



Licensing Committee

Wednesday, 06 September 2023

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, 06 September 2023** 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 7 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. **Written Questions ****
5. **Minute of the meeting held 21 June 2023** 5 - 6
6. **Question Time *****

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

Item(s) which the Committee may wish to consider with the Press and Public excluded

7. **Application for Renewal of Taxi Driver Licence - Case No TD-23-001**

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

GUIDANCE NOTES

* **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.

THE MORAY COUNCIL

Licensing Committee

SEDERUNT

Councillor Paul McBain (Chair)
Councillor Peter Bloomfield (Depute Chair)

Councillor James Allan (Member)
Councillor Neil Cameron (Member)
Councillor Tracy Colyer (Member)
Councillor Theresa Coull (Member)
Councillor John Divers (Member)
Councillor Jérémie Fernandes (Member)
Councillor Donald Gatt (Member)
Councillor Juli Harris (Member)
Councillor Graham Leadbitter (Member)
Councillor Kathleen Robertson (Member)
Councillor Ben Williams (Member)

Clerk Name:	Lindsey Robinson
Clerk Telephone:	07966 120593
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Licensing Committee**Wednesday, 21 June 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, Councillor Ben Williams

IN ATTENDANCE

Also in attendance at the above meeting were Sean Hoath, Senior Solicitor, Jennifer Smith, Legal Advisor, Lindsey Robinson, Committee Services Officer as clerk to the meeting, all Moray Council, and Sergeant Neil Grant, 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 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 Item 8 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
8	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.

4. Minute of the Meeting of the Licensing Committee of 3 May 2023

The minute of the meeting of the Licensing Committee held on 3 May 2023 was submitted and approved.

5. Written Questions **

The Committee noted that no written question had been submitted.

6. Annual Functions Report

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought approval from the Committee to publish the draft annual functions report which incorporated a report from the Licensing Standards Officer.

During consideration Councillor Fernandes wished to thank the Licensing Standards Officer for the hard work shown in the report.

Thereafter the Committee agreed to note the draft Annual Functions report at Appendix 1 and that the final report be published.

7. Question Time ***

The Committee noted that no questions were asked.

8. Registration of Private Landlord - Case No RL-23-003 - [Para 14]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of an objection from Police Scotland to a landlord being registered as a private landlord under the requirements of the Antisocial Behaviour etc. (Scotland) Act 2004.

The legal advisor introduced the report and confirmed that the Committee had all received the additional meeting documents.

The Committee noted that the applicant was not in attendance. The Chief Constable was represented by Sergeant Neil Grant.

On the invitation of the Chair, Sergeant Grant addressed the Committee and responded to questions from members.

During consideration Councillor Bloomfield moved that the application be granted and this was seconded by Councillor Gatt.

Councillor Harris moved an amendment that the application be refused as she was of the opinion that the applicant was not a fit and proper person after hearing the Police objection. This was seconded by Councillor Fernandes.

On a division there voted:

For the Motion (10)	Councillors Bloomfield, Gatt, Allan, Cameron, Colyer, Coull, Divers, Leadbitter, McBain and Robertson
For the Amendment (3)	Councillors Harris, Fernandes and Williams
Abstentions (0)	

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