

# MORAY COUNCIL

## Minute of Meeting of the Licensing Committee

Wednesday, 08 December 2021

### Remote Locations via Video Conference

#### **PRESENT**

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Theresa Coull, Councillor Ryan Edwards, Councillor Donald Gatt, Councillor Marc Macrae, Councillor Ray McLean, Councillor Louise Nicol, Councillor Derek Ross, Councillor Amy Taylor

#### **APOLOGIES**

Councillor Gordon Cowie, Councillor Maria McLean

#### **IN ATTENDANCE**

Also in attendance at the above meeting were Sean Hoath, Senior Solicitor, Sana Sarwar, Solicitor, Sergeant Gill Flett, Police Scotland, Mr Dean Reeves, Licence Applicant, and Lindsey Robinson, Committee Services Officer as Clerk to the Committee.

#### **1. Chair**

Councillor Louise Nicol, as Depute 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. Minute of the Meeting 20 October 2021**

The Minute of the Meeting of the Licensing Committee on 20 October 2021 was submitted and approved.

#### **5. Written Questions \*\***

The Committee noted that no written questions had been submitted.

#### **6. Review of Licensing Fees**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) updated the Committee on the overall planned review of Civic Government and other miscellaneous fees.

Following consideration, the Committee agreed and noted the position on future fees and the planned revision of the same.

#### **7. Animal Welfare**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) presented to the Committee the application forms and supporting documents for the provision of new licensing regimes for various animal related licences in Moray.

During consideration, Councillor Bremner proposed that the fees for registered charities be set at 0% and that those with a charitable purpose should receive a 50% discount. This was seconded by Councillor Nicol.

Following consideration and as there was no one otherwise minded, the Committee agreed :

- i. to approve the full licence package including application form, fees and supporting documents to licence the following licence types in Moray:
  - a. selling animals as pets (to replace pet shop licences) produced at Appendix 1;
  - b. engaging in animal rehoming activities (new licence type) produced at Appendix 2;
  - c. operating an animal welfare establishment (new licence type) produced at Appendix 3;
  - d. breeding of dogs or cats or rabbits produced at Appendix 4 (to replace existing dog breeding licence and add new similar licences in respect of cats and rabbits);
- ii. to approve proposed application procedures including variations and fees; Appendix 5;
- iii. to an immediate implementation date for the complete licensing systems above; and
- iv. that fees for registered charities be set at 0% and that those with a charitable purpose should received a 50% discount.

## **8. Question Time \*\*\***

The Committee noted that no questions had been asked.

### **9. Application for the Grant of a Private Hire Driver Licence (Case No. PHD-21-001) [Para 14]**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider an application for the grant of a private hire driver licence received on 27 September 2021 subject to an objection received from a consultee.

The Committee noted that the applicant was in attendance. The Chief Superintendent was represented by Sergeant Gill Flett, Police Scotland.

The Senior Solicitor advised the Committee that there was a preliminary issue to be settled before the main case could be heard. The applicant has spent convictions and Police Scotland would like these to be heard by the Committee.

Sergeant Flett addressed the Committee and sought agreement that the spent convictions should be heard as the behaviour of the applicant meant that justice could not be done without hearing them.

The applicant had no comment on the preliminary issue.

Following consideration, the Committee agreed that they would hear the details on the most recent spent conviction only, on the basis that justice could not be done except by hearing that particular additional evidence. The Committee agreed that older spent convictions were not relevant considerations.

Sergeant Flett addressed the Committee and gave the details of the most recent spent conviction only.

The applicant addressed the Committee and responded to questions raised by the Committee.

Councillor Edwards stated that, in his opinion, the most relevant consideration was the current conviction and whilst the spent conviction did appear relevant, the primary consideration was the lack of honesty and integrity, evidenced by the current conviction. Taking account of all the evidence and circumstances Cllr Edwards was of the opinion the applicant was not a fit and proper person to hold the licence in question and moved to not grant the licence.

As there was no one otherwise minded, the licence was refused on the grounds of the applicant not being a fit and proper person to be the holder of a private hire licence.