

# **MORAY COUNCIL**

## **Minute of Meeting of the Licensing Board**

**Wednesday, 30 September 2020**

**remote locations via video conference,**

### **PRESENT**

Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Ryan Edwards, Councillor Maria McLean, Councillor Louise Nicol, Councillor Amy Taylor

### **APOLOGIES**

### **IN ATTENDANCE**

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

#### **1. Chair**

The meeting was chaired by Councillor Cowie.

#### **2. Minutes of the Meeting 6 February 2020**

The minute of the meeting of 6 February 2020 was submitted and approved.

#### **3. Board Licensing Act 05 Fees and Business Transacted Review Report**

A report by the Clerk to the Board updated the Board on the overall income versus expenditure for alcohol licensing for the last financial year by way of an annual financial report, to make predictions in respect of likely future income and expenditure and determine whether the Board wishes to undertake a review of licensing fees as a result.

During consideration of the report Councillor Brown moved that the Board write to the Scottish Government seeking a review of the low fee for occasional licenses. As there was no one otherwise minded, the Depute Clerk agreed to circulate a draft letter to the Board for comments prior to sending to the Scottish Government.

Following further consideration the Board agreed to:

- i) note the current fees attached at Appendix 1;

- ii) note the financial report on income and expenditure data at Appendix 2;
- iii) publish the financial report;
- iv) keep the current fee structure but write to the Scottish Government asking them to consider reviewing the fees for occasional licences;
- v) note the table of business conducted for the last financial year as well as the first half of this calendar year for comparison attached at Appendix 3; and
- vi) note that the annual functions report will be brought to the next meeting of the Board on the 2 December.

#### **4. Chief Constable Annual Report**

A report by the Clerk to the Board presented a report from the Chief constable, who has responsibility to report certain matters to the Board on an annual basis.

Following consideration the Board agreed to note the contents of the report attached at Appendix 1.

#### **5. Application List**

##### **i) New Premises Licence - Brodie Castle and Estate**

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 - Craigellachie Lodge**

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 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.

##### **iii) Major Variation - Costcutter Stores, Hopeman**

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 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.

#### **6. Report on Review of Personal Licence Case 1-2020**

The Board noted that the applicant was not in attendance and on the advice of the Depute Clerk agreed to defer the report to allow the applicant to be present at the meeting.

#### **7. Report on Review of Personal Licence Case 2-2020**

The Board noted that the applicant was not in attendance. The Depute Clerk advised the Board that the whereabouts of the applicant were currently unknown.

Sergeant Flett of Police Scotland advised that Board that the licence holder has surrendered his licence.

The Depute Clerk to the Board confirmed that under the circumstances a hearing was no longer necessary.

#### **8. Report on Review of Personal Licence Case 3-2020**

The Board noted that the applicant and his representative were present along with the Chief Constable's representative Sergeant Flett of Police Scotland.

A report by the Clerk to the Board notified the Board of a report of conduct alleged to be inconsistent with the licensing objectives had been received from the Chief Constable under s.84A(1) of the Act.

The Board heard from the appellant's representative and Sergeant Flett. Following consideration Councillor Brown moved that the appellant was not a fit and proper person as he had not prevented crime and disorder nor had he protected public health and that the licence should be revoked. This was seconded by Councillor Coy. As there was no one otherwise minded the Board agreed to revoke the personal licence with immediate effect.

#### **9. Premises Licence Review 2-2020 Report**

The Board noted that the applicant and his representative were present along with the Chief Constable's representative Sergeant Flett of Police Scotland.

A report by the Clerk to the Board notified the Board of a report of conduct alleged to be inconsistent with the licensing objectives had been received from the Chief Constable under s.84A(1) of the Act.

The Board heard from the appellant's representative and Sergeant Flett. Following consideration Councillor Brown moved that the appellant was not a fit and proper person as he had not prevented crime and disorder nor had he protected public health and that the licence should be revoked. This was seconded by Councillor Bremner. As there was no one otherwise minded the Board agreed to revoke the premises licence with effect from 28 days of the Committee's decision.

#### **10. Question Time**

Under reference to paragraph 8 of the previous minute, Councillor Edwards sought an update on whether the 6 month suspension of the premises licence had now been lifted.

In response the Depute Clerk to the Board confirmed that the fee will be paid, however the premises is not currently trading.