

# MORAY COUNCIL

## 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.