

**THE MORAY LICENSING BOARD**  
**MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD**

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 17<sup>th</sup> January 2013

**PRESENT**

Councillors: G Alexander  
S Cree (Vice Convener)  
M Howe  
B Jarvis  
M McConachie  
A McLean  
R H Shepherd (Convener)

**APOLOGIES**

Apologies were intimated on behalf of Councillors J Allan and C Tuke (who entered the meeting at the end of item 6)

**IN ATTENDANCE**

Sean Hoath, Depute Clerk to the Licensing Board  
Constable Ray Walker and Constable Phillips, Grampian Police  
Andrew Walker, Licensing Standards Officer

**1. PRIOR MINUTES**

- (i) The Minutes of the Meeting held on 15<sup>th</sup> November 2012 were submitted and approved.

**2. LIST OF DECISIONS FOR APPLICATIONS FOR PREMISES LICENCES**

**(i) Application for a Provisional Premises Licence at Home Bargains, Elgin Retail Park, Edgar Road, Elgin**

The applicant was represented by Ms Lorna Murray, solicitor. The Board agreed to grant the provisional licence as applied for.

**3. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE REVIEW HEARING FOLLOWING APPLICATION FOR REVIEW BY THE CHIEF CONSTABLE (CASE NUMBER 1 OF 2013)**

The Depute Clerk introduced the application and distributed the Chief Constable's request for review and explained the legal test on review. After deliberation the Convener moved that the licence be revoked, it being necessary to do so for the purpose of the licensing objectives of preventing crime and disorder and securing public safety. There being no amendment, it was agreed to revoke the licence.

**4. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE REVIEW HEARING FOLLOWING APPLICATION FOR REVIEW BY THE CHIEF CONSTABLE (CASE NUMBER 2 OF 2013)**

The Depute Clerk introduced the application and distributed the request for review from the Chief Constable. The applicant was present and represented by Robert Cruickshank, solicitor. Mr Cruickshank asked for a deferment of the hearing until the case against his client had been heard at the Sheriff Court. The Board agreed to defer the review until the Board meeting in June in the hope that the case would have been to the Sheriff Court by then.

**5. LICENSING (SCOTLAND) ACT 2005 – PREMISES LICENCE REVIEW HEARING FOLLOWING APPLICATION FOR REVIEW BY THE CHIEF CONSTABLE (CASE REFERENCE 1 OF 2013)**

The Depute Clerk introduced the application and distributed the Chief Constable's request for review. The premises licence holder was in attendance and represented by Ms Lorna Murray, solicitor. The premises manager was also in attendance. The Board heard from the police representative and Ms Murray. The Board found grounds for review were established and further found that it was necessary and/or appropriate for the purpose of the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance to take further steps. After deliberation the Convener proposed a motion that a written warning be issued with a further review in 6 months. This was seconded by Councillor McLean. Councillor Cree made an amendment to vary the licence

to apply a condition such that a door steward should be present from 10pm until terminal hour on a Friday and Saturday with a further review in 6 months. The amendment was seconded by Councillor Jarvis.

Vote:- Motion – Councillors McLean, McConachie, Shepherd.  
Amendment – Councillors Alexander, Cree, Howe, Jarvis.

The amendment became the decision of the meeting. To take immediate effect until 17 July 2013 with a further review at meeting on 15 August 2013.

**6. LICENSING (SCOTLAND) ACT 2005 – REVIEW OF PREMISES LICENCES VARIOUS HEARINGS FOLLOWING THE MAKING OF PREMISES LICENCE REVIEW PROPOSALS**

The Depute Clerk introduced the report advising that there were two premises in question. The Board found grounds for review were established and finding that it was necessary and/or appropriate for the purpose of the licensing objectives agreed to suspend both licences for a period of 3 months or until the payment of the annual fee for either of the premises. They requested a further review at the next meeting after 3 months which would be the meeting on 2<sup>nd</sup> May if annual fees were still outstanding.

**6A LICENSING (SCOTLAND) ACT 2005 – FURTHER REVIEW OF PREMISES LICENCE**

With the permission of the Convener the Depute Clerk verbally introduced the further review of premises licence for case reference 3 of 2012. This was the review after the 6 month period agreed by the Board when they varied the operating plan for a period of 6 months at their meeting on 14<sup>th</sup> June 2012. After hearing from the police representative the Board agreed that there was no requirement for a further review of the premises licence and the period of curtailed hours seemed to have provided the opportunity for the licence holder to improve on the issues raised at the meeting of 14<sup>th</sup> June 2012. However, the Board did decide that it would be necessary to hold a hearing to review the personal licence holder in connection with the premises licence. They decided to defer that hearing to the next meeting of the Board on 7<sup>th</sup> March 2013.

**7. LICENSING (SCOTLAND) ACT 2005 – FURTHER OPTIONS FOR ALCOHOL LICENSING A SCOTTISH GOVERNMENT CONSULTATION PAPER**

The Depute Clerk introduced the report. The Board decided to refer the consultation to the Policy Sub Group and the Depute Clerk was to draft a submission for consideration at the next meeting.

**8. GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY**

The Depute Clerk introduced the report. The Board agreed to all the recommendations in the report.

**9. EQUALITY ACT 2010 – PUBLIC SECTOR EQUALITY DUTIES**

The Depute Clerk introduced the report. The Board agreed to all the recommendations in the report.

**MORAY LICENSING BOARD LICENSING BOARD**

**MEETING, 17 JANUARY 2013 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX**

**Licensing (Scotland) Act 2005**

**List of Decisions**

<b>Provisional(s)</b>	<b>Premises</b>	<b>Applicant</b>	<b>Comments</b>	<b>Decision</b>
1	Home Bargains Unit 2 Elgin Retail Park Edgar Road Elgin IV30 6WQ	T. J. Morris Limited c/o DWF Solicitors 5 St Pauls Square Old Hall Street Liverpool L3 9AE		Granted