

MORAY COUNCIL

Minute of Meeting of the Licensing Committee

Wednesday, 11 September 2019

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

PRESENT

Councillor James Allan, Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Ryan Edwards, Councillor Donald Gatt, Councillor Louise Laing, Councillor Aaron McLean, Councillor Maria McLean, Councillor Amy Taylor

APOLOGIES

Councillor John Divers, Councillor Marc Macrae, Councillor Ron Shepherd

IN ATTENDANCE

Also in attendance at the above meeting were Sergeant Gill Flett, Police Scotland, Sean Hoath, Senior Solicitor, Jo Larsen, Licensing Standards Officer, Tracey Sutherland, Committee Services Officer all Moray Council.

1. Chair

The meeting was chaired by Councillor Amy Taylor.

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) and (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 of Schedule 7A of the Act.

Paragraph of Minute	Number	Paragraph Number of Schedule 7A
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with the prevention,
investigation or prosecution of crime

4. Minute of Meeting on 12 June 2019

The minute of the meeting of the Licensing Committee dated 12 June 2019 was submitted and approved.

5. Civic Government (Scotland) Act 1982 - Mandatory Review of Taxi Fares and Charges

A report by the Corporate Director (Corporate Services) invited the Committee to consider the responses received as part of the formal consultation carried out in relation to the review of the maximum fares and charges applicable to taxis and, in light of those responses, agree a new fare card.

Following consideration of the report and the responses received, Councillor Cowie moved to leave all charges the same as per the existing fare card including the fouling charge at the current level of £120. This was seconded by Councillor Aaron McLean

Councillor Gatt, seconded by Councillor Coy proposed leaving all charges the same as the existing fare card save for increasing the fouling charge to £150.

Following Councillor A McLean's summing up, Councillor Coy was minded to withdraw her second of Councillor Gatt's amendment. As a result of this, Councillor M McLean seconded Councillor Gatt's amendment.

On the division there voted:

For the Motion (7) Councillors Cowie, A McLean, Coull, Coy, Edwards, Laing and Taylor

For the Amendment (3) Councillors Gatt, M Mclean and Allan

Abstentions (0)

Accordingly the motion became the finding of the meeting and thereafter Committee agreed to:

- i) note the responses received from the formal consultation process;
- ii) fix the maximum fares and charges applicable to taxis in Moray as stated in the report; and
- iii) instruct the Head of Legal and Democratic Services to implement the new fare card from 29 December 2019.

6. Question Time ***

The Committee noted that there were no questions.

7. Civic Government (Scotland) Act 1982 - Application for Grant of a Taxi Driver Licence (Case No. TD/19/004) [Para 14]

A report by the Corporate Director (Corporate Services) invited the Committee to consider an application for the grant of a taxi driver licence validated on 17 July 2019 subject to a 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 Coy moved to refuse to grant the application for a taxi driver licence in respect of Case No. TD/19/004 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 the Committee was obliged to refuse. This was seconded by Councillor Taylor.

Councillor Edwards stated he was of the view that whilst it had been correct for the Committee to previously suspend the applicant's licence, he now thought it appropriate to propose an amendment to grant the licence as he was no longer satisfied on the balance of evidence, that the applicant was not a fit and proper person. The amendment was seconded by Councillor Gatt.

On the division there voted:

For the Motion (5) Councillors Coy, Taylor, Coull, Laing and A McLean

For the Amendment (5) Councillors Edwards, Gatt, Allan, Cowie and M McLean

Abstentions (0)

There being an equality of votes, and in terms of Standing Order 62(e), the Chair cast her casting vote in favour of the motion.

Accordingly the motion became the finding of the meeting and the Committee agreed to refuse to grant the licence.