

THE MORAY LICENSING BOARD

MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 21 August 2014

PRESENT

Councillors: Allan
Cowie
Howe
Jarvis
McLean
McConachie
Shepherd (Convenor)
Tuke

APOLOGIES

Apologies were intimated on behalf of Councillor S Cree

IN ATTENDANCE

Sean Hoath, Depute Clerk to the Licensing Board
Constable Walker, Police Scotland

1. PRIOR MINUTES

- (i) The Minutes of the Meeting held on 19 June 2014 were submitted and approved.
- (ii) The Minutes of the Special Meeting held 13 August 2014 were submitted and approved.

2. LIST OF DECISIONS FOR APPLICATIONS FOR PREMISES LICENCES

(i) Application for a Transfer of Premises Licence at The Cooperage, 178 High Street, Elgin

The Depute Clerk advised the Board that the application would be withdrawn from the agenda with the Board's consent as there were no longer any police objection and the matter could be dealt with by way of delegated powers. The Board all agreed and the application was not considered.

(ii) Application for a New Premises Licence at Buckie Thistle Football Club, Victoria Park, South Pringle Street, Buckie, Moray

The Depute Clerk introduced the application. Raymond Cardno, Sid Harris and Mark McCrae were in attendance for the applicant. The Board had attended on a site visit. The Board heard from the applicant and following discussions relating to the outstanding s.50 certificates and expected changes to the plans submitted in relation to part of the premises, the Board all agreed to defer the application until the next meeting on 1st October 2014

(iii) Application for a Review of Premises Licence at Victoria Park Function Hall, Victoria Park, Buckie, Moray.

The Depute Clerk introduced the item as a request for review from the owners of the Function Hall. Neil Ross, solicitor, was in attendance for the applicants. The Board heard from Mr Ross, who stated that the applicant's chosen option would be to have the premises licence transferred, and from representatives of Buckie Thistle FC. After clarification from the Depute Clerk, Councillor Tuke moved that the application be deferred to the next meeting on 1st October 2014. The motion was seconded by Councillor MacLean. Councillor McConachie amended the motion to proceed to transfer the licence with delegated power to the Depute Clerk to transfer the licence upon receipt of the applicant's s.34 application, irrespective of the licence holder's consent. The amendment was seconded by Councillor Allan. Councillors Howe, Jarvis, Cowie and Shepherd voted for the amendment and the amendment was carried 6 to 2.

(iv) Application for Variation (major) of Premises Licence at Co-Operative Group Limited, Coularbank Road, Lossiemouth, Moray.

The Depute Clerk introduced the application. There were no objections or representations. The Board all agreed to grant the application.

(v) Application for Variation (major) of Premises Licence at Grand Central, 3 West Church Street, Buckie, Moray.

The Depute Clerk introduced the application. The applicant, James John Cameron, was not present, although the Depute Clerk confirmed that the applicant had been cited. There had been representations received from Mr Duncan and Mr and Mrs Cranna, who were present. In view of the absence of the applicant the Board all agreed to defer the application to the next meeting on 1st October 2014.

(vi) Application for Variation (major) of Premises Licence at Zed Bar, Joannas, Downtown USA, Moray Playhouse, 195-199 High Street, Elgin, Moray

The Depute Clerk introduced the application. Lorna Murray, solicitor, appeared for the applicant. There were no objections or representations. The Board all agreed to grant the application

(vii) Application for Variation (major) of Premises Licence at Brodie Country Fayre, Brodie, By Forbes, Moray.

The Depute Clerk introduced the application. There were no objections or representations. The Board all agreed to grant the application.

(viii) Application for Variation (major) of Premises Licence at The Muckle Cross, 34 High Street, Elgin, Moray

The Depute Clerk introduced the application. There were no objections or representations. The Board all agreed to grant the application

(ix) Application for Variation (major) of Premises Licence at Christies of Fochabers, Garden Centre Restaurant, The Nurseries, Fochabers, Moray

The Depute Clerk introduced the application. There were no objections or representations. The Board all agreed to grant the application

(x) Application for Variation (major) of Premises Licence at Caberfeidh, Main Street, New Elgin, Elgin, Moray.

The Depute Clerk introduced the application. Lorna Murray, solicitor, appeared for the applicant. There were no objections or representations. The Board all agreed to grant the application. Councillor McConachie commented that the adult only gaming machine should not be accessible to children.

(xi) Application for Variation (major) of Premises Licence at Kirkie Bar, 50 Main Street, New Elgin, Moray.

The Depute Clerk introduced the application. Michael Alexander Taylor the applicant was present. The Board had attended on a site visit. 1 representation received within time was disseminated. The representer was not present. There was a further late representation on behalf of Environmental Health, represented by Barry Parkin. The Board heard from the parties regarding late submission. The applicant did not object. The explanation for late submission was administrative error and the representation as considered relevant. Accordingly the Board all agreed to hear the representation. Following discussion, the applicant requested to have the application deferred to the next meeting of the Board on 1st October. The Board all agreed to defer.

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

The Depute Clerk introduced the report and advised the Board that the licence fee due by The Crooked Inn at Alves remained unpaid. The Board all agreed to defer their decision to the next meeting on 1st October giving the licence holder a little more time to pay the outstanding licence fee.

4. THE SCHEME OF DELEGATION

The Depute Clerk advised that this report was to invite the Board to approve an amended Scheme of Delegation. Councillor Tuke requested that the Minute note that he would welcome the proposed change in legislation with regard to the revocation of a personal licence where the licence holder had not complied with training, to alleviate the current five year time-limit before the applicant may re-apply. The Board all agreed to approve the amended scheme of delegation.

5. APPOINTMENT OF DEPUTE CLERKS

The Depute Clerk introduced the report to appoint two further Depute Clerks being Ms Hilary Locker, Solicitor, and Ms Sonia Campbell, Solicitor. The Board all agreed to appoint the Depute Clerks.