

MORAY COUNCIL

Minute of Special Meeting of the Licensing Committee

Wednesday, 02 March 2022

Remote Locations via Video Conference,

PRESENT

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

APOLOGIES

Councillor Louise Nicol, Councillor Sonya Warren

IN ATTENDANCE

Also in attendance at the above meeting were Sergeant Neil Grant, Police Scotland, Sean Hoath, Senior Solicitor, Sana Sarwar, Solicitor and Tracey Sutherland, Committee Services Officer, all Moray Council.

1. Chair

The meeting was chaired by Councillor Gordon Cowie.

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 3 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 the Minute	Paragraph Number of Schedule 7A and reason
4	14 Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.

4. Possible Suspension of Taxi Driver License - STD22-001

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider a letter of complaint that had been received on behalf of the Chief Constable in respect of the holder of a current taxi driver licence in which the Chief Constable requested the suspension of the licence.

The Committee noted that the licence holder was not in attendance. The Senior Solicitor confirmed that the licence holder had been sent a Notice of Hearing and the notice was sent recorded delivery and duly signed for. He further added that it was for the Committee to decide whether to continue with the hearing or to defer and give the licence holder the opportunity to attend.

The Chair advised that he was happy for the Committee to carry on in the absence of the Licence Holder and there being no one otherwise minded the Committee continued.

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

Councillor Edwards stated that, in his opinion on hearing all the information presented, the tests had been met, and the licence holder was not a fit and proper person to hold a taxi driver licence and the carrying on of the activity has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety. Accordingly Cllr Edwards moved to revoke the licence with immediate effect, being satisfied that the circumstances and threat justified the immediate order. This was seconded by Councillor Bremner.

Councillor Alexander, seconded by Councillor Coull, agreed the tests had been met and agreed that immediate effect as justified but instead proposed suspending the licence for the remainder of the licence period or until the court case had taken place whichever was the soonest.

On the division there voted:

For the Motion (7) Councillors Edwards, Gatt, Macrae, M McLean, R McLean, Taylor and Ross

For the Amendment (5) Councillors Alexander, Coull, Allan, Bremner and Cowie.

Abstention (0)

Accordingly the motion became the finding of the meeting and the Committee agreed to revoke the licence with immediate effect on the grounds the applicant not being a fit and proper person to be the holder of a Taxi Driver Licence.