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## Licensing Board

**Wednesday, 23 March 2022**

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Licensing Board** is to be held at **Remote Locations via Video Conference**, on **Wednesday, 23 March 2022** at **14:00**.

### BUSINESS

1. Sederunt
2. Minute of the Meeting of the Board 9 February 2022 5 - 6
3. Application List 23 March 2022 7 - 12
  - 3a. 22-00119 - PREVMA - Harbour Lights - Application Form
  - 3b. 22-00231-PREVMA - Craigellachie Filling Station - Application Form
  - 3c. 22-00328-PREVMA - Cragganmore Distillery - Application form
  - 3d. 22-00331-PREVMA - The Whisky Castle - Application Form
  - 3e. 22-00208-PRELIC - Deli Next Door - Application Form

**Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:**  
**[http://www.moray.gov.uk/moray\\_standard/page\\_43661.html](http://www.moray.gov.uk/moray_standard/page_43661.html)**  
**to watch the meeting live.**

## 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.

\*\*\* **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 Gordon Cowie (Chair)  
Councillor James Allan (Depute Chair)

Councillor David Bremner (Member)  
Councillor Frank Brown (Member)  
Councillor Ryan Edwards (Member)  
Councillor Maria McLean (Member)  
Councillor Louise Nicol (Member)  
Councillor Amy Taylor (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, 23 March 2022 at 14:00hrs in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX**

### Licensing (Scotland) Act 2005

Type	Premises	Applicant	Date received	Comments
Major Variation	Harbour Lights 5 Pitgavney Quay Lossiemouth IV31 6TW MO/PRM/319	Mrs Evelyn G Thomson	21.01.2022	<p>Change to core times alcohol will be sold for consumption on the Premises. Times to be amended to to 10.00am 0 12.00 midnight Monday – Sunday. Adding off-sales due to an increase in demand for takeaway sales.</p> <p>Paperwork in order No objections or representations No site visit</p> <p>Police Conditions accepted by the applicant: The variations requested consist of amending the core “on sales hours from 1200-2300 to 1000-0000, every day Monday to Sunday and also includes “off sales” with core hours of 1000-2200 , every day Monday to Sunday. In accordance with the Board’s Statement of Licensing Policy in respect of outdoor drinking areas, I recommend the increase of hours or later “on sales” hours should not be</p>

# MORAY LICENSING BOARD

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## Licensing (Scotland) Act 2005

				granted in respect of the premises outdoor area and the terminal hour of the terminal hour for the outdoor area should remain 2200 hours.
Major Variation	Craigellachie Filling Station Hill Street Craigellachie Aberlour AB38 9TB MO/PRM/0090	Elaine White	10.02.2022	Alter the alcohol layout to include new shelving which would incorporate a backlit display. An existing display chiller for beers and wine would be incorporated into the new layout. The increase in size would allow the alcohol to be displayed better and show off our range of Malt Whisky to a better effect. Being on the "Whisky Trail" the sale of Malt Whisky is an integral part of our whole alcohol/grocery offering and is a boost to sales in the summer months.  Paperwork in order No objections or representations No site visit



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Major Variation	Cragganmore Distillery Ballindalloch Moray AB37 9AB MO/PRM/0088	Diageo Scotland Ltd 11 Lochside Place Edinbrugh EH12 9HA	28.02.2022	<p>On Sale hours to commence at 09:00 daily. Change in working in restaurant section. Change in working in permitted activities in 5(f) in relation to tastings and to add wording in relation to food offerings. Changing in wording to reflect external areas. Increase in off sale capacity to 19.076m3</p> <p>Paperwork outstanding No Site visit Consultation period ends 22.03.2022</p>
Major Variation	The Whisky Castle And Highland Market 6 Main Street Tomintoul Ballindalloch Moray AB37 9EX MO/PRM/227	Scott Ashforth	01.03.2022	<p>Additional tasting room within the current gift shop and café area to include display of alcohol and amending current alcohol display area within the Whisky Castle. Total cubic meters of alcohol display area has reduced.</p> <p>Paper work outstanding No site visit</p>

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### Licensing (Scotland) Act 2005

				Consultation period ends 23.03.2022
New Premises	The Deli Next Door 158 High Street Elgin IV30 1BD MO/PRM/412	Faith Houlding	08.02.2022	Café and retail business providing quality local and international produce.  Paperwork outstanding No site visit Still out for Consultation – expires 22.03.2022

## 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.

