

THE MORAY LICENSING BOARD

MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 5th October 2017

PRESENT

Councillors: D Bremner
G Cowie
P Coy
R Edwards
L Laing
M McLean
R Shepherd

APOLOGIES

Apologies were intimated on behalf of Councillors J Allan and J Divers

IN ATTENDANCE

Sean Hoath, Depute Clerk to the Licensing Board
Hilary Locker, Solicitor
Gill Flett, Police Scotland

1. PRIOR MINUTES

- (i) The Minutes of the Meeting held on 3 August 2017 were submitted and approved
- (ii) The Minutes of the Special Meeting held on 3 October 2017 were submitted and approved.

There was a declaration of interest from Cllr Coy for Bor Bar Ltd.

2. APPLICATIONS

(i) New Premises Licence – Portgordon Bowling Club, Portgordon

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 3 October 2017. There had been a police representation, which had been withdrawn following the Applicant updating the Operating Plan.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. 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.

Cllr Coy left the meeting.

(ii) New Premises Licence – Bor Bar Ltd, Elgin

The Applicant was not present but they requested the application go ahead at the meeting. Applicant provided a letter to the members of the Board. There were several objectors at the meeting. The Chair asked the objectors to identify themselves. The Chair asked the Board whether they wanted to hear the application or defer. Cllr Bremner voted to defer as the applicant could not attend the meeting, this was seconded by Cllr Laing. The Board agreed to the application being deferred.

Cllr Coy re-joined the meeting. The objectors for Bor Bar Ltd left the meeting.

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

The Applicant's representatives 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 3 October 2017. The Applicant's representative was asked to address the Board. There were no questions from the Board. The Applicant's representatives 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.

(iv) **Major Variation – Tennant Arms, Lhanbryde**

The Applicant was represented by the local manager and by Messrs Hill Brown solicitors. There were several objectors 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 3 October 2017. The objectors were asked to identify themselves and address the Board. The Applicant's representative addresses the objectors and answered questions the objectors had. The Applicant's representative was invited to address the Board. Cllr Bremner asked the Depute Clerk to clarify the procedure of transferring the licence. The Depute Clerk discussed the legal points. There were no further questions from the Board. The Applicant's representative confirmed that he was happy with the way the hearing was handled. The Board decided to grant the application.

(v) **Major Variation – Kiss, Buckie**

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 3 October 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 – Stuart Arms, Dufftown**

The Applicant and a representtives were 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 3 October 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.

The Chair called a recess at 11.05am. The meeting re-convened at 11.15am.

4. CHIEF CONSTABLE'S REPORT UNDER SECTION 12A

The Depute Clerk introduced the report. Cllrs Laing, Coy and Bremner had questions about the report. The Police answered the questions. There were no more questions from the Board. The Board considered and agreed to note the contents of the report attached at Appendix 1.

5. PROPOSALS FOR THE PROCESSING OF OCCASIONAL LICENCE APPLICATIONS

The Depute Clerk introduced the report. The Board asked to amend point 3.27.2 of the report to exclude funerals and matters where an applicant has already obtained or applied for a licence and cannot use the venue for reasons beyond their control (like force majeure). The Board agreed to the recommendations of the report as amended. The Depute Clerk agreed to amend and publish the Scheme of Delegation.