

Moray Licensing Committee

Annual Functions Report

1 April 2024 - 31 March 2025

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About Moray

With a population of around 95,400, Moray nestles between the rugged and spectacular Highlands and the flat, fertile farmlands of the north-east and although it belongs to neither, it shares the best elements of both – from the snow-capped peaks of the Cairngorms to the unspoiled coastline of the Moray Firth.

Local industry is as diverse as the landscape in which it is located and makes a major contribution to the area's buoyant economy. Moray is the heartland of the Scotch whisky industry and is home to more than 45 distilleries whose brands are savoured in just about every corner of the world. Whatever country you're in, you'll find a bottle of Speyside Malt for sale.

In the spirit of celebration, music plays a vital role in the Moray community. There are major music festivals every year, including MacMoray and the traditional Speyfest, alongside other festivals like the Spirit of Speyside linked to the whisky industry. Venues for the performing arts thrive in the area, and each town sustains a lively artistic culture. Two thriving arts and performance centres exist in Findhorn alone.

Traditional industries - farming, fishing and forestry - play an important part in the area's culture whilst underpinning the economy. In addition, two internationally renowned food producers, Baxters of Speyside and Walkers of Aberlour, have put Moray firmly on the international map. The area's biggest town and administrative capital is Elgin, which is also Moray's principal shopping centre. Many leading national retailers are represented alongside long-established local outlets. Other main towns include Forres, well known for its successes in national floral competitions; Buckie, with its fishing and commercial harbour; and Keith, built on a once-thriving textiles industry.

Introduction

Moray Licensing Committee ("the Committee") is the licensing authority for the purposes of all civic and similar type licensing.

NB. Alcohol and gambling are dealt with separately by the Moray Licensing Board.

The Licensing Committee is responsible for considering applications and objections in relation to regulating civic licensing in accordance with the Civic Licensing (Scotland) Act 1982, as amended, ("the Act") as well as other licence types under other, similar, legislation.

Under the Act, the Licensing Committee is responsible for considering applications for:-

1. Taxis
2. Second hand dealers
3. Knife dealers
4. Metal dealers
5. Boat hire licences
6. Street traders' licences
7. Market operators' licences
8. Public entertainment licences
9. Indoor sports entertainment licences
10. Late hours catering licences
11. Window cleaners' licences
12. Public processions
13. Houses in Multiple Occupation (HMOs) under the Housing (S) Act 2006
14. Various animal related licences e.g. pet shops, animal boarding, animal breeding, animal rehoming, horse riding establishment etc. under multiple Acts
15. Landlord registration under the Antisocial Behaviour (S) Act 2004
16. Short term lets
17. Sex shops and sexual entertainment venues

In exercising its functions under these Acts, the Committee is required to have regard to consultees' responses as well as neighbouring or community objections if there are any.

Annual Functions Report

From 1 April 2024 to 31 March 2025, the Committee was scheduled to meet on an approximate eight week cycle however due to a lack of relevant business met on the following dates:

- (a) 19 June 2024
- (b) 4 September 2024
- (c) 5 February 2025

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

Committee meetings are as informal as possible whilst maintaining a fair process. The majority of applicants appearing before the Licensing Committee are willing and able to represent themselves.

Decisions of the Committee

Each application received by the Licensing Committee is considered on its individual merits. All licence applications that are received must be weighed-up in accordance with the Act and in consultation with the consultees.

During the course of the period 1 April 2024 to 31 March 2025, the Committee received applications for 377 and issued 797 licences respectively*. Lists of application numbers by calendar year appear at the end of this report for comparison. It should be noted that not all licences are due to be considered each year as most licences under the Act have a three year cycle. Therefore the overall number of licences is much higher than the number considered each year. It should also be noted that the advent of short term lets has greatly increased the number of applications and licences.

In addition the majority of licence applications are processed under delegated powers where there are no problems with the application and there are no objections or representations. In cases where an objection or representation does arise the matter is referred to the Licensing Committee. The Committee is regularly provided with a report on applications considered and granted under delegated powers.

During the financial year 2024 to 2025 the Committee considered 4 applications for various licences at hearings: 1 private hire driver; 1 short-term let licence; 1 street trader application and 1 landlord registration. The licence applications were granted. The landlord was removed from the register of landlords.

In considering the applications, the Committee considered a number of different sources of information to enable them to reach decisions. These sources include applicants themselves, council services (including planning, building standards and environmental health), reports from Local Residents, the Licensing Standards Officer and Police Scotland.

Tourism and Industry continue to play an important role in parts of Moray. Moray Council has set out a number of community planning priorities including healthier citizens, a growing and diverse economy and safer communities. Licensing plays an important role in all of these and decisions of the Licensing Committee also have regard to these community planning priorities.

*Note the difference between licence applications received and licences issued can be explained by the ongoing processing of short term let (STL) licence applications received prior to the period as demonstrated by the tables.

Short Term Let Licensing

The single largest commitment in Civic Government licensing during the period covered by this report has again been the licensing regime for short term lets. This has involved a lot of officer time across many council services in developing and implementing further amendments to the short-term let licensing scheme, which included new application types.

A fully automated renewal online process is being developed involving the council's bespoke licensing software provider. The huge surge in the overall number of applications for civic licences, driven by short term lets, has continued. A large amount of officer time, including temporary additional resources, has been spent processing these licences. The process has been made much more difficult by lateness of applications and the generally poor quality of them. Further changes to the legislation governing the short-term let scheme, Scottish Government statistical requirements and guidance have also caused difficulties.

Numbers of actual applications continue to increase and have exceeded the overall number expected. It was previously thought numbers might reach approximately 600 but have now exceeded 780. as such, work on processing short-term let licence applications has been a priority in the team and has continued in recent months.

Animal Licensing

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

Licensing Standards

There are two full time Licensing Standards Officers (LSOs). One LSO is responsible for all aspects of civic licensing like taxis, while the second LSO is responsible for liquor licensing, gambling and adult entertainment. Due to the volume of short-term let licence applications both LSOs have been involved in this work. The LSOs will offer guidance and advice to licence holders and communities to supervise compliance with the requirements of the Act by the licence holders. The LSOs will act as an intermediary between licence holders and the general public helping to avoid and resolve any disputes or disagreements. LSOs also attend meetings with the trade and the public which allows them to build a rapport with the local trade and members of the public as a consistent point of contact. This will ensure that there is a cohesive working partnership between all persons interested in the operation of the Act.

*NB. The Scottish Government has initiated a review of animal licensing in general and it is anticipated that more licence types will fall under the regime of these Regulations.

Licensing Standards Officer Report

The Civic Licensing Standards Officer is responsible for numerous licence types. The aim of the role is to provide guidance and information to interested parties; ensure compliance by licence holders; and provide a mediation service for the purpose of avoiding or resolving disputes

Below is a brief list of some of the activities carried out by the Civic LSO between April 2024 and March 2025.

- Joint Investigations with Police of unlicensed taxis being run in Lossiemouth resulting in a charge.
- Supported the applicants of Public Entertainment licences for MacMoray, Speyfest, Gordon Castle Highland Games, Moray Pride, Rotary Rotafest and numerous other events.
- Developed and introduced a standardised Event Safety Template for outdoor events to make the process easier for applicants and consultees.
- Worked with the Council's Environmental Health service on noise complaints around a community hall and 3 long term Late Hours Catering complaints.
- Mediated 2 Short Term Let objections / representations.
- Participated in 2 joint Taxi inspection operations with Police Scotland and VOSA
- Worked with Emergency Planning to keep event organisers updated to potential upcoming legislation changes with Martyn's Law.
- Participated in the North East Civic Licensing Group meetings to share information and best practice between Civic Licensing Standards Officers across the North of Scotland.
- Investigated reports of unlicensed Short Term Let premises when reported by the public.
- Incorporated Short Term Let licensing tasks into our workload.
- Completes the GDPR checks on the Short Term Let public register regularly before publication.
- Attended meetings with the Lossiemouth Development Trust, Moray Association of Village Halls, Elgin Bid, Elgin Rotary and other volunteer groups to assist in explaining licensing requirements and offer assistance in completing required applications.
- Supported and contributed to the processing of all Civic Licence applications and renewals within the required consultation periods.
- Developed a proposed updated list of licensable activities for review.
- Updated all licence types and web pages with new 2025 fees.
- Worked with EE to ensure all employees had correct licensing to trade from the Plainstones after St Giles Closure.
- Worked with HSE on organising a joint visit of Fairgrounds in the area.
- Contributed to the Scottish Government Fireworks and Bonfires legislation consultation.

		Applications Received						
Count of REFVAL	Year							
Licence Type	2019	2020	2021	2022	To 31/3/2023	1/4/23 to 31/3/24	1/4/24 to 31/3/25	Grand Total
Animal Boarding	14	8	8	17	12	35	20	114
Animal Breeding - 1 Year	0	0	0	1	0	1	0	2
Animal Rehoming - 1 Year	0	0	0	0	1	0	0	1
Animal Rehoming - 3 Years	0	0	0	0	1	0	0	1
Animal Welfare Establishment - 1 Year	0	0	0	1	0	1	0	2
Cinema	0	2	0	3	1	1	2	9
Dangerous Wild Animals	0	0	1	2	1	1	0	5
Dog Breeding	3	2	2	3	0	0	0	10
HMO Licence	11	11	6	12	4	8	5	57
Knife Dealers	0	0	1	0	0	0	1	2
Late Hours Catering	6	8	6	5	0	10	7	42
Market Operators – Full	1	2	1	3	2	11	9	29
Market Operators – Temp	2	1	0	1	0	1	1	6
Metal Dealer Licence	0	1	0	2	0	1	1	5
Pet Shops	3	2	2	1	0	0	0	8
Private Hire Driver	4	1	6	5	2	5	7	30
Private Hire Operator	10	8	6	11	1	9	9	54
Public Charitable Collections	28	11	13	33	5	24	8	122
Public Entertainment - 1 Year	4	1	1	2	2	6	3	19
Public Entertainment - 3 Years	13	3	5	22	2	10	13	68
Public Entertainment – Temporary	14	3	2	10	3	9	1	42
Riding Establishments	0	0	1	3	0	5	2	11
Sale of Pet Animals - 2 Years	0	0	0	2	0	0	0	2
Second Hand Dealer	16	30	26	29	8	26	18	153
Short-term Lets - Home Letting	0	0	0	2	5	64	7	78
Short-term Lets - Home Letting/Sharing	0	0	0	0	1	34	5	40
Short-term Lets - Home Sharing	0	0	0	1	1	35	7	44
Short-term Lets - Secondary Letting	0	0	0	20	42	506	64	632
Skin Piercing and Tattooing	8	6	17	18	5	17	18	89
Small Lotteries	13	11	8	14	8	16	0	70
Street Trader	17	23	35	29	15	37	32	188
Taxi Booking Office	0	0	3	1	0	0	1	5
Taxi Driver	48	77	79	90	11	76	70	451
Taxi Operator	21	61	43	52	18	75	54	324
Venison Dealer	2	1	5	1	1	2	1	13
Window Cleaners	2	19	24	9	11	14	11	90
Grand Total	240	292	301	405	163	1040	377	2818

		Licences Issued						
Count of REFVAL	Year							
Row Labels	2019	2020	2021	2022	To 31/3/2023	1/4/23 to 31/3/24	1/4/25 to 31/3/25	Grand Total
Animal Boarding	8	10	5	6	22	30	15	96
Animal Welfare Establishments	0	0	0	0	0	1	0	1
Cinema	1	2	0	1	2	2	2	10
Dangerous Wild Animals	0	0	0	2	0	0	1	3
Dog Breeding	3	0	2	1	1	1	0	8
HMO Licence	5	9	9	3	5	10	11	52
Knife Dealers	0	0	1	0	0	0	1	2
Late Hours Catering	5	7	6	4	1	10	7	40
Market Operators – Full	1	1	1	2	1	8	12	26
Market Operators – Temp	2	0	0	1	0	2	1	6
Metal Dealer Licence	0	1	0	2	0	1	1	5
Pet Shops	3	2	2	3	0	0	0	10
Private Hire Driver	2	2	4	6	0	2	9	25
Private Hire Operator	7	2	10	9	0	8	12	48
Public Charitable Collections	27	10	11	32	4	23	27	134
Public Entertainment - 1 Year	4	1	1	2	2	2	6	18
Public Entertainment - 3 Years	13	0	4	21	2	11	10	61
Public Entertainment – Temporary	14	1	1	12	1	6	14	49
Riding Establishments	2	0	0	2	2	3	4	13
Second Hand Dealer	16	31	27	28	6	25	18	151
Short-term Lets - Home Letting						8	18	26
Short-term Lets - Home Letting/Sharing						4	18	22
Short-term Lets - Home Sharing	0	0	0	0	1	5	30	36
Short-term Lets - Secondary Letting	0	0	0	0	16	164	386	
Skin Piercing and Tatooing	6	4	18	17	5	16	19	856
Small Lotteries	14	7	12	13	6	11	0	63
Street Trader	14	17	35	28	12	36	30	172
Taxi Booking Office	1	0	2	2	0	0	1	6
Taxi Driver	44	59	92	85	11	72	64	427
Taxi Operator	19	20	82	48	17	73	66	325
Venison Dealer	1	0	5	1	0	3	1	11
Window Cleaners	4	12	30	9	9	17	13	94
Grand Total	202	191	348	327	120	554	797	2539