

# MORAY COUNCIL

## Minute of Meeting of the Licensing Board

Wednesday, 08 February 2023

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

### APOLOGIES

Councillor Ben Williams

### IN ATTENDANCE

Also in attendance at the above meeting were the Depute Clerk to the Board, Emma Rapley, Licensing Standards Officer, Lindsey Robinson, Committee Services Officer as clerk to the meeting, all Moray Council and PC Mitchell Dickson, Police Scotland.

#### 1. Chair

Councillor Sonya Warren, as co-Chair of the Licensing Board, chaired the meeting.

#### 2. Order of Business

In terms of Standing Order 29 the Committee agreed to vary the order of business set down on the agenda and take item 6 "Application for Grant of an Occasional Licence - 22 01951 PREOCC" as the last item of business and to hear it in the confidential session of the meeting.

#### 3. Resolution

The Meeting resolved that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 13 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7a and Reason
13	14 - Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

#### 4. Minute of the meeting of the Licensing Board of 16 November 2022

The minute of the meeting of the Licensing Board of 16 November 2023 were submitted and approved.

## **5. Statement of Policy**

A report by the Clerk to the Board advised the Board with regard to the statutory obligation to develop, consult and publish a policy statement setting out the principles they propose to apply to the exercise of their functions under the Licensing (Scotland) Act 2005.

The Depute Clerk to the Board advised that, if the Board was so minded, a policy sub-group could be set up to allow for policy discussion and decisions to be made and to advise the Board going forward. The Policy would have to be approved by the full Board.

The Chair sought nominations from those who wished to be on the sub group and Councillors Allan, Bloomfield, Colyer, Gordon, Lawrence and Warren put themselves forward.

Thereafter the Board agreed to:

- i. note the statutory obligation to develop, consult upon and publish a statement of licensing policy each licensing policy period and note that a revised policy must be in place and published by 29 November 2023;
- ii. note and approve the timetable for production of the policy at Appendix 1 of the report;
- iii. nominate and instruct a policy subgroup of six Board members, with a quorum of three, to meet as and when to discuss policy matters with officers and other involved parties, the function of the subgroup being to provide input and recommendations in respect of certain matters on behalf of the Board during preparation and revision of this policy and other policies going forward:
- iv. note that the policy statement will require final approval by the full Board before publication; and
- v. note the contents of the newly issued statutory guidance issued under section 142 of the Licensing (Scotland) Act 2005 at Appendix 2 of the report which the Board is to take into account when determining policy.

## **6. Review of Premises Licences**

A report by the Clerk to the Board asked the Board to conduct a hearing to consider and determine the premises listed in the Schedule circulated separately to members.

During consideration the Board agreed that grounds for review had been established, for each of the premises with outstanding payments, as set out in the report.

Councillor Allan moved that the licences for the Firth Hotel and MacRaj Restaurant be suspended until the cheque payments received on the morning of the meeting cleared. Once the payment had cleared then the licence would be reinstated. This was seconded by Councillor Bloomfield.

Councillor Lawrence, seconded by Councillor Cameron, moved an amendment that the payments received should be taken in trust and if they did not clear then it would be brought back to the next meeting.

On a division there voted:-

For the Motion (5) Councillors Allan, Bloomfield, Colyer, Gordon and Warren

For the Amendment (2) Councillors Lawrence and Cameron

Abstentions (0)

Accordingly the motion became the finding of the meeting.

Thereafter the Board agreed to take the following steps as necessary and/or appropriate for the purposes of any of the licensing objectives:

- i. no action to be taken against the Drouthy Cobbler as payment had been received;
- ii. the licence for the Firth Hotel to be suspended immediately pending clearance of the cheque payment that had been received on the morning of the meeting;
- iii. the licence of the MacRaj Restaurant be suspended immediately pending clearance of the cheque payment that had been received on the morning of the meeting; and
- iv. the licence for Bengal Spice to be revoked.

#### **7. Arrangements for His Majesty the King's Coronation and the FIFA Women's World Cup**

A report by the Clerk to the Board invited the Board to consider licenced premises opening hours during (1) the weekend of His Majesty the King's Coronation and (2) for the period during which the FIFA Women's Football World Cup is being played and televised.

Following consideration the Board agreed that:

- i. there would be no general extension of hours for either event with premises having to apply individually for an extension ; and
- ii. the Depute Clerk to the Board would monitor the number of applications and, if necessary, bring back to the Board at a later meeting.

#### **8. Click Whisky Ltd - 22 01769 - PRELIC**

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

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 otherwise minded, the licence was granted.

#### **9. Deans of Elgin - 22 01975 - PRELIC**

The Depute Clerk to the Board introduced the application as a new premises licence and advised the Board that the Section 50 from Building Standards was outstanding, but there were no representations or objections. As such, the Board could only grant a provisional licence until all paperwork was in place.

The applicant and their representative were not present.

During consideration, the Board were of the opinion that there were questions that needed a response from the applicant.

Thereafter the Board agreed to defer the application to the next meeting.

The applicant joined the meeting at the end of the confidential session, and the Board agreed to hear the application.

The applicant addressed the Board and responded to questions asked.

Following further consideration Councillor Bloomfield moved to grant the licence, seconded by Councillor Warren.

There being no one otherwise minded, the provisional licence was granted.

#### **10. Greshop Service Station - 22 02165 - PREVMA**

The Depute Clerk to the Board introduced the application as a major variation and advised the Board that all paperwork was in order and there were no objections or representations.

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.

#### **11. Glenallachie Distillery - 23 00020 - PREVMA**

The Depute Clerk to the Board introduced the application as a major variation and advised the Board that all paperwork was in order and the representation from Police Scotland had been withdrawn.

During consideration, Councillor Warren advised that her company was involved with the applicant but in regard to the production side of the distillery business and that there was no connection to the licence application. The Depute Monitoring Officer advised that there was no need to declare this but for clarity Councillor Warren wanted the position noted.

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.

## **12. Thistle Dhu Bed and Breakfast - 22 01825 - PRELIC**

The Depute Clerk to the Board introduced the application as a new premises licence and advised that the Section 50 from Building Standards was outstanding and as such the Board could only grant a provisional licence until all of the paperwork was in place. There were no objections or representations.

The applicant addressed the Board and responded to questions asked. Thereafter, Councillor Bloomfield move to grant the provisional licence seconded by Councillor Allan.

There being no one otherwise minded, the provisional licence was granted.

## **13. Application for Grant of an Occassional Licence - 22 01951 – PREOCC [Para 14]**

A report by the Clerk to the Board asked the Board to determine an application for grant of an Occasional Licence received on 8 November 2022 subject to an objection and a representation received from statutory consultees and to consider whether to hold a hearing or not for the purpose of determination.

The Depute Clerk to the Board introduced the report and advised the Board that there were outstanding objections from Police Scotland.

The Board noted that the applicant's representative was in attendance. The Chief Constable was represented by PC Mitchell Dickson.

On the invitation of the Chair, PC Dickson addressed the Board and responded to questions from Members.

On the invitation of the Chair, the applicant's representative addressed the Board and responded to questions from Members.

During consideration Councillor Bloomfield moved that the application be granted under delegated authority if all parties could reach agreement and the objections removed before the special meeting scheduled for 7 March 2023. If no agreement is reached then the application is to come back to the Board at the 7 March 2023 meeting. This was seconded by Councillor Warren who added that the Board would like a copy of the wash up report.

Thereafter the Committee agreed:

- i. to grant delegated authority to officers to grant the licence with the condition of a report from the event washup brought back to the Board if all parties can reach an agreement and for the objections to be withdrawn before the meeting on 7 March 2023; and
- ii. that if there is no agreement in place the application will come back to the Board meeting on 7 March 2023.