

MORAY COUNCIL

Minute of Meeting of the Licensing Committee

Wednesday, 30 September 2020

remote locations via video conference,

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Paula Coy, Councillor John Divers, Councillor Ryan Edwards, Councillor Donald Gatt, Councillor Aaron McLean, Councillor Louise Nicol

APOLOGIES

Councillor Marc Macrae, Councillor Maria McLean, Councillor Ray McLean

IN ATTENDANCE

Also in attendance at the above meeting were Sean Hoath, Senior Solicitor, Jo Larsen, Licensing Standards Officer and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Louise Nicol.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

3. Application for Late Hours Catering Licence - LHC-20-001 Report

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked Committee to consider an application for the granting of a later hours catering licence received on 3 February 2020 subject to adverse representations from local residents.

Councillor Cowie left the meeting during the discussion of this item.

During the consideration of the item, Councillor Alexander moved to refuse the application on the grounds of location and public nuisance and for the opening hours to be kept at 4pm - 11pm 7 days per week. This was seconded by Councillor Gatt.

Councillor Aaron McLean proposed, seconded by Councillor Coy to support the application to extend the opening hours Monday - Thursday 4pm - 12am, Friday - Saturday 4pm - 1.30am with the exception of Keith Show day extended until 2.30am.

On the division there voted:

For the Motion (3) Councillors Alexander, Gatt and Allan

For the Amendment Councillors A McLean, Coy, Bremner, Coull, Edwards,
(7) Divers and Nicol

Abstention (0)

Accordingly the amendment became the finding of the meeting and the Committee agreed to grant the late hours catering licence.

4. Application for Late Hours Catering Licence - LHC-20-002 Report

The Senior Solicitor informed the Committee that this application had been withdrawn and the licence will be granted under delegated authority following the applicants agreement to accept the Police Scotland recommendations.

5. Civic Government Licensing Fee Review Report

A report by the Depute Chief Executive (Education, Communities and Organisational Development) updated the Committee on the overall income versus expenditure for Civic Government and other miscellaneous licensing for the last financial year by way of an annual financial report and make predictions in respect of likely future income and expenditure.

Following consideration the Committee agreed to consider and note:

- i) the financial report on income and expenditure data at Appendix 1; and
- ii) the position on future fees and the planned revision of the same.

6. Sex Entertainment Venues Report

A report by the Depute Chief Executive (Education, Communities and Organisational Development) presented to the Committee the draft policy statement for approval so it can be published for public consultation and invited the Committee to consider the draft policy in relation to a resolution which was passed on 6 November 2019 for the provision of a new licensing regime for Sexual Entertainment Venues (SEVs) in Moray.

During consideration of the report, Councillor Divers moved that the number of Sexual Entertainment venues in Moray be set at zero, this was seconded by Councillor Alexander.

Councillor Coy, seconded by Councillor Bremner proposed that the number of Sexual Entertainment venues in Moray be set at 1.

On the division there voted:

For the Motion (8) Councillor Divers, Alexander, Allan, Cowie, Coy, Edwards, Gatt and Nicol

For the Amendment (3) Councillors Coy, Bremner and Coull

Abstention (0)

Accordingly the motion became the finding of the meeting and the Committee agreed to set the number of Sexual Entertainment Venues in Moray at zero.

Following further consideration the Committee agreed to:

i) note the draft policy put together by the research team at Moray Council and all attached at Appendix 1 to the report;

ii) set the number of Sexual Entertainment Venues in Moray to zero;

iii) not make any further changes before publishing for public consultation;

iv) instruct the head of Governance, Strategy and performance to publish the draft policy as required either electronically or in a newspaper circulating locally for consultation along with supporting information around the proposed processes, forms, fees and guidance;

v) officers bringing back the results of the consultation along with final drafts of the policy and supporting documentation for approval to the next meeting of the Committee on 2 December; and

v) agree that the implementation date of the complete licensing system for SEVs be 7 January 2021.

7. Question Time ***

Under reference to Item 4 on the agenda, Councillor Gatt sought clarification on whether, in the future any applications on the agenda at publication and subsequently withdrawn for consideration are considered by the Committee.

Councillor Coull further asked whether the Ward members for the withdrawn applications could be consulted if not considered by the Committee.

In response, the Senior Solicitor confirmed that withdrawn applications could be discussed but Members would need to be specific about which applications they

wished to consider as this would require changes to the Delegated Authority permissions. He further added that he could look at permutations but was it just Late Hours Catering Licence applications that members of the Committee wished to consider. The Senior Solicitor said that he was happy to take forward ideas and circulate to the Committee for comment.