



---

## **Licensing Board**

Thursday, 30 June 2022

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Licensing Board** is to be held at **Remote locations via Video Conferencing**, on **Thursday, 30 June 2022 at 14:00.**

### **BUSINESS**

1. **Sederunt**
2. **Minute of the Meeting of the Board 9 February 2022** **5 - 6**
3. **Application List 30 June 2022** **7 - 14**
  - 3a. **22 00178 PRELIC Dunphail Distillery Application form**
  - 3b. **22 00619 PREVMA Orrin Application form**
  - 3c. **22 00488 PREVMA Spar Burghead Application**
  - 3d. **22 00266 PRELIC Threaplands Application**
  - 3e. **22 00800 PRELIC Highland Whisky Application form**
  - 3f. **22 00838 PREVMA Keith Golf Club Application**
  - 3g. **22 00566 PREVMA Buckie Service station Application form**

**Item(s) which the Committee may wish to consider with the Press and Public excluded**

4. **Personal Licence Review Hearing - Case No.1 of 2022**
  - Information relating to action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.
5. **Personal Licence Application Hearing - Case No. 2 of 2022**
  - Information relating to action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

\* **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.

\*\*\* **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. 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 ten minutes after the Committee 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/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

# THE MORAY COUNCIL

## Licensing Board

### SEDERUNT

Councillor James Allan (Member)  
Councillor Peter Bloomfield (Member)  
Councillor Neil Cameron (Member)  
Councillor Tracy Colyer (Member)  
Councillor David Gordon (Member)  
Councillor Scott Lawrence (Member)  
Councillor Sonya Warren (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, 9 February 2022**

**Remote Locations via Video Conference**

**PRESENT**

Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Gordon Cowie, Councillor Ryan Edwards, Councillor Louise Nicol

**APOLOGIES**

Councillor Maria McLean, Councillor Amy Taylor

**IN ATTENDANCE**

Also in attendance were Sean Hoath, Depute Clerk to the Board, Sana Sarwar, Legal Advisor, and Lindsey Robinson, Committee Services Officer as Clerk to the meeting.

**1. Chair**

Councillor Gordon Cowie, as Chair of the Licensing Board, chaired the meeting.

**2. Declarations 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. Minute of the Meeting of 8 December 2021**

The Minute of the Meeting of the Licensing Board on 8 December 2021 was submitted and approved.

**4. Report on Review of Premises Licences for Non Payment of Fees**

A report by the Clerk to the Board asked 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 to Members separately.

Councillor Brown sought clarification on whether the licence holder was unable to pay or unwilling to pay.

The Depute Clerk advised that they were unable to pay due to lack of funds and trading.

Councillor Brown moved that the licence be suspended for 6 months and then reviewed on the basis that it was considered a ground for review had been

established and it was considered necessary or appropriate for the purposes of any of the licensing objectives.. This was seconded by Councillor Edwards.

As there was no one otherwise minded, the Board agreed to suspend the licence for 6 months followed by a review, in line with s.39(2) of the Licensing (Scotland) Act 2005.

#### **5. 21-01735-GAMMAC - Silver Sands**

The Legal Advisor introduced the application and advised the Board that all paperwork was in order and that there were no objections or representations.

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

Following consideration, Councillor Edwards moved to grant the application. This was seconded by Councillor Bremner and there being no one otherwise minded, the application was granted.

#### **6. 21-01641-PREVMA - Pinefield Service Station**

The Legal Advisor introduced the report and advised the Board that all paperwork was in order, there were no objections or representations and there had been no site visit.

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

Councillor Brown moved to approve the application. This was seconded by Councillor Edwards and there being no one otherwise minded, the application was granted.

# MORAY LICENSING BOARD

**MEETING, 30<sup>th</sup> June 2022 at 09:30hrs in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX**

## Licensing (Scotland) Act 2005

Type	Premises	Applicant	Date received	Comments
New Premises	Dunphail Distillery Ltd Wester Greens Dunphail Forres IV36 2QR	Wester Greens Dunphail Forres IV30 2QR	01.02.2022	New premises licence application  Waiting for Confirmation of site notice Waiting for EH and BS sec 50 certificates No representations No site visit  No Police conditions
Major Variation	Orrin 2-6 South Street Elgin IV30 1LE  MO/PRM/407	A & E South Street Limited 13 Duff Avenue Elgin IV30 1QS SC695593	07.04.2022	New variation of premises licence application  Paperwork in order No objections or representations No site visit  Increasing the opening from 1200 to 2300 hours to 1200 to 0000 hours daily;  Live performances to be included.
Major Variation	Spar Main Street Abbeyview	C J Land & Son Limited 78 Longtown Road	23.03.2022	Major variation application.

# MORAY LICENSING BOARD

MEETING, 30<sup>th</sup> June 2022 at 09:30hrs in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

## Licensing (Scotland) Act 2005

	<p>Burghead Kinloss IV30 3TL</p> <p>MO/PRM 0171</p>	<p>Dundee DD4 8JU</p>		<p>Paperwork in order Waiting for EH consultee reply No other objections or representations No site visit</p> <p>Inclusion of recorded music and the sale of National Lottery tickets, both within and outwith core licensed hours;</p> <p>To increase the capacity from 13.33 m<sup>2</sup> to 17.14 m<sup>2</sup>;</p> <p>Other activities to include Charity collection point and charitable events take place, Food to Go, Click &amp; Collect, Sampling and promotional activities, National Lottery outlet, Paypoint payments, External automated cash machine and Home deliveries.</p> <p>Police conditions that a recorded age verification system is in place in respect of any remote/online sale of alcohol, have been accepted by applicant.</p>
--	---	---------------------------	--	--



# MORAY LICENSING BOARD

**MEETING, 30<sup>th</sup> June 2022 at 09:30hrs in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX**

## Licensing (Scotland) Act 2005

Major Variation	Threaplands Ltd Threaplands Garden Centre A96 Lhanbryde IV30 8LN	Ben Laing 13 Morriston Road Elgin IV30 4EB	16.02.22	<p>Major variation application.</p> <p>Paperwork in order No other objections or representations No site visit</p> <p>Police conditions accepted by applicant that there is a recorded age verification system in place in respect of remote/online sales and that 'Challenge 25' is carried out at any point of collection or delivery of alcohol. All children to be accompanied by a responsible adult whilst within the licensed area. Signage to be displayed indicating that alcohol is not to be removed from the licensed area. Where there is no existing delineation/boundary, the area to be delineated by a barrier or similar.</p>
Major Variation	Highland Whisky Auctions 63 St Andrews Road Lhanbryde	Highland Whisky Auctions Wards House Wards Road	09.05.2022	<p>Major variation application</p> <p>Paper work in order Waiting for EH Sec 50 certificates</p>

# MORAY LICENSING BOARD

MEETING, 30<sup>th</sup> June 2022 at 09:30hrs in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

## Licensing (Scotland) Act 2005

	IV30 5PF MO/PRM/414	Elgin IV30 5NL		<p>Changes to the capacity to 6m3</p> <p>Police conditions accepted by applicant That there is a recorded age verification system in place in respect of remote/online sales and that 'Challenge 25' is carried out at any point of collection or delivery of alcohol.</p> <p>No sale of alcohol to passing trade, no external advertisement to be displayed or overt signage indicating that the premises is licensed under the Licensing (Scotland) Act 2005 for the purpose of selling alcohol products from the premises</p>
Major Variation	Keith Golf Club Mar Court Keith AB55 5GF MO/PRM/267	Mr R Hector 4 Edithfield Cottages Newmill Road Keith AB55 5BT	12.05.22	<p>Major variation application</p> <p>Paperwork in order No other objections or representations No site visit</p>

## MORAY LICENSING BOARD

MEETING, 30<sup>th</sup> June 2022 at 09:30hrs in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

### Licensing (Scotland) Act 2005

				<p>Police conditions accepted by applicant</p> <p>Amend Q.1 on premise operating hours from 1100 - 2300 hours Sunday to Thursday and 1100 – 0130 hours Friday and Saturday to 1000 – 2300 hours Sunday to Thursday and 1000 – 0130 hours Friday and Saturday;</p> <p>Amend Q.5(d) to include the outdoor drinking facilities, as detailed in the layout plan provided;</p> <p>Amend the layout plan to include the outdoor drinking facilities, as detailed.</p> <p>Children and young persons to be allowed access as described in the current Premises Licence;</p> <p>Signage to be displayed indicating that alcohol is not to be removed from the licensed area;</p> <p>The area to be delineated by barrier or similar;</p>
--	--	--	--	---

# MORAY LICENSING BOARD

MEETING, 30<sup>th</sup> June 2022 at 09:30hrs in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

## Licensing (Scotland) Act 2005

				<p>All refreshments to be decanted into a safety alternative to glass at the point of sale;  The area is subject to a terminal hour of 2200 hours daily;  No amplified music to be played therein.</p>
Major Variation	<p>Buckie Service Station  High Street  Buckie  Moray  AB 56 4AD</p> <p>MO/PRM365</p>	<p>Kessock Service  South Road  Fraserburgh  AB43 8TJ</p>	31.03.2022	<p>Major variation application</p> <p>Paperwork in order  No objections or representations  No site visit</p> <p>Change position of off sales display are and increase off sales display capacity  From 7m91 – to 14m732</p>

## Key to Colour Coding of Applications within Appendices to the Agenda of Business for the Moray Licensing Board

All matters are to be heard by the Moray Licensing Board and the Moray Licensing Board has the final decision. However, in accordance with Government Guidance and locally agreed procedure, applications may be submitted to the Board with a general recommendation.

Please note that colour coding may be subject to change given the nature of the licensing procedure. Documents may be received and/or negotiations resolved following publication of the agenda.

RED

Indicates that the application will normally require to be heard, whether by virtue of general procedural rules or as a result of problems arising. This should apply to all new premises/provisional licence applications. There may be ongoing negotiations to resolve problems.

YELLOW

Indicates changing circumstances with the application. It is not ready to be granted at the time of publication but there are not normally major problems e.g. procedural issues or ongoing negotiations. Applications will normally be submitted with recommendation for grant or deferral.

GREEN

Indicates that all is in order with the application. All documents have been received and checked. All procedures have been followed. There are unlikely to be any representations, objections or problems or the same have been resolved. It is being submitted with a recommendation for grant but members are free to make enquiries as they see fit.

