

MORAY COUNCIL

Minute of Meeting of the Licensing Committee

Wednesday, 07 September 2022

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 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 Committee, both Moray Council, and PC Brian Milne, 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 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 Items 8, 9 and 10 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
8	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime
9	14 - Information relating to any action taken in connection with the prevention, investigation or prosecution of crime
10	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 22 June 2022

The minute of the meeting of the Licensing Committee dated 22 June 2022 was submitted and approved.

5. Written Questions **

The Committee noted that no written questions had been submitted.

6. Mandatory Taxi Fare Review

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider the outcome of the recent taxi fare consultation and either resolve to keep taxi fares the same or formulate a set of alternative proposals for the maximum fares and charges applicable to taxis. No powers are delegated to officers in this regard.

Following lengthy discussion during which the Committee noted the very low response to the consultation, Councillor Gatt moved that there should be a 10% increase in fares across the board. This was seconded by Councillor Bloomfield.

As an amendment Councillor Coull moved that there should be a 10% increase in fares across the board and that the fouling charge be increased to £200. This was seconded by Councillor Fernandes.

On a division there voted: -

For the Motion (3)	Councillors Gatt, Bloomfield and McBain
For the Amendment (6)	Councillors Coull, Fernandes, Allan, Divers, Harris and Williams
Abstentions (3)	Cllrs Cameron, Colyer and Robertson

Accordingly the Amendment became the finding of the meeting and the Committee agreed to increase taxi fares by 10% across the board and to increase the fouling charge to £200.

7. Question Time ***

The Committee noted that no questions were asked.

8. Vary Order of Business

In terms of Standing Order 28, the Committee agreed to vary the order of the confidential business set down on the agenda and take item 10 "Case No STD-22-002" as the next item of business as the applicant had joined the meeting remotely.

9. Case No STD-22-002 [Para 14]

A confidential report by the Depute Chief Executive (Education, Communities and Organisational Development) advised the Committee that a letter of complaint has been received on behalf of the Chief Constable in respect of the holder of a current taxi driver licence. There are no powers delegated to the Head of Strategy and Performance in this regard. The matter must therefore be determined by the Licensing Committee.

The Senior Solicitor introduced the report and confirmed that the Committee were not restricted to grounds relied upon by the Police; it may on its own motion consider suspension or revocation of the licence on the grounds set out in paragraph 5 of the report.

The Committee noted that the applicant was in attendance remotely. The Chief Superintendent was represented by PC Brian Milne, Police Scotland.

On the invitation of the Chair, PC Milne addressed the Committee and responded to questions from Members.

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

As the applicant had not received two weeks notice of the meeting, the Committee agreed to defer the hearing until 21 September 2022.

The applicant stated that as proof that he would not be working in the meantime and he would hand in his taxi licence. This was agreed by the Committee.

10. Registration of Private Landlords [Para 14]

A confidential report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of an objection to a landlord being registered as a private landlord under the requirements of the Antisocial Behaviour etc (Scotland) Act 2004.

The Senior Solicitor introduced the report and confirmed to the Committee that the applicant was not present but the letter sent was signed for on 25 August to confirm delivery.

The Committee noted that the Chief Superintendent was represented by PC Brian Milne, Police Scotland, and agreed that as the applicant had chosen not to attend the case would be heard in their absence.

On the invitation of the Chair, PC Milne addressed the Committee and responded to questions from Members.

Councillor Bloomfield moved that the applicant was not a fit and proper person to be a private landlord based on all of the evidence presented. This was seconded by Councillor Coull.

There being no one otherwise minded, the application was refused.

11. Case No SHD-22-001 [Para 14]

A confidential report by the Depute Chief Executive asked the Committee to consider an application for the grant of a second hand dealer licence received on 26 May 2022 subject to an adverse representation received from a consultee.

The Senior Solicitor introduced the report and confirmed to the Committee that it was a representation from Police Scotland, not an objection.

The Committee noted that the applicant was in attendance. The Chief Superintendent was represented by PC Brian Milne.

On the invitation of the Chair, PC Milne addressed the Committee and responded to questions from Members.

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

Councillor Coull moved that the licence be granted due to the issues faced by the applicant. This was seconded by Councillor Robertson.

There being no one otherwise minded, the application was granted.