

# **MORAY COUNCIL**

## **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.