

# 1.12

## Planning and Licensing

### Planning

Planning is often a key concern of Community Councils and to the public in their areas. These can range from considering planning applications and how they should respond to these to dealing with developing Local Plans or considering responses to other forms of consultation. Some Community Councils establish sub-committees or working groups to deal with planning issues given the timescales involved and the degree of scrutiny often required.

Planning consultations can occur in two ways:

1. Firstly, the Council, as planning authority, can formally consult your Community Council on specific proposals for development which may be of interest within your community area.
2. Secondly, a Community Council/Association can request a consultation on the application. This request can be made after you have received and considered a weekly list of all planning applications submitted to the Council.

Contact planning (development management) on [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk) or 0300 123 4561

### Named Contact

The Community Council must have a named contact for planning for the weekly Ward List and the consultations. Any changes to the named contact must be sent to the Community Council Liaison Officer as soon as possible to ensure information is correct at all times.

### Weekly ward list

- Once you receive the weekly ward list you have **7 working days** from the date of receipt of the list to request a consultation on any of the applications of interest to you. All valid planning application can be viewed on line through the Councils Public Access at <https://publicaccess.moray.gov.uk/eplanning/>
- Once you have received the consultation you have a **14 day period** in which to reply with any comments you may wish to make. If you cannot return your comments within the time period you should make contact and advise of the situation and when a reply could be expected. The Planning Officer assigned will contact you direct to discuss the matter.
- You can respond to the consultation either by letter or email. Please use the email address provided on the consultation sheet when responding this way.

- Once a decision has been made on an application you will be able to view decision notice on the Council's Public Access site at [www.moray.gov.uk](http://www.moray.gov.uk).

For most planning applications, consultees have 14 days from the date of issue of the consultation to respond with comments on the proposal. Once received, your Community Council will be taken into account during the determination of the application.

Further information on Community Councils and Planning (Planning Advice Note 47) is in Section 6.5 of the handbook

### **Local Development Plan**

Community Council involvement is an important part of development plan preparation and the Council carried out extensive consultation at all of the various stages of the plan. Local engagement exercises are often arranged by Community Councils as a means of obtaining local views and responses to proposals. Similar consultation takes place on any subsequent policy documents such as Supplementary guidelines or Development briefs.

Local development plans set out how places should change and what they could be like in the future. They set out preferred locations for new homes, businesses and other land uses, protecting places of environmental and cultural value. The framework of policies set out within the local development plan is used to assess development proposals submitted to the Council.

The Council must prepare a local development plan every five years. In addition to this supplementary guidance is also prepared on specific issues including renewable energy and affordable housing as well as development briefs and masterplans.

Community Council involvement is an important element of the local development plan process. Preparing the plan and supplementary guidance requires significant engagement between community representatives and the council.

A good practice guide has been prepared by Moray Council planners and the Moray Joint Community Councils, available in section 6 of the handbook, to raise awareness of the local development plan process and how and when communities can get involved. A timetable of engagement is set out within guide.

Although prepared for Elected Members a good source of information on the planning system is The Improvement Service "The Planning System in Scotland: An Introduction for Elected Members"

[https://www.improvementservice.org.uk/\\_data/assets/pdf\\_file/0016/24433/Planning-System-in-Scotland-EM-Introduction-Aug-23.pdf](https://www.improvementservice.org.uk/_data/assets/pdf_file/0016/24433/Planning-System-in-Scotland-EM-Introduction-Aug-23.pdf)

## The Licensing (Scotland) Act 2005 - Occasional Licenses and Extended Hours

Community Councils are consulted in respect of alcohol licence applications. Consultations can be:

- **Specific:** i.e. specific notice is sent in respect of new premises licences and major variations to a premises licence (e.g. proposed increase in hours or activities). Specific consultation is for minimum of 21 days; or
- **General:** i.e. a general notice is given in respect of occasional licence applications on the licensing pages of Moray Council's website for any member of the public (including Community Councils), to comment upon. General consultations lasts for a minimum of 7 days, unless special circumstances justify a shorter period. For this purpose specific notice is not given that the application appears on the website. It is up to the public to monitor the website.

To cure the problem of specific notice for 1(b) it is possible for individuals to register for notice, via email, of individual applications within their postcode at the Moray Council website. This public access system includes details of all applications including occasional licences and it is possible to search by several methods for applications in process or those granted.

<http://public.moray.gov.uk/eplanning/search.do?action=simple&searchType=LicensingApplication>.

### Role of the Community Council in licensing

The role of the Community Council in the licensing process is to represent the view of the community. Anyone can lodge an objection or representations in respect of premises licence application.

An objection is an objection to any licence being granted. A representation means a licence is acceptable in principle but the representor would like to see modification or conditions to address perceived problems.

Any objection or representation needs to be related to the licensing objectives that are detailed in the Act itself.

Those are:

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health, and
- protecting children and young people from harm.

There are also extended hours applications where the licence holder wishes to extend normal licensing hours for a specific event on licensed premises. Those applications are only notified to the Police and the Licensing Standards Officer.

Further information and enquiries regarding licensing can be found at [http://www.moray.gov.uk/moray\\_standard/page\\_40047.html](http://www.moray.gov.uk/moray_standard/page_40047.html)

### **Civic and Gambling Licensing**

Community Councils may also have some involvement in civic licensing and gambling licensing.

All licence types are listed under various headings and can be found at [http://www.moray.gov.uk/moray\\_standard/page\\_73781.html](http://www.moray.gov.uk/moray_standard/page_73781.html). Civic licences are not advertised as widely as alcohol licences but should still appear in the searchable public register referred to above.

We specifically consult community councils on late hours catering licences, further information can be found at [http://www.moray.gov.uk/moray\\_standard/page\\_65790.html](http://www.moray.gov.uk/moray_standard/page_65790.html)

Gambling is different again. The legal onus is on the applicant to notify all interested parties of an ongoing application, including any Community Councils.

### **Further Information**

If you have any queries regarding licensing please email [licensing@moray.gov.uk](mailto:licensing@moray.gov.uk) or telephone the general enquiries line for licensing on 0300 123 4561.