

THE MORAY COUNCIL
MINUTE OF MEETING OF THE LICENSING COMMITTEE

WEDNESDAY 17 AUGUST 2005

COUNCIL OFFICE, ELGIN

PRESENT

Councillors A. Bisset (Chairman), R.J. Burns, T.M. Bothwell, A.E. Coutts, J. Hamilton, S.D.I. Longmore, R. Sim and A. Urquhart

IN ATTENDANCE

The Principal Solicitor (Litigation & Licensing), Mrs G Anderson, Solicitor (Litigation and Licensing), Sergeant J Davidson, Grampian Police and Mrs C Carswell, Administration Officer who acted as Clerk to the meeting.

APOLOGIES

Apologies for absence were intimated on behalf of R.H. Shepherd, J.A. Divers and P.B. Paul.

1. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 the meeting noted that 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.

2. EXEMPT INFORMATION

The Meeting agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the Meeting during consideration of the items of business appearing at the relevant paragraphs of this Minute as specified below so as to avoid disclosure of exempt information of the class described in the appropriate paragraph of Part I of Schedule 7A of the Act.

Para No. of Minute
15

Para No. of Schedule 7A
14

3. FIREWORKS (SCOTLAND) REGULATIONS 2004

There was submitted a report by the Chief Legal Officer inviting the Committee to delegate powers to the Chief Legal Officer to grant applications for dispensation in terms of the Fireworks (Scotland) Regulations 2004 providing there are no objections to such applications.

The Principal Solicitor explained the Council's responsibilities under the Fireworks (Scotland) Regulation 2004.

Following consideration the Committee agreed to delegate powers to the Chief Legal Officer to grant applications for the dispensation under the Fireworks (Scotland) Regulation 2004 providing there are no objections to such applications.

4. SCOTTISH EXECUTIVE CONSULTATION – PROPOSALS FOR THE LICENSING OF TAXI/PRIVATE HIRE CAR BOOKING OFFICES

There was submitted a report by the Chief Legal Officer inviting the Committee to note that the Scottish Executive are currently consulting on proposals for the licensing of taxi/private hire car booking offices and to consider whether the Committee wishes to submit a response to the consultation.

The Principal Solicitor (Litigation & Licensing) advised that she did not perceive this to be an issue in Moray.

Following consideration the Committee agreed to note the consultation, and agreed that they did not wish to submit a response.

5. TAXI AND PRIVATE HIRE VEHICLE LICENSING – REVIEW OF FEES

There was submitted a report by the Chief Legal Officer inviting the Committee to consider what fee should be charged in relation to applications for taxi and private hire car operator's licences.

The Solicitor (Litigation & Licensing) circulated a breakdown of the figures associated with carrying out the taxi licensing function. The Chairman advised the Committee that the application fees had not changed since 1992. She confirmed that the duration of Operator License had been extended from 1 year to 3 but the application fee of £60 had not been increased.

Following consideration and on the motion of Councillor Coutts, seconded by Councillor Sim the Committee agreed that the fee in relation to application for taxi price hire car operators license should be set at £200.

6. LICENCES DEALT WITH UNDER DELEGATED POWERS

There was submitted and noted a report by the Chief Legal Officer informing the Committee of Licences which have been dealt with under delegated powers in terms of the legislation as noted in the report.

7. PUBLIC ENTERTAINMENT LICENCE FEE – APPLICATION FOR REBATE

There was submitted a report by the Chief Legal Officer inviting the Committee to consider an application by a Charitable body for a rebate of the £100 fee paid in respect of an application for a Public Entertainment Licence.

The Committee agreed to refund the cost of the application fee for a Public Entertainment Licence to Keith Chaos Live.

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR A TAXI DRIVER LICENCE (CASE NO. TD/05/005)

There was submitted a report by the Chief Legal Officer informing the Committee that an application for a Taxi Driver Licence had been submitted by Mr Christopher Halliwell, 4 Coulardhill, Lossiemouth.

The Committee noted that the Applicant was currently offshore but his grandmother, Mrs E Thomson would represent him.

On the invitation of the Chairman, the Applicant's Representative addressed the Committee.

On the invitation of the Chairman, Sergeant J Davidson reiterated the Chief Constable's letter of objection.

The Committee took the opportunity to question the Applicant's Representative.

Following consideration and on the motion of Councillor E Coutts, seconded by the Chairman, the meeting agreed to refuse the application on the grounds that the applicant was not a fit and proper person to be the holder of a licence.

9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR RENEWAL OF A TAXI DRIVER LICENCE (CASE NO. TD/05/006)

There was submitted a report by the Chief Legal Officer informing the Committee that an application for renewal of a Taxi Driver Licence had been submitted by Mr Dennis Masson, 60 High Street, Forres.

The Committee noted that the Applicant was not present.

The Principal Solicitor (Litigation & Licensing) advised the Committee that the Applicant had been notified of the meeting by Recorded Delivery Letter and advised the Committee that they were entitled to consider the application without the Applicant being present.

The Committee agreed to defer the application until the next meeting of the Licensing Committee in order to hear from the Applicant.

10. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR RENEWAL OF A TAXI DRIVER LICENCE (CASE NO. TD/05/007)

There was submitted a report by the Chief Legal Officer informing the Committee that an application for the renewal of a Taxi Driver Licence had been submitted by Mr Kenneth Allan, 11 Meadow Crescent, New Elgin, Elgin.

The Committee noted that the Applicant was present.

On the invitation of the Chairman, the Applicant addressed the meeting.

On the invitation of the Chairman, Sergeant J Davidson reiterated the Chief Constable's letter of observation.

The Committee took the opportunity to question the Applicant.

Following consideration and on the motion of Councillor R Sim, seconded by Councillor S Longmore the meeting agreed to grant the renewal of the Taxi Driver Licence.

11. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR RENEWAL OF A TAXI DRIVER LICENCE (CASE NO. TD/05/008)

There was submitted a report by the Chief Legal Officer informing the Committee that an application for the renewal of a Taxi Driver Licence had been submitted by Mr Alan Crawford, 26 Stuart Street, Forres.

The Committee noted that the Applicant was not present.

The Principal Solicitor (Litigation & Licensing) advised that she had received a letter of representation from the Applicant and this was circulated to the members of the Committee.

On the invitation of the Chairman, Sergeant J Davidson reiterated the Chief Constable's letter of observation.

Following consideration, the Committee agreed to grant the renewal of the Taxi Driver Licence.

12. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR A TEMPORARY TAXI DRIVER LICENCE (CASE NO. TD/05/010)

There was submitted a report by the Chief Legal Officer informing the Committee that an application for a temporary Taxi Driver Licence had been submitted by Mr William Duncan, Waldon, Braeside of Findrassie, Elgin.

Councillor R. Sim declared a personal interest in the item and left the room.

The Principal Solicitor (Litigation & Licensing) advised that she had received a letter from the Applicant and had not circulated the same due to the Applicant advising that he would be present at the meeting.

On the invitation of the Chairman the Applicant addressed the meeting.

On the invitation of the Chairman, Sergeant J Davidson reiterated the Chief Constable's letter of observation.

The Committee took the opportunity to question the Applicant.

The Principal Solicitor (Litigation & Licensing) advised the Committee of the provisions relating to the application for a temporary taxi driver licence.

Following consideration and on the motion of Councillor S Longmore seconded by Councillor T Bothwell the meeting agreed to refuse the application on the grounds that the Applicant is not a fit and proper person to hold a temporary Taxi Driver Licence.

13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – POSSIBLE SUSPENSION OF TAXI DRIVER LICENCE (CASE NO STD/05/001)

There was submitted a report by the Chief Legal Officer inviting the Committee to consider the terms of a letter received from Mr Charles Harvey, 20 Brodie Place, Bishopmill, Elgin, the holder of a current taxi driver's licence in relation to a charge of benefit fraud and to consider whether, in light of this information, it wished to hold a suspension hearing in relation to Mr Harvey's taxi driver's licence.

The Principal Solicitor (Litigation & Licensing) advised the Committee that she had received a letter from the Inland Revenue and from Mr Harvey's employers and these were circulated.

The Committee noted that the Applicant was not present but Ms M McDonald was there as his representative.

The Chairman moved that in the circumstances of the case, consideration should be deferred in order to hold a Suspension Hearing in relation to Mr Harvey's driver licence on the 21st September 2005 at 9.30am. He asked that the Licence holder be present.

14. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – POSSIBLE SUSPENSION OF TAXI OPERATOR AND TAXI DRIVER LICENCES (CASE NO STO&D/05/001)

There was submitted a report by the Chief Legal Officer inviting the Committee to consider the terms of a letter received from Mr Gordon Wells, 69 Land Street, New Elgin, Elgin, the holder of current taxi operator and taxi driver licences in relation to a charge of benefit fraud and consider whether, in light of this information, it wishes to hold a suspension hearing in relation to Mr Well's taxi operator and taxi driver licences.

The Principal Solicitor (Litigation & Licensing) advised the Committee that she had received a letter from the Inland Revenue and from Grampian Police and these were circulated to Committee members.

The Committee noted that the Licence holder was present.

The Chairman moved that in the circumstances of the case, consideration should be deferred in order to hold a Suspension Hearing in relation to Mr Well's Taxi Operator and driver licences on the 21st September 2005 at 9.30am.

15. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR RENEWAL OF A TAXI DRIVER LICENCE (CASE NO. TD/05/009) (PARA. 14)

There was submitted a report by the Chief Legal Officer informing the Committee that an application for renewal of a Taxi Driver Licence had been submitted.

The Committee noted that the Applicant was present.

On the invitation of the Chairman, the Applicant addressed the Committee.

Sergeant J Davidson reiterated the terms of the Chief Constable's letter of observation and confirmed that, in relation to the pending case, the Applicant had appeared at a Trial Diet on 19th July 2005 and the case was found to be not proven.

The Committee took the opportunity to question the Applicant.

Following consideration the Committee agreed to grant the renewal of the Applicant's Taxi Driver License.