

THE MORAY LICENSING BOARD

MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on
Thursday 6 February 2020

1. SEDERUNT

PRESENT

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

APOLOGIES

Apologies were intimated on behalf of Councillor M McLean

IN ATTENDANCE

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

1. MINUTES

- (i) The Minutes of the Meeting held on 14 November 2019 were submitted and approved

2. There were no declarations of group or individual members interests

3. APPLICATIONS

(i) Major Variation – Hopeman Stores

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 questions. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application.

(ii) **New Premises Licence – Iceland (Food Warehouse)**

The Depute Clerk introduced the application and advised that paperwork was outstanding and that no objections or representations had been received. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application.

(iii) **Major Variation– Aberlour Distillery**

The Applicants Solicitor Rory Anderson of Grigor and Young was present. The Depute Clerk introduced the application and advised that paperwork was in order and that no objections or representations had been received. The Convenor proposed the granting of the application and there being no-one otherwise minded it was agreed to grant the application.

(iv) **Major Variation– Kiss Nightclub**

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

(v) **Major Variation– 1496**

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

(vi) **Major Variation– Carisbrooke Hotel**

The Depute Clerk introduced the application and advised that paperwork was in order and that no objections or representations had been received. 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 Licences Upon Disclosure of a Conviction**

The applicant was not present and had not been invited to appear. The Depute Clerk introduced the application and the fact that whilst the Chief Constable had disclosed a relevant offence there had been no recommendation for refusal and so the Board was not obliged to hold a hearing. There was a discussion on the subject. Councillor Brown proposed that in the circumstances a hearing should take place and the Board agreed to hold a hearing to determine the application at the next available Board meeting.

5. Licensing (Scotland) Act 2005 – Personal Licence Hearing Following Disclosure Of Relevant Conviction By Licence Holder

The applicant was present. The Chief Constable made a recommendation that the Board consider all options open to them. Each party presented their case and answered questions from the Board. After some discussion Cllr Coy moved to revoke the licence it being necessary to do so for the purpose of the licensing objectives. This was seconded by Cllr Brown. Cllr Allan moved an amendment to endorse the licence on the same grounds but having regard to the licence holder's personal circumstances. This was seconded by Cllr Bremner. There was an equal vote and the casting vote lay with the Chair who determined to endorse the licence.

6&7. Licensing (Scotland) Act 2005 – These items were linked (6) Personal Licence Review Hearing Following Disclosure Of Relevant Conviction By Licence Holder and (7) Review of a Premises licence on the Application of the Chief Constable

The applicant was present. The Premise licence was dealt with first. There was some dubiety over service of the premises review. The applicant was given the option to defer however he wanted to proceed. The parties presented their cases and answered questions from the Board. After discussion Cllr Brown stated that he found grounds for review established and moved to give the licence holder a written warning finding it necessary and appropriate having regard to the licensing objectives. This was seconded by Cllr Coy. There being no one otherwise minded the Board resolved to issue a written warning.

In regards to the personal licence, after some debate the Board agreed to hold a hearing to review the personal licence. The Chief Constable had made no recommendation. The parties presented their cases and answered questions from the Board. After discussion. Cllr Coy moved to endorse the personal licence it being necessary to do so for the purpose of the licensing objectives, this was seconded by Cllr Edwards. There being no one otherwise minded it was agreed to endorse the licence.

8. Licensing (Scotland) Act 2005 – Review of a Premises licence of the Board's Own Motion

A report was presented to the Board for review of one or more premises licences that had failed to pay the annual premises licence fee. The Board had previously agreed to make premises licence review proposals whenever an annual fee remained outstanding for at least 6 weeks after the due date. The review was based on a breach of licence condition and grounds related to one or more of the licensing objectives. The Depute Clerk introduced the report and explained that only one premise remained on the list of unpaid fees. After hearing the issues the Board agreed that grounds for review were established and with it being necessary to do so for the purpose of the licensing objectives the licence would be suspended with immediate effect. The licence would remain suspended for a

period of 6 months, after which time the Board would further review the position. If in the meantime the fee was paid then the suspension would automatically be lifted.