

THE MORAY LICENSING BOARD

THURSDAY 5 DECEMBER 2013

NOTICE IS HEREBY GIVEN that the Meeting of **THE MORAY LICENSING BOARD** is to be held within the The Moray Council, Council Chambers, High Street, Elgin on Thursday 5 December 2013 at 10.00am.

Rhona Gunn
CLERK

27 November 2013

BUSINESS

1. Prior Minutes
 - (i) Minutes of the Meeting held on 3 October 2013 (copy attached)
 - (ii) Minutes of the Special Meeting held on 4 December 2013 (to be tabled)

The Licencing (Scotland) Act 2005

2. Applications Section– Appendix 1
3. Calendar of Meetings - Report by the Clerk (copy attached)

CONTACT PERSON:	Rhona Gunn
Telephone No:	01343 543451 Ext 3152- Direct Line: 563152
Room No:	102

THE MORAY LICENSING BOARD**SEDERUNT****COUNCILLOR J ALLAN****COUNCILLOR G ALEXANDER****COUNCILLOR S CREE****COUNCILLOR M HOWE****COUNCILLOR B JARVIS****COUNCILLOR A MCLEAN****COUNCILLOR M McCONACHIE****COUNCILLOR R H SHEPHERD****COUNCILLOR C TUKE****CLERK TO THE BOARD: Mrs R Gunn****Telephone No: 01343 543451 Ext 3152 - Direct Line: 563152****Room No: 102**

APPENDIX 1

Key to Colour Coding of Applications within Appendices to the Agenda of Business for the Moray Licensing Board

All matters are to be heard by the Moray Licensing Board and the Moray Licensing Board has the final decision. However, in accordance with Government Guidance and locally agreed procedure, applications may be submitted to the Board with a general recommendation.

Please note that colour coding may be subject to change given the nature of the licensing procedure. Documents may be received and/or negotiations resolved following publication of the agenda.

RED	Indicates that the application will normally require to be heard, whether by virtue of general procedural rules or as a result of problems arising. There may be ongoing negotiations to resolve problems.
YELLOW	Indicates changing circumstances with the application. It is not ready to be granted at the time of publication but there are not normally major problems e.g. procedural issues or ongoing negotiations. Applications will normally be submitted with recommendation for grant or deferral.
GREEN	Indicates that all is in order with the application. All documents have been received and checked. All procedures have been followed. There are unlikely to be any representations, objections or problems or the same have been resolved. It is being submitted with a recommendation for grant but members are free to make enquiries as they see fit.

MORA LICENSING BOARD LICENSING BOARD

MEETING, 5 DECEMBER 2013 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

Licensing (Scotland) Act 2005

New Grant(s)

Premises Applicant Date Received Comments

1 BIJOU
8-10 BATCHEN STREET
ELGIN
IV30 1BH

POZZILTD

23 August 2013

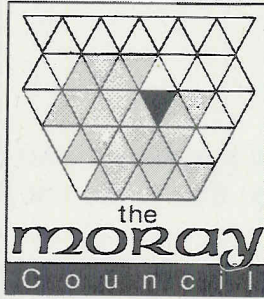
New licence application
Site visit completed.
S50 certs received.

MORAY LICENSING BOARD LICENSING BOARD

MEETING, 5 DECEMBER 2013 at 10:00am in Council Chambers, Council Headquarters, High Street, Elgin, IV30 1BX

Licensing (Scotland) Act 2005

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
2	ROYAL FINDHORN YACHT CLUB FINDHORN FORRES IV36 3YE	ROYAL FINDHORN YACHT CLUB	16 September 2013	Variation to change core hours Mon-Wed until 11.30pm & Thu until midnight. Change standard extension in July to cover 9 days from 7. Access times for children for meals to 8.30pm for under 14 and 9.30pm 14-16 yr olds. Change to layout plan for beer store and removal of small bar. All paperwork in order. Public representation.
3	LEGENDS 122 HIGH STREET FORRES IV36 1NP	TABOO SCOTLAND LIMITED	17 October 2013	Variation to change on and off sales hours on Sundays to commence at 11.00am from 12.30pm. All paperwork in order. No obj's.
4	THE LINKWOOD LODGE 15 LINKWOOD WAY ELGIN IV30 1HY	WHITBREAD RESTAURANTS LIMITED C/O JOHN GAUNT & PARTNERS OMEGA COURT 372-374 CEMETERY ROAD SHEFFIELD S11 8FT	21 October 2013	On sales capacity to increase to 584 due to addition of extra bedrooms. Paperwork in order. No obj's.



REPORT TO: THE MORAY LICENSING BOARD 5 DECEMBER 2013

SUBJECT: LICENSING (SCOTLAND) ACT 2005 – CALENDAR OF MEETINGS

BY: CLERK TO THE BOARD

1. Reason for Report

1.1 To invite the Board to fix a Calendar of Meetings for the year 2014 in accordance with paragraph 4.1 below.

2. Recommendations

2.1 It is recommended that the Board consider the proposed dates and determine whether these are suitable to be fixed as the dates for the Meetings of the Board for 2014.

3. Background

3.1 The Licensing (Scotland) Act 2005 and associated Regulations provide for set processing times for various applications to be decided upon, and Licensing Boards are free to set meeting dates in order to comply with these processing times.

3.2 In order to best meet the anticipated processing requirements the Clerk has devised a list of proposed Board meetings that will allow for one meeting every two months. It is anticipated that this timescale will meet the processing times for the majority of business to be undertaken.

3.3 It is stressed that all proposed dates are based on anticipated demand for the Board's time. In the event that the planned meetings do not meet the anticipated processing requirements, the Clerk may be required to request further meetings on a demand led basis.

3.4 In particular planned meetings may not meet the timescale for holding premises licence review hearings. Under the 2005 Act anyone can request a review and in respect of an application for review of a premises licence, there is a timescale of 42 days from the date of receipt of the application in which the Board must hold a review hearing. Where the planned timetable does not meet this requirement a further meeting will be requested specifically for the purpose of considering the review application.

- 3.5 Conversely, where a lack of business dictates, the Clerk may determine, with the agreement of members, that it will not be necessary to proceed with a particular Board meeting.
- 3.6 In accordance with the Scheme of Delegation it will not be necessary to conduct all business at Board meetings. Where the agreed scheme dictates, matters will be dealt with by the Clerk and staff. In addition, where appropriate, members are reminded that certain matters may be dealt with by way of email circulation to the Board e.g. in respect of occasional licence applications where a representation has been received.
- 3.7 Currently the Board undertakes site visits, which are arranged by way of special meetings so that a quorum of members is required. Site visits are arranged as necessary around the relevant Board meeting date.

4. The Proposals

- 4.1 It is proposed that the dates for the Meetings of the Board from 1st January 2014 to 31st December 2014 be as follows:

Proposed Meetings	
DAY	DATE
Thursday	16 th January 2014
Thursday	13 th March 2014
Thursday	1 st May 2014
Thursday	19 th June 2014
Thursday	21 st August 2014
Thursday	9 th October 2014
Thursday	11 th December 2014

5. Implications

- (a) **Single Outcome Agreement / Service Improvement Plan**
Board meetings and processes are part of the overall exercise of the Board's functions under the Licensing (Scotland) Act 2005.
- (b) **Policy and Legal**
Legal implications have been explained above.
- (c) **Financial Implications**
None
- (d) **Risk Implications**
None

- (e) **Staffing Implications**
None
- (f) **Property**
None
- (g) **Equalities**
There are no issues.
- (h) **Consultations**
Consultation is not required.

6. **Conclusion**

It is recommended that the Board:

- 6.1 Consider the proposed dates and determine whether these are suitable to be fixed as the dates for the Meetings of the Board for 2014.

Author of Report: Sean Hoath, Senior Solicitor, Depute Clerk to the Licensing Board

Background Papers: There are no background papers

Ref: SAH/TT

Signature _____

Date 22/11/13

Designation Head of Legal and Democratic Services, Clerk to the Board

Name Rhona Gunn