



Licensing Committee

Wednesday, 15 November 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, 15 November 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 XX 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. **Minute of meeting held 6 September 2023** 5 - 8
5. **Written Questions ****
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. **Registration of Private Landlords - Case No LR-23-001**

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

8. **Application for the grant of a Street Trader Licence - Case No ST-23-001**

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

9. **Application for the grant of a Taxi Driver Licence - Case No TD-23-002**

- 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, 06 September 2023

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

PRESENT

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

APOLOGIES

Councillor James Allan

IN ATTENDANCE

Sean Hoath, Senior Solicitor, Jennifer Smith, Legal Advisor, 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 Item 7 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.

4. Minute of the meeting held 21 June 2023

The minute of the meeting of the Licensing Committee held on 21 June 2023 was submitted and approved.

5. Written Questions **

The Committee noted that no written questions had been submitted.

6. Question Time ***

Short Term Lets

Councillor Robertson sought clarification on the number of short term lets there were in Moray, how many licences had been granted and how many were waiting to be processed.

In response the senior solicitor advised that the original estimate from the Scottish Government for the number of short term lets in Moray was 600 but this was just a provisional estimate. Currently there have been 37 licences granted and a further 169 are being processed or awaiting further information to allow processing to begin, giving a total of 206 but the number is increasing daily. He further advised that the true figure won't be known until after the deadline date.

Councillor Leadbitter sought clarification on the length of time taken for processing of the applications.

The senior solicitor advised that there have been a number of applications that have needed to provide extra information but the average time is 4 months from start to finish. He further advised that the online system was about to go live after extensive testing. This will ensure applicants have all of the information required at the time of submission as the system will not let them continue without it. The system will collect all of the information and transfer it on to the licensing system.

7. Application for Renewal of Taxi Driver Licence - Case No TD-23-001 [Para 14]

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Committee consider an application for the renewal of a taxi driver licence received on 21 June 2023 subject to an adverse representation received from a consultee.

The legal advisor introduced the report and confirmed with the applicant that he had received all of the paperwork. He further advised the Committee that there was an additional document from the applicant to help with any language barrier. This was circulated to Members.

Adjournment

The Chair called for a short adjournment to allow the Committee to read the statement from the applicant.

Resumption of meeting

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

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

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

The Chair moved that the renewal application be granted and there being no one otherwise minded the Committee unanimously agreed to grant the licence.

