

MORAY COUNCIL

Minute of Meeting of the Licensing Board

Wednesday, 07 September 2022

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

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, Councillor Tracy Colyer, Councillor David Gordon, Councillor Scott Lawrence, Councillor Sonya Warren, Councillor Ben Williams

IN ATTENDANCE

Also in attendance at the above meeting were Sean Hoath, Depute Clerk to the Board, Jennifer Smith, Solicitor, Emma Rapley Licensing Standards Officer, and Lindsey Robinson, Committee Services Officer, as Clerk to the meeting.

1. Appointment of Chair

As this was the first full meeting with all Board Members fully trained, a Chair was to be elected.

Councillor Colyer, seconded by Councillor Gordon, moved that Councillor Bloomfield be Chair. She further moved that Councillor Gordon be Depute Chair. This was seconded by Councillor Bloomfield.

As an amendment, Councillor Cameron moved, seconded by Councillor Lawrence, that Councillor Warren be Chair. He further moved that Councillor Lawrence be Depute Chair. This was seconded by Councillor Warren.

On a division there voted:

For the motion (3) Councillors Colyer, Bloomfield and Gordon

For the Amendment (3) Councillors Cameron, Lawrence and Warren

Abstentions (2) Councillors Allan and Williams

There being an equality of votes and there being no casting vote, the Board came to the agreement the Councillors Bloomfield and Warren would share the role of Chair, taking alternate meetings. Councillor Warren took the Chair for this meeting.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Bloomfield noted a personal interest in agenda item 7g "Hopeman and District Bowling and Social Club". There were no further 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 the Board 23 March 2022

The Minute of the Meeting of the Licensing Board of 23 March 2022 was submitted and approved.

4. Minute of the Meeting of the Board 30 June 2022

The Minute of the Meeting of Licensing Board of 30 June was submitted and approved. One point of accuracy was raised.

With reference to the Minute, Councillor Bloomfield stated that his name was incorrect.

The Clerk confirmed she would get this updated.

5. Annual Review of Licensing Fees

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, made predictions in respect of likely future income and expenditure and to determine whether the Board wished to undertake a review of licensing fees as a result.

The Depute Clerk to the Board introduced the report and advised the Board that the fees currently being charged some of the lowest in Scotland.

During consideration, Councillor Gordon sought clarification as to whether fees could be paid in instalments, and if so he proposed that this be implemented.

In response, the Depute Clerk to the Board advised that although it was possible there was a considerable admin burden attached to the implementation and the collection of the money.

Due to the admin burden, Councillor Gordon withdrew his proposal.

Councillor Allan moved that that fees be increased to the maximum amount. This was seconded by Councillor Warren.

There being no one otherwise minded, the Board agreed to:

- i. note the current fees attached at Appendix 1 to the report;
- ii. note the financial report on income and expenditure data at Appendix 2 to the report;
- iii. publish the financial report; and
- iv. increase the fees to the maximum amount.

6. Review of Premises Licence

The Depute Clerk to the Board advised the Board that the report had been withdrawn as the licence holder had surrendered their licence.

7. 22 00178 PRELIC - Dunphail Distillery

The Depute Clerk to the Board introduced the application as a provisional new premises licence and advised the Board that all paperwork was in order, there were no representations and no police conditions.

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

Thereafter, the Chair moved that the application be granted, and there being no one otherwise minded, the application was granted.

8. 22 01058 PREVMA - Lhanbryde Post Office

The Depute Clerk to the Board introduced the application as a major variation consisting of increasing the opening hours on Sundays and advised the Board that all paperwork was in order, there were no representations and no police conditions.

The applicant addressed the Board and responded to questions asked.

Thereafter, the Chair moved that the application be granted, and there being no one otherwise minded, the application was granted.

9. 22 01332 PREVMA - McKays Mini Market Portnockie

The Depute Clerk to the Board introduced the application as a major variation consisting of a change to the core operating hours and a change to the store layout, and advised the Board that all paperwork was in order, there were no representations and no police conditions.

The applicant addressed the Board and responded to questions asked.

Thereafter, the Chair moved that the application be granted, and there being no one otherwise minded, the application was granted.

10. 22 01334 PRELIC - McKays Mini Market Cullen

The Depute Clerk to the Board introduced the application as a new premises licence and advised the Board that all paperwork was in order, there were no representations and no police conditions.

The applicant addressed the Board and responded to questions asked.

Thereafter, the Chair moved that the application be granted, and there being no one otherwise minded, the application was granted.

11. 22 01371 PREVMA - Thistle Bar Forres

Before the Paper was introduced, Councillor Bloomfield advised the Board that he knew the applicant and as such would take no part in the discussion.

The Depute Clerk to the Board introduced the application as a major variation consisting of increasing the capacity to 90 persons, the provision of an outdoor area and a change to the core hours on a Sunday, and advised the Board that all

paperwork was in order, there was one representation and that the applicant had agreed to the police conditions.

The objector addressed the Board and responded to questions asked.

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

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

Thereafter, the Chair moved that the application be granted, and there being no one otherwise minded, the application was granted.

Councillor Williams left the meeting during the discussion of this item due to connection issues.

12. 22 01351 PRETHA - Club 59 Rothes

The Depute Clerk to the Board introduced the application as a major variation consisting of changing from a private members club to a commercial premises, changing the core hours, the inclusion of off-sales, young persons access and additional activities, and advised the Board that all paperwork was in order, there were no representations and the police conditions have been accepted by the applicant.

The applicant addressed the Board and responded to questions asked.

Councillor Allan moved that the application be granted as it was a good venture for the town. This was seconded by Councillor Warren.

There being no one otherwise minded, the application was granted.

13. 22 01443 PREVMA - Hopeman and District Bowling and Social Club

Councillor Bloomfield left the chamber for the duration of this item.

The Depute Clerk to the Board introduced the application as a major variation consisting of allowing sport to be shown on TV and allowing the premises to hold meetings, and advised the Board that all paperwork was in order, there were no representations and no police conditions.

The applicant addressed the Board and responded to questions asked.

Thereafter, the Chair moved that the application be granted, and there being no one otherwise minded, the application was granted.