

The Nip

The Newsletter of The Fife Licensed Trade Association



FIFE LICENSED TRADE ASSOCIATION

June 10th 2020



Summer's here and the time is right...

... for socially-distanced dancing in the street. Sorry Martha!

This month's effort is another opportunity to catch up with the developments of the past month or so as well as an attempt to see what the next couple of months is likely to bring us.

There is widespread talk of 4th July being the opening date south of the border, as if it is a done deal, to the extent that preparations for that date are gathering pace.

We know that Scotland will be more cautious but in anticipation of a phased relaxation of lockdown we have put together a template for Covid-19 risk assessments to assist preparations for trading in the new environment.

Finally, a forthcoming upgrade to the www.fifelta.org website should shortly mean that members can access past issues of this newsletter by way of .pdf downloads.

Stay safe!



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So, what's been happening?

After the last newsletter was issued the FLTA was invited to take part in a stakeholders' conference organised by Alcohol Focus Scotland to discuss alcohol sales after the lockdown. This in turn led to the FLTA being asked to take part in a survey conducted by Stirling University as part of a study into the issues of bringing the on-trade out of lockdown. This study will yield a report for the Scottish Government to provide guidance for their policy for the relaxation of lockdown.

Many of the issues covered in the last newsletter were highlighted and it is now clear that our conclusions are widely shared. The key issue is Social Distancing. There are growing calls for the 2m rule to be reduced to 1m on the grounds that the majority of businesses will not be viable based on a capacity dictated by the 2m rule.

Based on the scientific evidence this is a risky strategy which could lead to a second period of lockdown, although on a slightly more positive note any future lockdowns are likely to be more refined, and imposed on a much more localised basis.

The alternative is to stick to the 2m rule and for state aid to be maintained for hospitality businesses until such time as it is safe for lockdown to be ended altogether.

This month the FLTA has also been in contact with the membership in order to find out how businesses are coping and what assistance is needed going forward. We have been reliant on the contact phone numbers we have on file and there are several instances where the number we have is for the outlet, which of course is shut.

Anybody who has not been contacted but who would like to contribute please contact Colin Boyle or Thomas Donaldson whose contact details are at the end of this newsletter. The outcome of this survey has been very informative and will be passed on to Stirling University for consideration in their study for the Scottish Government.

1. There was 100% determination among members spoken to, to really give opening up a go.
2. Several members have used the time to get those outstanding jobs done. Decorating, up-grading toilet facilities, overhauling outdoor areas, painting.
3. A significant number have used the interest free loan facility, although with care, anticipating early repayment from trading receipts.
4. Members are keen to open up beer gardens to support regulars when permitted to do so, however hours are likely to be limited and it is also likely that rather than take staff off furlough outlets will be staffed by family members.
5. Landlords generally have been supportive with rents, grumbles over rent where the landlord is a sector estate operator, this was outside Fife....
6. Almost unanimously members see themselves reducing opening hours post Covid-19 and there is concern where the outlet is a pub games and karaoke venue.

7. If social distancing is 2m on re-opening viability a serious concern and there is no appetite to rack up deficits from trading just for the sake of being open.
8. There is a firm desire for clear GOVERNMENT RULES on capacities and social distancing.
9. Hotels have lost tens of thousands of pounds through cancelled bookings.
10. Planned up-grades in the Hotel Sector have been put on hold.
11. Some form of sector support needs to be considered beyond October once lockdown is relaxed.
12. Restaurants particularly worried
13. Members were unanimous that their customers are desperate for a pint and fed up of cans and bottles.
14. No definite closures among members to date but the FLTA Board is aware of closures outside FLTA membership.
15. The Local Authority grants were warmly welcomed but the money went very quickly. Also timing has been an issue - one member only received it this week!! Businesses with a rateable value greater than £51k have received nothing and for £15-18 k RV businesses the £10k grant was inadequate, one member could have used virtually all of it on his premium for insurance policy renewal!!!
16. If the Scottish Government follows England and attempts a summer outdoor season we need, say a two month period whereby venues are automatically granted an outside drinking area and off sales or takeaway drink facility.
17. Operators want clear government guidelines for initial outside operations with regard to what is reasonable if for example it suddenly pours with rain and regarding the use of indoor toilets etc.

Back in April we contacted the Scottish Government with an idea of how a lifeline could be thrown to the on-trade, basically involving restricting supermarket alcohol sales and redirecting them as off-sales from on-trade outlets. This would have the added benefit that it would cost the Scottish Government nothing (besides a bit of political courage).

A response was finally received last week and is reproduced here. (see page 3). We also suggested that licensing boards issue a notification that where a premises licence provides for off-sales for the time being that can include home deliveries.

As you can see the response somewhat missed the point as many licensing boards have been shut down for the duration and have not been considering individual applications.

DIRECTORATE FOR JUSTICE DJUST : Criminal Justice

Jeff Ellis jeffellis1957@btinternet.com

Our Reference: 202000034874

04 June 2020

Dear Mr Ellis,

Thank you for your letter of 23 April 2020 to the First Minister outlining your thoughts on how the Scottish Government could assist the hospitality sector in the current challenging times. Your letter has been passed to this Directorate and I have been asked to reply. I am sorry for the delay in doing so.

As you may know, on 21 May 2020 the First Minister made a statement in Parliament about the publication that day of the Scottish Government's route map through and out of the coronavirus pandemic.

It is absolutely understandable that businesses – across all sectors - are keen to be opening their doors as soon as possible. However, as the First Minister has said movement through the phases outlined in the route map will be taken slowly and carefully based on scientific data and advice and therefore it is not possible at this time to assign dates to the various phases of the route map.

I understand that in March this year, as a key element of the Scottish Government's response to this pandemic, the Chief Scientist's Office launched the Rapid Research in Covid-19 (RARC-19) funding call. I believe that one of the successful bids from Stirling University relates to the conducting of a new rapid study to examine options for re-opening licensed premises whilst protecting public services. The outcomes from this study will, amongst other scientific data and information, help inform the decision making process regarding the easing of lockdown restrictions.

In recognition of the significant challenges facing businesses across all sectors, as a result of the coronavirus pandemic, the Scottish Government moved quickly to put support in place. A helpful summary of information available on support for business can be found at www.gov.scot/publications/coronavirus-covid-19-support-for-businesses/.

The Scottish Government had been aware that there had been some debate amongst licensing boards and the licensed trade as to whether the lack of explicit mention of the provision of takeout food or delivery of food in an operating plan could be taken as meaning that a premises may not undertake that activity. Accordingly, for the avoidance, the Scottish Government took the opportunity of the Coronavirus (Scotland) Act 2020 to insert a provision to the effect that all operating plans have an implied term that permits takeout of food and home food deliveries where the premises otherwise sells food.

As you note, licensed premises can only sell and deliver alcohol to customers where the conditions attached to the premises licence and the associated operating plan allow them to do so. It is open to license holders to submit an application to their licensing board to seek a variation in their licensing conditions if they so wish.

The Scottish Government considers it is important to acknowledge that a licensing regime for the sale of alcohol exists for a reason and it would not be appropriate for the Scottish Government to restrict the sale of alcohol in the manner you suggest.

I note your concerns regarding COVID-19 and the consumption of alcohol at home. It is interesting to note that the UK alcohol duty receipts for March to April 2020 stand at £1,442M compared to £1,739M for the period March to April 2019. As HMRC's latest (May 2020) UK Alcohol Duty Statistics commentary indicates reductions are likely to be due to a combination of changes to payment timing, responses to COVID-19 policies and emerging pandemic related economic impacts. It is too early to unpick impact levels from each of these but the effects of COVID-19 on tax receipts will become clearer over time.

I am grateful for the time you have taken to write and I hope the contents of this letter are helpful in setting out the Scottish Government's position on the matters you have raised.

Yours sincerely

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Covid-19 Re-Opening Risk Assessment

As the new trading environment is going to be significantly different to what we are used to there are a number of new risks that must be identified and mitigated in order to minimise a business owner's exposure to potential legal liabilities, by demonstrating due diligence.

We have drawn up this template based on current information but clearly other issues will become apparent as we move into the post-lockdown environment. We will endeavour to update this as necessary whenever we can.

The Issue	The Risk	The Mitigation
The Business - Diversification	<ul style="list-style-type: none"> - Any change to the business might be outside the Premises Licence Operating plan - Any change may require adjustments to insurance cover - Use of outside areas may require planning permission 	<ul style="list-style-type: none"> - Consult an LSO and submit a Licence Variation application as necessary. - Consult insurance broker/company - Check with Planning Department regarding any change of use or outside use.
The Business - Organisation	<ul style="list-style-type: none"> - Tables and furniture offering insufficient distance 	<ul style="list-style-type: none"> - Re-arrange tables, seating and other furniture to meet distancing needs - Consider the use of screening to make optimum use of space - Remove bar stools
The Business - Equipment	<ul style="list-style-type: none"> - Equipment may need maintenance - Any change to the business may require additional equipment and training 	<ul style="list-style-type: none"> - Have key cellar and kitchen equipment serviced and assess what additional equipment may be required - Ensure sufficient cellar gas is on hand
The Business - Waste management	<ul style="list-style-type: none"> - Extra hygiene measures will generate additional waste which will require careful treatment. 	<ul style="list-style-type: none"> - Consult Fife Council or waste contractor to decide if additional arrangements are required
The Business - Payments	<ul style="list-style-type: none"> - Handling cash involves high risk of virus exposure 	<ul style="list-style-type: none"> - Switch to cashless/contactless payment methods - - Use the Swifty app? for ordering and payment
Staffing - Coronavirus Job Retention Scheme	<ul style="list-style-type: none"> - Partial opening will require fewer staff - It may be necessary to re-assign staff - for example to a table service role 	<ul style="list-style-type: none"> - Consider whether to leave staff on furlough - Are additional staff required? - How much notice will staff need to come off furlough
Staffing - Training	<ul style="list-style-type: none"> - Besides the training required for working in a licensed environment additional training will be required for new hygiene requirements 	<ul style="list-style-type: none"> - Contact Jo Worrell at Twist Training who has a training package for this need.
Staffing - Health and Safety	<ul style="list-style-type: none"> - Consider what protection staff will need both for front of house and kitchen, housekeeping 	<ul style="list-style-type: none"> - Obtain sufficient quantities of PPE, mainly masks and gloves
Staffing - Social Distancing	<ul style="list-style-type: none"> - Staff will need to social-distance whilst working, not just with the public but with each other. 	<ul style="list-style-type: none"> - It may be necessary to further change the layout of the premises - for example the arrangement of the kitchen may need to be changed to provide a safe and efficient working environment

Covid-19 Re-Opening Risk Assessment

The Issue	The Risk	The Mitigation
Customers - Capacity	- Too many customers on the premises may contravene social-distancing requirements	- Calculate a revised capacity for the premises based on the social distancing standard set by the Scottish Government
Customers - Policing numbers and social distancing	- In a social environment it will be easy for customers to forget the need to maintain social distancing - Too many people may attempt to gain entry to popular premises	- Monitoring numbers and distancing will be a key element of staff training, as will techniques for managing them. - If it is not practical to employ door staff it will be necessary for staff providing table service to perform capacity management and to enforce social distancing.
Customers - Managing behaviour	- As the drink begins to flow customers will pay less attention to social distancing requirements - There is also the risk that customers become aggressive when asked to moderate behaviour	- More than ever attention will need to be paid to individual customers' consumption. - Handling aggressive customers will be of increased importance - Well-trained staff will be vital
Customers - Notices and signage	- Constant reminders of hygiene and distancing requirements will be needed	- Consider using posters, notices, signage and floor markers to provide guidance
Distancing - Achieving the required standard	- A constant reminder of the required distance will be required. - Consideration will need to be given to pinch points such as access to the kitchen and toilets	- Again use of posters, notices, signage and floor markers should be considered. - Staff training will be instrumental.
Distancing - Entrances and exits	- Two-way traffic will contravene distancing	- If possible use separate doors for entering and exiting the premises. They will need to be appropriately identified. - Consideration will need to be given to fire evacuation requirements
Disability - Facilities	- Existing arrangements for the disabled may not meet distancing needs	- Consider if it is feasible to make adjustments to the layout of the premises so that disabled needs can be met in a socially distanced manner.
Disability - Access to other floors	- General use of lifts will impinge on distancing needs	- Consider making lifts available only for the disabled.
Disability - Distancing	- Wheel chair use may not meet the distancing needs.	- Consider making a specific area available for wheel chair users that satisfies distancing needs
Fire Safety	- The temptation will be to leave all doors open	- Non-critical access doors can be wedged open to improve airflow and traffic - Fire doors must remain shut and fire exits must be kept clear of obstructions.

Covid-19 Re-Opening Risk Assessment

The Issue	The Risk	The Mitigation
Hygiene - Disinfecting	- Surfaces will need to be disinfected at regular intervals throughout opening hours including tables, chairs, bar tops, cashless payment keypads	- Assess all surfaces likely to be infected - Establish a regular cleaning regime - Ensure staff have been trained to carry out disinfection appropriately
Hygiene - Hand disinfection	- Staff and customers' hands need to be disinfected at regular intervals	- Ensure that there is sufficient hand sanitiser available at appropriate locations
Hygiene - Toilets	- Toilets are a high risk area on both distancing and contamination grounds - Apparently there are risks of contamination spread with hand driers	- Ensure toilet touch points and surfaces are cleaned at regular intervals throughout opening hours - Consider taking urinals out of use to achieve appropriate social distancing - Consider a "one in/one out" arrangement for toilets where other measures won't work. - Ensure sufficient supplies of chemicals, hand sanitiser and towels are available - Consider using paper hand towels instead of hand driers - Monitor use of toilets to avoid gatherings - Use of signage "Wash hands" & "Maintain distancing" - Maintain a cleaning log for the toilets
Hygiene - Staff	The protection of staff and customers is key	- Establish a staff member's fitness for work prior to starting a shift - Only staff should clear and clean down tables - Staff will require hand washing facilities away from kitchen and toilets - Consideration should be given to whether a table service only operation is instituted or whether customers should be required to collect food and drink orders from a designated collection point - Fresh staff uniforms should be used daily
Hygiene - Restaurant and bar meals	- Sauce containers and condiments sets will harbour contamination - Cutlery and crockery are other high risk items	- Use single use sachets of sauces and salt, pepper and sugar - Use of one touch or disposable cutlery - Staff to change gloves at regular intervals to minimise contamination of plates

Each premises is different. It is worth trying to assess the customer's experience from entry to exit in order to identify risk factors.

This is the first version of our risk assessment and has been drawn up from several sources. There will doubtless be issues that we have overlooked so it will continue to be a work in progress. Please contact us regarding any other risk factors you have identified or to pass on tips and best practice.

One or two support packages are being curtailed early whilst others are nearing the end of their respective periods of operation. Some have been or are going to be extended. It is clear that the hospitality sector will require support for some time to come. It is also clear that a large section of the hospitality sector have been receiving little support. It is to be hoped that further measures will be considered and implemented.

This is a quick run down on the current state of play. The table summary that we have used in the last couple of issue of the newsletter has been updated so that it continues to offer at-a-glance guidance.

The Retail, Hospitality & Leisure Scheme

which has provided grants of £10,000 to businesses with a rateable value of up to £18,000 and £25,000 to businesses with a rateable value of between £18,001 and £51,000 was due to be open for applications until 31 March, 2021. It has now been announced by the Scottish Government that the scheme and the similar Small Business Grant Scheme will be brought to a close on 10 July, the reasons being that applications have tailed off markedly and the remaining available funds can be better used by other means.

The Self Employment Income Support

Scheme initially was opened for applications on 13 May and covered income for March, April and May for up to 80% of profits capped at £2,500 per month. The closing date for applications for this initial period is now 13 July. A second grant has been announced covering June, July and August although it is being capped at a lower rate of £2,190 per month. As with the first grant those eligible will be invited to apply by HMRC. Applications will open in early August. If you are eligible you should research the timing of applications carefully because a SEISS application will impact any universal credit claim that has been made. The advice of moneysavingexpert.com is to wait if possible.

The Coronavirus Job Retention Scheme has also seen some changes, an important one being introduced at very short notice. The initial scheme covered the period 1 March to 30 June and 80% of the wages/salaries of furloughed staff up to a cap of £2,500 per month. The deadline for claims for the first period is 31 July.

The second scheme covers the period from 1 July to 31 October but is only eligible for employees who have been furloughed for a minimum of three continuous weeks during the first period. In other words an employee who is furloughed for the first time between now until 30 June will not be eligible for the second scheme. Full details of the second scheme will be published on 12 June.

From 1 July employers can bring back furloughed staff for any amount of time and shift pattern and still claim the CJRS grant for their normal hours not worked, which introduces some useful flexibility.

From 1 August the level of grant under the scheme will be tapered in the expectation that people should be gradually returning to work. Furloughed employees will still be entitled to receive 80% of wages/salaries up to the £2,500 per month cap until 31 October. However, employers will be required to contribute towards this, initially by way of employer national insurance and pension contributions. From 1 September employers will be required to pay 10% of wages with the Government contributing 70% and from 1 October this will shift to 20% and 60% respectively. In each case the monthly cap and the respective percentages will be proportionate to the hours not worked by the employee.

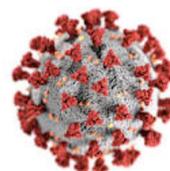
The Coronavirus Business Interruption Loan Scheme has largely been superseded by the **Bounce Back Loan Scheme** although it is still running. Five new accredited lenders have been added to The British Business Bank's lending panel.

Research has shown that businesses that acted swiftly to secure a CIBLS loan are paying a much higher rate of interest than those that waited and applied for Bounce Back Loans. The CIBLS loans carry a 6% p.a. interest rate whilst Bounce Back loans are at fixed rates of 2.5% p.a.

The good news is that businesses can apply to their lenders to have their CBILS loan switched to the Bounce Back Loan scheme. It is in the lender's interest to do this because the UK Government guarantees 100% of the Bounce Back Loans as opposed to 80% of the CBILS loans.

Some banks have been making the switch automatically but the same research has shown that not many businesses have taken the opportunity to switch. The difference switching can make on a typical £50,000 loan is a saving of £1,750.

Beer Duty. In previous issues of the newsletter we have highlighted that some of the breweries were offering new-for-old swaps on unopened kegs and casks, and that it is possible to recover duty on unsaleable beers and ciders in broached kegs. A number of brewers have now got together to make this process simpler and businesses can register and use the scheme by visiting www.returnyourbeer.co.uk There is one brewery who has opted to go it alone - Diageo - so any claims in respect of Guinness should be directed to www.mydiageo.com



Business support summary

What	Where	How	When	How much
Local authority grant for businesses with an RV < £18k	Fife Council	Apply to Fife Council at www.fife.gov.uk/reductions	Now available until 10 July, 2020 (previously 31 March 2021.) Turnaround is approximately 5 days	£10,000
Local authority grant for businesses with an RV between £18k & £51k	Fife Council	Apply to Fife Council at www.fife.gov.uk/reductions	Now available until 10 July, 2020 (previously 31 March 2021.) Turnaround is approximately 5 days	£25,000
Business rates 100% 12 months relief	Fife Council	Automatically applied by Fife Council	Revised rates bills will be issued	Varies case by case
Business rates relief of 1.6% canceling the poundage increase for 2020/2021	Fife Council	Automatically applied by Fife Council	Revised rates bills will be issued	Varies case by case
Self Employment Income Support Scheme	HMRC	HMRC will make contact and invite applications which can only be accessed via www.gov.uk	HMRC will make contact by mid-May and payments will be made by early June. Similarly invitations will be made in August	Direct cash grant of up to 80% of profits up to £2.5k per month for 3 months initially <u>Now extended for further 3 months</u>
Covid-19 Job Retention Scheme - now extended to October 2020	HMRC	Contact https://www.gov.uk/guidance/claim-for-wages-through-the-coronavirus-job-retention-scheme	The first phase of the Scheme is open for applications by 31 July. A second phase is being introduced.	Direct cash grant of 80% of wages up to £2.5k per month The Government contribution tapers in September and October
Coronavirus Business Interruption Loan Scheme	British Business Bank and its panel of lenders	Apply to one of the accredited lenders on the list at www.british-business-bank.co.uk	The Scheme is now open for applications.	Loans of up to £5.0m interest-free for first 12 months
HMRC Time To Pay Scheme	HMRC	HMRC	Scheme is available now.	Varies case by case
Statutory Sick Pay Scheme for businesses to recover SSP.	HMRC	Contact HMRC to make a claim.	Scheme is available now with effect from 13 March.	Varies case by case
VAT & Income Tax Deferment Scheme	HMRC	Contact HMRC to make a claim.	Scheme is available now.	Varies case by case
Belhaven Brewery old-for-new swap arrangement for unopened kegs	Belhaven Brewery	Contact your Belhaven representative or phone 0345 600 1799 0345 850 4545	Scheme is available now	Varies case by case
Tennants old-for-new swap arrangement for unopened kegs	Tennants Caledonian	Contact your Tennants representative or contactus@tennants.com Tel 0141 202 7290	Scheme is available now	Varies case by case

Business support summary

What	Where	How	When	How much
PRS/PPL Licences suspension of fee payments, deferred payments, suspension of surcharges	PRS/PPL	Should be automatic but contact www.pplprs.co.uk	Available now	Varies case by case
Coronavirus Large Business Interruption Loan Scheme for businesses with T/O £45.0m - £500.0m	British Business Bank and its panel of lenders	Apply to one of the accredited lenders on the list at www.british-business-bank.co.uk	T.B.A.	Loans of up to £25.0m guaranteed to 80% but at commercial rates of interest
Recovery of Beer Duty and VAT on unsold draft beers	HMRC/Brewers	Declare draft beers unsold due to lockdown as "Ullage". Contact your supplier in the first instance.	As soon as possible www.returnyourbeer.co.uk or www.mydiageo.com	Varies case by case
The Drinks Trust Covid-19 Relief Fund for unemployed bar staff	The Ben	Apply to www.bensoc.org.uk/apply-for-help/application	Available now	£250 one-off grant
Sky Sports suspension of subscription fees	Sky Sports	Should be automatic. If you have not heard from Sky contact www.skyforbusiness.sky.com	Available now	Varies case by case
BT Sport suspension of subscription fees	BT Sport	Should be automatic. If you have not heard from BT contact www.btsportbusiness.com	Available now	Varies case by case
Newly Self Employed Hardship Fund	Fife Council	Apply to Fife Council - there is a direct link on the businessgatewayfife.com website which provides more details.	Available now Turnaround time is 10 days	A one-off grant of £2,000
Business Support Grants-amendment so that a business's additional properties can apply for a grant.	Fife Council	Apply to Fife Council at www.fife.gov.uk/ reductions	Available from 5 May but the scheme is being concluded on 10 July	Depending upon eligibility 75% of the original grant can be applied for for subsequent properties.
Bounce Back Loan Scheme	The British Business Bank	Apply to The British Business Bank or one of its accredited lenders	Available now	Loans of £2k to £50k for periods of up to six years guaranteed by UK Govt.

NOTE: All the HMRC administered schemes can only be accessed via GOV.UK. Be aware that any approaches that offer you one of these packages by telephone or by means of another site are more than likely to be a scam.

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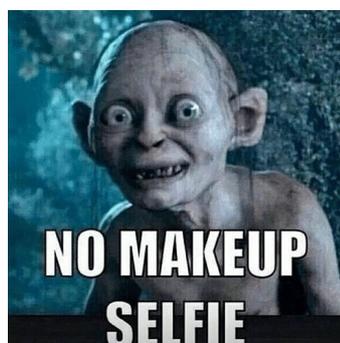
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Thorntons LLP are our legal advisors of choice and are available to consult on a range of matters besides licensing, including employment, immigration, wills and powers of attorney. They offer special scale rates for FLTA members. A separate leaflet has been produced by Thorntons covering the full range of benefits they are offering to members.

Condies provide a helpline for tax and accounting matters. Condies are based in Dunfermline and Edinburgh and provide a wide range of proactive business advice in addition to traditional accountancy services. They are long standing friends of Fife LTA.

Lindores Abbey Distillery is the latest addition to Scotland's distilling estate and is built on the site of the historic Lindores Abbey, which also happens to be the location for the first written record of whisky production.



Gollum