



Licensing Committee

Wednesday, 22 January 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Licensing Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 22 January 2020 at 09:30.**

BUSINESS

- 1. Sederunt**
- 2. Declaration of Group Decisions and Members Interests ***
- 3. Resolution**

Consider, and if so decide, adopt the following resolution:
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 5 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

- 4. Minutes of Meeting on 6 November 2019** **5 - 8**
- 5. Application for a Taxi Driver Licence - TD-20-001**

- Information relating to action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

- 6. Question Time *****

Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

7. Summary of Licensing Committee functions:

To deal with all aspects of the issue of licenses by Local Authorities as required by Government; to deal with matters of Licensing and registration not falling within the functions of any other Committee.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

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THE MORAY COUNCIL

Licensing Committee

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor Louise Laing (Depute Chair)
Councillor George Alexander (Member)
Councillor James Allan (Member)
Councillor Theresa Coull (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor John Divers (Member)
Councillor Ryan Edwards (Member)
Councillor Donald Gatt (Member)
Councillor Marc Macrae (Member)
Councillor Aaron McLean (Member)
Councillor Maria McLean (Member)

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Minute of Meeting of the Licensing Committee

Wednesday, 06 November 2019

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Paula Coy, Councillor John Divers, Councillor Donald Gatt, Councillor Louise Laing, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean

APOLOGIES

Councillor Ryan Edwards, Councillor Amy Taylor

IN ATTENDANCE

Also in attendance at the above meeting were Sergeant Gill Flett, Police Scotland, Sean Hoath, Senior Solicitor and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Louise Laing.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillor's Code of Conduct there were no declarations from Group Leaders or spokespersons in regards to any prior decisions taken on how Members will vote on any item on the agenda.

3. Resolution

The Committee resolved, that in terms of Section 50A (4) (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 Schedule 7A of the Act.

Paragraph Number
of Minute

Paragraph Number of Schedule 7A and reason

14

Information relating to any action taken in connection with the prevention, investigation or prosecution of crime

4. Minute of the Meeting on 11 September 2019

The minute of the meeting of 11 September 2019 was submitted and approved.

5. Written Questions **

The Committee noted that there were no written questions.

6. Sex Entertainment Venues Report

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Committee to consider the responses received to the consultation carried out in relation to the provision of a new licensing regime for sex entertainment venues in Moray, and in light of those responses decide whether sex entertainment venues should be licensed.

Following consideration the Committee agreed to:

- i) note the responses received from the initial consultation process;
- ii) pass a resolution to licence Sex Entertainment Venues in Moray;
- iii) when appropriate instruct the Head of Legal and Democratic Services to publish a draft notice of the resolution as required either electronically or in a newspaper circulating locally; and
- iv) report back to Committee with any responses to a draft resolution along with a full Sex Entertainment Venues application process for approval including forms, guidance and a draft Sex Entertainment Venue policy statement, again developed in consultation with relevant interest groups.

7. Question Time ***

The Committee noted that no further questions were raised.

8. Application for Renewal of a Taxi Driver Licence (Case No. TD/19/005)

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked Committee to consider an application for renewal of a taxi driver licence received on 4 July 2019 subject to an adverse representation received from a consultee.

The Committee noted that the applicant was in attendance. The Chief Superintendent was represented by Sergeant Gillian Flett, Police Scotland.

Sergeant Flett addressed the Committee and responded to questions raised by the Committee.

The Applicant addressed the Committee and responded to questions raised by the

Committee.

Both Sergeant Flett and the applicant summed up their case.

Councillor Alexander moved to grant the licence renewal in respect of Case No. TD/19/005 as he was satisfied that on the balance of evidence the applicant was a fit and proper person. This was seconded by Councillor Divers.

Councillor Coy was of the view to refuse to grant the application for the renewal as she was satisfied on balance that the applicant was not a fit and proper person to hold a taxi driver licence having regard to the evidence presented. Therefore a ground for refusal existed and proposed that the Committee was obliged to refuse. The amendment was seconded by Councillor Macrae.

On the division there voted:

For the Motion (7)	Councillors Alexander, Divers, Allan, Coull, Cowie, Divers, A McLean and M McLean
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For the Amendment (3)	Councillors Coy, Macrae and Laing
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Abstentions (1)	Councillor Gatt
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Accordingly the motion became the finding of the meeting and the Committee agreed to grant the application for renewal.

