

MORAY COUNCIL

Minute of Meeting of the Licensing Committee

Wednesday, 16 November 2022

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 Paul McBain, Councillor Kathleen Robertson, Councillor Ben Williams

IN ATTENDANCE

Also in attendance at the above meeting were Sean Hoath, Senior Solicitor, Lindsey Robinson, Committee Services Officer, as Clerk to the Committee, both Moray Council, and PC Mitch 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 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.

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 9 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.

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

4. Minutes

The minutes of the meetings of the Licensing Committee of 7 September 2022 and the Special Licensing Committee of 21 September 2022 were submitted and approved.

5. Written Questions **

The Committee noted that no written questions had been submitted.

6. Mandatory Review of Taxi Fares and Charges

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider the responses received as part of the formal consultation carried out in relation to the review of the maximum fares and charges applicable to taxis and, in light of those responses, to agree a new fare card. There are no powers delegated to officers in this regard.

During consideration, Councillor Gatt moved that the recommendations be agreed and expressed his disappointment in the lack of responses. This was seconded by Councillor Harris who also expressed her disappointment.

Thereafter, the Committee agreed:

- i. to note the views received from the formal consultation process;
- ii. the maximum fares and charges applicable to taxis in Moray to have effect from 10 December 2022; and
- iii. to instruct the Head of Governance, Strategy and Performance to publish the fare structure and issue a new fare card to all operators.

7. Annual Functions Report

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

During consideration, Councillor Robertson sought clarification as to why some short term let applicants were being charged for advice from planning even though there are no control zones in Moray. She asked for information to be added to the FAQ section of the website.

In response, the senior solicitor advised that the information relating to no control zones would be added to the FAQs. The charge raised against some applicants is a planning charge that they levy for advice and is currently looked at on a case by case basis. The Scottish Government were due to issue a circular to planning teams with a definitive view on short term lets, but this has been delayed as the draft was withdrawn after feedback.

Thereafter, the Committee agreed to note the draft annual functions report at Appendix 1 of the report, and agreed the final report to be published.

8. Question Time ***

Councillor Gatt sought clarification on how staff shortages within the legal department has affected licence processing.

In response, the Senior Solicitor advised that staffing had been an issue for some time. The legal department is split into a number of teams and the licensing team is

one member down. The majority of licence applications are dealt with through delegated powers and processed by the admin team. Moray has a quick turn around for these and this has not been affected by the staff numbers.

9. Application for the grant of a Taxi Driver Licence - Case No TD-22-004 - [Para 14]

A confidential report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider an application for the grant of a taxi driver licence received on 6 September 2022 subject to an adverse representation received from a consultee.

The Senior Solicitor introduced the report and confirmed to the Committee that it was a representation from Police Scotland, not an objection.

The Committee noted that the applicant was in attendance. The Chief Superintendent was represented by PC Mitch Dickson.

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 addressed the Committee and responded to questions from Members.

Councillor Fernandes moved that licence should be granted. The was seconded unanimously by the other Committee Members.

There being no one otherwise minded, the application was granted.