

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

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 15 August 2013

PRESENT

Councillors: J Allan
G Alexander
S Cree
M Howe
B Jarvis
A McLean
M McConachie
R H Shepherd (Convenor)
C Tuke

IN ATTENDANCE

Sean Hoath, Depute Clerk to the Licensing Board
Inspector Milne, Grampian Police

1. PRIOR MINUTES

- (i) The Minutes of the Meeting held on 20 June 2013 were submitted and approved.
- (ii) The Minutes of the Special Meeting held 8 August 2013 were submitted and approved with the amendment that Councillor Tuke joined the meeting at the premises.

2. LIST OF DECISIONS FOR APPLICATIONS FOR PREMISES LICENCES

(i) Application for a Variation to Premises Licence at Clifton Hotel, Clifton Road, Lossiemouth

The Depute Clerk introduced the application and advised he had cited the applicant to attend. The applicant was represented by Lorna Murray solicitor. A representation was verbally provided by the Depute Clerk. After discussion the Board agreed to grant the variations.

(ii) Application for a Variation to Premises Licence at Kiss, Cluny Square, Buckie

The Depute Clerk introduced the application. The applicant was represented by Lorna Murray, solicitor. After hearing from Ms Murray and there being no objections to the application the Board agreed to grant the variation.

(iii) Application for a Transfer of Premises Licence at Thistle Bar, High Street, Forres

The Depute Clerk introduced the application and advised he had cited the applicant to attend. Neil Ross, solicitor was representing the applicant. This application was heard in conjunction with Item 6 of the agenda as the same facts related. After hearing from both parties the Board agreed to grant the personal licence at Item 6 and thereafter the transfer application.

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

The Depute Clerk updated the Board. The licence holder was in attendance and represented by Lorna Murray solicitor. Ms Murray requested deferral of the hearing. The Board agreed to defer to a special meeting and requested a site visit to be arranged.

4. 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 present and represented by Robert Cruickshank, solicitor. Robert Cruickshank requested a continuation to allow the matter to come to court. The Convener moved to hear the review and was seconded by Councillor Allan. Councillor Alexander made an amendment to defer to maintain consistency. He was seconded by Councillor McLean. The vote was as follows: motion Councillors Allan, Cree, Jarvis, McConachie, Shepherd. Amendment Councillors

Alexander, Howe, McLean, Tuke. The motion carried and became the decision of the Board with 5 votes to 4. After hearing from both parties Councillor Tuke made a motion to take no further action which was seconded by Councillor Allan. An amendment was made by Councillor Cree seconded by Councillor Shepherd to endorse the licence, it being considered necessary to do so for the purposes of the licensing objectives of preventing crime and disorder and securing public safety. The vote was as follows: motion Councillors Allan, Alexander, Howe, Tuke. Amendment Councillors Cree, Jarvis, McLean, McConachie, Shepherd. The amendment became the decision of the Board with 5 votes to 4.

5. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE APPLICATION HEARING FOLLOWING NOTIFICATION OF RELEVANT CONVICTION ON APPLICATION (CASE NUMBER 9 OF 2013)

The applicant was in attendance. After hearing from all parties and considering the evidence Councillor Cree made a motion to refuse the licence it being necessary to do so for the purposes of the licensing objectives of preventing crime and disorder and securing public safety but advised it could be considered in future if the applicant wished to reapply. The Board agreed with the motion unanimously.

6. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE APPLICATION HEARING FOLLOWING RECOMMENDATION BY CHIEF CONSTABLE ON APPLICATION (CASE NUMBER 10 OF 2013)

This item was heard in conjunction with the application for Thistle Bar, High Street, Forres. The Board agreed to grant the personal licence.

7. LICENSING (SCOTLAND) ACT 2005 – STATEMENT OF POLICY

The Depute Clerk outlined the report. The Board agreed to the consultation of the draft statement and overprovision policy.

8. LICENSING (SCOTLAND) ACT 2005 – ANNUAL REVIEW OF LICENSING FEES AND BUSINESS TRANSACTED.

The Depute Clerk introduced the report. The Board agreed to take no action in respect of altering the current fee structure and agreed to move next year's report to October/November to coincide with the fee review being undertaken by the Scottish Government.