

MORAY COUNCIL

Minute of Meeting of the Licensing Committee

Wednesday, 03 May 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 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 meeting, both Moray Council and Sergeant Neil Grant, 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 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 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.

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.
8	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.

4. Minute of the Meeting of the Licensing Committee of 8 February 2023

The minute of the meeting of the Licensing Committee of 8 February 2023 was submitted and approved.

5. Written Questions **

The Committee noted that no written questions had been submitted.

6. Question Time ***

The Committee noted that no questions were asked.

7. Application for Grant of a Street Trader's Licence - Case No ST-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 street trader's licence received on 27 February 2023 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 Sergeant Neil Grant.

On the invitation of the Chair, Sergeant Grant 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.

During consideration, Councillor Gatt moved that the decision be deferred for 3 months to allow for the court case to conclude. This was seconded by Councillor Bloomfield.

Councillor Divers proposed an amendment to the motion raised by Councillor Gatt, in that the deadline for the decision is 27 November so the decision should be deferred to the meeting directly before hand to allow for the maximum time available to receive an outcome from the court. This would be the meeting scheduled for 15 November 2023. This was seconded by Councillor Harris.

Upon hearing the proposed amendment, Councillor Gatt withdrew his motion. This was agreed by Councillor Bloomfield.

Councillor Fernandes, seconded by Councillor Cameron, moved an amendment that the licence should be granted.

On a division there voted:

For the Motion (8)	Councillors Divers, Harris, Bloomfield, Coull, Gatt, Leadbitter, McBain and Robertson
For the Amendment (4)	Councillors Fernandes, Cameron, Allan and Colyer
Abstentions (1)	Councillor Williams

Accordingly the motion became the finding of the meeting and the Committee agreed to defer the decision until 15 November 2023.

8. Application for Grant of a Street Trader's Licence - Case No ST-23-002
[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 street trader's licence received on 11 January 2023 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 Sergeant Neil Grant.

On the invitation of the Chair, Sergeant Grant addressed the Committee and advised that additional information was available.

The senior solicitor confirmed that the applicant was happy to proceed.

The Committee agreed to hear the additional information from Police Scotland.

Sergeant Grant updated 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, the Chair moved that the licence be granted, and there being no one otherwise minded, the licence was granted.