



THE MORAY LICENSING BOARD

THURSDAY 14 JUNE 2018

YOUR ATTENDANCE IS REQUESTED at the Meeting of **THE MORAY LICENSING BOARD** to be held within the The Moray Council, Council Chambers, High Street, Elgin on Thursday 14th June 2018 at 2.00pm.

A. McEachan

Alasdair McEachan
CLERK

7 June 2018

BUSINESS

1. Prior Minutes
 - (i) Minutes of the Meeting held on 19 April 2018
 - (ii) Minutes of the Special Meeting held on 7 June 2018

The Licencing (Scotland) Act 2005

2. Applications Section – Appendix 1
3. Licencing (Scotland) Act 2005 – Annual Review of Licencing Fees
4. Licencing (Scotland) Act 2005 – Annual Functions Report

CLERK:	Alasdair McEachan
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THE MORAY LICENSING BOARD

SEDERUNT

COUNCILLOR J ALLAN

COUNCILLOR D BREMNER

COUNCILLOR G COWIE

COUNCILLOR P COY

COUNCILLOR J DIVERS

COUNCILLOR R EDWARDS

COUNCILLOR L LAING

COUNCILLOR M MCLEAN

COUNCILLOR R SHEPHERD

CLERK TO THE BOARD:

Mr A McEachan

THE MORAY LICENSING BOARD
MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 19 April 2018

PRESENT

Councillors: D Bremner
G Cowie
P Coy
L Laing
M McLean

APOLOGIES

Apologies were intimated on behalf of Councillors J Allan, J Divers R Edwards and R Shepherd

IN ATTENDANCE

Sean Hoath, Depute Clerk to the Licensing Board

1. PRIOR MINUTES

- (i) The Minutes of the Meeting held on 7 December 2017 were submitted and approved
- (ii) The Minutes of the Special Meeting held on 9 April 2018 were submitted and approved.

There were no declarations of interest.

2. APPLICATIONS

(i) New Premises Licence – WooHa Brewing Company

The Applicant was represented by Mrs Heather McDonald. The Depute Clerk introduced the application and advised that all the paperwork was in order and a site visit had been carried out. The Applicant was invited to address the Board and had nothing to add. There were no questions from the Board. The Applicant confirmed she was happy with the way the hearing was handled. The Convenor proposed granting the application and there being no-one otherwise minded it was agreed to grant the application.

(ii) New Premises Licence – Against the Grain Beer Ltd

The Applicant was represented by Mr Anthony Fitzgerald. The Depute Clerk introduced the application and advised that all the paperwork was in order and a site visit had been carried out. The Applicant was invited to address the Board and explained the application as well as answering questions from the Board. The Applicant confirmed he was happy with the way the hearing was handled. Cllr Laing proposed granting the application and there being no-one otherwise minded it was agreed to grant the application.

(iii) Major Variation – Strathisla Distillery

The Applicant was not represented. The Depute Clerk introduced the application and advised that all the paperwork was in order. There were no questions from the Board. The Convenor proposed granting the application and there being no-one otherwise minded it was agreed to grant the application.

MINUTE OF SPECIAL MEETING OF THE MORAY LICENSING BOARD

Thursday 7 June 2018

PRESENT

Councillors Allan
Bremner
Coy
Divers
Edwards
Laing
McLean
Shepherd

APOLOGIES

Cllr Cowie

IN ATTENDANCE

Sean Hoath, Depute Clerk.

1. CONVENING OF MEETING

The meeting was convened at 09.30am at the HQ Car Park, Council Office, Elgin. Cllrs Allan and Edwards joined the meeting at Aroma.

2. SITE VISITS

The following premises were visited:

- (i) Premises Licence – Aroma Café, Covesea Links, Lossiemouth
- (ii) Provisional Premises Licence – Co-op Forres – no existing building
- (iii) Premises Licence – Speyside Whisky Shop, 107 High Street, Aberlour

3. CONCLUSION OF MEETING

At the conclusion of the foregoing programme of site visits, the meeting concluded at 12:00 o'clock.

MORAY LICENSING BOARD

MEETING, 14 June 2018 at 2.00pm in Council Chambers, Council Headquarters, High Street, Elgin
Licensing (Scotland) Act 2005

Type	Premises	Applicant	Date received	Comments
Major Variation	Phoenix Community Stores The Park Findhorn Forres IV36 3TZ	Anne Jenkins	27 February 2018	Major variation application for new opening hours from 23 April 2018. Paperwork in order No objections or representations
New Premises Licence	Aroma Covesea Links Lossiemouth IV31 6SP	Partnership of Aroma	15 May 2018	New premises licence application Site visit carried out Paperwork in order No objections or representations
New Premises Licence	The Speyside Whisky Shop 107 High Street Aberlour AB38 9PD	Neil Ross Grigor and Young	18 May 2018	New premises licence application Site visit carried out Paperwork in order No objections or representations
New Provisional Licence	Co-op Falconer Avenue Grantown Road Forres IV36 2PA	Hill Brown Licensing	27 April 2018	New provisional licence application Site visit carried out Paperwork in order No objections or representations

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 14 JUNE 2018

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

BY: CLERK TO THE BOARD

1. Reason for Report

1.1 This report is to:

1.1.1 Update the Board on the overall income versus expenditure for alcohol licensing for the last financial year by way of an annual financial report;

1.1.2 Make predictions in respect of likely future income and expenditure;

1.1.3 Determine whether the Board wishes to undertake a review of licensing fees as a result;

1.1.4 Advise the Board of business transacted in the last calendar year.

2. Recommendations

It is recommended that the Board:-

2.1 Note the current fees attached at Appendix 1;

2.2 Note the financial report on income and expenditure data at Appendix 2;

2.3 Agree to publish the financial report;

2.4 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.

2.5 Note the business transacted for the calendar year 2017 at Appendix 3;

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 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 2017 to 31 March 2018.
- 4.3 The figures and calculations are summarised at **Appendix 2**.
- 4.4 The figures reveal the following indications:
 - 4.4.1 There has been a steady reduction in the level of recharges over time. This was attributable to a review of the time legal and other staff spend in providing and supporting the licensing system as well as a reduction in the level of recharges by the Council for fixed costs e.g. buildings, utilities etc.;

- 4.4.2 Efficiency savings have led to a reduction in the cost of administering licences, which has resulted in a reduction of the cost to the licence holders. The drop in the level of expenses has resulted in a notional surplus in the past.
- 4.4.3 The notional surplus led to the reduction of annual fees for the year 1 October 2016 to 30 September 2017. Annual fees follow this cycle which does not follow the financial year but because fees are due in October the majority of income for the year is collected in October i.e. in the middle of the financial year;
- 4.4.4 Taking account of the reduction in income, because of the reduced annual fees, there was still a notional surplus for the last financial year. That surplus was retained in order to fund the new Licensing standards Officer (LSO) post. The LSO is now in post.

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.
- 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 2018/2019 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 remain at the current levels, it appears likely that income will again exceed expenditure in 2018/2019.
- 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 Even though income is expected to largely stay the same and expenditure has now increased, as a result of the increased provision for LSOs, it would

appear that there will still be a notional surplus going forward of approximately £16000.

5.5 However, going forward there is also likely to be further expenditure in the coming year that will need to be accounted for, in particular:

5.5.1 There will be additional expenditure in respect of staff maternity cover within the staff currently administering the licensing system. The additional projected cost is estimated at £7000.

5.5.2 There is additional ICT expenditure of up to approximately £5000 (precise figures not yet available) being explored for a mobile add on to the licensing ICT system that will allow LSOs mobile access to view and update licensing records through the use of a mobile device.

These are one off expenses but there will be a further review of fees in 2019 in any event.

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:

5.9.1 Work with Officers on the task of balancing income and expenditure more closely;

5.9.2 Settle on proposals for a revised fee structure;

5.9.3 Decide whether and how the same should be issued for consultation;

5.9.4 Proceed with and consider the results of any consultation and revise proposals if required;

5.9.5 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. No decisions have yet been made and there is no current timescale indicated. Recommendations in this report proceed on the assumption of the statutory fee structure remaining the same. However a Scottish Government review may again alter the timescale for future reviews.

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.

A copy of the report has been considered by the Council's Equalities Officer who had no comments.

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

Signature: A. McEachan

Date: 7 June 2018

Designation: Clerk to the Board

Name: Alasdair McEachan

Appendix 1**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		Variable

Type of Application and Fee

Type of Application	Fee - £ Category 1-3	Fee - £ Category 4-6
premises licence £Variable (this will vary between premises. The confirmation fee will be the fee that 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)	Variable	
Application for a temporary premises licence	200	200
Application for a replacement personal licence	25	25
Application for a replacement premises licence	40	40

APPENDIX 2

LICENSING (SCOTLAND) ACT 2005
MORAY LICENSING BOARD FINANCIAL REPORT
FOR THE YEAR ENDED 31 MARCH 2017

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 2018. 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:	(114,389)
Expenditure	
Direct Staff Costs ²	46,585
Other Direct Costs ³	4,939
Indirect Costs ⁴ :	<u>28,044</u>
Total Expenditure	79,568
Net Income	(34,821)

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 – ANNUAL FUNCTIONS REPORT

BY: CLERK TO THE BOARD

1. Reason for Report

- 1.1 This report is to:
- 1.1.1 Update the Board on the requirement going forward to produce an annual functions report;
 - 1.1.2 Seek approval to publish the draft report which includes details of the business transacted in the last financial year.

2. Recommendations

It is recommended that the Board:-

- 2.1 Note the draft annual functions report at Appendix 1, amend the same if the Board considers appropriate and agree the final report;**
- 2.2 Instruct the Clerk to publish the agreed final report on the Board's web pages;**
- 2.3 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:
- 3.1.1 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;
 - 3.1.2 A summary of the decisions made;
 - 3.1.3 Information about the number of licences held including the number of occasional licences issued;
 - 3.1.4 Such other information as the Board considers appropriate.

- 3.2 This requirement has now been brought into effect and 2018 is the first year the Board is required to produce the report, which will be known as the annual functions report.
- 3.3 The deadline for publication is the 30 June 2018.
- 3.4 A draft functions report has been produced for approval and is attached at Appendix 1.

4. **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

None identified.

(d) Risk Implications

None identified. It is a legal requirement to publish the report. There is no stated sanction 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

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:

Ref: SH

Signature: A. McEachan

Date: 7 June 2018

Designation: Clerk to the Board

Name: Alasdair McEachan

Moray Licensing Board
Annual Functions Report

1/04/2017 – 31/03/2018

In accordance with the

Licensing (Scotland) Act 2005

(as amended by the Air Weapons and Licensing (Scotland) Act 2015)

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APPENDICES

Appendix 1 – Application numbers and decisions for 2017 - 2018

Appendix 2 – Table of Current Premises Licences

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.

1.0 Introduction - Moray Licensing Board

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

1.2 The Board is made up of 9 elected members of the Moray Council but the Board is a separate body to the Council. Membership can be viewed here:

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

1.3 The sale of alcohol is regulated by the Board in accordance with the Licensing (Scotland) Act 2005. Under the Act, Licensing Boards are responsible for considering applications for:-

1.3.1 provisional premises licences

1.3.1.1 confirmation of provisional premises licences

1.3.2 premises licences

1.3.2.1 transfer of premises licences

1.3.2.2 variation of premises licences

1.3.2.3 reviews of premises licences

1.3.3 temporary licences

1.3.4 occasional licences

1.3.5 extensions of licensing hours

1.3.6 personal licences

1.3.6.1 review of personal licences

1.3.6.2 renewal of personal licences

2.0 The Licensing Objectives

2.1 The Act sets out the following five licensing objectives ("the licensing objectives"):

- 2.1.1** preventing crime and disorder
- 2.1.2** securing public safety
- 2.1.3** preventing public nuisance
- 2.1.4** protecting and improving public health
- 2.1.5** protecting children and young persons from harm

2.2 The licensing objectives provide a basis for the administration of the licensing regime. The Board must have regard to and seek to promote the licensing objectives in all that they do. The objectives can provide a basis for granting or refusing licence applications.

3.0 Annual Functions Report

3.1 In the year, from 1 April 2017 to 31 March 2018, the Board met on an approximate eight week cycle on the following dates:

- 3.1.1** April to June 2017 - *there was a gap in dates here whilst the new council and new Board were elected in May 2017 and then whilst new Board members undertook mandatory training before they could sit as a Board.
- 3.1.2** 3 August 2017
- 3.1.3** 5 October 2017
- 3.1.4** 7 December 2017
- 3.1.5** 8 February 2018

3.2 Applications before the Board were dealt with in an open and transparent manner in accordance with the law and policy.

3.3 A copy of the Board's statement of policy, incorporating hearing procedures, can be found at this link:

http://www.moray.gov.uk/moray_standard/page_54055.html

3.4 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.

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

4.0 Decisions of the Board

- 4.1** Attached to this report at Appendix 1 are details of application numbers and decisions made by the Moray Board.
- 4.2** Many decisions are made under powers that are delegated by the Board to a sub group of the Board or officers appointed to assist the Board. A copy of the Board' scheme of delegation can be found here:
- <http://www.moray.gov.uk/downloads/file54163.pdf>
- 4.3** Each premises licence related application (including provisionals, transfers where appropriate and variations) was decided on its own merits and all applications were granted.
- 4.4** During the course of the year, the Board also received applications for both 368 occasional licences and 42 extended hours, all of which were granted.
- 4.5** In assessing applications, the 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 National Health Service.
- 4.6** As can be seen from the introduction, tourism and industry play important parts in 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.
- 4.7** Objections were received to a number of applications for new premises licences or variations other than minor variations. These mainly comprised concerns from neighbours over perceived potential public nuisance problems like noise and parking. All objections were taken into account in the decision making process. Often objectors had based their views on the information submitted by applicants in their applications. The application forms are generic in nature and concerns were often relieved when the applicant explained their application in more detail through licensing staff and/or through the application and hearing processes.

5.0 Current Licences

- 5.1** Appendix 2 contains a breakdown of the 337 current Premises Licences.

6.0 Licensed Hours

- 6.1** The Board's policy in respect of licensing hours is set out in the statement of policy.
- 6.2** The Board's approach to hours has been generally permissive although applications tend to remain within the hours set out in policy.
- 6.3** The current system of hours appears to be working. There have not been any complaints in relation to licensing hours in general. In addition feedback from a public licensing survey indicated that between 70% and 80% of respondents felt that on and off sale hours, including terminal hours, were "about right".
- 6.4** 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. It is simpler regulation that allows businesses to promote themselves and benefit from increased trade. The Board has, again, had no complaints in respect of festive opening. The policy on festive hours is published here:

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

7.0 Licensing Standards

- 7.1** Moray has been without a full time equivalent (FTE) Licensing Standards Officer (LSO) for some approx 5 years. During that period LSO functions were shared between a number of council officers and equated to 0.4FTE. LSOs would therefore respond to specific requests and consultations but did not undertake a programme of routine visits to premises.
- 7.2** The Board decided a full time LSO was required and set aside funds from licence fees to fund a 1.0FTE post that is now filled. Full functions will therefore resume.

8.0 Local Licensing Forum

- 8.1** The role of Licensing Forum is to keep under review the operation of the Licensing Act in the Moray area and to give advice and make recommendations to the Board in relation to those matters of policy the Forum considers appropriate.
- 8.2** The Forum has struggled at times to maintain regular membership, meetings and ideas. However a presence has been maintained and the Forum will meet approximately four times a year.
- 8.3** The Board has tended to meet the Forum once a year around August and it is anticipated the current Forum will assist with licensing policy.

9.0 Reviews

- 9.1** There were no reviews in the period in relation to substantial issues around the licensing objectives. The Board has found that Police Scotland are very effective in monitoring and securing compliance from licensed premises and it has not been necessary to call a review.
- 9.2** Each year the Board has to call premises licence reviews for non payment of annual fees but the vast majority result in payment.

10.0 Conclusion

- 10.1** The Board is pleased to report that licensed premises in Moray have been well run and generally problem free in the last year. In this respect the Board congratulates and thanks the licensed trade in its efforts in promoting and upholding the licensing objectives and complying with the Board's policy.
- 10.2** The Board also recognises the efforts of the many officers and partners involved in ensuring that licensed premises in Moray are compliant with and kept well informed of the requirements of the array of licensing legislation and regulations.

List of Application Numbers 2017 - 2018

Liquor Licensing Statistics for Year 2017-18 (Period 01/04/2017 to 31/03/2018)

Local Authority - Moray	
Premises Licence Statistics	
Licences in Force on 31 March 2018 (<i>this should equal total of a+b+c</i>)	337
(a) on license only	90
(b) off license only	95
(c) both	152
Applications received during 2017-18	
(a) on sale	0
(b) off sale	1
(c) both	1
Applications refused during 2017-18 under section 23	0
Applications granted during 2017-18 under section 23	0
Applications for review of premises licence during 2017-18 under S36 & S37 resulting in:-	
(a) written warning	0
(b) variation	0
(c) suspension	0
(d) revocation	0
(e) no action	0
Occasional Licence Statistics	
Number of Occasional Licences granted during 2017-18	368
Personal Licence Statistics	
Personal Licences in Force on 31 March 2018	1223
Applications during 2017-18 under section 72:-	
(a) refused	0
(b) granted	106
Proceedings taken during 2017-18 under section 83 (notice of conviction) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Proceedings taken during 2017-18 under section 84 (conduct inconsistent with licensing objectives) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Proceedings during 2017-18 under section 86 (multiple endorsements) resulting in:-	
(a) endorsement	0
(b) suspension	0
(c) revocation	0
(d) no action	0
Revocations of personal licences during 2017-18 under section 87(3) (failure to provide evidence of having undertaken refresher training)	0
Staff employed at 31 March 2018	
Number (full-time equivalent) of licensing standards officers employed	0.4 FTE*

*since increased to 1.0FTE

Appendix 2 - List of Premises Licences in Force

Trading Name	Address	ON/OFF SALES
	41 The Square Tomintoul Ballindalloch Moray AB37 9ET	OFF
	Drummuir Castle Keith Moray AB55 5JE	ON
	42 High Street Forres Moray IV36 1PF	OFF
	Allarburn Farm Dairy Ltd Allarburn Farm Shop Edgar Road Elgin Moray IV30 6XQ	BOTH
	Allarburn Farm Dairy Ltd Allarburn Farm Shop Edgar Road Elgin Moray IV30 6XQ	BOTH
	Station Hotel 51 New Street Rothes Aberlour Moray AB38 7BJ	BOTH
	Speyburn Distillery Rothes Aberlour Moray AB38 7AG	OFF
	Gulf Keith Regent Street Keith Moray AB55 5ED	OFF
	2 Greshop Road Forres Moray IV36 2GU	BOTH
	2 Albert Place Dufftown Keith Moray AB55 4AY	ON
	Findrassie House Elgin Moray IV30 5PS	OFF
	Buckie Filling Station Buckie Moray AB56 4AD	OFF
	Portgordon Bowling Club Station Road Portgordon Buckie Moray AB56 5RZ	ON
	26 - 32 High Street Fochabers Moray IV32 7DX	OFF
	Station Hotel 51 New Street Rothes Aberlour Moray AB38 7BJ	
1629 Restaurant and La Caverna	The 1629 20 Clifton Road Lossiemouth Moray IV31 6DJ	BOTH
5 Seaview Road	Findochty Banffshire AB56 4QJ	OFF
A & K McKenzie	89-91 New Mill Road Lesmurdie Elgin IV30 4AH	OFF
A Taste of Speyside	10 Balvenie Street Dufftown AB55 4AB	ON
Abbey Inn	Findhorn Road Kinloss Forres Moray IV36 3TX	BOTH
Aberlour Distillery	Aberlour Distillery Aberlour Moray AB38 9PJ	BOTH
Ada Turkish Restaurant	29 South Street Elgin Moray IV30 1JZ	BOTH
Akash Tandoori	21 South Street Elgin Moray IV30 1JZ	ON
Al-Bahar Tandoori Restaurant	156 High Street Elgin IV30 4NE	ON
Aldi Stores Ltd	11 Trinity Place Elgin IV30 1VL	OFF
Archiestown Hotel	The Square Archiestown AB38 7QL	BOTH
Asda Store	Edgar Road Elgin IV30 6YQ	OFF
Ashvale Fish Restaurant	13 Moss Street Elgin 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
Balfour Hotel	The Square Tomintoul AB37 9ET	BOTH
Ballindalloch Castle Golfing Limited	Lagmore Ballindalloch 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
Barn Bistro and Steak	Greenfields Bogton Farm Lhanbryde Elgin Moray IV30 8LN	ON

House		
Beach Bar	Commerce Street Lossiemouth 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 AB55 5AE	ON
BenRiach Distillery	by Elgin IV30 8SJ	OFF
Benromach Distillery and Malt Whisky Visitor Centre	Benromach Distillery Invererne Road Forres Moray IV36 3EB	BOTH
Bijou	8-10 Batchen Street Elgin 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
Bowl 2000	Bowl 2000 Ltd Moycroft Road Elgin Moray IV30 1XZ	ONE
Brander Arms	Shore Street Lossiemouth 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	BOTH
Buckie Bowling Club	2 Low Street Buckie AB56 1UX	ON
Buckie Victoria Bowling Club	Buckie Victoria Bowling Club West Church Street Buckie Moray	ON
Buckpool Golf Club	Barhill Road Buckie AB56 1DU	BOTH
Burghead Post Office and Stores	49 Grant Street Burghead IV30 5TT	OFF
C & W A Longmore	35 High Street Rothes 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	Drumduan Road Forres IV36 1BS	BOTH
Carlton Bingo	25-27 South Street Elgin Moray IV30 1JZ	ON
Carlton Bingo	29 West Church Street Buckie AB56 1BP	ON
Carlton Hotel	67 High Street Forres IV36 1AE	ON
Chapter One Resturant	39 High Street Forres IV36 1PB	ON
China Town Buffet	222 High Street Elgin IV30 1BA	ON
Chinatown Restaurant	52 West Church Street Buckie AB56 1HP	ON
Christies of Fochabers (Chemists) Ltd	62 High Street Fochabers IV32 7DU	OFF
Clifton Hotel	5 Clifton Road Lossiemouth Moray IV31 6DJ	BOTH
Cluny Bank Hotel	69 St Leonards Road Forres IV36 1DW	ON
Commercial Hotel	Commercial Hotel 4 Young Street Burghead Elgin Moray IV30 5UB	BOTH
Commercial Hotel	Dufftown AB55 4AR	BOTH
Commercial Hotel	110-112 Mid Street Keith AB55 5AE	BOTH
Co-operative	Co-operative 39 High Street Fochabers Moray IV32 7DX	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	52/56 High Street Forres IV36 OPF	OFF
Co-operative Group Limited	62 Glen Moray Drive Elgin Moray IV30 6YA	OFF
Co-operative Group Limited	Coulardbank Road Lossiemouth IV31 6ED	OFF
Co-operative Group Limited	32 - 34 East Church Street Buckie Moray AB56 1AB	OFF
Co-operative Group Limited	18 Fife Street Dufftown AB55 4AL	OFF
Costcutter	19 - 21 Harbour Street Hopeman Elgin Moray IV30 5SJ	OFF
Costcutters	27 Morrision Road Bishopmill Elgin IV30 4EB	OFF
Coulard Inn	Coulardbank Road Lossiemouth Moray IV31 6SL	BOTH
Cragganmore Distillery	Cragganmore Ballindalloch AB37 9AB	BOTH
Craigellachie Filling Station & Grocery Store	Hill Street Craigellachie AB38 9TB	OFF
Craigellachie Hotel	Victoria Street Craigellachie Aberlour AB38 9SR	BOTH
Craigenroan Bar	13 Great Eastern Road Portessie Buckie AB56 1SL	BOTH
Crannoch Hotel	12 Blantyre Street Cullen AB56 4RP	BOTH
Croft Inn	Glenlivet Ballindalloch AB37 9DP	BOTH
Crown & Anchor	44 Findhorn Findhorn Forres IV36 3YF	BOTH
Crown Bar	7 The Square Newmill Keith AB55 6TT	BOTH
Crown Inn	22 Reidhaven Square Keith Moray AB55 5AB	BOTH
CSS Newsagents Limited	172 High Street Elgin 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	BOTH
Dacey Rileys	Dacey Reillys 185C High Street Elgin Moray IV30 1DW	BOTH
Drouthy Cobbler	48a High Street Elgin IV30 1BU	BOTH
Dufftown & District Royal British Legion Club Ltd	50 Balvenie Street Dufftown AB55 4AS	ON
Dufftown Bowling Club	Tiniver Street Dufftown AB55 4AD	ON
Dufftown Golf Club	Tomintoul Road Dufftown AB55 4BS	ON
Duffus Inn	1 Hopeman Road Duffus Elgin Moray IV30 5RR	ON
Duffus Village Shop and Post Office	1 Hopeman Road Duffus Elgin IV30 5RR	OFF
Eagle Hotel	North Street Forres IV36 1AD	BOTH
Eastbank Hotel	15-17 High Street Rothes Aberlour AB38 7AU	BOTH

Eight Acres Hotel	Morrison Road Elgin IV30 6UL	BOTH
Elgin & District Indoor Bowling Club	Moycroft Road Elgin IV30 1XZ	BOTH
Elgin City Social Club	Boroughbriggs Road Elgin IV30 1AP	ON
Elgin Golf Club	Hardhillock Birnie Road Elgin IV30 8SX	BOTH
Elgin Minimarket	11 Commerce Street Elgin Moray IV30 1BS	OFF
Emperor Restaurant	7 North College Street Elgin IV30 1EL	ON
Fiddichside Inn	Craigellachie Aberlour AB38 9RR	BOTH
Findhorn Foundation Community Centre	The Park Findhorn Moray	BOTH
Findhorn Village Store	114 Findhorn Forres IV36 3YJ	OFF
Fochabers Bowling Club	16 Spey Street Fochabers IV32 7EH	ON
Forres Golf Club	Muiryshade Forres IV36 2RD	BOTH
Forres Mechanics Football Club Members Lounge	Mosset Park Lea Road Forres IV36 1AU	ON
Fournet House Holdings Noah's Ark Bistro	Fournet House Balvenie Street Dufftown Keith AB55 4AB	ON
Garmouth and Kingston Golf Club	Spey Street Garmouth IV32 7NJ	ON
Garmouth Hotel	South Road Garmouth IV32 7LU	
Glen Grant Distillery	Elgin Road Rothes AB38 7BS	OFF
Glen Moray Distillery	Bruceland Road Elgin IV30 1SF	BOTH
Glenavon Hotel	The Square Tomintoul AB37 9ET	BOTH
Glenfarclas Distillery	Ballindalloch Banffshire AB37 9BD	BOTH
Glenlivet Distillery	Ballindalloch Banffshire AB37 9DB	BOTH
Glenlivet Public Hall	Glenlivet Village Hall Glenlivet Ballindalloch Moray AB37 9EJ	ON
Glenlivet Public Hall	Glenlivet Village Hall Glenlivet Ballindalloch Moray AB37 9EJ	ON
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	80 High Street Fochabers IV32 7DH	BOTH
Gordon Castle Cafe, Restaurant and Shop	Gordon Castle Fochabers Moray IV32 7PQ	BOTH
Grampian Hotel	5 Regent Square Keith AB55 5BX	BOTH
Granary Elgin	14 Thunderton Place Elgin Moray IV30 1BG	ON
Grant Arms Hotel	42 High Street Fochabers IV32 7DX	BOTH
Grant Arms Hotel	31 Grant Street Cullen Buckie AB56 4RS	BOTH
Harbour Bar	83 Main Street Buckpool AB56 4XQ	ON
Harbour Inn	59 Granary Street Burghead IV30 5UA	BOTH
Harbour Lights	5 Pitgaveny Quay Lossiemouth IV31 6TW	ON
Highland Village	Baxters Food Group Fochabers IV32 7LD	BOTH
Highlander Inn	Victoria Street Craigellachie Aberlour Moray AB38 9SR	BOTH
Hopeman Bowling Club	Forsyth Street Hopeman IV30 5SY	ON
Hopeman Golf Club	The Clubhouse Hopeman IV30 5YA	BOTH
Hopeman PO and Store	51 Harbour Street Hopeman Elgin Moray IV30 5RU	OFF

Innes House	Innes House Urquhart Elgin Moray IV30 8NF	ON
Inver House Distillers Ltd	Knockdhu Distillery Knock by Huntly AB54 7LJ	OFF
Ionic Bar	39 High Street Elgin IV30 1EE	BOTH
JiCs	Buckie Masonic Club Newlands Lane Buckie Moray AB56 1PB	ON
Jimmy Chung's	15 Greyfriars Street Elgin IV30 1LF	ON
Johnstons of Elgin	Johnstons Of Elgin Newmill Road Elgin Moray IV30 4AF	OFF
Keith Bowling club	Church Road Keith AB55 5BR	ON
Keith Brewery Limited	Unit R Isla Bank Mills Station Road Keith Moray AB55 5DD	OFF
Keith Golf Club	Fife Park Keith AB55 5GF	BOTH
Key Store	82 Mid Street Keith AB55 5AF	OFF
Keystore	172 High Street Forres IV36 1QQ	OFF
Keystore	11 Main Street New Elgin Elgin IV30 6BH	OFF
Kimberley Inn	94 Findhorn Forres IV36 3YG	BOTH
Kinloss Country Golf Club	Kinloss Forres IV36 2UB	BOTH
Kirkie Bar	50 Main Street Elgin Moray IV30 6BH	BOTH
Kiss	9 Cluny Square Buckie AB56 1AH	BOTH
Knockomie Hotel	Grantown Road Forres 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	YES
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	Masonic Hall 9 James Street Lossiemouth IV31 6AU	ON
Lodge St John 37 Club	3 High Street Forres IV36 1BU	ON
Logie Whisky And Wine Shop	Unit 1 The Garage Logie Steading Visitors Centre Dunphail Forres IV36 2QN	OFF
Lossie Inn	The Lossie Inn 18 Clifton Road Lossiemouth Moray IV31 6DJ	BOTH
Lossiemouth Bowling Club	St Gerardines Road Lossiemouth IV31 6JX	ON
Lossiemouth FC Social Club	39-41 Macduff Street Lossiemouth IV31 6ET	BOTH
Lossiemouth Indoor Sports & Social Club	Market Cross Queens Lane Lossiemouth 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	Fleurs Place Forres Moray IV36 1LX	OFF
McColls	9 - 11 East Church Street Buckie Moray AB56 1EX	OFF
McColls	81 High Street Forres IV36 1AA	OFF
McColls	11 St Andrew Square Buckpool Buckie AB56 1BU	OFF
McColls	Pansport Road Elgin Moray IV30 1HE	OFF
McColls	16/18 New Street Rothes Aberlour AB38 7BQ	OFF
McKenzie Newsagents Limited	60 Glenmoray Drive New Elgin Elgin IV30 6YA	OFF
Midas	13 Lossie Wynd Elgin IV30 1PU	BOTH
Miele's of Lossie	17 Clifton Road Lossiemouth IV31 6DJ	OFF
Mill House Hotel	Mill House Hotel Buckie Moray AB56 5HJ	BOTH
Moray Bowling Club	The Greens Seafield Street Elgin IV30 1QZ	ON
Moray Golf Club	Stotfield Road Lossiemouth IV31 6QS	BOTH
Moray House	1 Trinity Road Elgin 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	YES
Northern Lights Public House	29 Yuill Avenue Buckie AB56 1NX	ON
Old Mill Inn	Brodie Forres IV36 2TD	BOTH
Pattaya Thai Restaurant	Pattaya Thai Restaurant 54 High Street Elgin Moray IV30 1BU	
Phoenix Community Stores Ltd	156 The Park Findhorn Forres Moray IV36 3TD	OFF
Pizzeria Toscana	20 Thunderton Place Elgin IV30 1BG	BOTH
Polish Deli	28 Commerce Street Elgin Moray IV30 1BS	OFF
Portgordon Stores	6 Station Road Portgordon Buckie AB56 5RZ	OFF
Portknockie Bowling Club	Seafield Terrace Portknockie Buckie AB56 4NA	BOTH
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	7 Culny Square Buckie AB56 1AH	ON
Qismat Tandoori Restaurant	202 - 204 High Street Elgin Moray IV30 1BA	ON
Ramnee Hotel	Victoria Road Forres 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	The Square Tomintoul Ballindalloch AB37 9ET	BOTH
Rising Sun Bar	37 Bridge Street Elgin Moray IV30 4DE	BOTH
Rock House Hotel	Clifton Road Lossiemouth IV31 6DP	BOTH
Rothes Football Club Social Club	15 Seafield Square Rothes Aberlour AB38 7AZ	ON
Rothes Golf Club	Blackhall Rothes Aberlour AB38 7AN	ON

Royal British Legion Club	65 High Street Buckie AB56 1AX	BOTH
Royal British Legion Scotland (Forres Branch Club)	Sanquhar Road Forres IV36 1DG	ON
Royal British Legion Keith & District Branch	The Clubrooms Balloch Road Keith AB55 5EN	BOTH
Royal Findhorn Yacht Club	Findhorn Forres 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 IV31 6QD	BOTH
Royal Oak Hotel	43-45 Castle Terrace Cullen AB56 4SD	ON
Royal Oak Hotel	Station Road Urquhart IV30 8LQ	BOTH
Sandisons	22 East Church Street Buckie AB56 1AE	ON
Scotmid	9 - 11 Brander Street Burghead Elgin Moray IV30 5XD	OFF
Scotmid	103 - 105 Milton Drive Buckie Moray AB56 1NZ	OFF
Scotmid	1 Thornhill Road Elgin IV30 6GR	OFF
Scotmid	20 - 22 North Street Bishopmill Elgin Moray IV30 4EF	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 IV30 1BD	ON
Seafield Arms Hotel	73 New Street Rothes AB38 7BJ	BOTH
Sheena's Shop Limited	5 Church Street Portknockie Buckie AB56 4LN	OFF
Shindig	178 High Street Elgin Moray IV30 1BA	BOTH BOTH
Silver Sands	Silver Sands Leisure Park Lossiemouth Moray IV31 6SP	BOTH
Skerry Brae Hotel	Stotfield Road Lossiemouth IV31 6QS	BOTH
Spar	183 Mid Street Keith AB55 5BL	OFF
Spar	16 St Pauls Street Buckpool Buckie AB56 1EJ	OFF
Spar	Findhorn Road Kinloss Forres Moray IV36 3TL	OFF
Spar Shop	West Road Service Station West Road Elgin IV30 1SA	OFF
Spar Shop	21 Regent Street Keith AB55 5DY	OFF
Spar Shop	Greshop Filling Station Nairn Road Forres IV36 2EY	OFF
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
Spice Of India	9-13 Church Street Dufftown AB55 4AR	ON
Spice Tandoori	9A Moss Street Elgin Moray IV30 1LU	BOTH
Spice Tandoori	36 High Street Lossiemouth Moray IV31 6AA	ON
Springfield Bar	Glenmoray Drive Elgin IV30 6YA	BOTH
Square Roots	56 Mid Street Keith Moray AB55 5AF	ON
St Andrews	Garmouth Road Lhanbryde Elgin IV30 8PD	BOTH
Station Hotel	36 Harbour Street Hopeman IV30 5RU	BOTH

Strathisla Distillery	Seafield Avenue Keith AB55 5BS	BOTH
Strathlene Buckie Golf Club	Portessie Buckie AB56 4DJ	BOTH
Stuart Arms	22 Conval Street Dufftown AB55 4AE	BOTH
Sunninghill Hotel Limited	Hay Street Elgin IV30 1NH	BOTH
Tannochbrae Guest House and Restaurant	22 Fife Street Dufftown AB55 4AL	ON
Tennant Arms Hotel	Tennant Arms 15 St Andrews Road Lhanbryde Elgin Moray IV30 8NZ	BOTH
Tesco	High Street Buckie AB56 4AD	
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	High Street Charlestown of Aberlour AB38 9QB	BOTH
The Admirals Inn	6-7 Jubilee Terrace Findochty AB56 4QA	BOTH
The Bakehouse	91 Findhorn Findhorn 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 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	Lossiemouth Road Bishopmill Elgin IV30 4LF	OFF
The Byre Grazing Ltd	121 High Street Aberlour AB38 9PB	ON
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 Cottar Hoose	Thornhill Road New Elgin IV30 6DX	BOTH
The Day Lodge	The Lecht Ski Centre Corgarff Strathdon Aberdeenshire AB36 8YP	ON
The Dowans Hotel	Dowans Road Aberlour AB38 9LS	BOTH
The Elgin Bowling Club	10 Reidhaven Street Elgin IV30 1QG	ON
The Elgin Bridge Centre	1 Academy Street Elgin IV30 1LP	BOTH
The Elgin District Ex-Service Men's Club	St Giles 9 High Street Elgin IV30 1EQ	BOTH
The Fife Arms Hotel	28-30 Regent Street Keith AB55 5DZ	ON
The Fochabers Cricket Social Club	Fochabers Cricket Social Club Fochabers IV32 7EH	ON
The Forbes Arms Hotel	Milltown of Rothiemay Huntly Aberdeenshire AB54 7LT	BOTH
The Glenfiddich & Balvenie Distillery	Dufftown AB55 4DH	BOTH
The Golden Pheasant Bar	North Street Bishopmill Elgin IV30 4EF	BOTH
The Grouse Inn	Cabrach by Huntly AB54 4EL	BOTH
The Highlander Hotel	75 West Church Street Buckie AB56 1BQ	BOTH
The Keith Railway Club	11 Union Street Keith AB55 5BP	ON

The Linkwood Lodge	Linkwood Lodge 15 Linkwood Way Elgin Moray IV30 1HY	BOTH
The Loft Bistro & Venue	East Grange Loft Kinloss Forres Moray IV36 2UD	BOTH
The Mansefield Hotel	Mansefield House Hotel 2 Mayne Road Elgin Moray IV30 1NY	BOTH
The Mansion House Hotel and Country Club	Mansion House Blackfriars Road The Haugh Elgin Moray IV30 1AW	ON
The Marine Hotel	Marine Place Buckie AB56 5BB	BOTH
The Mash Tun	The Mash Tun 8 Broomfield Square Aberlour Moray AB38 9QP	BOTH
The Mosset Tavern	Gordon Street Forres IV36 1DY	BOTH
The Muckle Cross	The Muckle Cross 36 High Street Elgin Moray IV30 1BU	BOTH
The New Club	8 Greyfriars Street Elgin IV30 1LF	ON
The Old Coach House Hotel	26 High Street Buckie AB56 1AR	BOTH
The Old Pantry	Victoria Terrace Aberlour Moray AB38 9PX	BOTH
The Peppermill	118 High Street Forres Moray IV36 1NP	ON
The Peppermill	118 High Street Forres Moray IV36 1NP	ON
The Plough Inn	95-97 Mid Street Keith AB55 5AE	BOTH
The Portessie Shop Ltd	47 Samson Avenue Buckie AB56 1TR	OFF
The Royal Oak	30 Fife Street Dufftown Keith Moray AB55 4AL	ON
The Seafield Inn	Seafield Inn 5 Victoria Place Portknockie Buckie Moray AB56 4LH	BOTH
The Seaforth Club	Seaforth Association Club Academy Street Elgin Moray IV30 1LJ	BOTH
The Spey Larder	96-98 High Street Aberlour AB38 9QA	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 Road Lossiemouth IV36 6QS	BOTH
The Three Kings Inn	17/21 North Castle Street Cullen 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	Pitgavney Quay Lossiemouth 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 AB55 4AL	BOTH
The White Horse	160 High Street Elgin IV30 1BD	BOTH
Thistle Bar	6 West Church Street Buckie Moray AB56 1HD	BOTH
Thistle Bar	168 High Street Forres IV36 1NP	BOTH
Thunderton House Hotel	Thunderton House Hotel Thunderton Place Elgin Moray IV30 1BG	BOTH
Tomintoul Distillery	Ballindalloch AB37 9AQ	OFF
Ugie House Hotel	Church Road Keith AB55 5BR	ON
Victoria Bar	211 High Street Elgin IV30 1DJ	ON
Victoria Bar	1 Seafield Square Rothes AB38 7AZ	BOTH
Victoria Hotel	1 Victoria Street Portknockie AB56 4LQ	BOTH

Victoria Hotel	1 Tytler Street Forres IV36 1EL	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	OFF
Zed Bar Joannas Downtown USA Moray Playhouse	195 High Street Elgin Moray IV30 1DJ	ON