

THE MORAY LICENSING BOARD

MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 1 October 2015

PRESENT

Councillors: G Alexander
J Allan
G Cowie (Convener)
J Divers
M Howe
G Leadbitter
M McConachie
A McLean
C Tuke

APOLOGIES

Apologies were intimated on behalf of Councillor R Shepherd.

IN ATTENDANCE

Sean Hoath, Depute Clerk to the Licensing Board
Sergeant Gavin Jardine, Police Scotland

1. PRIOR MINUTES

- (i) The Minutes of the Meeting held on 20 August 2015 were submitted and approved.

- (ii) The Minutes of the Special Meeting held on 23 September 2015 were submitted and approved after the amendment of removing Councillor Shepherd from the attendance list as he had not been at the meeting.

2. LIST OF DECISIONS FOR APPLICATIONS FOR PREMISES LICENCES

(i) Application for Variation to Premises Licence at Glen Moray Distillery, Bruceland Road, Elgin, IV30 1SF

The Depute Clerk introduced the application and advised the applicant had been cited to the meeting. Paul Trodden, solicitor, represented the applicant. It was confirmed that a completion certificate was still required for works undertaken and the applicant was liaising with Building Standards. Councillor Howe made a motion to allow the Depute Clerk to grant under delegated powers once a completion certificate had been accepted. Councillor Cowie seconded the motion. Councillor McConachie made an amendment to defer the application but there was no second to the amendment. Therefore the motion was carried.

3. Licensing (Scotland) Act 2005 – Premises Licence Review Hearing – Case Number 1 of 2015 Following Application for Review by the Trading Standards Manager

The Depute Clerk introduced the report and outlined the recommendations within the report from Trading Standards requesting conditions be applied to the premises licence. After hearing all the evidence the Board agreed that grounds for review had been established. The Board then determined that action was necessary for the purpose of the licensing objectives. Councillor Tuke made a motion to accept the recommendations made by Trading Standards to apply conditions to the premises licence for a period of 18 months. Councillor Divers seconded the motion. The Board unanimously agreed. After discussion it was concluded by the Board that a personal licence holder had acted contrary to the licensing objectives and it was necessary to hold a review of the personal licence. After hearing all the evidence Councillor McLean made a motion to endorse the personal licence which was seconded by Councillor Leadbitter. Councillor Tuke made an amendment to take no further action on the personal licence. Councillor Alexander seconded the amendment. The motion was carried by 6 votes to 3.

4. Licensing (Scotland) Act 2005 – Premises Licence Review Hearing – Case Number 2 of 2015 Following Application for Review by the Trading Standards Manager

The Depute Clerk introduced the report and outlined the recommendations within the report from Trading Standards requesting conditions be applied to the premises licence. After hearing all the evidence the Board agreed that grounds for review had been

established. The Board then determined that action was necessary for the purpose of the licensing objectives. Councillor Alexander made a motion to accept the recommendations made by Trading Standards to apply conditions to the premises licence for a period of 18 months. Councillor McLean seconded the motion. The Board unanimously agreed. After discussion it was concluded by the Board that a personal licence holder had acted contrary to the licensing objectives and it was necessary to hold a review of the personal licence. After hearing all the evidence Councillor Alexander made a motion for no action on the personal licence which was seconded by Councillor McLean. Councillor Tuke made an amendment to endorse the personal licence. Councillor Leadbitter seconded the amendment. The amendment was carried by 7 votes to 2.

5. Licensing (Scotland) Act 2005 – Personal Licence Application Hearing Following Disclosure of Relevant Conviction on Application (Case Number 3 of 2015)

The Deputy Clerk introduced the report and advised the applicant had been cited and was in attendance. The Board agreed to hold a hearing and after hearing from the police and the applicant Councillor McLean made a motion to grant the application, seconded by Councillor McConachie and unanimously agreed by the Board.

6. Licensing (Scotland) Act 2005 – Chief Constable’s Report Under Section 12A

The Deputy Clerk introduced and outlined the report. The Board agreed to note the report.

7. Licensing (Scotland) Act 2005 – Christmas/New Year Arrangements 2015/2016

The Deputy Clerk introduced the report and outlined the recommendations. The Board agreed to grant a general extension and agreed that the arrangements would apply to future years without the need to report back to the Board each time. The Clerk was to advise licence holders of the agreed arrangements.

8. Licensing (Scotland) Act 2005 – Calendar of Meetings

The Deputy Clerk introduced the report and the Board accepted the dates proposed dates for the following year’s meetings.