate the risk of appeal further.

There is 14 days to appeal from notice being given. The effect of an appeal would be to suspend any decision unless and until an appeal has been determined.

For ease a proposed timeline is provided here:

- Report to Committee 16/11/22 for final determination
- Notice of Committee decision issued 17/11/22
- 2 weeks for appeal until 2nd / 3rd /12/22
- Long stop Implementation date 29/12/22
- Implement changes earlier because of Christmas so calibration and reseal of meters would be Saturday December 10th after agreement with Fleet Services

(e) Staffing Implications

The only staffing implication arising from this report is in terms of the time taken to undertake consultation, draft the published information, compile the responses to the consultation, draft this Committee report and notify taxi operators of the outcome of the review. Whilst the time is considerable this can be met from existing resources.

(f) Property

There are no anticipated property implications arising from this report.

(g) Equalities/Socio Economic Impact

An equalities impact assessment is not required in connection with this report. This is because one of the recommendations of this report is for a public consultation to be undertaken in relation to the taxi fare review.

(h) Climate Change and Biodiversity Impacts

No climate change or biodiversity implications have been determined for this consultation result because it will not increase the amount of taxi vehicles or journeys.

(i) Consultations

Consultation has taken place as described. Taxi operators and interested parties were invited to submit a response to both the informal and formal consultation.

7. CONCLUSION

- 7.1 The Council, as licensing authority, must review the fare scale for taxi/PH operators every 18 months. Following the implementation of the fare card on 29 June 2021, the Council must review the fare scale by 29 December 2022, taking into consideration the relevant consultees views and determine whether the existing fare scales should remain the same or be altered. Given the date of this current review falling between Christmas and New Year we would propose that any decision made at be implemented at the earliest possible date, which after allowing for the appeal process, would be 10 December 2022**

Author of Report: Joanne Larsen (Governance, Strategy and Performance

Background Papers: None

Ref:

Extract from DRAFT Licensing Committee Report September 7th 2022.

The recommendations were as follows:

It is recommended that the Committee, in accordance with the Civic Government (Scotland) Act 1982:

- i. Considers the views expressed in the various responses to the consultation process;
- ii. Approve a fare structure for implementation on 29 December 2022 which would either be the existing fare structure or an alternative structure formulated by the Committee for the maximum fares and charges applicable to taxis in Moray;
- iii. If it is agreed the current fare structure should remain in place, instruct the Head of Governance Strategy and Performance to publish the fare structure and issue a new fare card to all operators;
- iv. If an alternative structure is formulated, instruct the Head of Governance Strategy and Performance to proceed to either, publish the fare structure and issue a new fare card to all operators or to first conduct a further consultation on proposals before final approval.;
and
- v. In the event of alternative proposals and further consultation being agreed to, considers the views expressed in the formal consultation at its next scheduled meeting in order to approve a revised fare structure.

There was a vote on the recommendations which was as follows:

The motion was with Cllr Gatt and seconded by Cllr Bloomfield to set a 10% increase across the board.

The amendment was with Cllr Coull and seconded by Cllr Fernandes to set a 10% increase across the board and to increase the fouling charge to £200.

On a division there voted: -

For the Motion (3)	Cllrs McBain, Bloomfield and Gatt
For the Amendment (6)	Cllrs Allan, Coull, Divers, Fernandes, Harris and Williams
Abstentions (3)	Cllrs Cameron, Colyer and Robertson

So the Amendment became the finding of the meeting and the Committee agreed to increase taxi fares by 10% across the board and to increase the fouling charge to £200.

Comments received from Taxi Trade regarding Taxi Fare Review –received / 94 sent**Increase**

Suggested increase of Fouling surcharge from £120 to £200

Options offered:

New Tariffs

Suggestion 1	Suggestion 2	Suggestion 3
Suggested increase of 10% across the Board on all charges and surcharges except fouling	Suggested increase of Fouling surcharge from £120 to £200	No change to current tariff

Summary

The fare increase would still allow Taxi Operators to negotiate a lower off meter price where they wish. This is a practice already used in Moray for sometimes for pre-booked journeys, agreed returns etc.

Full Responses:

You asked, "Should fares stay the same or should they change to an across the board increase of 10% with an increase to the fouling charge from £120 to up to £200?" Fares should rise across the board by 10% and the fouling charge should increase to £200.
I would like to see an increase in the current fares to cope with rising fuel and maintenance costs, obviously these have risen sharply over the last few years I believe an increase to £4 for a local fare and 5p on the yardage would help with this. Also would like to see a review of the charges for waiting time as I don't believe these sufficiently cover operating costs when 50% of the charge only covers the minimum wage at present.
Reference the consultation for price increases my response is that my company would be more than happy to leave them as they are for the present.
I think that despite of the need to increasing the fare and the understanding of the cost of living rising for everyone, it would be wiser to increase only the fouling charge from £120 to up to £200. (PH)
An increase in Taxi Fares would be beneficial and help us in these times.
Hi yes I think the fares should go up its been a long time coming. With prices rising all over the whole board we also have to rise



REPORT TO: THE MORAY LICENSING COMMITTEE 16 NOVEMBER 2022

**SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982-ANNUAL
FUNCTIONS REPORT**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND
ORGANISATIONAL DEVELOPMENT)**

1. REASON FOR REPORT

- 1.1 This report is to seek approval to publish the draft functions report which incorporates a report from the Licensing Standards Officer.
- 1.2 This report is submitted to the Committee in terms of Section III (H) (1) of the Council's Scheme of Administration relating to the exercise of the function of the Council as licensing authority for The Moray Council area.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee note the draft annual functions report at Appendix 1, amend the same if the Committee considers appropriate and agree the final report to be published.**

3. BACKGROUND

- 3.1 It is mandatory that the Licencing Board produces an annual functions report. It was therefore though appropriate, for transparency and information, that an Annual functions report also be produced for the Licensing Committee. A draft has therefore been produced so as to include the following;
- A statement as to how the Committee has had regard to the licensing legislative requirements in exercising functions under the Civic Government (S) Act 1982;
 - A summary of the decisions made;
- 3.1 The draft report is produced at **Appendix 1** for noting and for approval. The normal deadline for publication of the annual report is the end of June each year and it is intended that the report to this Committee will, as far as possible, follow this schedule. Due to staffing issues within Legal Services and pressures of conflicting priorities this report has been delayed.

4. SUMMARY OF IMPLICATIONS

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

The provisions of licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. The industries that require licensing have positive effects on tourism and the economy in terms of production, retail and services. Regulation of the licensable activities contributes to a safer community. The provisions of licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Licensing is designed to ensure the safety of the public when accessing licensable services.

(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 but 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 Committee 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) Climate Change and Biodiversity Impacts

None identified

(i) Consultations

None.

5. CONCLUSION

5.1 It is proposed that the Committee note the contents of this report and agree to publish the Annual Functions report.

Author of Report: Sean Hoath, Senior Solicitor

Background Papers:

Ref: SH

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.