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**THE MORAY LICENSING BOARD**

**THURSDAY 11 AUGUST 2016**

**NOTICE IS HEREBY GIVEN** that a Meeting of **THE MORAY LICENSING BOARD** is to be held within the The Moray Council, Council Chambers, High Street, Elgin on Thursday 11 August 2016 at 10.00am.

*A. McEachan*

Alasdair McEachan  
CLERK

3 August 2016

**BUSINESS**

1. Prior Minutes
  - (i) Minutes of the Meeting held on 2 June 2016 (copy attached)

**The Licencing (Scotland) Act 2005**

2. Applications Section– Appendix 1
3. Licencing (Scotland) Act 2005 –Personal Licence Application Hearing Following Disclosure of Relevant Conviction on Application (case 3 of 2016)
4. Licencing (Scotland) Act 2005 – Annual Review of Licencing Fees - Report by the Clerk to the Licencing Board (copy attached)
5. Licencing (Scotland) Act 2005 – The Air Weapons and Licencing (Scotland) Act 2015 Changes to the Statement of Licencing Policy - Report by the Clerk to the Licencing Board (copy attached)
6. Licencing (Scotland) Act 2005 – Re-establishment Best Bar None Scheme, Moray – Report by the Clerk to the Licencing Board (copy attached)

CLERK:

Alasdair McEachan

**THE MORAY LICENSING BOARD**

**SEDERUNT**

**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 D SLATER**

**COUNCILLOR C TUKE**

**CLERK TO THE BOARD: A McEachan**

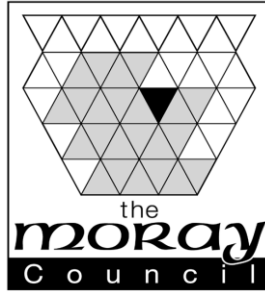
# **APPENDIX 1**

## MORAY LICENSING BOARD

MEETING, 11 August 2016 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

### Licensing (Scotland) Act 2005

Type	Premises	Applicant	Date Received	Comments
New Premises	Polish Deli 28 Commerce Street Elgin Moray IV30 1BS	Peyman Mehdipour	4 July 2016	New licence for off sales only within allowed hours. No objections or representations. Applicant cited to attend.
Variation (Major)	Portknockie Bowling Club Seafield Terrace Portknockie Buckie AB56 4NA	Portknockie Bowling Club	30 May 2016	Change to allow for on and off sales. Change to licensed area to include veranda, front of pavilion and east side of pavilion to allow outdoor drinking facilities. No objections or representations. Applicant cited to attend.
Variation (Major)	Royal Hotel Station Road Elgin IV30 1QW	McGregor Trading Limited	8 July 2016	Change to allow for on and off sales. Change to core hours within guidelines. Changes to activities to allow additional activities and have activities during and outwith core hours. Change to allow children and young persons access to all the premises. Children until 10pm or the end of a private function. Young persons must be accompanied after 10pm by an adult. No objections or representations. Applicant cited to attend.



ITEM: 3

PAGE: 1

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**REPORT TO: THE MORAY LICENSING BOARD ON**

**SUBJECT: LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE APPLICATION HEARING FOLLOWING DISCLOSURE OF RELEVANT CONVICTION ON APPLICATION (CASE 3 NUMBER OF 2016)**

**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 3 of 2016) has been convicted of relevant offence(s) and the Chief Constable has recommended that the application be refused for the purpose of preventing crime and disorder and securing public safety;

1.1.3 That, as a result, s.74(5) of the Licensing (Scotland) Act 2005 requires the Board to 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 requirement to hold a hearing following confirmation of relevant conviction and the making of a recommendation by the Chief Constable;**

**2.2 Note the recommendation 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;**

**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 licence holder (case number 3 of 2016) has been convicted of offences and the Chief Constable has made a recommendation that the application be refused for the purpose of crime prevention.
- 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 and a recommendation on behalf of the Chief Constable has been provided.
- 3.5 This report is to notify the Board of the requirement under s.74(5) of the Licensing (Scotland) Act 2005 to hold a hearing as a result of receipt of the Chief Constable's notice.
- 3.6 At the 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 The licensing objectives are:
- 3.7.1. Preventing crime and disorder
  - 3.7.2. Securing public safety
  - 3.7.3. Preventing public nuisance
  - 3.7.4. Protecting and improving public health
  - 3.7.5. Protecting children from harm

#### **4. IMPLICATIONS**

##### **(a) Moray 2026 A Plan for the Future/ Service Plan**

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 requirement to hold a hearing following confirmation of the conviction and the making of a recommendation by the Chief Constable;**

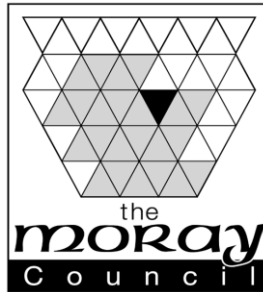
- 5.2 It is proposed that the Board, having regard to the notice from the Chief Constable, hear from the parties, consider the matter and determine whether to grant or refuse the licence for the purposes of any of the licensing objectives.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board  
Background Papers: There are no background papers  
Ref: SAH/TT

Signature A. McEachan

Designation Head of Legal and Democratic Services, Clerk to the Board  
Name Alasdair McEachan





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**REPORT TO: THE MORAY LICENSING BOARD 11 AUGUST 2016**

**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 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 at paragraph 4 below;**

**2.1.3. Draft proposals for the reduction of annual fees at Appendix III; and**

**2.1.4. The business transacted for the calendar year 2015 at Appendix IV;**

**2.2. Consider whether the Board wishes to revise the current fee structure and either agree changes or proceed to instruct the policy sub group to consider proposals for change as the Board sees fit.**

### **3. Background and Current Position**

- 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 The current fee scale is attached at **Appendix I**. It came into force on the 1<sup>st</sup> 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. Review of 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 20<sup>th</sup> August 2015 at which time the Board agreed no change was required to the fee structure and to next review fees in July/August 2016 (Item 6 of minute refers).
- 4.2 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 31<sup>st</sup> March 2016 as well as projected income and expenditure for the financial period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017.
- 4.3 The figures are summarised at **Appendix II**.
- 4.4 Examination of the figures reveals 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 The resultant drop in the level of expenses resulted in a notional surplus of £55,946 for the financial year 2015/2016;

- 4.4.3 This takes the cumulative net balance 01.02.08 to 31.03.16 to a surplus of £81,699.
- 4.4.4 Individual fluctuations between financial years can be viewed in the light of the figures for previous years with a view to ensuring that overall income broadly equates to expenditure. This is complicated by the fact that the financial year is a different period to the licensing fee year, with the latter running from the 1<sup>st</sup> October to the 30<sup>th</sup> September. The due date for licence fees is prescribed by statute and cannot be changed.
- 4.4.5 As was previously predicted, efficiency savings have led to a reduction in the cost of administering licences, which has resulted in a surplus.
- 4.4.6 The income for the past few years has been quite 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. This is estimated at approx £130,000.00. However this does not account of any reduction in income that will result from a reduction in fees. It should also be borne in mind that overall numbers of applications, particularly major variations and personal licences are reducing as time goes on.
- 4.4.7 If fees and expenditure remain at the current levels, it appears likely that income will again exceed expenditure in 2016/2017 by up to £52,000 (but see para 4.10 below).
- 4.5 This leaves two elements to deal with being the adjustment of future fees and the existing surplus.

### **Future Fees**

- 4.6 With the reduction in recharges, it would appear that income might exceed expenditure in future years although 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 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 and this is not sustainable. To achieve the stated target in the future, the only options are to increase expenditure and/or reduce licensing fees. These are described below and the recommendation is for a mixture of both allowance for increased expenditure and fee reduction to achieve the target of reviewing fees so that income broadly equates to expenditure going forward.

## Increased Expenditure

- 4.9 The first part of the recommendation is to increase (or allow for increased) expenditure. It is anticipated that there will be increased expenditure on the following:
- 4.9.1 LSOs - The Air Weapons and Licensing (Scotland) Act 2015 has been passed but dates are still awaited as to when various provisions will be brought into force. One of those provisions will be the requirement to have civic Licensing Standards Officer(s). The liquor LSO full time post was previously lost as part of general Council cuts. The LSO role is discharged by officers in Trading Standards but their capacity is limited. The Clerk is currently exploring the possibility of reinstating LSO(s) and combining the roles of liquor and civic and will report in the future on this. Further monies will be required to contribute to the increased cost of the LSO function. It has been estimated that if the LSO function is increased back to 1 FTE (from the current 0.4 FTE) the additional cost will be £28,000 per annum. It is recommended that allowance is made for reservation of this sum annually.
  - 4.9.2 Licensing staff are in the process of considering the purchase of additional licensing software. Licences are processed and administered on the IDOX Uniform software system. The additional software is 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. The cost is expected to be approx. a one-off fee of £5,000 plus additional annual maintenance (as yet unknown).
  - 4.9.3 Licensing staff have also been advised that the previously implemented online public access add-on to the Uniform system requires some additional build work to improve the customer experience. A one-off quote of £5000 plus additional annual maintenance of £620 has been received for this build.

## Reduced Fees

- 4.10 The second part of the recommendation is to consider reducing fees. Reserving £28,000 as detailed above (by incorporating it into the projected expenditure for 2016/17) gives a projected net surplus of approx £24,000 per annum going forward.
- 4.11 The legislative requirement is to reduce fees by applying the same percentage reduction to each fee category as detailed in the relevant Regulations. The table in **Appendix III** gives examples of options in respect of reducing fees.

- 4.12 Please note that only recurring costs are included in the 2016-17 estimated expenditure figure. One-off costs, detailed in paras. 4.9.2 and 4.9.3 above, are not included in future estimated expenditure.
- 4.13 In addition it is considered by officers that the most suitable and equitable method to reduce fees would be to reduce the premises licence annual fees as the number of new applications is very low and application numbers are overall unpredictable. However the overall number of premises paying annual fees is relatively consistent.
- 4.14 In all scenarios the matter would be kept under review anyway, subject to matters set out under the heading "Further Review" below.

### **Target of Reviewing Fees**

- 4.15 The last recommendation is for the Board to review the current fee structure having regard to the above.
- 4.16 The Board may choose to revise fees now as suggested. However it should be noted the figures are for illustration and represent an even percentage reduction across all fee categories.
- 4.17 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. If the Board chooses to proceed to revise fees now then there will be no opportunity for consultation. .
- 4.18 Alternatively, the Board may wish to explore other options. There are any number of other options available including:
- 4.18.1 Reducing application fees;
  - 4.18.2 Reducing any combination of application and annual fees.

It should be noted in this regard that only certain fees can be set by the Board as many application fees are statutory. Therefore options may be limited.

- 4.19 In case the Board does choose to take another option members are invited to give any guidance or remit as appropriate and instruct the Policy Sub Group to:
- 4.19.1 Work with Officers on the task of balancing income and expenditure more closely for 2016/2017;
  - 4.19.2 Settle on proposals for a revised fee structure;
  - 4.19.3 Decide whether and how the same should be issued for consultation;
  - 4.19.4 Proceed with and consider the results of any consultation and revise proposals if required;
  - 4.19.5 Bring final draft proposals back to the Board for approval and implementation.

## Existing Surplus

- 4.20 It can be seen from the table of income and expenditure that the cumulative surplus is standing at £81,699 as at the end of March 2016. When fees were last reviewed in 2015 it was the first time that the overall total income had exceeded the overall expenditure and the the cumulative surplus was then £25,753.
- 4.21 In relation to the cumulative surplus there is no specific legal requirement or guidance on how to deal with the matter. It is not specified that the Board must take account of previous years' income and expenditure when adjusting future fees. The summary of income and expenditure goes back to the introduction of the Licensing (S) Act 2005 as there was initially a large deficit at transition but there is no requirement for this to happen.
- 4.22 The stated requirement is only 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...".
- 4.23 The Board has previously used best endeavours to ensure income equated to expenditure. Unfortunately it is not a precise process. Looking at the surplus as against the total income collected for the same period the overall percentage error is +6.9%. That might reasonably considered to be "broadly equivalent".
- 4.24 Further the current stated surplus and percentage will be reduced by expenditure on the IDOX Uniform licensing processing system as detailed in paras. 4.9.2 and 4.9.3 above. Reducing the current surplus by approx. £11,000 would reduce the percentage error to approx. +5.9%.
- 4.25 Nevertheless, the Board might instead consider that it is in the aim and general spirit of the legislation to take the accumulated surplus into account. If the Board so decides then officers would recommend making additional reductions on future fees in order to effectively refund this money going forward. This would mean a reduction in fees on top of the £24,000 referred to in paras. 4.10 to 4.13 above. This is not perfect but it is not considered practical to try and refund monies to licence holders. Despite the number of licences being fairly static there have been numerous changes during the period in question. It is considered that the calculations and determinations would be very difficult and beyond the scope of this report.
- 4.26 Therefore, should the Board decide to take the accumulated surplus into account in setting new fees then it is recommended that the matter be referred to the Policy Sub Group for further consideration in accordance with para 4.19 above.

### **Future Review 2017 Onwards**

- 4.27 The Board's practice has been to review fees on an annual basis, which would normally make the next review due around July / August 2017.
- 4.28 However 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 in August 2010, changes could be brought in at any time but if changes are made now then fees could not be varied again before the expiry of another calendar year. If, however, the Board chooses to remit the matter to the Policy Sub Group and fees are not decided until a later date then the calendar year will run from the date of the Board's final decision. The next meeting is on 6 October 2016, which would mean moving the fee review into a cycle that is later in the year.
- 4.29 It should be noted that The Air Weapons and Licensing (Scotland) Act 2015 will introduce (at a date as yet unknown) a 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 report will contain the information detailed in this report so it is hoped that the future review of fees can be tied into the annual report cycle, to avoid duplication. It will still be possible to review fees in June and delay the implementation of any new fees until, say, August to allow the year to pass. However, the longer the current fee review is delayed the more the dates for review and implementation will diverge.
- 4.30 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 for the financial year 2016/2017. However a Scottish Government review may again alter the timescale for future reviews.

### **Business Transacted**

5. There is attached at Appendix IV a review of business transacted during the calendar year 2015.

## **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 have been explained above and in the appendices. 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. In fact there is now a notional surplus and income is expected to continue to exceed expenditure.

Reducing fees is likely to lead to a significant annual reduction in income for a number of years. This has been reported to accountancy services as a future budget pressure.

**(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 the cumulative surplus is not refunded and/or if licensing 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.

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.

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

Designation: Head of Legal and Democratic Services, Clerk to the Board

Name: Alasdair McEachan

## Fee Scale for the Moray Licensing Board

### Licensing (Scotland) Act 2005

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

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

<b>Type of Application</b>	<b>Fee - £</b>
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

# Gambling Act 2005

## Gambling Premises

Classes of premises licence	Application fee in respect of provisional statement premises	Fee for – (a) non-conversion application in respect of other premises; or (b) application for provisional statement	Annual fee	First annual fee following application	Fee for application to vary licence	Fee for(a) application to transfer or(b) reinstate a licence
Regional casino premises licence	£6,000	£11,250	£11,250	£8,440	£5,625	£4,880
Large casino premises licence	£3,750	£7,500	£7,500	£5,620	£3,750	£1,600
Small casino premises licence	£2,250	£6,000	£3,750	£2,810	£3,000	£1,350
Converted casino premises licence			£2,550		£1,500	£1,000
Bingo premises licence	£840	£2,450	£700	£525	£1,200	£840
Adult gaming centre premises licence	£840	£1,400	£700	£525	£700	£840
Betting premises (track) licence	£660	£1,750	£1,000	£750	£870	£660
Family entertainment centre premises licence	£660	£1,400	£500	£375	£700	£660
Betting premises (other) licence	£840	£2,100	£400	£300	£1,050	£840

## Other Gambling Fees

Type of Application	Fee - £
Application for a copy of a licence	25
Small Society Lottery Registration (new)	40
Small Society Lottery Annual fee	20
Notification of Intention to make 1 or 2 Category C / D Gaming Machines Available (Licensed Premises)	50
Licensed Premises Gaming Machine Permit (existing operator)	100
Licensed Premises Gaming Machine Permit (new)	150
Licensed Premises Gaming Machine Permit Annual Fee	50
Licensed Premises Gaming Machine Permit Variation Fee	100
Licensed Premises Gaming Machine Permit Transfer	25
Licensed Premises Gaming Machine Permit Change of Name	25
Club Gaming Permit or Club Machine Permit (existing operator)	100
Club Gaming Permit or Club Machine Permit (new)	200
Club Gaming/Machine Permit Annual Fee	50
Club Gaming/Machine Permit Variation Fee	100
Club Gaming/Machine Permit Renewal Fee	200
Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permit (new)	300
Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permit (renewal)	300
Prize Gaming Permit	300
Application for a copy of a Permit	15
Temporary Use Notice	350
Application for a copy of a Temporary Use Notice	25

**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	01/04/2015 – 31/03/2016	CUMULATIVE TOTAL TO 31/03/2016	ESTIMATED 2016-17
Income	£401,476		£137,544	£128,657	£122,866	£131,506	£128,556	£132,985	£1,183,590	£130,000
Expenditure	£389,252	£75,587	£129,828	£147,612	£111,270	£83,766	£87,537	£77,039	£1,101,891	£105,759
Surplus/(Shortfall)	-£63,363		£7,716	-£18,955	£11,596	£47,740	£41,019	£55,946	£81,699	£24,241

Table of Proposed fee reductions to achieve break even for 2016/17

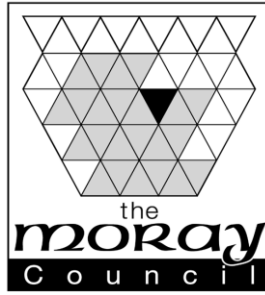
Category	Rateable Value	Current Annual Fee	*Proposed Annual Fee
		£	£
Category 1	nil rateable value or within certain defined exemptions	180	144
Category 2	rateable value between £1 and £11,500	220	176
Category 3	rateable value between £11,501 and £35,000	280	224
Category 4	rateable value between £35,001 and £70,000	500	400
Category 5	rateable value between £70,001 and £140,000	700	560
Category 6	rateable value over £140,000	900	720

*\*Based on 20% reduction to broadly achieve break even position for the year*

Licensing (Scotland) Act 2005  
Moray Licensing Board  
Business Transacted  
01/01/2105 to 31/12/2015

<b>Application Type</b>	<b>Number of Applications</b>	<b>Overall Total</b>
Personals	150	
Premises Licences New	7	318
Premises Licences Provisional	1	
Premises Licences Transfers	11	
Premises Licences Variations	46	
Occasional Licences	511	
Extended Hours	46	





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**REPORT TO: MORAY LICENSING BOARD 11<sup>TH</sup> AUGUST 2016**

**SUBJECT: LICENSING (SCOTLAND) ACT 2005 AND THE AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015 - CHANGES TO THE STATEMENT OF LICENSING POLICY**

**BY: CLERK TO THE BOARD**

**1. Reason for Report**

1.1 The reason for this report is to advise the Board as to amendments to the Statement of Licensing Policy period brought about by the Air Weapons and Licensing (Scotland) Act 2015.

1.2 To note that the Board's Statement of Licensing Policy will not now be required to be reviewed until November 2018 at the latest,.

**2. Recommendations**

**It is recommended that the Board:-**

**2.1 Note the amendments to the Statement of Licensing Policy period as a result of the Air Weapons and Licensing (Scotland) Act 2015;**

**2.2 Approve the licensing policy period for the Statement as being November 2018; and**

**2.3 Note the anticipated timetable for publication of the Board's Revised Statement of Licensing Policy under the amended period as set out in Appendix 1.**

**3. Background**

3.1 The Licensing (Scotland) Act 2005 at Section 6 currently states that each Licensing Board must, before the beginning of each 3 year period, publish a statement of their licensing policy with respect to the exercise of their functions under Act during that period. The statement of policy incorporates an assessment of overprovision.

3.2 On the 30<sup>th</sup> September 2016 The Air Weapons and Licensing (Scotland) Act 2015 will substitute a new licensing policy period, tied to the election of councillors for local government areas. A new policy must be produced within 18 months of each election.

- 3.3 The Board's current Statement of Licensing Policy was approved by the Board at its meeting on the 3<sup>rd</sup> October 2013 (para. 5 of the minute refers). This policy was originally intended to have effect for a period of three years. As the next local government election is scheduled for May 2016, the amendment will change the current review date to November 2018 at the latest. The Board is still entitled to publish a supplementary licensing policy statement in this time if it chooses.
- 3.4 **Appendix 1** shows the draft timetable in anticipation of the changes to the licensing policy period. Actual meeting dates have not yet been set so this timetable may be subject to alteration to suit dates what they are agreed.
- 3.5 Information gathering will be an ongoing process between now and the start of this timetable. It will involve obtaining information from the Council and partners including: the NHS; the Equalities Officer; Police Scotland; Fire and Rescue Scotland; Moray Alcohol and Drug Partnership; and the Local Licensing Forum. For the current assessment of overprovision information research was undertaken by one of the Council's Research & Information Officers (RIO). It is hoped that this will be the case again, although it is not possible to confirm the availability of resources so far ahead of the deadline.
- 3.6 The Board may still decide that the licensing policy period to which the statement relates is to begin on a date earlier than it would do otherwise under the period specified in para 3.3. However this is not recommended given the amount of work involved in revising the policy. In addition updated guidance on the Licensing (Scotland) Act 2005 is still awaited. In June 2015 the Scottish Government set up a National Licensing Advisory Group. It is expected that this Group will, amongst other things, be tasked to review licensing guidance but little progress has been reported to date. Any review of licensing policy would benefit from updated Government guidance and the delay may allow time for this to be produced.
- 3.7 Where the Board makes a decision to begin the period earlier, they must publicise the date on which it is decided that the licensing period is to begin. This would be in the same way that any policy would be publicised, as detailed in the draft timetable.

#### 4. **Implications**

##### **(a) Moray 2026: A Plan for the Future and Moray Corporate Plan 2015 - 2017**

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

##### **(b) Policy and Legal**

Legal implications have been explained above.

**(c) Financial implications**

No particular financial implications have been identified at this time. There is no particular expense associated with a review of policy (other than the cost of staff time as below). Any financial implications that might arise during the development of a new policy will be reported to future meetings.

**(d) Risk Implications**

None

**(e) Staffing Implications**

Preparation of a revised policy and associated consultation and publication will involve considerable staff time and be a pressure on staff resources. The policy must be evidence based and a large amount of data must be gathered and reviewed. Therefore a longer timescale is beneficial in this regard and will mean that the work can be accommodated from within existing resources.

**(f) Property**

None

**(g) Equalities**

None

**(h) Consultations**

Consultation on this report is not required. Extensive consultation will be required in relation to the production of the revised policy itself, as described in the draft timetable.

**5. Conclusion**

It is recommended that the Board note and approve the proposed policy timescale.

Author of Report: Fiona McQuillin, Trainee Solicitor (Litigation and Licensing)

Background Papers: There are no background papers

Ref: FMc

Signature: \_\_\_\_\_

*A. McEachan*

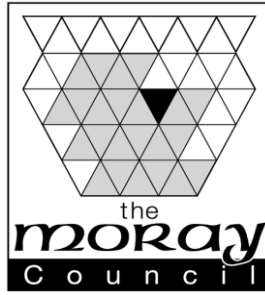
Name Alasdair McEachan

Designation Head of Legal and Democratic Services, Clerk to the Board

**LICENSING POLICY STATEMENT**  
**Timetable for Publication of Revised Statement**

<b>Date</b>	<b>Action by</b>	<b>Action Target</b>
<b>STAGE 1 Information Gathering and Informal Consultation</b>		
<b>January to April 2018</b>	Depute Clerk and Partner organisations including Local Licensing Forum by meetings and letters*	Informal consultation. Ask partners for ideas for review to incorporate into a revised document for discussion with Board Policy Sub Group
<b>End of April 2018</b>	Board policy sub group	1 <sup>st</sup> draft revised policy for discussion
<b>May 2018 Board</b>	Full Board Meeting	1 <sup>st</sup> Draft Revised Policy Statement Approval for formal consultation.
<b>STAGE 2 Formal Consultation</b>		
<b>June – July 2018</b>	Depute Clerk to the Board	Formal consultation on draft revised statement via methods approved by Board eg. Meetings / newsletter / website / social media*
<b>July 2018 Board</b>	Full Board Meeting	Discuss Progress at this meeting as appropriate
<b>August 2018</b>	Board Policy sub group	Analyse any responses. Finalise Draft Policy Statement for approval by full Board.
<b>STAGE 3 Finalisation</b>		
<b>September 2018 Board</b>	Full Board Meeting	Approve Revised Statement for publishing
<b>October 2018</b>	Depute Clerk to the Board	Publicise Statement as required: - Free copies made available to the public e.g on request and in libraries; - Publish on the Board's web pages; - Newsletters and other promotional material as per consultation above
<b>STAGE 4 Publication</b>		
<b>29 November 2018</b>	Depute Clerk to the Board	<b>PUBLISH POLICY On website &amp; with libraries / Access Points</b>

\*As far as possible all communication / promotion will be by electronic means in order to reduce the potential cost i.e. email / website publication / social media etc.



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**REPORT TO: MORAY LICENSING BOARD 11<sup>TH</sup> AUGUST 2016**

**SUBJECT: LICENSING (SCOTLAND) ACT 2005 – RE-ESTABLISHMENT  
BEST BAR NONE SCHEME, MORAY**

**BY: CLERK TO THE BOARD**

**1. Reason for Report**

- 1.1 The reason for this report is for the Board to note the re-establishment of the Best Bar None scheme in Moray. This report will outline the benefits of re-establishing this scheme and sets out the process for this scheme being re-established in Moray.

**2. Recommendations**

**It is recommended that the Board:-**

- 2.1 Note the proposal to re-establish the Best Bar None scheme in Moray; and**
- 2.2 Note the process for this scheme being re-established in Moray.**

**3. Background**

- 3.1 The Best Bar None (BBN) scheme was developed by Greater Manchester Police in 2003. Its remit is to address alcohol related crime, particularly anti-social behaviour and violence and promote Socially Responsible Values. The scheme was launched in Scotland in 2005 and has been widely adopted.
- 3.2 The scheme was previously implemented in Moray in 2014 by Elgin BID and the Police. In 2014 six premises achieved BBN awards being: Bronze Awards for the Drouthy Cobbler, Downtown and Zed bars; Silver awards for the Muckle Cross, the Granary and Joannas. It was intended to be an annual scheme, however the Police contact subsequently left and the scheme did not proceed in 2015.
- 3.3 The Moray Alcohol and Drug Partnership (MADP), in concert with Elgin BID, has now proposed that the scheme be re-established. Attached an **Appendix II** is a briefing regarding the proposal.
- 3.4 Re-establishing the Best Bar None scheme in Moray will contribute to promoting safer communities, reducing alcohol related harm, and support the Moray economy. There are many benefits to the scheme including

encouraging safer, more secure customer focused premises; rewarding establishments for having managed premises; encouraging standards of improvement; and promoting vibrant day and night time economy in Moray. The scheme in Moray will be supported by the national Best Bar None scheme through the Scottish Business Resilience Centre (SBRC) which acts as a secretariat. This includes the provision of relevant materials, support to local groups, governance arrangements; securing national funding, supporting assessments, PR and media support, website and social media development and arbitrations over appeals.

- 3.5 It can be seen from the briefing that MADP wishes to establish a Moray Best Bar None Award Scheme Co-ordinating Group to be responsible for implementing the scheme across Moray. The Principal Licensing Standards Officer was previously involved with the scheme and has volunteered again and it is anticipated that Licensing Standards Officers will be the main contact for licensing.
- 3.6 The scheme will begin in Elgin. MADP has produced a rough process for re-establishing the scheme which can be found at **Appendix I**. The functions of the group will be to develop and promote the scheme, agree roles and responsibilities amongst members of the group and to contact target premises to circulate information. The group will be encouraging all premises in Moray to participate in the scheme and it is understood that some distribution work has already been carried out by members of the group on a voluntary basis.

#### 4. **Implications**

##### **(a) Moray 2026: A Plan for the Future and Moray Corporate Plan 2015 - 2017**

The Moray Best Bar None scheme will contribute to the economy in Moray and promote the Council's Priority 1 which is Sustainable Economic Development. The scheme will also support reduction of alcohol related harm, crime and disorder which will promote Priorities 3, Healthier Citizens and Priority 4, Safer Communities.

##### **(b) Policy and Legal**

There are no legal implications identified. There is no statutory basis for the scheme. The scheme is a voluntary scheme that was developed to encourage licensed premises to adopt certain standards for improvement.

##### **(c) Financial implications**

None

##### **(d) Risk Implications**

None

**(e) Staffing Implications**

Re-establishing the scheme will involve staff time, through Licensing Standards Officers, to support the group. Matters are at an early stage so the final remits and the time requirements are not yet known.

**(f) Property**

None

**(g) Equalities**

None

**(h) Consultations**

None required.

**5. Conclusion**

It is recommended that the Board note the proposals and process for re-establishing the scheme.

Author of Report: Fiona McQuillin, Trainee Solicitor (Litigation and Licensing)  
Background Papers: There are no background papers  
Ref: FMc

Signature:     *A. McEachan*    

Designation Head of Legal and Democratic Services, Clerk to the Board  
Name Alasdair McEachan

**BRIEFING TO:** PROPOSED MEMBERSHIP OF A “MORAY BEST BAR NONE AWARD SCHEME” COORDINATING GROUP

**SUBJECT:** RE-ESTABLISHING A MORAY “BEST BAR NONE AWARD SCHEME”

**AUTHOR:** PAUL JOHNSON: MORAY ADP LEAD OFFICER

**DATE:** Friday, 22 April 2016

**BACKGROUND:**

Active consideration is being given to re-establishing the Moray Best Bar None (BBN) scheme.

Re-establishing the BBN scheme will contribute to promoting safer communities, reducing alcohol related harms, and to the Moray economy.

This briefing outlines the benefits of re-establishing the scheme and the steps to be taken in order to bring this about.

**KEY ISSUES:**

- Benefits: It-
  - Encourages safer, secure customer focussed premises,
  - Rewards establishments for having managed premises,
  - Provides an opportunity for venues to have a free assessment to identify good practice and provides advice on a wide range of issues,
  - Improves communication with Police, Fire & Rescue, Licensing and other key partners,
  - Promotes a vibrant day and night time economy,
  - Supports reduction in alcohol related harm, crime and disorder,
  - Encourages standards of improvement,
  - Rewards staff and raises awareness of customer care,
  - Can reduce business insurance costs; risk is reduced as a BBN member,
  - Provides training for staff at a reduced costs.
- A Moray scheme would be supported by the National BBN scheme through the Scottish Business Resilience Centre (SBRC) which acts as the secretariat. This includes the provision of relevant materials, support to local groups, governance arrangements; securing national funding, supporting assessments, PR and media support, website and social media development and arbitrations over appeals.
- Membership of the scheme is free and there are no additional costs to Moray.
- Next steps:
  - Establish a Moray BBN coordinating group to produce an action plan and to develop and promote the service. The proposed membership is set out in Annex 1. The membership may change on discussion at the initial meeting. A date will be set for the initial meeting.
  - Agree the action plan, roles and responsibilities,
  - Contact premises and circulate information; promoting the scheme and attracting membership applications.
  - Take forward the assessment and award process.

**RECOMMENDATION:**

1. This briefing is noted and a coordinating group is established to take the Moray BBN scheme forward.



Process for Re-Establishing the Best Bar None Scheme in Moray

