



Licensing Committee

Wednesday, 20 February 2019

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, 20 February 2019 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 Previous Meeting held on 5 December 2018** 5 - 6
- 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. Civic Government (Scotland) Act 1982 - Application for Grant of a Taxi Driver Licence (Case No. TD/19002) [Para 12]

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

8. Civic Government (Scotland) Act 1982 - Possible Suspension of a Taxi Driver Licence (Case No. STD/19/001) [Para 12]

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

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

* **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.

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THE MORAY COUNCIL

Licensing Committee

SEDERUNT

Councillor Amy Patience (Chair)
Councillor Louise Laing (Depute Chair)
Councillor James Allan (Member)
Councillor Theresa Coull (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor John Divers (Member)
Councillor Ryan Edwards (Member)
Councillor Donald Gatt (Member)
Councillor Marc Macrae (Member)
Councillor Aaron McLean (Member)
Councillor Maria McLean (Member)
Councillor Ron Shepherd (Member)

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Minute of Meeting of the Licensing Committee

Wednesday, 05 December 2018

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

PRESENT

Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Paula Coy, Councillor John Divers, Councillor Donald Gatt, Councillor Louise Laing, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean

APOLOGIES

Councillor James Allan, Councillor Ryan Edwards, Councillor Amy Patience, Councillor Ron Shepherd

IN ATTENDANCE

Also in attendance at the above meeting were Sean Hoath, Senior Solicitor, Jo Larson Licensing Standards Officer and Tracey Sutherland, Committee Services Officer.

1. Chair

In the absence of Councillor Patience, the meeting was chaired by Councillor Laing, being the Depute Chair of Licensing Committee.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillor's Code of Conduct there were no declarations from group leaders or spokespersons in regards 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. Minute of the Meeting of 10 October 2018

The minute of the meeting of the Licensing Committee dated 10 October 2018 was submitted and approved.

4. Written Questions **

The Committee noted that no written questions had been submitted.

5. Review of Policy on Foreign Convictions Checks for Licence Applicants

A report by the Corporate Director (Corporate Services) invited the Committee to review the requirement for licence applicants to produce either evidence of foreign convictions or confirmation that they have none, in the form of a certificate.

Following a lengthy discussion Councillor Macrae, seconded by Councillor Aaron McLean, moved that the policy should be amended to reflect an amalgamation of options 1, 3 and 4 with the following criteria:

- If the applicant has been out of the country for 12 months or more checks must go back 10 years, this is in line with the NHS.
- A requirement that evidence of checks having been carried out if obtaining a foreign convictions certificate is not possible.
- Delegation to Officers to deem whether the alternative evidence is sufficient and if it is not, the application will be brought to the Committee for a decision.

As there was no one other wise minded the motion became the finding of the meeting.

Following consideration the Committee:-

- i. noted the content of the report;
- ii. noted the issues around the current foreign convictions application process, which places the onus on an applicant to provide information at the outlet of the application; and
- iii. the policy should be amended to reflect an amalgamation of options 1, 3 and 4 with the following criteria:
 - If the applicant has been out of the country for 12 months or more checks must go back 10 years, this is in line with the NHS.
 - A requirement that evidence of checks having been carried out if obtaining a foreign convictions certificate is not possible.
 - Delegation to Officers to deem whether the alternative evidence is sufficient and if it is not, the application will be brought to the Committee for a decision.

6. Question Time ***

There were no further questions.