

THE MORAY LICENSING BOARD

THURSDAY 20 AUGUST 2015

NOTICE IS HEREBY GIVEN that the Meeting of **THE MORAY LICENSING BOARD** is to be held within the The Moray Council, Council Chambers, High Street, Elgin on Thursday 20 August 2015 at 10.00am.

Alasdair McEachan
CLERK

12 August 2015

BUSINESS

1. Prior Minutes
 - (i) Minutes of the Meeting held on 11 June 2015 (copy attached)
 - (ii) Minutes of the Special Meeting held on 4 August 2015 (copy attached)

The Licencing (Scotland) Act 2005

2. Applications Section– Appendix 1
3. Personal Licence Application Hearing Following Disclosure of Relevant Conviction on Application (Case Number 2 of 2015)
4. Membership of the Board and Appointment of Vice Convener - Report by the Clerk (copy attached)
5. Air Weapons and Licensing (Scotland) Bill Update – Report by the Clerk (copy attached)
6. Annual Review of Licensing Fees – Report by the Clerk (copy attached)

Gambling Act 2005

7. Review of Statement of Licensing Policy – Report by the Clerk (copy attached)

CLERK:	Alasdair McEachan
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THE MORAY LICENSING BOARD

SEDERUNT

COUNCILLOR G ALEXANDER

COUNCILLOR J ALLAN

COUNCILLOR G COWIE

COUNCILLOR J DIVERS

COUNCILLOR M HOWE

COUNCILLOR G LEADBITTER

COUNCILLOR M McCONACHIE

COUNCILLOR A MCLEAN

COUNCILLOR R H SHEPHERD

COUNCILLOR C TUKE

CLERK TO THE BOARD: A McEachan

APPENDIX 1

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. 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.

MORAY LICENSING BOARD

MEETING, 20 August 2015 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

Licensing (Scotland) Act 2005

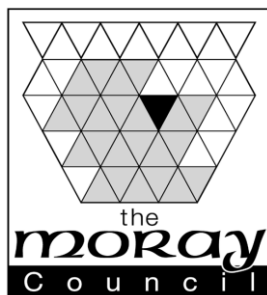
Type	Premises	Applicant	Date Received	Comments
Variation (Major)	Lidl UK GmbH (Store 1184) 18 West Road Forres IV36 2GW	Lidl UK GmbH	15 June 2015	To increase capacity to 51.99 cubic metres from Paperwork in order Not cited to meeting
Variation (Major)	Lidl UK GmbH (Store 1157) 10 East Cathcart Street Buckie AB56 1PJ	Lidl UK GmbH	15 June 2015	To increase capacity to 60.28 cubic metres from Paperwork in order Not cited to meeting
Variation (Major)	Lidl UK GmbH (Store 1001) Station Road Elgin IV30 1QW	Lidl UK GmbH	15 June 2015	To increase capacity to 60.26 cubic metres from Paperwork in order Not cited to meeting
New Premises	Drummuir Castle Keith Moray AB55 5JE	Diageo Great Britain Limited	9 July 2015	On Sales 10am to 12midnight daily Awaiting Building Standards s50 cert No objs/refs Site visited Cited to meeting

MORAY LICENSING BOARD

MEETING, 20 August 2015 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

Licensing (Scotland) Act 2005

New Premises	41 The Square Tomintoul Ballindalloch Moray AB37 9ET	C _ C Breen (Partnership)	9 June 2015	Off Sales 10am to 10pm daily s50 certs received No obsjs/rep Site visited Cited to meeting
New Premises	Welcome Sheddie West Beach Caravan Park West Beach Hopeman IV30 5RU	Salty Dog Holidays Ltd	21 July 2015	Off Sales 10am to 10pm daily s50 certs outstanding No obsjs/rep Site visited Cited to meeting
New Provisional	26 - 32 High Street Fochabers Moray IV32 7DX	The Co-Operative Food Group Limited	7 July 2015	Off Sales 10am to 10pm daily Planning s50 cert received No obsjs/rep Site seen Cited to meeting
New Provisional	51 Harbour Street Hopeman Elgin Moray IV30 5RU	Gaye Dunn	10 June 2015	Off Sales 10am to 10pm daily Planning s50 cert received No obsjs/rep Site visited Cited to meeting
New Provisional	OJ's Snooker And Pool 17 West Church Street Buckie Moray AB56 1BN	OJ's Snooker And Pool	29 May 2015	On Sales 11am to 12midnight daily Planning s50 cert received No obsjs/rep Site visited Cited to meeting



ITEM: 3

PAGE: 1

REPORT TO: THE MORAY LICENSING BOARD ON

SUBJECT: LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE APPLICATION HEARING FOLLOWING DISCLOSURE OF RELEVANT CONVICTION ON APPLICATION (CASE NUMBER 2 OF 2015)

BY: CLERK TO THE BOARD

1. REASON FOR REPORT

1.1 This report is to notify the Board:

1.1.1 That notice of relevant conviction(s) has been disclosed on an application for a personal licence;

1.1.2 The Chief Constable has confirmed to the Clerk that the applicant (case number 2 of 2015) has been convicted of relevant offence(s) but the Chief Constable has made no further recommendation;

1.1.3 That, as a result, s.74(5A) of the Licensing (Scotland) Act 2005 states the Board may hold a hearing to consider and determine whether the licence should be granted or refused.

2. RECOMMENDATIONS

It is recommended that the Board:-

2.1 Note the existence of a relevant conviction and the absence of a recommendation by the Chief Constable;

2.2 Determine whether to hold a hearing for the purpose of considering and determining the application;

2.3 If a hearing is held then, having regard to the notice from the Chief Constable, hear from the parties, consider the matter and determine whether to grant or refuse the personal licence having regard to any of the licensing objectives;

2.4 If a hearing is not held then grant the application.

3. BACKGROUND

- 3.1 The Licensing (Scotland) Act 2005 section 73 requires the Board to notify the Chief Constable of the receipt of an application for a personal licence. The Chief Constable then has up to 21 days to respond to the notice of application with notice as to whether the applicant has been convicted of a relevant or foreign offence.
- 3.2 The Chief Constable has confirmed to the Clerk that the applicant (case number 2 of 2015) has been convicted of offence(s) but the Chief Constable has made no recommendation for refusal.
- 3.3 The Licensing (Relevant Offences) (Scotland) Regulations 2007 (SSI 2007 No. 513) prescribe which offences are relevant offences for the purposes of the Licensing (Scotland) Act 2005. The list of relevant offences within the Regulation includes, amongst others, the offences disclosed.
- 3.4 Accordingly the applicant for personal licence has been convicted of a relevant offence which has been confirmed by the Chief Constable's representative but no recommendation on behalf of the Chief Constable has been provided.
- 3.5 This report is to notify the Board that under s.74(5A) of the Licensing (Scotland) Act 2005 the Board may hold a hearing, as a result of receipt of the Chief Constable's notice, to consider and determine the application.
- 3.6 If a hearing is held then at that hearing the Licensing Board must, after having regard to the Chief Constable's notice and after giving the licence holder concerned and the Chief Constable an opportunity to be heard:
 - 3.6.1. If satisfied that it is necessary to do so for the purposes of any of the licensing objectives refuse the application; or
 - 3.6.2. If not so satisfied grant the application.
- 3.7 If a hearing is held then it should be noted that, even in the absence of a recommendation by the Chief Constable, it is possible for the Board to conclude that it is necessary to refuse the application for the purpose of any of the licensing objectives. However, in the absence of such a recommendation by the Chief Constable based on crime prevention grounds, the Board should be slow to draw the conclusion that refusal is necessary for the purpose of crime prevention.
- 3.8 If a hearing is not held then the Board must grant the application.
- 3.9 The licensing objectives are:
 - 3.9.1. Preventing crime and disorder
 - 3.9.2. Securing public safety

- 3.9.3. Preventing public nuisance
- 3.9.4. Protecting and improving public health
- 3.9.5. Protecting children from harm

- 3.10 Should the Board decide not to hold a hearing then the Board must grant the application in accordance with s. 74(5B).

4. IMPLICATIONS

(a) Council/Community Planning Priorities

In the exercise of functions under the Licensing (Scotland) Act 2005 the Licensing Board is to have regard to and promote the licensing objectives which are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

The licensing objectives closely reflect some of the objectives of the Community Plan and are intended to promote community involvement and prevent the consumption of alcohol from being the source of nuisance, anti-social behaviour and harm. This is also true of the social inclusion and environmental aspects of the Corporate Plan.

With particular regard to relevant convictions the Board is to have regard to the crime prevention objective.

(b) Policy and Legal

Legal implications have been explained above.

(c) Financial Implications

None

(d) Risk Implications

The Board is to have regard to any of the licensing objectives, particularly the crime prevention objective and decide whether the risk justifies intervention on such grounds.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities

There are no issues in this case.

(h) Consultations

Consultation is not required.

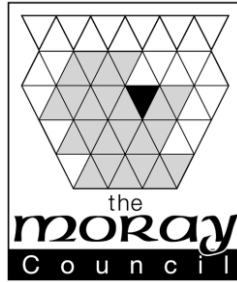
5. CONCLUSION

- 5.1. It is proposed that the Board note the existence of a relevant conviction and the absence of a recommendation by the Chief Constable;**
- 5.2. It is proposed that the Board determine whether to hold a hearing for the purpose of considering and determining the application;**
- 5.3. It is proposed that, if a hearing is held then the Board, having regard to the notice from the Chief Constable, should hear from the parties, consider the matter and determine whether to grant or refuse the personal licence having regard to any of the licensing objectives;**
- 5.4. It is proposed that if a hearing is not held then the Board grant the application.**

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers: There are no background papers

Ref: SAH/TT



REPORT TO: THE MORAY LICENSING BOARD ON 20 AUGUST 2015

SUBJECT: MORAY LICENSING BOARD: MEMBERSHIP OF THE BOARD AND APPOINTMENT OF VICE CONVENER

BY: CLERK TO THE BOARD

1. Reason for Report

- 1.1 To invite the Board to note the appointment of Members to the Licensing Board by the Moray Council.
- 1.2 To invite the Board to appoint a Vice-Convener.

2. Recommendation

- 2.1 **It is recommended that the Board note the appointment of the Members who should serve on the Moray Licensing Board for the period until May 2017 and, if so minded, to appoint a Vice Convener.**

3. Background

- 3.1 The Licensing (Scotland) Act 2005 ("The 2005 Act") entrusts the administration of the alcohol and gambling licensing system to Licensing Boards. Schedule 1 of the 2005 Act makes further provision for the membership and constitution of Licensing Boards.
- 3.2 The 2005 Act requires a council to hold an election of members to a Licensing Board for their council's area. The Members elected to be members of the Moray Licensing Board are as follows:

Councillor Shepherd
Councillor Alexander
Councillor Allan
Councillor Cowie
Councillor Divers

Councillor Howe
Councillor Leadbitter
Councillor McConachie
Councillor McLean
Councillor Tuke

- 3.3 The Board is a separate legal entity to the Council. As such, once the Board is established, it is for the Board to regulate its own proceedings. In terms of the 2005 Act, a Licensing Board must, at their first meeting after each election of members of the Board, elect one of their members as Convener.

- 3.4 There is no statutory provision to appoint a Vice-Convener. In the past, Boards have found it useful to have a nominated Vice-Convener. In the absence of the Convener, any member of the Board may chair a meeting of the Board. However, the Board might find it helpful to appoint a Vice-Convener in order to identify a member who can be called upon to take the chair in the absence of the Convener. There are no other official functions for a Vice-Convener.
- 3.5 The Convener of the Board is Councillor Shepherd. Previously the Board had elected Councillor Cree to be Vice-Convener. However Councillor Cree has recently stepped down from sitting on the Board.
- 3.6 It is therefore for the Board to decide whether to elect a new Vice-Convener.

4 SUMMARY OF IMPLICATIONS

(a) Moray 2023 A Plan for the Future/ Service Plan

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan (Moray 2023) 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.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities

No specific issues identified.

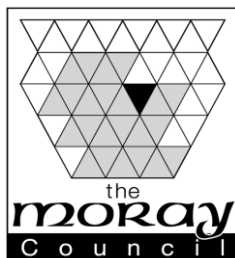
(h) Consultations

No consultation is required.

5 CONCLUSIONS

- 5.1 The Board should determine whether they wish to appoint a new Vice-Convener and, if so, proceed to make the appointment.**

Author of Report:	Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board
Background Papers:	None
Ref:	SH



REPORT TO: THE MORAY LICENSING BOARD ON 20 AUGUST 2015

SUBJECT: AIR WEAPONS AND LICENSING (SCOTLAND) BILL UPDATE

BY: CLERK TO THE BOARD

1. Reason for Report

- 1.1 This report is to update the Board on the progress and provisions of the Air Weapons and Licensing (Scotland) Bill.

2. Recommendations

2.1 It is recommended that the Board note the contents of this report.

3. Background

- 3.1. The Bill was introduced to Parliament by Kenny MacAskill MSP on 14 May 2014. On 23 April 2015, following consideration of evidence by the Scottish Parliament's Local Government and Regeneration Committee, the Parliament voted overwhelmingly to agree to the general principles of the Bill. Following further debate and amendment in Parliament, the Bill was passed on 25 June 2015.
- 3.2. The Bill is expected to receive Royal Assent this summer, at which point it will become an Act. The coming into force of the provisions will be piecemeal thereafter.
- 3.3. The purposes of the Bill are to:
- 3.2.1 Introduce a system of licensing for air weapons in Scotland. The Bill creates a number of new offences related to possession, use and acquisition of air weapons by persons who do not hold a licence or do not act in accordance with the licensing regime. The Bill also sets out the framework through which the Police Service of Scotland may grant an air weapon licence to appropriate individuals.
 - 3.2.2 Give licensing authorities the power to regulate Sexual Entertainment Venues ("SEVs") in their areas through the Civic Government (Scotland) Act 1982 ("the 1982 Act").
 - 3.2.3 Amend the licensing regimes in relation to alcohol licensing, taxis and private hire cars, metal dealers, as well as making systematic changes across the civic licensing regimes contained within the 1982 Act.

- 3.4 One of the Bill's provisions is the requirement to have civic Licensing Standards Officer(s) (LSO). The dedicated liquor LSO full time post was previously lost as part of general Council savings. The liquor LSO role is discharged, amongst other duties, by officers in Trading Standards but their capacity is limited. The Clerk is currently exploring the position of LSO(s) and the potential of combining the roles for liquor and civic and this will be the subject of a separate future report to both the Board and Licensing Committee.
- 3.5 A summary of the measures is attached at **Appendix 1** for noting. In particular the Board should have regard to the section regarding licensing the sale of alcohol.
- 3.6 Timescales for the introduction of the measures are not yet known. Further information may be available at the time of the meeting and if so, a verbal update will be provided. The Clerk will endeavour to keep the Board advised of progress

4. Implications

(a) Moray 2023 A Plan for the Future/ Service Plan

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan (Moray 2023) 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

Legal implications have been explained above.

(c) Financial Implications

Increased staff time will be required to comply with the new legislation. It is not clear at this time what resources will be required, particularly to prepare and publish annual financial statements. Creation of new post(s) of civic Licensing Standards Officer will incur additional costs, at this stage not quantified. This may necessitate a further report and review of fee levels in so far as they are not prescribed nationally.

(d) Risk Implications

None.

(e) Staffing Implications

Increased staff time will be required to publicise the new provisions and to advise and assist licence holders, to review and update processes as well as to prepare and publish annual financial statements. Whilst some burdens may be absorbed within existing staff resources, additional staff resources may be

required and will be the subject of a further report as this becomes clearer. The additional workload created by the introduction of a 'Civic Licensing Standards Officer' role will need to be estimated to enable an informed decision by members on how to respond to additional demands. The current Licensing Standards Officer role is operating at a minimum, reactive level and does not have capacity to take on extra duties.

(f) Property

None.

(g) Equalities

There are no issues.

(h) Consultations

Deborah Brands, Principal Accountant has been consulted and agrees with the sections relating to her area of responsibility. The Trading Standards Manager and the Legal Services Manager (Litigation & Licensing) have both been consulted on this report and comments received incorporated.

5. Conclusion

It is proposed that the Board note the contents of the Bill.

Author of Report: Hilary Locker, Solicitor, Depute Clerk to the Licensing Board
Background Papers:None
Ref: HL/TT

Air Weapons and Licensing (Scotland) Bill

The Bill as passed

Aims of the Bill and Summary of Changes

Main aims of the Bill

- to introduce a licensing system for air weapons which aligns in a number of respects with the existing regime in place for firearms;
- to make it a criminal offence to share alcohol with a child or young person in a public place;
- to introduce a “fit and proper person test” to the alcohol licensing regime, so that only those a licensing board is satisfied are suitable can hold licences to sell alcohol;
- to make changes to the definition of “overprovision” in alcohol licensing law so that:
 - a licensing board can (among other things) consider the capacity of licensed premises when assessing overprovision;
 - the whole of a licensing board’s area can be considered a “locality” for the purposes of the assessment;
- to empower licensing authorities to refuse private hire car vehicle licences on the basis of overprovision (i.e. that there are too many private hire cars operating in a particular area);
- to remove the exemption from the requirement to have a taxi or private hire car licence for vehicles hired for 24 hours or more so that all types of hire are brought into the licensing regime;
- to abolish the “exemption warrant” system so that all scrap metal dealers have to be licensed;
- to ban cash payments for scrap metal to remove the incentive of a quick and anonymous payment for those who steal metal;
- to remove the requirement on licensed scrap metal dealers to store metal for 48 hours in anticipation that large dealers (who currently do not require a licence under the exemption warrant system) would not be able to comply;

- to create additional record-keeping requirements on scrap metal dealers, including a requirement to keep a record of the identity of those who sell metal;
- to remove the requirement for theatres to be licensed under the Theatres Act 1968 and, instead, enable them to hold a public entertainment licence under the Civic Government (Scotland) Act 1982;
- to introduce a discretionary licensing regime for sexual entertainment venues; and
- to create a new role of Civic Licensing Standards Officer to offer advice and mediation in relation to – and ensure compliance with – the Civic Government (Scotland) Act 1982.

Summary of Change		Section(s) of the Bill
New Licence Type - Part 1 of the Bill		
1	Introduction of the licensing of air weapons by the Chief Constable through an Air Weapon Certificate or Police / Visitor Event Permit or Air Weapon Club Approval. It will be a criminal offence for a person to use, possess, purchase or acquire an air weapon without holding an air weapon certificate.	1 to 40

Alcohol Licensing- Part 2 of the Bill		
1	Amend the Licensing Objectives to include the protection of Young Persons as well as children	41
2	Changing the period of effect for a licensing policy statement. A statement must be produced within 18 months of local government elections and last to the next relevant date i.e. 18 months after the next election (5 years instead of the current 3). Following election the new Board may also choose to apply a new statement of policy sooner.	42
3	Introduce a ground for refusal of a premises licence that the applicant is not a “fit and proper” person to hold a premises licence	43
4	On a transfer of a premises licence the police may provide any information considered relevant in respect of the transferee or a connected person. Also provides for a ground for refusal of the transfer that the transferee is not a fit and proper person	44
5	Add a ground for review of a premises licence that the licence holder is not a fit and proper person	45
6	On an application for a personal licence the police may provide any information considered relevant in respect of the applicant. The Board will also be required to provide notice of a personal licence application to the LSO who can also provide any information considered relevant in respect of	46

	the applicant. Introduce a ground for refusal of a personal licence that the applicant is not a fit and proper person to hold a personal licence	
7	Introduce a ground for revocation of a personal licence that the applicant is not a fit and proper person to hold a personal licence whether following conviction or following report of conduct inconsistent with the licensing objectives	47 & 48
8	Introduce a provision for consent (a “consent statement”) and if that is not obtainable from the transferor, the provision for the Board to dispense with the requirement for a consent statement.	48A
9	Introduce a procedure for dealing with reports of relevant (including foreign) offences in respect of premises licences. The Board can choose to make a premises licence review proposal or take no action. NB This formalises Moray’s current procedure that was formulated on the basis of practicality.	49
10	Introduce a procedure for dealing with reports of relevant (including foreign) offences in respect of personal licences. The Board must choose to hold a review hearing or decide to take no action.	50
11	Revoke the provision that disregards spent convictions for the purpose of the Licensing (S) Act 2005. Therefore spent convictions will become admissible in the same way as ‘Civic’ licensing.	51
12	Introduce a new offence of an adult buying (or attempting to buy) alcohol for or supplying alcohol to a child or young person for consumption in a public place. Public place includes licensed premises, anywhere to which the public have access (on payment or not) or anywhere where the child/YP has gained unlawful entry. There is exemption for religious purposes. There is also exemption to buy beer / wine / cider etc on licensed premises for young persons consuming a meal.	52
13	Amend the definition of “alcohol” to include Angostura Bitters	53
14	Make additional provision for the assessment of overprovision by allowing Boards to define the whole of their area as a “locality” rather than specifying particular areas. Also extend the definition of overprovision to allow for licensed hours as well as capacity.	54
15	Introduce a requirement for Boards to prepare and publish an annual financial statement showing income and expenditure and the calculation of the same. This to be done within 3 months of the end of each financial year. The Act also provides that further Regulations may be made in this regard for example to define income and expenditure further. Power of Licensing Standards Officers to report conduct by personal licence holder inconsistent with the licensing objectives - where Licensing Board receives a report from LSO the Board may hold a hearing	55
16	Removal of the requirement for a premises licence holder to notify the Board of a change in interested parties and amendment of the definition of an “interested party” to remove premises managers	56
17	Removes the 5 year period during which an applicant for a personal licence can reapply if the reason for revocation was failure to undertake refresher training. Changes the notice period for Boards to notify personal licence holders before expiry of their licence from no later than 3 months to not later than 9 months before expiry. Also changes the period in which a PLH can apply for renewal of a personal licence to the period of 9 months beginning 12 months before the expiry date of the licence. This gives PLHs 9 months	57

	to apply and then Boards have 3 months to process and issue. Came into effect 6 August 2015	
18	<p>Changing processing requirements for all application types. If the application is complete - the Board must send the application confirmation that:</p> <ul style="list-style-type: none"> (a) they are satisfied that the application meets the prescribed requirements, (b) listing any documents received in support of the application and the date or dates on which the documents were received by them, and (c) informing the applicant about the period for determining the application <p>If the application is incomplete the Board must send notice indicating that they are treating the application as incomplete and not having been made, and stating their reasons for treating the application in that way.</p> <p>Sets the time limit for the Board to decide applications as 9 months from the date of receipt of a properly constituted application. The Sheriff can extend this period on application.</p> <p>Sets a deemed grant date for the date when the 9 month period expires if the Board has failed to decide the application within that time.</p>	58
19	Provides that the Scottish Government may make further Regulations about the form of any notice or communication.	59

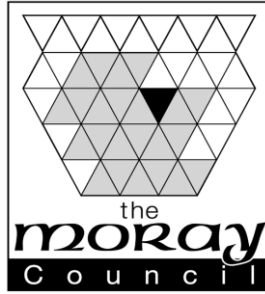
Taxi / PH Licensing – Part 3 of the Bill

1	Introduces overprovision as a potential ground for refusal in respect of a private hire vehicle in a similar way to alcohol licensing. A locality or localities may be overprovided for and the Committee can consider the whole area as a locality	60
2	Introduces the possibility of a licensing authority requiring the applicant for a private hire driver's licence to undertake a knowledge test. The power already exists in respect of taxi drivers	61
3	Removes the exemption from the requirement to hold a taxi/PH licence where the vehicle is used for exclusive hire for not less than 24 hours. This brings contract hire vehicles into the licensing regime. Also provides that ministers may make further exemptions from taxi licensing in Regulations	62

Civic Government Licensing – Part 3 of the Bill

1	Removal of metal dealer's exemption warrants	63
2	Removal of requirement for metal dealers to hold metal for 48 hours	64
3	Specifies how a metal dealer or itinerant metal dealer can pay for metal – only by prescribed methods of cheque or electronic bank transfer and provides for offences for making payments other than by prescribed means	65
4	Provides for enhanced record keeping by metal dealers specifying information and documents to be kept for purchases and sales and states that further provision can be made by Regulation	66
5	Abolishes theatre licences as currently required under the Theatres Act	

	1968 and instead regulate theatres through the existing Public Entertainment Licensing regime provided for in the 1982 Act NB This is already the practice in Moray and so formalises the position	67
6	Provides for the separate licensing of Sexual Entertainment Venues in a regime administered by local authorities. Specific provisions include: (a) The definition of sexual entertainment venues, one such definition is that sexual entertainment must be for the financial gain of the “organiser”; (b) The power for local authorities to license sexual entertainment venues according to the existing structure set out in Schedule 2 of the 1982 Act. That is a power not a duty, so local authorities can choose whether to apply it; (c) There is an exemption for premises which host sexual entertainment on no more than four occasions in a 12-month period; (d) The power for local authorities to determine the number of sexual entertainment venues in their area; that number can be zero. (e) In addition, the licensing regime includes: a “fit and proper” test for licencees; ability for local authorities to consider objections to licences; ability to consider whether the location of the venue is suitable; and an ability to attach conditions to a licence. The regime must be introduced by resolution with a 12 month lead-in time. Ministers may provide for further procedures by Regulations.	68 (and 70) and Sch. 3
7	Where it has not already been provided for, the deemed grant of a licence where the Local Authority has failed to determine an application within the required period. That is initial consideration must be within 3 months of application and a final decision must be within 6 months of the end of the 3 month period, failing which there will be a deemed grant. Deemed grant licences last one year. The period may be extended by a Sheriff	69
8	Provision that ministers may set out rules for hearing of the Committee in Regulations	70
9	Provision that ministers may set out conditions for various licence types as mandatory in Regulations and that authorities may publish standard conditions as well	71
10	Creates a role of a Civic Licensing Standards Officer in a similar role to the alcohol LSOs i.e. one of advice, guidance, mediation and compliance. Each authority must appoint one or more Civic LSOs	72
11	Provides that the authority can accept communication by electronic means rather than requiring applications, objections etc to be in writing and signed. The authority can also choose to give notices e.g. notice of determination by electronic means. The authority must publish, as they consider appropriate, a determination to receive and send electronic communication	73



REPORT TO: THE MORAY LICENSING BOARD 20 AUGUST 2015

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 amounts received by way of licensing fees;
 - 1.1.2 Compare that income figure as against overall expenditure;
 - 1.1.3 Make predictions in respect of likely future income and expenditure;
 - 1.1.4 Determine whether the Board wishes to undertake a further review of licensing fees as a result.
 - 1.1.5 Advise the Board of business transacted.

2. Recommendations

It is recommended that the Board:-

- 2.1 Note the contents of the report including:**
- 2.1.1. The current fee scale at Appendix I;**
 - 2.1.2. The review of income and expenditure data both to date and for the future at Appendix II and in section 4 below;**
 - 2.1.3. The business transacted at Appendix III**
- 2.2. Either agree that no action is required in respect of altering the current fee structure at this time (recommended option); OR**
- 2.3. Consider whether the Board wishes to revise the current fee structure and either agree changes or proceed to instruct the policy sub group on proposals for change (in accordance with para 5.7 below) as the Board sees fit.**

3. Background

- 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 Fees Regulations require each Licensing Board to set certain fees in respect of various applications under the Licensing (Scotland) Act 2005. This includes application and annual premises licence fees that are set by Boards but within overall maxima prescribed by the Scottish Government.
- 3.2 Attached at **Appendix I** is a copy of the current fee scale in relation to alcohol licensing. It came into force on the 1st August 2010.
- 3.3 The current scale sets the premises licence application and annual fees at the maximum level prescribed by the Scottish Government, which means that those fees cannot be increased but they could be reduced.
- 3.4 In accordance with the Fees Regulations, the fee structure was designed around the principle that licensing was to become, 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.
- 3.5 It is also clear that the expenses to be recovered are not limited to Licensing Board expenses. Expenses 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. Income and Expenditure

- 4.1 A review of licensing fees is undertaken annually. The Clerk last reported on a review of licensing fees to the Board on the 11th December 2014 at which time the Board agreed no change was required to the fee structure and to next review fees in June 2015 (Item 6 of minute for the 11th December 2014 refers). Unfortunately figures were not available in time for further review at the June meeting.
- 4.2 The previous December 2014 review was timed to coincide with a then planned review of licensing fees by the Scottish Government. That process was started but not concluded. There are no draft Regulations or proposals from the Scottish Government yet in place.
- 4.3 With the assistance of officers in the Finance department, the Clerk has now collated income and expenditure figures for the financial years up to the 31st March 2015 as well as projected income and expenditure for the financial period 1st April 2015 to 31st March 2016.
- 4.4 The figures are summarised at **Appendix II**.
- 4.5 Examination of the figures reveals the following:

- 4.5.1 Overall there is a notional surplus of £41,019 for the financial year 2014/2015;
 - 4.5.2 This takes the cumulative net balance 1st February 2008 to 31st March 2015 to a surplus of £25,753.
 - 4.5.3 The aim of the fee structure is to ensure that overall income broadly equates to expenditure. The individual fluctuations between the years are complicated by the fact that the financial year is a different period to the licensing fee year, with the latter running from the 1st October to the 30th September. The due date for licence fees is prescribed by statute and cannot be changed.
 - 4.5.4 Prior years' cumulative shortfall of income has been recouped in the course of 2014/15. For the first time since inception of the Licensing (Scotland) Act 2005, there is a cumulative surplus of income over expenditure.
 - 4.5.5 The income for the past few years has been relatively consistent. It is therefore anticipated that the income for 2015/2016 will be of a similar level if the current fee structure remains the same and application numbers are consistent. This is estimated at £128,000, being the average income over the last three financial years rounded to the nearest £1,000.
 - 4.5.6 Information on business transacted is attached as **Appendix III**. The numbers of applications for major variations and personal licences appear to be reducing as time goes on. In contrast, occasional licences for the first quarter of 2015 are up 17% on the first quarter of 2014 (164 from 140). Transfers and minor variations also appear to be increasing.
 - 4.5.7 Expenditure is now at a lower level than previous years given a reduction in the level of recharges following a review of the time legal and other staff, including Licensing Standards Officers (LSO), spend in providing and supporting the licensing system and a reduction in the level of recharges by the Council for fixed costs e.g. buildings, utilities etc as a result of savings to the Council brought about by the DBS programme.
 - 4.5.8 If fees remain at the current levels, application numbers are consistent and expenses are as projected then it appears likely that income will exceed expenditure in 2015/2016. At this early stage the surplus is estimated at £35,000.
- 4.6 Although it would appear that income might exceed expenditure next year 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.

- 4.7 As noted above, the target is for income to be broadly in line with expenditure as set out in the Fees Regulations.
- 4.8 In the event that the current fee structure remains in place, it seems likely that income will continue to exceed expenditure beyond 2015/16. However, various matters may lead to an increase in expenditure. Consideration is given to these in section 5 below.

5. Future Fee Structure Options

- 5.1 **Option 1** - The first option is for the current fee structure to remain in place. As stated above, if fees remain at the current levels, application numbers are consistent and expenses are as projected then it seems likely this will continue to result in income exceeding expenditure. However, as noted above, there is variance in application numbers with some decreasing in number and others increasing in number. Additionally, various matters may impact upon expenditure and lead to a future increase in this.
- 5.2 The Air Weapons and Licensing (Scotland) Bill 2015 has now been passed (a separate report on this matter is before the Board today) and dates are awaited as to when various provisions will be brought into force. One of those provisions will be the requirement to have civic LSO(s). The dedicated liquor LSO full time post was previously lost as part of general Council savings. The LSO role was transferred to various officers in Trading Standards but the requirement was in addition to their Trading Standards functions and so the LSO role is not discharged in full. In particular no regular compliance visits are being carried out. It seems likely they will not have the capacity to undertake a Civic LSO role as well. The Clerk is therefore exploring the position of LSO(s) and the potential of combining the roles for liquor and civic. Enquiries are at an early stage and this will be the subject of a separate future report to both the Board and Licensing Committee. Further monies may be required to contribute to the increased cost for this although precise sums are not yet known.
- 5.3 Licences are processed and administered on the IDOX Uniform software system. Consideration is being given to the IDOX Enterprise add-on. That is a management tool which integrates with IDOX and Uniform to focus on monitoring and improving performance to deliver real and immediate performance gains. It allows staff and managers to instantly visualise and react to workloads and imbalances. It supports performance indicators, increases transparency and aids the drive for efficiency. A business case is being looked at for all the services that use the Uniform system and were the purchase to go ahead then the share of the cost for licensing is approx. £3,000 installation plus some training and consultancy of at least another £1,000 plus ongoing annual support of £600.
- 5.4 All these matters are in the early stages, however, it is expected that these matters will reduce, cancel or even exceed the current, notional surplus.
- 5.5 If Option 1 is accepted then the Board previously agreed to review fees on an annual basis, which would make the next review due around July / August

2016. However the Board is asked to note that, given the ongoing fee review by the Scottish Government, as set out in paragraph 5.9 below, it may be necessary to adjust this timescale.

- 5.6 **Option 2** - The second option, is for the Board to review the current fee structure now, and consider instructing the Policy Sub Group to:

- 5.6.1 Settle on draft proposals for a revised fee structure;
- 5.6.2 Decide whether and how the same should be issued for consultation;
- 5.6.3 Proceed with and consider the results of any consultation and revise proposals if required;
- 5.6.4 Bring final draft proposals back to the Board for approval and implementation.

- 5.7 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. The only requirement is that a fee 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 in August 2010, changes could be brought in at any time from now on but if changes are made now then fees could not be varied again before the expiry of another year. Any review at this stage is likely only to be a short term measure. Given matters stated in paras. 5.2 to 5.5 above, a further review is likely to be needed within the next 12 months in any event. That favours delaying altering the fees at least until the next review and any increase in expenditure can be quantified.

- 5.8 Finally, it should also be noted that the Scottish Government is reviewing licensing fees and exploring options for a possible change to the fee structure. This is still in the information gathering stage and no decisions have yet been made, despite the previously indicated timescale. Recommendations in this report proceed on the assumption of the same statutory fee structure for the financial year 2015/2016.

SUMMARY OF IMPLICATIONS

(a) Moray 2023 A Plan for the Future/ Service Plan

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan (Moray 2023) 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 have been explained above. A reduction in the cost of administering licences did result in the prior years' cumulative shortfall of income being recouped in the course of 2014/15.

(d) Risk Implications

As explained above, the projected figures for future income and expenditure are only estimates. Accordingly there is a risk that the actual figures differ from those projected.

(e) Staffing Implications

Preparation of fee projections has involved considerable staff time and fees will be 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).

In the event that the Board chooses to pursue option 2 under section 5 above then it should be noted that as part of the fee review process it may be necessary to undertake an equalities and human rights impact assessment.

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 Deborah Brands, Principal Accountant of the Council's Finance Department. Consultation has also taken place with the Legal Services Manager (Litigation and Licensing) and comments received have been included within this report.

6 Conclusion

- 8.1 It is proposed that the Board note the contents of this report and decide on whether further action is required.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers:

Ref: SH

Fee Scale for the Moray Licensing Board

Licensing (Scotland) Act 2005

Premises Licence Fees

These fees are set by the Board subject to statutory maxima.

Category	Rateable Value	Application fee	Annual fee
Category 1	nil rateable value or within certain defined exemptions	200	180
Category 2	rateable value between £1 and £11,500	800	220
Category 3	rateable value between £11,501 and £35,000	1100	280
Category 4	rateable value between £35,001 and £70,000	1300	500
Category 5	rateable value between £70,001 and £140,000	1700	700
Category 6	rateable value over £140,000	2000	900

These fees are set by the Board.

Type of Application	Fee - £ Categories 1-3	Fee - £ Categories 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 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	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

Other Fees

These fees are set by statutory provisions and cannot be changed by the Board.

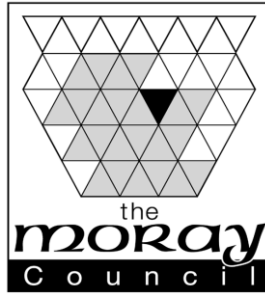
Type of Application	Fee - £
An application to vary a premises licence where the variation sought is the substitution of a premises manager and any other variation is a minor variation	31
An application to vary a premises licence where the variation sought is a minor variation and there is no substitution of the premises manager	20
Application for an occasional licence	10
Application for extended hours	10
Application for a personal licence	50

Licensing Board Income & Expenditure

Period	Transition 01/02/2008 – 01/09/2009	01/09/2009 – 31/03/2010	01/04/2010 – 31/03/2011	01/04/2011 – 31/03/2012	01/04/2012 – 31/03/2013	01/04/2013 – 31/03/2014	01/04/2014 – 31/03/2015	CUMULATIVE TOTAL TO 31/03/2015	ESTIMATED 2015-16
Income									
Expenditure	f401,476		f137,544	f128,657	f122,866	f131,506	f128,556	f1,050,605	f128,000
Surplus/(Shortfall)	f389,252	f75,587	f129,828	f147,612	f111,270	f83,766	f87,537	f1,024,852	f93,000
	-f63,363		f7,716	-f18,955	f11,596	f47,740	f41,019	f25,753	f35,000

Licence Type	2013	6 months to end of June 2015	Trend
Occasionals and premises Extended Hours	523	309	↗
Personal Licence	92	39	↘
Premises Licence New	4	0	↘
Premises Licence Provisional	2	3	↗
Premises Licence Transfer	10	10	↔
Premises Licence Variation Major	10	1	↘
Premises Licence Variation Minor	52	28	↘

NB Figures for 2013 and the first 6 months of 2015 have been used for comparison as reliable figures for the whole of 2014 are not available owing to the change in computer systems.



REPORT TO: MORAY LICENSING BOARD 20 AUGUST 2015

SUBJECT: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF LICENSING POLICY

BY: CLERK TO THE BOARD

1. Reason for Report

- 1.1 The Moray Licensing Board has previously under the Gambling Act 2005 developed, consulted upon and published a Statement of Licensing Policy. That policy covers the period 31st January 2013 to 30th January 2016.
- 1.2 The reason for this report is to obtain instructions for the Clerk to proceed to revise, consult upon and subsequently publish a new gambling policy statement.

2. Recommendations

It is recommended that the Board:-

- 2.1 **Note the statutory obligation to keep the statement of licensing policy under review in general and, more specifically, note the requirement to proceed with a full review of the policy, including consultation, for implementation by the end of January 2016;**
- 2.2 **Consider and agree to proceed with a review of the policy statement in line with either Option 1 or Option 2 as detailed in para 4.11 of this report;**
- 2.3 **Remit to the Policy Sub Group to consider and agree a draft revised policy for formal consultation;**
- 2.4 **Instruct the Clerk to undertake formal consultation on the draft revised policy on behalf of the Board;**
- 2.5 **Remit to the the policy sub group to consider responses to the formal consultation and thereafter agree a final draft revised policy statement;**
- 2.6 **Agree to receive the final draft revised policy statement for consideration at a future meeting of the Board.**

3. **Background**

- 3.1 Section 349 of the Gambling Act 2005 requires a licensing authority, before each successive period of three years, to prepare a statement of the principles that they propose to apply in exercising their functions under the Act during that period, and publish the statement.
- 3.2 The Act also states that in preparing a statement or revision a licensing authority shall consult:
- (a) the chief constable;
 - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
 - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.
- 3.3 The current Statement of Policy was originally adopted by the Board on 17th January 2013 (para. 8 of the minute refers). In order to save paper, a copy of the policy has been placed on the members' portal and is also available at http://www.moray.gov.uk/moray_standard/page_88682.html
- 3.4 In line with statutory requirements, the Board must consult upon and revise the statement of policy and then implement the revised policy by the end of January 2016.
- 3.6 In order to inform discussions about revision, an informal consultation was commenced by officers at the start of July 2015. Attached at **Appendix 1** is a list of consultees (Part 1) that were asked, by letter or email, for their views on what, if any, changes to the current policy they would like to see. Also included (Part 2) are details of the responses to those initial enquiries.
- 3.7 There have been no new gambling premises licence applications for a considerable period of time in Moray. The main gambling business comes from the registration of small society lotteries and so there has been little or no cause for reference to the gambling statement of policy.
- 3.8 The Gambling Commission has been holding events nationally to promote the idea that gambling policy should now be developed in a different way. Previously policy was very much template based. Now the Commission would like individual Boards to develop a local area profile for gambling purposes and develop policy around that. From April 2016, gambling operators will be subject to a new duty to provide a risk assessment detailing how they will address local issues identified by local Boards in their policy statements. This is a much bigger piece of work, akin to the work undertaken to produce an alcohol licensing overprovision statement. However it is not an obligation on Boards and the volume of work required may be viewed as disproportionate to the amount of gambling business transacted.
- 3.9 The Gambling Commission itself recently consulted upon revised guidance to licensing authorities about the operation of the Gambling Act 2005. That consultation closed on the 22nd June 2015. This guidance must also be taken

into account when determining gambling policy but it is not known when the revised guidance will be published.

- 3.10 The Gambling Commission has also, in concert with certain local authorities in England, been developing tools and reports that it says will be useful to licensing authorities in general when developing local area based policy. An initial report prepared by Westminster Council was published on the 17th July 2015 and a policy toolkit is expected to be available mid September 2015.

4. Proposals

- 4.1 The Board has two options:

4.1.1 Option 1: To proceed with the revision, consultation and publication now, in the style of the current policy and on the basis of information currently available. There may not be much to revise in this regard. However, following publication, it would then need to be determine whether or not a further revision would be warranted after having had the opportunity to study updated information and see what happens nationally. Policy must always be kept under review in any event; or

4.1.2 Option 2: To undertake a full local area profile review now, in line with Gambling Commission recommendations, having regard to current and forthcoming expected information, then proceed to consultation and publication. It should be noted that this will require much more time and work, not all applicable documents and information will be immediately available and publication of the final statement will be delayed beyond January 2016. There is no statutory sanction for missing the statutory dealing of January 2016.

- 4.2 A draft timetable for revision following the first option is attached at **Appendix 2 – Part 1**.
- 4.3 A draft timetable for revision following the second option is also attached at **Appendix 2 – Part 2**.
- 4.4 Statement of policy issues must be approved by the Board as a whole and cannot be delegated.
- 4.5 With either option, it is proposed that the initial review be delegated to the Policy Sub Group and that they agree a revised draft policy document for formal consultation, which consultation will be undertaken by the Clerk on behalf of the Board. It is also proposed that the policy sub group thereafter consider responses to the formal consultation and agree a final draft policy statement for submission to a future meeting of the Board.

5. Implications

(a) Moray 2023 A Plan for the Future/ Service Plan

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan (Moray 2023) in relation to healthier citizens, a growing and diverse

economy and safer communities. Gambling dependency can have an effect on the health and wellbeing of the population. The gambling industry aids a growing economy. Regulation of gambling contributes to a safer community.

(b) Policy and Legal

As set out within this report.

(c) Financial Implications

There may be some costs involved with consultation but these are anticipated to be minimal and will be met from existing resources.

(d) Risk Implications

The Board's proper exercise of functions should minimise any potential adverse impact.

(e) Staffing Implications

Preparation and review of any policy will involve additional staff time. It is anticipated that this demand can be met from within existing staff resources in line with the draft timetables.

(f) Property

None

(g) Equalities

In all things it does, including formulating and reviewing policies, the Board must have regard to the need to eliminate discrimination and promote equalities.

Consultation will take place with the Equalities Officer at review stage of either option to ensure that an Equalities Impact Assessment (EIA) will be available to the Board before final agreement of the policy.

(h) Consultations

Consultation in respect of policy matters is required in accordance with legislation as set out within this report. Consultation on this report has taken place with the Legal Services Manager (Litigation & Licensing) and comments received incorporated.

6. Conclusion

6.1 It is proposed that the Board:

6.1.1 Note the requirement to further develop and publish a revised statement of policy;

- 6.1.2 Instruct the Clerk and the Policy Sub Group to proceed to revision and consultation as described and as necessary;
- 6.1.3 Receive at the December 2015 meeting of the Board (or such later meeting as the board may decide) the revised policy statement for adoption.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Board
Background Papers: None
Ref: SAH/TT

APPENDIX 1

Part 1 - Consultees 2015

Police Scotland

Moray Sub Division Headquarters

Moray Street

Elgin

IV30 1JL

Scottish Fire and Rescue Service

Elgin Fire Station

Wards Road

Elgin

NHS Grampian

Tracey Gervais

Moray CHSCP

Spynie Hospital

Elgin

Iv30 5PW

The Moray Council on Addiction

50 High Street

Elgin

IV30 1BU

British Casino Association

38 Grosvenor Gardens

London

SW1W 0EB

Moray Faculty of Solicitors

The Old Station

Maisondieu Road

Elgin

IV30 1RH

Association of British Bookmakers Ltd

Norris House

4 Norris Street

London

SW1Y 4RJ

The Office of the Bishop of Aberdeen

The Cathedral of St Mary of the Assumption

20 Huntly Street

Aberdeen

Ab10 1SH

Rev C M Stewart

St Michael's

Main Street

Tomintoul

Ballindalloch

AB37 9EX

Rev Graham Swanson

Elgin

The Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Bingo Association Great Britian

Lexham House

75 High Street North

Dunstable

Beds

LU6 1JF

Moray Licensed Trade Association

Ken Asher

Scotscoup (Elgin) Ltd

15 Lossie Wynd

Elgin

Moray

Ladbrokes Betting and Gaming Ltd

Imperial House

Imperial Drive

Rayners Lane

Harrow

HA2 7jw

Carlton Bingo

PO Box 21

23/25 Huntly Street

Inverness

IV1 1LA

William Hill Organisation Ltd

Greenside House

50 Station Road

London

N22 7TP

Silversands Leisure Park

Covesea West Beach

Lossiemouth

IV31 6SP

Emails to all Community Councils – list of Community Councils found on TMC website

Emails to Moray Council Officers:- Beverley Smith; Kevan Sturgeon; Karen Sievwright

PART 2**Stage 1 Responses to Gambling Policy Statement
Initial Request for Proposals for Review****1. Police Scotland****Response by email received 6th August 2015**

With regard to the above Policy review, the following response is provided from a Police perspective and how it relates to Police Scotland.

As the Gambling Commission are the industry regulator, and the responsibility for issuing gaming and betting authorisations under the Act rests with the Commission and the Moray Licensing Board, Police involvement in the licensing process is limited. This is due to the Commission being solely responsible for carrying out all vetting and background checks for all applications in respect of Operating and Personal Management licences, negating the requirement for Police involvement in this particular activity.

However, with regard to the process for licensing gambling premises, Police do clearly have a role to play where relevant, and the circumstances where this would become necessary (ie where an issue arises regarding one of the gambling licensing objectives) are sufficiently described within the existing policy document.

Given all of the above, the policy document, from the point of view of Police Scotland, clearly outlines the position of Moray Council in respect of the Gambling Act 2005.

Should you require anything further, please respond appropriately.

2. Elgin Community Council**Response by email received 6th August 2015**

My name is Alastair Kennedy and I currently chair Elgin Community Council. We work with a committee system which includes a Licensing Committee.

The Licensing Committee has recently been working on the **Statement of Licensing Policy Review** in Scotland and has the following to say:-

The City & Royal Burgh of Elgin Community Council Licensing Committee has no comments. The changes made (as proposed by Moray Council) are sensible. I hope you are able to feed this into the review since it takes considerable time and effort for lay-people to undertake such a review.

Response by email received 10th August 2015

On behalf of Elgin Community Council I can advise that we have no comments or particular changes we would wish to see at this stage.

We will of course give proper consideration to the revised policy when it is issued for consultation.

Regards.

Iain Catto
for and on behalf of Elgin Community Council

Part 1 - Licensing Statement of Gambling Policy Timetable Option 1

July	Stage 1 Consultation
6 th July	Consultation Stage 1 Implementation date – distribute information to interested parties by email and hard copy notice requesting information to formulate proposals
Up to 7 th August	Collation of data apart from first consultation – statistics etc
7 th August	Closing date of Stage 1 Consultation
7 th to 13 th August	Collation and analysis of responses
20 th August	Licensing Board meeting to approve procedure – Option 1 proceed to minimal revision
August / September	Stage 1 Drafting
20 th August to 18 th September	Draft revisions to policy. Consultation with Equalities Officer and commence Equalities Impact Assessment. Meet with Policy Sub Group Finalise Stage 2 Consultation Document and press release. Upload to electronic/website – distribute to interested parties by email and hard copy Deadline for further submissions 31 st October
September / October	Stage 2 Consultation
1 st November to 30 th November	Collation and analysis of responses. Final drafting including meeting with Policy Sub Group to recommend final draft. Consultation with Equalities Officer and finalisation of Equalities Impact Assessment Draft Licensing Board report.
December	Stage 2 Finalisation
10 th December 2015	Licensing Board meeting to approve final draft for publication January 2016
10 th December to 17 th December	Publish notice of the new policy as per GA2005 (Licensing Authority Policy Statement)(S) Regs 2006 – publish notice of intention to publish on website and on public notice boards outside offices and at libraries.
18 th January 2016	Implementation of new policy Upload to website

Part 2 - Licensing Statement of Gambling Policy Timetable Option 2

Timetable is extended to allow for:- additional information to be received from the Gambling Commission on how to proceed with an area review; undertaking the area review; then undertaking the review of policy based on the area review.

July	Stage 1 Consultation
6 th July	Consultation Stage 1 Implementation date – distribute information to interested parties by email and hard copy notice requesting information to formulate proposals
Up to 7 th August	Collation of data apart from first consultation – statistics etc
7 th August	Closing date of Stage 1 Consultation
7 th to 13 th August	Collation and analysis of responses
20 th August	Licensing Board meeting to approve procedure – Option 2 proceed to area based review and full revision
August to December	Stage 1 Drafting
20 th August to 31 st December	Toolkit available from Gambling Commission mid to late September. Area based review required. Research and Information Officer input required. Draft area review. Consultation with Equalities Officer and commence Equalities Impact Assessment. Meet with Policy Sub Group as required to approve document. Draft revisions to policy. Meet with Policy Sub Group as required to approve document. Finalise Stage 2 Consultation Document and press release. Upload to electronic/website – distribute to interested parties by email and hard copy
January/February	Stage 2 Consultation
	Deadline for further submissions 28 th February
March / April	Stage 2 Drafting
1 st March 2016 to 30 th April 2016	Collation and analysis of responses. Final drafting including meeting with Policy Sub Group to recommend final draft. Consultation with Equalities Officer and finalisation of Equalities Impact Assessment following area based review and with statistical information available Draft Licensing Board report.
May	Stage 2 Finalisation
TBA	Licensing Board meeting (dates for 2016 yet to be set) to approve final draft for publication
TBA	Publish notice of the new policy as per GA2005 (Licensing Authority Policy Statement)(S) Regs 2006 – publish notice of intention to publish on website and on public notice boards outside offices and at libraries.
Start June	Implementation of new policy Upload to website