

MORAY COUNCIL

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.