

MORAY COUNCIL

Minute of Meeting of the Licensing Committee

Wednesday, 9 February 2022

Remote Locations via Video Conference

PRESENT

Councillor George Alexander, 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 Louise Nicol, Councillor Derek Ross, Councillor Sonya Warren

APOLOGIES

Councillor James Allan, Councillor Amy Taylor

IN ATTENDANCE

Also in attendance were Sean Hoath, Senior Solicitor, Sana Sarwar, Solicitor, Sergeant Gill Flett, Police Scotland, and Lindsey Robinson, Committee Services Officer as Clerk to the Committee.

1. Chair

Councillor Gordon Cowie, as 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 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. Resolution

The Committee 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 7 of business on the grounds that it involves the likely disclosure of exempt information of the class describes 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.

4. Minute of Meeting 8 December 2021

The Minute of the Meeting of the Licensing Committee on 8 December 2021 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 had been asked.

7. Application for a Taxi Driver Licence - TD-22-001

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider an application for the granting of a taxi driver licence received on 18 November 2021 subject to an adverse representation 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 were two preliminary issues to be settled before the main case could be heard. The first being that the representations from Police Scotland were received outwith the specified timescale and therefore the Committee were required to make a decision about whether or not to accept the late submission. The second being that the applicant has spent convictions and Police Scotland would like these to be heard by the Committee. With regard to the late submission, Sergeant Flett advised the Committee that the reason was due to an administration error by a new member of staff. The item was closed off instead of being passed on to Sergeant Flett.

The applicant had no comment on the first preliminary issue.

Following consideration, the Committee agreed that they would like to see the Police Scotland representation letter as the administration error was made by a new member of staff and as such was an adequate reason to allow the submission.

The letter was emailed to the Committee and they were given time to read the contents.

Cllr Warren joined the meeting at this juncture and, following consideration, was only an observer and did not take part in any decision making.

With regard to the spent convictions, Sergeant Flett addressed the Committee and sought agreement that the spent conviction should be heard as it was relevant to road safety and that justice could not be done without hearing it.

The applicant had no comment on the second preliminary issue.

Following consideration, the Committee agreed that they would hear the details of the spent conviction due to the relevancy to road safety and how recent it was. The Committee agreed that justice could not be done without hearing the evidence.

The letter was emailed to the Committee and they were given time to read this.

Sergeant Flett addressed the Committee and gave details of the spent conviction.

The applicant addressed the Committee and responded to questions raised by the Committee.

Following consideration, Councillor Alexander moved that the licence be granted as, in his opinion, the applicant had learned from his mistake. This was seconded by Councillor Edwards.

As there was no one otherwise minded, the licence was granted.

The Committee joined the Chair in thanking Sergeant Flett for her work with the Committee as this would be her last meeting, due to her retirement from Police Scotland and wished her all the best for the future.