

## **THE MORAY LICENSING BOARD**

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

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 7 March 2013

#### **PRESENT**

Councillors: J Allan  
G Alexander  
M Howe  
B Jarvis  
R H Shepherd (Convenor after nomination)  
C Tuke

#### **APOLOGIES**

Apologies were intimated on behalf of Councillor S Cree, A McLean and M McConachie.

#### **IN ATTENDANCE**

Sean Hoath, Depute Clerk to the Licensing Board  
Inspector Milne, Sergeant Robertson and Constable Ray Walker, Grampian Police  
Andrew Walker, Licensing Standards Officer

#### **1. PRIOR MINUTES**

- (i) The Minutes of the Meeting held on 17 January 2013 were submitted and approved.
- (ii) The Minutes of the Special Meeting held on 15 January 2013 were submitted and approved.

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

**(i) Application for a Variation to Premises Licence at Spar, St Pauls Street, Buckpool**

The Depute Clerk introduced the application and advised he had not cited the applicant to attend. The Board agreed to the variation and granted the application.

**3. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE REVIEW HEARING FOLLOWING PREMISES LICENCE REVIEW (CASE NUMBER 3 OF 2013)**

The Depute Clerk advised the Board of the history of the case. The licence holder was represented by Graham Walker, solicitor. The Board heard from the police representative and from Graham Walker. Councillor Tuke made a motion to endorse the licence. After consideration the Board held in terms of licensing objectives of preventing crime and disorder, securing public safety, preventing public nuisance and protecting children from harm it was necessary to endorse the licence.

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

The Depute Clerk introduced the application. The licence holder was present. After hearing from the police representative and the licence holder Cllr Shepherd put forward a motion to endorse licence due to licence holder acting in a manner which is inconsistent with the licensing objectives of preventing crime and disorder and securing public safety. All members agreed.

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

The Depute Clerk introduced the application. The licence holder was in attendance and represented by Robert Cruickshank. Robert Cruickshank requested that the hearing be deferred as to date there had been no citation to court. Cllr Shepherd made a motion to defer to 20 June 2013. This was agreed by all members.

**6. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE APPLICATION HEARING FOLLOWING APPLICATION FOR REVIEW BY THE CHIEF CONSTABLE (CASE NUMBER 6 OF 2013)**

The Board agreed to defer to the end of the meeting to allow the possible attendance of the licence holder. At the end of the last business of the meeting the Board decided to go ahead with the review hearing as there had been fair notice as track and trace showed delivery of citation letter. After hearing from the police representative Councillor Tuke made a motion to endorse the licence as the licence holder had acted in a manner inconsistent with the licensing objectives of preventing crime and disorder and securing public safety. This was agreed by the Board.

**7. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE APPLICATION HEARING FOLLOWING APPLICATION FOR REVIEW BY THE CHIEF CONSTABLE (CASE NUMBER 7 OF 2013)**

The Board agreed to defer to later in the meeting as the licence holder had advised the Depute Clerk that he wished to attend but had to first attend the Sheriff Court. When the matter was due to be heard the licence holder was still not in attendance therefore the Board agreed to defer to the next meeting on 2 May 2013.

**8. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE APPLICATION HEARING FOLLOWING APPLICATION FOR REVIEW BY THE CHIEF CONSTABLE (CASE NUMBER 8 OF 2013)**

The Depute Clerk introduced the application. The licence holder was present and represented by Lorna Murray, solicitor. The Board heard from the police representative and Lorna Murray. Councillor Jarvis made a motion to endorse the licence as inconsistent with licensing objectives of preventing crime and disorder and securing public safety, seconded by Cllr Allan. Councillor Tuke made an amendment to defer until the conclusion of the Border Agency case. This was seconded by Councillor Howe. Vote:- Motion – Councillors Allan, Jarvis, Shepherd. Amendment – Councillors Alexander, Howe, Tuke. With the casting vote from the Chair the motion was carried and became the decision of the Board.

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

The Depute Clerk introduced the report. The Board agreed the comments of the Policy Sub Group. They instructed the Depute Clerk to forward the comments and any further comments Board members may have by the 21<sup>st</sup> March deadline.

**10. LICENSING (SCOTLAND) ACT 2005 – CONSULTATION PAPER ON PROPOSED CHANGES TO IMPLEMENTING LEGISLATION FOR THE EU SERVICE DIRECTIVE**

The Depute Clerk introduced the report. The Board agreed to the draft comments and instructed the Depute Clerk to send comments to BIS on 8<sup>th</sup> March.

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

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

**12. PUBLIC RECORDS (SCOTLAND) ACT 2011**

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

**MORAY LICENSING BOARD LICENSING BOARD**

**MEETING, 7 MARCH 2013 at 10:00am in Council Chambers, Council Buildings, High Street, Elgin, IV30 1BX**

**Licensing (Scotland) Act 2005**

**List of Decisions**

Variation (Major)(s)	Premises	Applicant	Comments	Decision
1	Spar 16 St Pauls Street Buckpool Buckie AB56 1EJ	Shakeel Arshad		Granted