



Licensing Board

Wednesday, 01 May 2024

NOTICE IS HEREBY GIVEN that a Meeting of the **Licensing Board** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 01 May 2024** at **14:00**.

BUSINESS

1. **Sederunt**
2. **Declaration of Member's Interests**
3. **Minute of meeting held 7 February 2024** 5 - 8
4. **Application List for Board 01 May 2024** 9 - 12
 - 4a. **Linn House 24-00343-PREVMA**
 - 4b. **Roths Golf Club 24-00468-PREVMA**
 - 4c. **Royal British Legion Scotland Forres Branch 24-00336-PREVMA**
 - 4d. **Deans of Elgin 23-01711-PREVMA**
 - 4e. **Lodge Pitgaveny 681 24-00481-PREVMA**

GUIDANCE NOTES

- * **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

- ** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

THE MORAY COUNCIL

Licensing Board

SEDERUNT

Councillor Peter Bloomfield (Chair)
Councillor Sonya Warren (Chair)

Councillor James Allan (Member)
Councillor Neil Cameron (Member)
Councillor Tracy Colyer (Member)
Councillor David Gordon (Member)
Councillor Scott Lawrence (Member)
Councillor Ben Williams (Member)

Clerk Name:	Lindsey Robinson
Clerk Telephone:	07966 120593
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Licensing Board

Wednesday, 07 February 2024

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Tracy Colyer, Councillor David Gordon, Councillor Scott Lawrence, Councillor Sonya Warren

APOLOGIES

Councillor Neil Cameron, Councillor Ben Williams

IN ATTENDANCE

Sean Hoath, Depute Clerk to the Board; Jennifer Smith, Solicitor; Emma Rapley, Licensing Standards Officer; Lindsey Robinson, Committee Services Officer, all Moray Council, and PC Mitchell Dickson, Police Scotland

1. Chair

Councillor Peter Bloomfield, as co-Chair of the Licensing Board, chaired the meeting.

2. Declaration of Member's Interests

The Board noted that there were no declarations of Member's interests.

3. Minute of the meeting held 15 November 2023

The minute of the meeting held 15 November 2023 was submitted and approved.

4. The Capercaillie 23-02604-PRELIC

The Depute Clerk to the Board introduced the application as a new premises licence and advised the Board that some paperwork was still outstanding so if they were minded to grant the licence it would be provisional until the final section 50 certificates were received.

3 Board members attended a site visit to the premises.

PC Dickson confirmed that there was nothing more to add from Police Scotland.

The applicant addressed the Board and responded to the questions asked.

Thereafter the Chair moved that the licence be granted and there being no one other wise minded the licence was granted.

5. Food Vault Burger and Grill 23-02634-PROLIC

The Depute Clerk to the Board introduced the application as a provisional premises licence and advised the Board that all of the paperwork was now in place.

3 Board members attended a site visit to the premises.

PC Dickson confirmed that there was nothing more to add from Police Scotland.

The applicant's representative addressed the Board and responded to the questions asked.

Thereafter Councillor Allan moved that the licence be granted and this was seconded by Councillor Bloomfield. There being no one other wise minded the provisional licence was granted.

6. Macallan Distillery 24-00091 PREVMA

The Depute Clerk to the Board introduced the application as a major variation. All paperwork is in order and there are no representations or objections.

3 Board members attended a site visit to the premises.

PC Dickson confirmed that there was nothing more to add from Police Scotland.

The applicant addressed the Board and responded to the questions asked.

Thereafter the Chair moved that the licence be granted and there being no one other wise minded the variation was granted.

7. Review of Premises Licences

The meeting had before it a report by the Clerk to the Board asking the Board to conduct a hearing to consider and determine the premises licence review proposal in respect of each of the premises listed in the schedule circulated separately to members.

During consideration the Depute Clerk to the Board advised that it would be unfair to bring the small number of premises with outstanding fees to this Board as the wrong process was followed. These premises were reported to a debt collection agency instead of being report back to the licensing team to be brought before the Board for consideration. An investigation will take place into how this happened. The report would come to the next meeting.

Councillor Warren was concerned that the licence holders may have been charged an additional fee charged by the debt collector, and sought clarification on who would be liable for the additional costs if the debt collectors did not remove them.

The Depute Clerk to the Board advised that it had not yet been determined as the investigation was ongoing. He further explained that invoices are issued every August for payment by October. The first meeting after that to highlight the non-payers is the February meeting as the process only starts 6 weeks after the due date so it would miss the November meeting.

The Chair moved to include a special meeting if necessary to allow for an earlier look at the non-paying licence holders. This was seconded by Councillor Warren.

Following consideration, the Board agreed:

- i. to note and determine the premises licence review proposals having regard to the powers available to the Board under section 39(2) of the Licensing (Scotland) Act 2005; and
- ii. to call a special meeting if it is felt necessary to allow for an earlier determination of the licence review proposals.

MORAY LICENSING BOARD

MEETING, 1 May 2024 at 14:00 hrs in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

Licensing (Scotland) Act 2005

Type	Premises	Applicant	Date received	Comments
24/00343/PREVMA Major Variation	Linn House, Station Road Keith AB55 5BU	Chivas Brothers Ltd	21.02.2024	<p>All Responses – Satisfactory No objections/Representations. Paperwork – All in order Site Visit – N/A</p> <p>Licensed guest house situated off Station Road, Keith, providing holiday Lettings, overnight accommodation, corporate events and private bookings. The premises is staffed at all times guests are present, with day staff, evening hosts and night porters maintaining the premises. The premises also provides for catering services from external providers.</p> <p>This is to increase the off-sales capacity figure from 3.47 cubic metres to 4.34 cubic metres to take account of the inclusion of an additional display area in the Inner Hallway.</p>

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24/00468/PREVMA	Roths Golf Club Blackhall Roths Aberlour AB38 7AN	Maria Fox Secretary	08.03.2024	<p>All Responses – Police requested change to outdoor drinking times to end at 22:00 – this is agreed by applicant, also furniture not before 8:30am and in by 22:30 agreed.</p> <p>Paperwork- All in order Site Visit N/A</p> <p>Variation is to bar times and use of lounge as well as requesting outdoor drinking area.</p> <p>Children will be allowed access from 8am until 7pm if under 12 yrs of age and 9pm if under 18 years of age.</p>
24/00336/PREVMA	Royal British Legion Scotland Forres Branch/Club. Sanquhar Road Forres Moray IV36 1DG	Eric Duguid	20.02.2024	<p>All Responses – Police objection to hours and children access. Applicant agreed to terms. Paperwork – In Order Site Visit – N/A</p> <p>Children will only be permitted entry at such functions where alcohol will be served are Weddings, Funerals and private Partys (Birthday, retirement etc). Held in function rooms.</p>

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				<p>No children will be permitted in main bar. With an exemption for remembrance Sunday. Children must be accompanied by an adult. Children will only be allowed entry when meals are being served and accompanied by an adult.</p>
23/01711/PREVMA	<p>Dean's of Elgin 92E High Street Elgin IV30 1BJ</p>	James Dean	15.09.2023	<p><i>All Responses – Waiting on planning Paperwork – all in order Site Visit – N/A</i></p> <p>To change the opening hours for Friday and Saturday to 11am to 12am. Also to provide bar snacks to customers and to include outdoor drinking at the front of the premises.</p>
24/00481/PREVMA	<p>Lodge Pitgaveny 681 Masonic Hall 9 James Street Lossiemouth IV31 6AU</p>	Andrew Reddy	11.03.2024	<p>All Responses – Satisfactory Paperwork – all in order Site Visit- N/A</p> <p>An increase in operating hours Mon – Thurs 6pm to 11pm Fri 6pm to 00:30am Sat 12pm to 11pm Sun 12pm to 6pm</p> <p>No children under 12yrs.</p>

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				Children to be directly supervised by parent/guardian. Children to vacate premises by 8pm. Restricted to hall, kitchen, toilets.
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