

THE MORAY LICENSING BOARD

MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 3rd August 2017

PRESENT

Councillors: J Allan
D Bremner
G Cowie
J Divers
R Edwards
L Laing
R Shepherd

APOLOGIES

Apologies were intimated on behalf of Councillors F Brown and P Coy

IN ATTENDANCE

Margaret Forrest, Depute Clerk to the Licensing Board
Ally Milne, Accountant

1. APPOINTMENT OF CONVENER AND (IF THE BOARD CHOOSES) VICE CONVENER

The Depute Clerk asked for nominations for appointment of Convener. Cllr Divers nominated Cllr Cowie. This was seconded by Cllr Shepherd. Cllr Bremner nominated Cllr Divers who declined the nomination. There being no further nominations Cllr Cowie was appointed as Convener and took the chair.

The Convener sought nominations for Vice Convener. Cllr Edwards nominated Cllr Allan. There was no seconder. Cllr Bremner nominated Cllr Laing. There was no seconder. Cllr Shepherd nominated Cllr Divers. This was seconded by Cllr Cowie. There being no further nominations Cllr Divers was appointed as Vice Convener.

2. PRIOR MINUTES

- I. The Minutes of the Meeting held on 23 March 2017 were submitted and approved by those members of the Board who had been present.
- II. The Minutes of the Special Meeting held on 31 July 2017 were submitted and approved.

3. APPLICATIONS

(i) New Premises Licence - Speyside Craft Brewery Ltd, Forbes

The Applicant was present. The Depute Clerk introduced the application and advised that all the paperwork was in order and a site visit had been carried out on 31 July 2017. There had been a representation, which had been withdrawn following the Applicant updating the Operating Plan. The Depute Clerk detailed the changes to the Operating Plan and the Applicant was invited to address the Board. The Applicant advised that due to the expansion of the business they would no longer have capacity to run Festivals on the site and outlined what he would be looking to do were the licence to be granted. There were no questions from the Board. The Applicant confirmed he was happy with the way the hearing was handled. After hearing from the Depute Clerk on legal points the Board decided to grant the application.

(ii) **New Provisional Licence – El-Gin, Elgin**

The Applicant was not present. The Depute Clerk advised that the Applicant had asked for the application to be deferred until the next Board meeting on 5 October 2017 given a change in personnel at the business. The Board agreed to application being deferred until 5th October 2017.

(iii) **New Premises Licence – Whisky Advisors Ltd, Dufftown**

The Applicant and Objector were present. The Depute Clerk introduced the application and advised that all the paperwork was in order and that a site visit had been carried out on 31 July 2017. The Objector was asked to address the Board and answered the Board's questions. The Applicant was asked to address the Board and answered the Board's questions. The Applicant and Objector were asked to sum up and confirmed they were happy with way the hearing was handled. After hearing from the Depute Clerk on legal points the Board decided to grant the application. The Objector was advised of the right to request a Statement of Reasons and Appeal to the Sheriff and advised to take independent legal advice.

(iv) **Major Variation – Cragganmore Distillery, Ballindalloch**

The Applicant's representative was present. The Depute Clerk introduced the application and advised that all the paperwork was in order and a site visit had been carried out on 31 July 2017. There were no objections or representations. The Applicant's representative was invited to address the Board. After answering questions from the Board and being invited to sum up the Applicant's representative confirmed that she was happy with the way the hearing was handled. After hearing from the Depute Clerk on legal points the Board decided to grant the application.

(v) **Major Variation – Mansefield Hotel, Elgin**

The Applicant's representative was present. The Depute Clerk introduced the application and advised that all the paperwork was in order and a site visit had been carried out on 31 July 2017. There were no objections or representations. The Applicant's representative was invited to address the Board. There were no questions from the Board. The Applicant's representative confirmed that he was happy with the way the hearing was handled. After hearing from the Depute Clerk on legal points the Board decided to grant the application.

(vi) **Major Variation – Captain’s Table, Findhorn**

The Applicant was present. The Depute Clerk introduced the application and advised that all the paperwork was in order and a site visit had been carried out on 31 July 2017. There were no objections or representations. The Applicant was invited to address the Board. There were no questions from the Board. The Applicant confirmed that she was happy with the way the hearing was handled. After hearing from the Depute Clerk on legal points the Board decided to grant the application.

(vii) **Major Variation – Keith Brewery Ltd, Keith**

The Applicant’s representative was present. The Depute Clerk introduced the application and advised that all the paperwork was in order and a site visit had been carried out on 1 August 2017. There were no objections or representations. The Applicant’s representative was invited to address the Board. There were no questions from the Board. The Applicant’s representative confirmed that he was happy with the way the hearing was handled. After hearing from the Depute Clerk on legal points the Board decided to grant the application.

(viii) **Major Variation – Premier Convenience Store, Keith**

The Applicant was present. The Depute Clerk introduced the application and advised that the paperwork was in order and that a site visit had not been carried out as this was a change in hours only. There were no objections or representations to date and the Depute Clerk advised that the period had not yet expired and advised the Board that they could, if so minded, grant the application in principle and delegate authority to the Clerk to grant and issue the licence when the period expired subject to there being no objection or representation received. If any were received then the matter would be referred to the next Board meeting. The Applicant was invited to address the Board. After answering questions from the Board and being invited to sum up the Applicant’s representative confirmed that she was happy with the way the hearing was handled. After hearing from the Depute Clerk on legal points the Board decided to grant the application in principle and granted authority to the Depute Clerk to grant and issue the licence when the period expired subject to there being no objection or representation.

4. SITE VISIT PROCEDURE

The Depute Clerk introduced the report and read out suggested amendments to Appendix 1 in respect of typing errors and invited the Board to consider and adopt Appendix 1 with or without further amendments. The Board considered and agreed the process for site visits attached at Appendix 1 with the amendments read out by the Depute Clerk,

5. ANNUAL REVIEW OF INCOME AND EXPENDITURE AND BUSINESS TRANSACTED

The Depute Clerk introduced the report. The Board agreed to: Note the current fees attached at Appendix 1; note the Financial Report on Income and Expenditure data attached at Appendix ; Publish the Financial Report; keep the current fee structure; and note the business transacted for the calendar year 2016 attached at Appendix 3.