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## Licensing Committee

**Wednesday, 09 February 2022**

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Licensing Committee** is to be held at **Remote Locations via Video Conference**, on **Wednesday, 09 February 2022** 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 7 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 Meeting 8 December 2021**

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 a Taxi Driver Licence - TD-22-001**

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

**Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:**  
**[http://www.moray.gov.uk/moray\\_standard/page\\_43661.html](http://www.moray.gov.uk/moray_standard/page_43661.html)**  
**to watch the meeting live.**

## 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 Gordon Cowie (Chair)  
Councillor Louise Nicol (Depute Chair)

Councillor George Alexander (Member)  
Councillor James Allan (Member)  
Councillor David Bremner (Member)  
Councillor Theresa Coull (Member)  
Councillor Ryan Edwards (Member)  
Councillor Donald Gatt (Member)  
Councillor Marc Macrae (Member)  
Councillor Maria McLean (Member)  
Councillor Ray McLean (Member)  
Councillor Derek Ross (Member)  
Councillor Amy Taylor (Member)  
Councillor Sonya Warren (Member)

Clerk Name:	Lindsey Robinson
Clerk Telephone:	07966 120593
Clerk Email:	committee.services@moray.gov.uk

**Minute of Meeting of the Licensing Committee**

**Wednesday, 8 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.

