



Licensing Committee

Wednesday, 03 May 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, 03 May 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 Items 7 and 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."

4. **Minute of the Meeting of the Licensing Committee of 8 February 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. Application for Grant of a Street Trader's Licence - Case No ST-23-001

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

8. Application for Grant of a Street Trader's Licence - Case No ST-23-002

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

Summary of Licensing Committee functions:

To deal with all aspects of the issue of licenses by Local Authorities as required by Government; to deal with matters of Licensing and registration not falling within the functions of any other Committee.

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, 08 February 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 Kathleen Robertson

APOLOGIES

Councillor Paul McBain, 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 Mitchell Dickson, Police Scotland.

1. Chair

Councillor Peter Bloomfield, 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, Councillor Coull declared a person interest in agenda item 6 "Application for Grant of a Public Entertainment Licence Case No. PEL 23-001".

There were no further 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. Order of Business

In terms of Standing Order 29 the Committee agreed to vary the order of business set down on the agenda and take item 6 "Application for Grant of a Public Entertainment Licence - Case No. PEL 23-001" as the last item of business and to hear it in the confidential session of the meeting.

4. 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 8 and 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
8	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime
9	9 - Information on terms proposed or to be proposed by or to the Authority.

5. Minute of the meeting of the Licensing Committee of 16 November 2022

The minute of the meeting of the Licensing Committee of 16 November 2023 were submitted and approved.

6. Written Questions **

The Committee noted that no written questions had been submitted.

7. Question Time ***

The Committee noted that no questions were asked.

8. Application for Grant of a Late Hours Catering Licence - Case No LHC - 23-001 [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 late hours catering licence received on 18 November 2022 subject to an adverse representation received from a consultee.

The senior solicitor introduced the report and confirmed that the applicant had received all of the paperwork.

The Committee noted that the applicant was 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.

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

Following consideration Councillor Gatt moved that the licence was granted with advice to the applicant to adhere to the law. This was seconded by Councillor Leadbitter.

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

9. Application for Grant of a Public Entertainment Licence - Case No PEL- 23-001 [Para 9]

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Committee to consider an application for the grant of a public entertainment licence received on 8 November 2022 subject to objections and adverse representations received from consultees.

Councillor Coull left the meeting at this juncture.

The senior solicitor introduced the report and advised the Committee that the outstanding issues were a letter of objection from Police Scotland and a letter of representation from Moray Council's Emergency Planning Service.

The Committee noted that the applicant was 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.

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

During consideration Councillor Bloomfield moved that the application be deferred to the special Committee meeting scheduled for 7 March 2023. This was seconded by Councillor Robertson.

Councillor Leadbitter moved an amendment that if, in the 4 weeks before the next meeting, all parties could come to an agreement and the objection and representation were withdrawn, then delegated authority should be given to officers to grant the licence, with the condition that the Committee are provided with a report from the event wash up. If the parties cannot reach an agreement then the application would come back to the meeting on 7 March 2023. This was seconded by Councillor Divers.

Councillor Robertson withdrew her support of the motion, in favour of the amendment. Accordingly the motion then fell.

Councillor Leadbitter further added that the licence, if granted, should be for 3 years as there were mechanisms within the licence to allow any issues to be brought back to the Committee. Councillor Divers was in agreement.

Thereafter the Committee agreed:

- i. to grant delegated authority to officers to grant the licence for 3 years with the condition of a report from the event washup brought back to the Committee if all parties can reach an agreement and for the objection and representation to be withdrawn before the meeting on 7 March 2023; and
- ii. that if there is no agreement in place the application will come back to the Committee meeting on 7 March 2023.

