

THE MORAY LICENSING BOARD

MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 18 February 2016

PRESENT

Councillors: J Allan
G Cowie
J Divers
G Leadbitter
M McConachie
A McLean
R Shepherd
D Slater (observing)
C Tuke

APOLOGIES

Apologies were intimated on behalf of Councillor M Howe, D Slater.

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 10 December 2016 were submitted and approved.

- (ii) The Minutes of the Special Meeting held on 12 February 2016 were submitted.

2. LIST OF DECISIONS FOR APPLICATIONS FOR PREMISES LICENCES

(i) Application for a Variation to Premises Licence at Silver Sands, Covesea West Beach, Lossiemouth, IV31 6SP

The Depute Clerk introduced the application and advised the applicant had been cited to the meeting. Rebecca Grant and Hayley Ralston represented the applicant. The Depute Clerk advised that all paperwork was in order and that there had been a police representation for additional conditions which the applicant's representatives confirmed had been accepted. The Chair advised that the Board had not been able to see the shop on their visit and requested a further site visit to see the shop. After hearing from the applicant the Board agreed to grant the variation and asked the Depute Clerk to arrange a further site visit.

(ii) Application for a Variation to Premises Licence Rehab, 3 West Church Street, Buckie, AB56 1BN

The Depute Clerk introduced the application and advised the applicant was not in attendance but the premises had been site visited. The Depute Clerk advised that all paperwork was in order and that there were no objections or representations. The Board agreed to grant the variation.

(iii) Application for a Variation to Premises Licence Braemou Inn, 1 Cooper Street, Hopeman, IV30 5SD

The Depute Clerk introduced the application and advised the applicant had been cited to the meeting. The applicant was in attendance. The premises had been site visited and there were no representations or objections. After hearing from the applicant the Board agreed unanimously to grant the variation.

(iv) Application for a Provisional Premises Licence Gulf Keith, Regent Street, Keith, AB55 5ED

The Depute Clerk introduced the application and advised the applicant had been cited to the meeting. The applicant was represented by Andrew Hunter, solicitor. The premises had been site visited and there were no representations or objections. After hearing from the applicant's representative including evidence relevant to the statutory test for the licensing of petrol stations, the Board agreed that the test had been met and granted the provisional licence.

(v) Application for Transfer of Premises Licence under s34 at Akash Tandoori, 21 South Street, Elgin, IV30 1JZ

The Depute Clerk introduced the application and advised the applicant and current licence holder had been cited to the meeting. The applicant was represented by Andrew Hunter, solicitor and the current licence holder was not in attendance. There were no objections or representations to the application. After hearing from the applicant's representative the Board unanimously agreed to grant the transfer.

(vi) Application for Transfer of Premises Licence under s34 at Bowl 2000, 2 Moycroft Industrial Estate, Elgin, IV30 1XZ

The Depute Clerk introduced the application and advised the applicant had been cited to the meeting. The applicant was in attendance and Neil Ross, solicitor, represented the current licence holder. Neil Ross asked for the evidence to be held out with the public forum as there was confidential privileged information which had been submitted as part of background papers circulated to the Board. The Board agreed and members of the public left the meeting. After hearing evidence from both parties as to the validity of the application and the ownership of the premises Councillor Tuke moved that the transfer application should be accepted as valid out of time utilising the Board's power under s.135 to relieve the applicant's failure to apply within 28 days for good reason and it being reasonable to do so. Councillor Leadbitter seconded the motion as he could not see how the licensing objectives were currently being met if the licence remained in the hands of the party not operating the premises. It was agreed by the Board that it was a valid application to consider and on that basis as there was no objection from the Chief Constable and the Board's consideration of the licensing objectives the Depute Clerk advised the application must be granted. The Board agreed and the applicant was advised to make immediate application for nomination of a premises manager.

3. Licensing (Scotland) Act 2005 – Review of Premises Licence

The Depute Clerk introduced the report and outlined the recommendation within the report. The Board agreed to the recommendation and agreed no action for Akash as it had just been transferred and the new licence holder had advised that immediate payment would be made. The licence holder for Mill House Tynet was not in attendance. The Depute Clerk advised the Board that the custom was to suspend the licence pending payment of the fee. The suspension could last 6 months and then the Board could determine if the licence could be revoked. The Board agreed to the suspension of the licence until payment was made and instructed the Depute Clerk to notify the premises immediately at the conclusion of the meeting.