

THE MORAY LICENSING BOARD

MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 4 April 2019

1. SEDERUNT

PRESENT

Councillors: J Allan
G Cowie
P Coy
R Edwards
L Laing
A Patience

APOLOGIES

Apologies were intimated on behalf of Councillors Bremner, Brown and McLean

IN ATTENDANCE

Sean Hoath, Depute Clerk to the Licensing Board

2. PRIOR MINUTES

- (i) The Minutes of the Meeting held on 7 February 2019 were submitted and approved

There were no declarations of interest.

3. APPLICATIONS

- (i) **Major Variation – Baxters Highland Village**

The Applicant was represented by Mr A Tough. 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 granting of the application was proposed and there being no-one otherwise minded it was agreed to grant the application.

- (ii) **Major Variation – The Speyside Whisky Shop**

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

- (iii) **Major Variation – Scribbles Pizza House**

The Applicant was represented by Ms F Holding. 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 granting of the application was proposed and there being no-one otherwise minded it was agreed to grant the application.

- (iv) **Major Variation – Zed Bar Joannas Downtown USA**

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

(v) **Major Variation – Johnstons of Elgin**

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

(vi) **New Provisional Licence – Glenallachie Distillery**

The Applicant was represented by Mr R Beattie. 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 granting of the application was proposed 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 objected to an application for a personal licence case number 1 of 2019. The Board was obliged to hold a hearing to consider and determine the personal licence application. The applicant was present to represent himself and was accompanied. The Chief Constable's representative was present. The Board heard from the parties and the parties responded to questions. After consideration of all the evidence Cllr Edwards proposed granting the licence. The motion was seconded by Cllr Allan. Cllr Coy, seconded by Cllr Laing, proposed an amendment that in considering a ground for refusal existed in that the applicant was not a fit and proper person to be a personal licence holder having regard to the licensing objectives, the licence must be refused. The vote was split with three votes each for the motion and the amendment. The deciding vote rested with the Convenor, who voted for the amendment. So the finding of the Board was that a ground for refusal existed and therefore the Board was obliged to refuse the application.