

MORAY COUNCIL

Minute of Meeting of the Licensing Committee

Wednesday, 15 November 2023

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

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Divers, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor Juli Harris, Councillor Graham Leadbitter, Councillor Paul McBain, Councillor Kathleen Robertson

APOLOGIES

Councillor Ben Williams

IN ATTENDANCE

Sean Hoath, Senior Solicitor; Jennifer Smith, Solicitor; Lindsey Robinson, Committee Services Officer, all Moray Council and PC Mitchell Dickson, Police Scotland.

1. Chair

Councillor Paul McBain, as Chair of the Licensing Committee, chaired the meeting.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 21 and 23 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.

3. Resolution

The Meeting resolved 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 Items 7, 8 and 9 of business on the grounds that they involve the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7a and Reason
7	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.
8	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.
9	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.

4. Minute of meeting held 6 September 2023

The minute of the meeting of the Licensing Committee held on 6 September was submitted and approved.

5. Written Questions **

The Committee noted that no written questions had been asked.

6. Question Time ***

The Committee noted that no questions were asked.

7. Registration of Private Landlords - Case No LR-23-001 [Para 14]

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Committee of an objection from Police Scotland to a landlord being registered under the requirements of the Antisocial Behaviour etc, (Scotland) Act 2004.

Mrs Smith introduced the report and advised the Committee that the applicant had been sent all of the paperwork and details of the meeting.

The Committee noted that the applicant was not in attendance. The Chief Constable was represented by PC Mitchell Dickson.

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The Committee were of the view that in the circumstances the applicant had been given a reasonable opportunity to attend the hearing and resolved to proceed with the hearing in his absence.

On the invitation of the Chair PC Dickson addressed the Committee and responded to questions from members.

Councillor Bloomfield moved that the application to be entered onto the register of landlords be refused as having regard to all the evidence the applicant was not a fit and proper person to be a registered landlord. This was seconded by Councillor Gatt.

There being no one otherwise minded the application for registration was refused.

8. Application for the grant of a Street Trader Licence - Case No ST-23-001 [Para 14]

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Committee to consider an application for a street trader's licence received on 27 February 2023 subject to an adverse representation received from a consultee.

Mr Hoath introduced the report and advised the Committee that the applicant had been sent all of the paperwork and details of the meeting. The Committee were of the view that in the circumstances the applicant had been given a reasonable opportunity to attend the hearing and resolved to proceed with the hearing in his absence.

Before the Committee considered the application, Mr Hoath advised that there was a technically late submission from Police Scotland as the previous Police representation had been upgraded to an objection as part of a second update letter. Mr Hoath asked the Committee if they were happy to accept the late submission. The Committee agreed unanimously that there was sufficient reason to accept the technically late additional information. Thereafter the second submission from Police Scotland was distributed to members.

Adjournment

The Chair called for a short adjournment to allow the Committee time to read the additional submission.

Resumption of meeting

Following a short adjournment the Committee noted that the applicant was not in attendance. The Chief Constable was represented by PC Mitchell Dickson.

On the invitation of the Chair PC Dickson addressed the Committee and responded to questions from members.

Councillor Bloomfield moved that the licence be refused as having regard to all the evidence the applicant was not a fit and proper person to hold a licence. This was seconded by Councillor Leadbitter who added that he also had serious concerns around the issue of public safety.

There being no one otherwise minded the Committee was obliged to refuse the licence application as the applicant was considered to be not a fit and proper person to hold a licence.

9. Application for the grant of a Taxi Driver Licence - Case No TD-23-002 [Para 14]

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Committee to consider an application for the grant of a taxi driver licence received on 12 October 2023 subject to an adverse representation received from a consultee.

Mrs Smith introduced the report and advised the Committee that the applicant had been sent all of the paperwork.

The Committee noted that the applicant was in attendance. The Chief Constable was represented by PC Mitchell Dickson.

The applicant confirmed his name and that he had received a copy of the Police letter.

On the invitation of the Chair PC Dickson addressed the Committee and responded to questions from members.

On the invitation of the Chair the Applicant advised the Committee that he had nothing further to added.

Mr Hoath advised the applicant that this was his opportunity to address the concerns raised by the Police representation. The applicant addressed the meeting and also

responded to questions from members. In particular the applicant advised that he had not declared his previous convictions as he did not understand the application form.

Mr Hoath sought to confirm that the applicant understood the proceedings and what was happening to which the applicant confirmed he understood.

Councillor Gatt moved that the licence be refused as having regard to all the evidence the applicant was not a fit and proper person to hold a licence. This was seconded by Councillor Cameron.

There being no one otherwise minded the Committee was obliged to refuse the licence application as the applicant was considered to be not a fit and proper person to hold a licence.