

Moray Licensing Committee

Annual Functions Report

1 April 2023 - 31 March 2024

Contents

About Moray	2
Introduction	3
Annual Functions Report.....	4 - 5
Decisions of the Committee	4 - 5
Licensing Standards	6
List of Application Numbers and Licences Issued	7 - 8

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 are dealt with by the Moray Licensing Board.

The Licensing Committee is 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 is 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 2023 to 31 March 2024, the Committee met on an approximate eight week cycle on the following dates:

- (a) 3 May 2023
- (b) 21 June 2023
- (c) 6 September 2023
- (d) 15 November 2023

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

Committee meetings are as informal as possible whilst maintaining a fair process. The majority of applicants appearing 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 1 April 2023 to 31 March 2024, the Committee received applications for 1040 and issued 554 licences respectively. Lists of application numbers by calendar year appear at the end of this report for comparison. It should be noted that not all licences are due to be considered each year as most licences under the Civic Government (S) Act 1982 have a three year cycle. Therefore the overall number of licences is much higher than the number considered each year. It should also be noted that the advent of short term lets has greatly increased the number of applications and licences. The number of applications for the current period equalled the overall number of applications for the previous 5 periods.

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. The Committee is regularly provided with a report on applications considered and granted under delegated powers.

During the financial year 2023 to 2024 the Committee considered 4 applications for various licences at hearings: 2 taxi driver applications; 1 street trader application (over 2 hearings); and 1 landlord registration.

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.

Short Term Let Licensing

The single largest commitment in Civic Government licensing during the period covered by this report has been the licensing regime for short term lets. This has involved a lot of officer time across many council services in developing and implementing a completely new licence type. A fully automated online process has been developed as an extremely complex process involving the council's bespoke licensing software provider. Unfortunately the online process was later than planned and so the majority of applications can in on paper. As above there has been a huge surge in the overall number of applications for civic licences driven by short term lets. A large amount of officer time is now being spent in processing these licences. The process has been made much more difficult by late applications as the majority of applications came in just before the deadline of 1 October 2023. Changes to the Scottish Government statistical requirements and guidance have also caused difficulties. The Scottish Government is also changing the law again before the first round of applications are completely processed.

Nonetheless deadlines remain in force and all applications by existing hosts/operators should be determined by the end of this calendar year. Numbers of actual applications have now exceeded the overall number expected. It was previously thought numbers might reach approx. 600 but have now exceeded 700. As such, work on processing short term let applications has risen dramatically in recent months.

Animal Licensing

The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 came into force in September 2021. It modernised some of the animal related licences (e.g. selling animals as pets), added some categories to existing licences (e.g. dog breeding has become breeding of dogs, cats or rabbits) and introduced new licences for animal rehoming and animal welfare establishments. The Regulations brought animal related licences more into line with civic style licences by making them up to three years in length and providing for specific mandatory conditions for relevant licence types. These licences are now becoming more common and work is ongoing to modernise the system of processing. The council has deleted the post of one animal services officer and so licensing is working with local vets as regards inspections for animal related licences.

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 compliance with 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 disagreements. 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 2023 and March 2024.

- Joint Investigation with Police of unlicensed taxis being run in Elgin resulting in two charges
- Supported the applicants of Public Entertainment licences for MacMoray, Speyfest 25yr anniversary, Gordon Castle Highland Games, Moray Pride, Rotary Rotafest and community coronation celebrations, Buckie Xmas Kracker and numerous smaller events
- Worked with the Elgin BID and Showmen's Guild on reducing Fly Posting issues across Moray Towns
- Promoted use of local vendors at Events through additional information on Templates and Guidance notes
- Partnered with Police, BID and local groups to ensure public safety during demonstrations in Elgin Town Centre throughout the year
- Dealt with Late Hours Catering complaints and objections
- Arranged and Provided an Event Safety Plan seminar for Event Organisers to assist them in understanding the detail required when completing a Public Entertainment Licence application. This involved all partners and consultees in the PEL process presenting and being available to organisers for questions.
- Created new organiser guidance for Bonfire / Fireworks Display events in partnership with SFRS
- Participated in 2 joint Taxi inspection operations with Police Scotland and VOSA
- Implemented the new HMRC tax code requirement for various licence types
- Worked with Emergency Planning to keep event organisers updated to potential upcoming legislation changes with Martyn's Law
- Participated in the North East Civic Licensing Group meetings to share information and best practice between Civic Licensing Standards Officers across the North of Scotland
- Investigated reports of unlicensed Short Term Let premises when reported by the public.
- Completes the GDPR checks on the Short Term Let public register regularly before publication
- Attended meetings with the Lossiemouth Development Trust, Moray Association of Village Halls, Elgin Bid, Elgin Rotary and other volunteer groups to assist in explaining licensing requirements and offer assistance in completing required applications.
- Processed all Civic Licence applications and renewals within the required 28 consultation periods

	Applications Received						
Count of REFVAL	Year						
Licence Type	2019	2020	2021	2022	To 31/3/2023	1/4/23 to 31/3/24	Grand Total
Animal Boarding	14	8	8	17	12	35	94
Animal Breeding - 1 Year	0	0	0	1	0	1	2
Animal Rehoming - 1 Year	0	0	0	0	1	0	1
Animal Rehoming - 3 Years	0	0	0	0	1	0	1
Animal Welfare Establishment - 1 Year	0	0	0	1	0	1	2
Cinema	0	2	0	3	1	1	7
Dangerous Wild Animals	0	0	1	2	1	1	5
Dog Breeding	3	2	2	3	0	0	10
HMO Licence	11	11	6	12	4	8	52
Knife Dealers	0	0	1	0	0	0	1
Late Hours Catering	6	8	6	5	0	10	35
Market Operators – Full	1	2	1	3	2	11	20
Market Operators – Temp	2	1	0	1	0	1	5
Metal Dealer Licence	0	1	0	2	0	1	4
Pet Shops	3	2	2	1	0	0	8
Private Hire Driver	4	1	6	5	2	5	23
Private Hire Operator	10	8	6	11	1	9	45
Public Charitable Collections	28	11	13	33	5	24	114
Public Entertainment - 1 Year	4	1	1	2	2	6	16
Public Entertainment - 3 Years	13	3	5	22	2	10	55
Public Entertainment – Temporary	14	3	2	10	3	9	41
Riding Establishments	0	0	1	3	0	5	9
Sale of Pet Animals - 2 Years	0	0	0	2	0	0	2
Second Hand Dealer	16	30	26	29	8	26	135
Short-term Lets - Home Letting	0	0	0	2	5	64	71
Short-term Lets - Home Letting/Sharing	0	0	0	0	1	34	35
Short-term Lets - Home Sharing	0	0	0	1	1	35	37
Short-term Lets - Secondary Letting	0	0	0	20	42	506	568
Skin Piercing and Tattooing	8	6	17	18	5	17	71
Small Lotteries	13	11	8	14	8	16	70
Street Trader	17	23	35	29	15	37	156
Taxi Booking Office	0	0	3	1	0	0	4
Taxi Driver	48	77	79	90	11	76	381
Taxi Operator	21	61	43	52	18	75	270
Venison Dealer	2	1	5	1	1	2	12
Window Cleaners	2	19	24	9	11	14	79
Grand Total	139	227	235	273	126	1040	2040

	Licences Issued						
Count of REFVAL	Year						
Row Labels	2019	2020	2021	2022	To 31/3/2023	1/4/23 to 31/3/24	Grand Total
Animal Boarding	8	10	5	6	22	30	81
Animal Welfare Establishments	0	0	0	0	0	1	1
Cinema	1	2	0	1	2	2	8
Dangerous Wild Animals	0	0	0	2	0	0	2
Dog Breeding	3	0	2	1	1	1	8
HMO Licence	5	9	9	3	5	10	41
Knife Dealers	0	0	1	0	0	0	1
Late Hours Catering	5	7	6	4	1	10	33
Market Operators – Full	1	1	1	2	1	8	14
Market Operators – Temp	2	0	0	1	0	2	5
Metal Dealer Licence	0	1	0	2	0	1	4
Pet Shops	3	2	2	3	0	0	10
Private Hire Driver	2	2	4	6	0	2	16
Private Hire Operator	7	2	10	9	0	8	36
Public Charitable Collections	27	10	11	32	4	23	107
Public Entertainment - 1 Year	4	1	1	2	2	2	12
Public Entertainment - 3 Years	13	0	4	21	2	11	51
Public Entertainment – Temporary	14	1	1	12	1	6	35
Riding Establishments	2	0	0	2	2	3	9
Second Hand Dealer	16	31	27	28	6	25	133
Short-term Lets - Home Letting						8	8
Short-term Lets - Home Letting/Sharing						4	4
Short-term Lets - Home Sharing	0	0	0	0	1	5	6
Short-term Lets - Secondary Letting	0	0	0	0	16	164	180
Skin Piercing and Tatooring	6	4	18	17	5	16	66
Small Lotteries	14	7	12	13	6	11	63
Street Trader	14	17	35	28	12	36	142
Taxi Booking Office	1	0	2	2	0	0	5
Taxi Driver	44	59	92	85	11	72	363
Taxi Operator	19	20	82	48	17	73	259
Venison Dealer	1	0	5	1	0	3	10
Window Cleaners	4	12	30	9	9	17	81
Grand Total	202	191	348	327	120	554	1742