

THE MORAY LICENSING BOARD

MINUTE OF THE MEETING OF THE MORAY LICENSING BOARD

The Moray Council Chambers, Council Headquarters, High Street, Elgin on Thursday 11 December 2014

PRESENT

Councillors: J Allan
G Cowie
M Howe
M McConachie
A McLean
R H Shepherd (Convenor)
C Tuke

APOLOGIES

Apologies were intimated on behalf of Councillor Cree

IN ATTENDANCE

Sean Hoath, Depute Clerk to the Licensing Board
Inspector Gillian Milne and Constable Ray Walker, Police Scotland
David Owen, Licensing Standards Officer

1. PRIOR MINUTES

- (i) The Minutes of the Meeting held on 9 October 2014 were submitted and approved.
- (ii) The Minutes of the Special Meeting held 1 December 2014 were submitted and approved.

2. LIST OF DECISIONS FOR APPLICATIONS FOR PREMISES LICENCES

(i) Application for a New Premises Licence at Windswept Brewing Co Ltd, Unit 13B Coularbank Industrial Estate, Lossiemouth

The Depute Clerk introduced the application and advised the applicant had been cited to the meeting and was in attendance. The Depute Clerk outlined the application for an off sales premises licence. The Board had site visited the premises and they agreed to grant the licence.

(ii) Application for a Variation to Premises Licence at Red Lion, 2-6 Tolbooth Street, Forres

The Depute Clerk introduced the application and advised the applicant had been cited to attend the meeting. Neil Ross solicitor represented the applicant. The Depute Clerk outlined the application to vary the operating plan to provide restaurant facilities and amend the terms and times for children and young people. The Board had site visited the premises and the applicant had agreed to the amendments requested by the police to the operating plan in terms of children and young persons therefore the Board agreed to grant the variation.

(iii) Application for a Variation to Premises Licence at the Craigellachie Distillery, Hill Street, Aberlour

The Depute Clerk introduced the application and advised the applicant had been cited to attend the meeting. Neil Ross solicitor represented the applicant. The Board had site visited the premises and agreed to the variation of the licence to cover another area on site for off sales.

3. LICENSING (SCOTLAND) ACT 2005 – PREMISES LICENCE REVIEW HEARING (REFERENCE NUMBER 1 OF 2014)

The Depute Clerk introduced the application for review of a premises licence made by the Chief Constable. The licence holder was in attendance and represented by Mr Walker solicitor. The Chief Constable's representative outlined the request for review. The Board were minded that a review was necessary which was not disputed by the licence holder's solicitor. The Board heard from both parties and recessed to take legal advice. On returning to the meeting Councillor Tuke made the motion that the licence should be suspended until intensive training of all staff had taken place. This was not to exceed 2 weeks. Councillor Howe seconded the motion but stipulated training must be supplied by an external provider. Councillor McLean made an amendment which agreed with the training but with no suspension of the licence but a writing warning and increased visits from the LSO with a report to the Board in 6 months. Councillor McConnachie seconded the amendment. The motion was carried with a vote of 5 for the motion and 2 for the amendment. The suspension was to take effect from 6pm to allow the licence holder to return to the premises and close it.

The Depute Clerk was to be informed by the training provider of when the training had been completed satisfactorily and then the suspension would be removed and the police advised.

4. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE REVIEW HEARING FOLLOWING APPLICATION FOR REVIEW BY THE CHIEF CONSTABLE (CASE NUMBER 3 OF 2014)

The Depute Clerk outlined the request for review was based on the case for the previous premises licence review and the licence holder was in attendance. The Chief Constable's representative agreed this was the case. Councillor McConnachie made the motion to endorse the licence which was seconded by Councillor Shepherd. Councillor Tuke made an amendment to suspend the licence for the same purpose as the premises licence, there was no seconder therefore the motion was carried as the decision of the Board.

5. LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE REVIEW HEARING FOLLOWING APPLICATION FOR REVIEW BY THE CHIEF CONSTABLE (CASE NUMBER 4 OF 2014)

The Depute Clerk introduced the application for review of a personal licence by the Chief Constable. He advised the licence holder had been cited to attend however the licence holder had not been able to attend. The Board decided to defer the hearing until the meeting on 22 January 2015.

6. LICENSING (SCOTLAND) ACT 2005 – ANNUAL REVIEW OF LICENSING FEES

The Depute Clerk introduced the report. The Board noted the contents of the report and agreed that no action was required in respect of altering the current fee structure at this time and to review further at the meeting of 11 June 2015.