

MORAY COUNCIL

MINUTE OF MEETING OF THE SPECIAL LICENSING COMMITTEE

THURSDAY 10 AND 17 SEPTEMBER 2020

REMOTE LOCATIONS via VIDEO CONFERENCE

PRESENT

Councillors Alexander, Allan, Coull, Cowie, Coy, Divers, Edwards, Gatt, A Mclean, M McLean, R McLean, Macrae and Nicol.

IN ATTENDANCE

PC Ray Walker (Police Scotland) Sean Hoath, Senior Solicitor, Sana Sarwar, Solicitor, Joanne Larson, Licensing Standards Officer and Tracey Sutherland Committee Services Officer as clerk to the meeting, all Moray Council.

1. CHAIR

Councillor L Nicol took the Chair.

ADJOURNMENT OF MEETING

Prior to discussion of the business the Committee were advised that the appellant had advised that he wished to be present at the meeting but wasn't available to attend the meeting due to communication issues.

Following discussion the Committee agreed to adjourn the meeting and reconvene at 09.30 am on Thursday 17 September 2020 in order that arrangements could be made that would allow the appellant to attend via mobile phone.

RESUMPTION OF MEETING

THURSDAY 17 SEPTEMBER 2020

REMOTE LOCATIONS via VIDEO CONFERENCE

PRESENT

Councillors Alexander, Allan, Coull, Cowie, Coy, Divers, Edwards, Gatt, A Mclean, M McLean, R McLean, Macrae and Nicol.

IN ATTENDANCE

PC Ray Walker (Police Scotland) Sean Hoath, Senior Solicitor, Sana Sarwar, Solicitor, Joanne Larson, Licensing Standards Officer and Moira Patrick, Democratic Services Manager all Moray Council.

2. CHAIR

Councillor L Nicol took the Chair.

3. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – POSSIBLE SUSPENSION OF A TAXI DRIVER LICENCE AND TAXI LICENCE (Case No.1 and 2 of 2020) [Para 14]

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Committee of a decision which was taken on 12 August 2020 by the Head of Governance Strategy and Performance, in consultation with the Chair of the Licensing Committee, to temporarily suspend both the above taxi driver licence and taxi operator licence with immediate effect under paragraph 12 of Schedule 1 to the above Act and to invite the Committee to consider whether to continue the suspension of the licence in question in light of the Chief Constable's request and in accordance with paragraph 11 of Schedule 1 to the Act.

The Committee noted that the licence holder was in attendance. The Chief Superintendent was represented by PC Ray Walker, Police Scotland.

PC Walker addressed the Committee and responded to questions raised by the Committee.

The Applicant declined to address the Committee and no questions were raised by the Committee.

Both PC Walker and the licence holder declined to sum up as they had nothing further to add to their earlier statements and confirmed that they had received a fair hearing from the Committee.

Councillor Aaron McLean moved that the Committee continue the suspension of the licences in question until the expiry dates unless there is a positive outcome from the court case in the appellant's favour, at which time the appellant can seek a review of the suspension.

Councillor Edwards stated that he was happy to support the motion by Councillor Aaron McLean and that the licenses be suspended with immediate effect.

For clarification the Senior Solicitor sought confirmation that the committee was in agreement that both licenses be suspended on the grounds that the license holder has or is likely to cause a public nuisance or cause a serious threat to public safety with immediate effect for the remainder of the term of the licenses and in the event of a successful outcome from the court case the appellant can seek a review of the suspension or apply again if in that time the licenses have expired.

There being no-one otherwise minded, this was agreed.