

**THE MORAY COUNCIL**  
**MINUTE OF MEETING OF THE LICENSING COMMITTEE**  
**2 APRIL 2008**  
**COUNCIL OFFICE, ELGIN**

**PRESENT**

G Coull, J Divers, J Hamilton, F Murdoch, M McConachie, A McDonald, G McIntyre, I Ogilvie, D Ross, J Russell and D Stewart.

**IN ATTENDANCE**

Mr S Hoath, Solicitor, (Litigation and licensing), Mr V Valiente, Trainee Solicitor (Litigation and Licensing) and Mrs S. Kennedy, Committee Services Officer, Clerk to the meeting.

**APOLOGIES**

Apologies for absence were intimated on behalf of Councillors R Shepherd (Chair), S Cree and A McKay.

**1. CHAIR**

In the absence of the Chair, the Committee agreed that Councillor Ross take the chair for the meeting.

**2. DECLARATION OF GROUP DECISIONS**

In terms of the relevant Standing Order 20 and the Councillor's Code of Conduct 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.

**3. WRITTEN QUESTIONS**

There were no written questions at this meeting.

**4. 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 detailed in the report.

**5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR A WINDOW CLEANER LICENCE (Case No. WC/08/001)**

There was submitted a report by the Chief Legal Officer inviting the Committee to consider an application for a Window Cleaner Licence submitted in Case No. WC/08/001.

The Committee noted that the Applicant was present.

The Committee noted the procedure to be followed in respect of spent convictions and agreed that Mr S Hoath, Solicitor, (Litigation & Licensing) review the spent convictions. Having done so, he advised the Committee that due to the age and the nature of the offences the spent convictions were of relevance to the application and justice could not be done without admitting them into their consideration. The Committee accepted the advice and the Clerk circulated copies of the spent convictions to the Committee.

On the invitation of the Chairman, Inspector A McBey, reiterated the terms of Grampian Police's letter of representation.

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

The Committee took the opportunity to question the Applicant. The Applicant made no further comments on the spent convictions.

In response to Members queries regarding information contained in the application form, Mr V Valiente, Trainee Solicitor, (Litigation & Licensing) clarified the position to the Committee.

Thereafter, the Chair moved that the application be refused as the applicant was not a fit and proper person to hold a window cleaning licence due to the nature of his offences.

There being no-one otherwise minded the Committee agreed to refuse the application for a Window Cleaner licence in case no WC/08/001.

#### **6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR A HOUSE IN MULTIPLE OCCUPATION (HMO) – 66B HIGH STREET, FORRES IV36 1PG**

There was submitted a joint report by the Environmental Health Manager and the Chief Legal Officer inviting the Committee to consider an application for a licence for a House in Multiple Occupation (HMO) at 66B High Street, Forres IV36 1PG.

The Committee noted that the Applicant and his Solicitor, Ms Janice Smith were present.

Prior to the Committee considering the application, the Applicant's Solicitor, raised a preliminary matter in regard to the application and asked the Committee to delete reference to Mr Ahmed as the manager of the business, and replace this with the applicant as the manager of the business.

The HMO Officer, Ian Younie advised the Committee that any changes to the application would require the applicant to submit a new application.

Inspector A McBey, also advised the Committee that any changes to the application would require a new letter of representation to be submitted by Grampian Police.

Mr S Hoath, Solicitor, (Litigation & Licensing) advised the Committee that this was a procedural matter and if the Committee was so minded they could proceed to hear the application.

Thereafter, Councillor Divers moved that on hearing the advice from Ian Younie, HMO Officer and Inspector A McBey, Grampian Police that a new application would be required to be submitted.

There being no-one otherwise minded the Committee agreed that a new application would be required.

The applicant's solicitor asked that the application be withdrawn.

The Committee accepted the withdrawal of the application.