

MORAY COUNCIL

Minute of Meeting of the Licensing Board

Wednesday, 20 October 2021

Remote Locations via Video Conference,

PRESENT

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

APOLOGIES

Councillor David Bremner, Councillor Frank Brown

IN ATTENDANCE

Also in attendance at the above meeting were Sergeant Gill Flett, Police Scotland, 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 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, the meeting noted the following declaration:

Councillor Nicol declared an interest in item 7 as she had attended the open evening of the Rothies Glen and would leave the meeting during the discussion of the item.

There were no further declarations from Group Leaders or Spokespersons in regards to any prior decisions taken on how Members will vote on any item on the agenda or declarations of member's interests in respect of any item on the agenda.

3. Minute of Meeting of 25 August 2021

The minute of the Meeting of the Board on 25 August 2021 was submitted and approved.

4. Order of Business

In terms of Standing Order 28 the meeting agreed to vary the order of business set down on the agenda and take item 4 as the last item on the agenda.

5. Chief Constable's Report Under Section 12A

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

Following consideration, and there being no one otherwise minded the Board agreed to note the contents of the report attached at Appendix 1.

6. Review of Premises Licences

A report by the Clerk to the Board asked the Board to conduct a hearing to further consider and determine the premises licence review proposal in respect of the remaining premises listed on a schedule circulated to members separately at the February meeting.

Councillor Coy was of the opinion that 6 months had lapsed and nothing had changed so was unsure about what else could be done.

In response the Depute Clerk advised that there had been numerous attempts to contact the licence holder and in terms of actions available to the Board, they could agree to continue to suspend the licence or it could be revoked.

Councillor Allan moved that the licence be revoked as the business has now closed. This was seconded by Councillor Cowie.

The Depute Clerk sought clarification that the decision was made on the same basis as the review. This was confirmed by Councillor Allan.

There being no one otherwise minded the Board agreed to revoke the licence.

Councillor Nicol left the meeting following the conclusion of this item.

7. 21-01091-PRELIC Rothes Glen House - Application Form

The Legal Advisor introduced the application and advised the Board that there were no objections, all paperwork was in order, all section 50 reports had now been received and the applicant had accepted all of the Police conditions.

The applicant gave an overview of the proposed plans for the business and answered questions from the Board.

Following consideration Councillor Allan moved granting the licence and this was seconded by Councillor Edwards.

There being no one otherwise minded the Board agreed to grant the licence.

Councillor Nicol rejoined the meeting following the conclusion of this item.

8. 21-01321-PREVMA Glen Moray Distillery - Application Form

The Legal Advisor introduced the application and advised that all paperwork was in order, there were no objections and that the applicant had agreed to all police conditions.

The applicants representative gave an overview of the application and answered questions from the Board. She also wanted to give a mention of thanks to the

Emma Rapley, Licensing Standards Officer, and the licensing team for the excellent work they do.

Following consideration Councillor Allan moved that the licence be granted. This was seconded by Councillor Edwards.

There being no one otherwise minded the Board agreed to grant the licence.

9. Personal Licence Hearing Following Disclosure of Relevant Conviction case 1 of 2021

The Depute Clerk advised the Board that as this case was still under consideration by the court it was normal practice in such cases for the hearing to be held in a closed session. This was agreed by the Licence Holder, Sergeant Flett and the Board. At that point all participants not involved with the case duly left the meeting.

A report by the Clerk to the Board notified the Board that notice of relevant convictions has been received from a personal licence holder.

The Board noted that the Licence Holder was in attendance. The Chief Superintendent was represented by Sergeant Gill Flett, Police Scotland. The Board heard from the Sergeant Flett and the Licence Holder.

Following consideration Councillor Coy moved that the licence be revoked as she did not consider the licence holder to be a fit and proper person to hold a licence. This was seconded by Councillor Edwards.

The Depute Clerk advised that the Licensing Objectives needed to be applied to any decision.

Councillor Coy further stated that it was her opinion that the licence holder had no regard and failed to promote any of the licensing objectives, further supporting her motion that having regard to all of the licensing objectives, the licence holder was not a fit and proper person to hold a licence and that the licence should be revoked.

There being no one otherwise minded the Board agreed to revoke the licence.