

THE MORAY LICENSING BOARD

MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on
Thursday 13 June 2019

1. SEDERUNT

PRESENT

Councillors: J Allan
G Cowie
D Bremner
P Coy
L Laing
M McLean
A Taylor

APOLOGIES

Apologies were intimated on behalf of Councillors Brown and Edwards

IN ATTENDANCE

Sean Hoath, Depute Clerk to the Licensing Board
Rhoda Banfro, Solicitor
Emma Rapley, Licensing Standards Officer

2. PRIOR MINUTES

- (i) The Minutes of the Meeting held on 4 April 2019 were submitted and approved
- (ii) The Minutes of the Special Meetings held on 6 June 2019 and 12 June 2019 were submitted and approved

There were no declarations of interest.

3. APPLICATIONS

(i) New Premises Licence – Town Hall Elgin

The Applicant was present and/or represented by Mr D Squair. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. The applicant's representative introduced the application and answered any questions. Cllr Laing proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application.

(ii) New Premises Licence – Seafeld Hotel Cullen

The Applicant was present and/or represented by Mr C Milne. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. Mr Milne introduced the application and answered any questions. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application.

(iii) **New Premises Licence – Speyside Whisky Auctions**

The Applicant was present and/or represented by Mr G Russell. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. Mr Russell introduced the application and answered any questions. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application.

(iv) **New Premises Licence – Spey Valley Brewery Keith**

The Applicant was present and/or represented by Ms M Newbould. The Depute Clerk introduced the application and advised that all the paperwork was in order apart from relevant section 50 certificates for building standards and environmental health to enable the Board to grant a full licence. There were no objections or representations had been received. Ms Newbould introduced the application and answered any questions. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application as a provisional licence.

(v) **New Premises Licence – Time Restaurant Buckie**

The Applicant was present and/or represented by Mr M Coull. The Depute Clerk introduced the application and advised that all the paperwork was in order and that one objections had been received from Mr G Duncan who was also present. The Depute Clerk also advised that there had been a representation from environmental health but comments had been incorporated into the operating plan willingly by the applicant thus obviating the need for a representation. Mr D Caldwell from environmental health was present. The Board heard from the parties and the parties answered questions. After discussions the Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application as applied for. The applicant agreed to apply for a major variation to the licence at a later date in order to use the rear room, described as a storeroom on the layout plan, for functions.

(vi) **New Premises Licence – Moray Sports Centre Elgin**

The Applicant was present and/or represented by Ms G Cleaver. The Depute Clerk introduced the application and advised that all the paperwork was in order apart from relevant section 50 certificates for building standards and environmental health to enable the Board to grant a full licence. There were no objections or representations had been received. Ms Cleaver introduced the application and answered any questions. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application as a provisional licence.

(vii) **Major Variation on Transfer – Diceys Elgin**

The Applicant was present and represented by Mr R Anderson of Messrs Grigor and Young, solicitors. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. Mr Anderson introduced the application and answered questions. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application.

(viii) **Major Variation – Gordon Castle Fochabers**

The Applicant was present and/or represented by Mr R Jones. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. Mr Jones introduced the application and answered questions. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application.

(ix) **Major Variation – Linkwood Lodge Elgin**

The Applicant was present and represented by Messrs John Gaunt & Partners, solicitors. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. The Applicant's representative introduced the application. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application.

(x) **Major Variation – Phoenix Café Findhorn**

The Applicant was present and represented by Mr D Hammond. The Depute Clerk introduced the application and advised that all the paperwork was in order and that no objections or representations had been received. Mr Hammond introduced the application and answered questions. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application.

4. Licensing (Scotland) Act 2005 – Application for Personal Licence

There was a report to the Board confirming that the Chief Constable had confirmed a relevant conviction in respect of an Applicant for a personal licence case number 2 of 2019. As a result the Board could opt to hold a hearing to consider and determine the personal licence application. The applicant was present to represent himself. The Chief Constable's representative was present. The Board made an initial determination to hold a hearing. The Board then heard from the parties and the parties responded to questions. After consideration of all the evidence Cllr Bremner proposed granting the licence and there being no-one otherwise minded it was agreed to grant the application.

The Convenor called for a ten minute adjournment at this point.

5. Annual Functions Report

There was a report to the Board regarding the Board's duty to publish an annual report as to how the Board had exercised its functions under the Licensing (S) Act 2005 so as to promote the licensing objectives. The report included a draft functions report. The report was introduced by the Depute Clerk and explained by Ms Banfro. The Board noted and approved the draft functions report for publication.

6. Annual Financial Report

There was a report to the Board regarding the Board's duty to publish an annual financial report pursuant to its functions under the Licensing (S) Act 2005. The report included a draft financial report. The report was introduced by the Depute Clerk. The Board noted and approved the draft financial report for publication and decided not to review alcohol licence fees at this time.

NB. Cllr Edwards joined the meeting at this point.

7. Scottish Government Consultation on Occasional Licence Fees

There was a report to the Board regarding the ongoing consultation by the Scottish Government about possible changes to the statutory fee for occasional licences as well as the desirability of imposing a limit on the number of occasional licence applications. The report was introduced by the Depute Clerk and explained by Ms Banfro. The Board noted the consultation, noted the Clerk may comment on the same and agreed to feed comments into the consultation namely: that occasional licence fees should be set by Boards subject to an overall maximum; and that an increase in fees would act as a market limiter itself so setting a cap on application numbers would not be helpful.

8. Verbal Update on Social Responsibility

Ms Banfro provided the Board with a verbal update on the development of a social responsibility guide to assist licence holders in discharging their duty under the Board's statement of policy to develop their own social responsibility policy. The Board noted the position.

9. Licensing (Scotland) Act 2005 – Review Of Premises Licences

The Depute Clerk delivered a verbal update to the Board confirming that at the meeting on the 7 February 2019 a premises licence for Whisky Advisors of Dufftown was immediately suspended with the further specifications that in the event of payment of the fee the suspension would be automatically lifted and in the event the fee remained unpaid then the matter should be brought back before the Board for further review at the first available meeting after 3 months from today's date. The matter was therefore due for review. The fee remained unpaid and there had been no contact from the licence holder. The Convenor proposed the revocation of the licence on the basis that continuing grounds for review existed and that it was necessary, appropriate and proportionate to revoke the licence. There being no-one otherwise minded it was agreed that the licence would be revoked.

