

THE MORAY COUNCIL
MINUTE OF SPECIAL MEETING OF THE LICENSING COMMITTEE
THURSDAY 25 MARCH 2010
COUNCIL OFFICE, ELGIN

PRESENT

Councillors R Shepherd (Chair), J Cree, J Divers, A McDonald, G McIntyre, D Ross, M Shand, and D Stewart

IN ATTENDANCE

Mr T Haynes, Solicitor (Litigation & Licensing), Inspector E Strachan, Constable N Mone (Grampian Police) and Mrs S Kennedy, Committee Services Officer, who acted as Clerk to the meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors J Hamilton, M McConachie, E McGillivray, A McKay, J Sharp and A Wright (ex-officio).

1. DECLARATION OF GROUP DECISIONS

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 Members Interest in respect of any item on the Agenda.

2. EXEMPT INFORMATION

The meeting resolved that in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, 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 paragraphs of Part 1 of Schedule 7A of the Act.

Para No of Minute

3

Para No of Schedule 7A

14

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - POSSIBLE TEMPORARY SUSPENSION OF A TAXI DRIVER LICENCE (CASE NO STD/10/001) (Para 14)

Prior to the commencement of the meeting Inspector E Strachan apologised to the Licensing Committee for the non-attendance of a police representative at their meeting on the 24 February 2010.

There was submitted a report by the Chief Legal Officer advising the Committee of a serious allegation that had arisen in respect of the current holder of a Taxi Driver Licence in case number STD/10/001 and that public order and/or safety was potentially comprised. The Committee were asked to consider the matter urgently to take any action that they saw fit to preserve public order and/or safety.

Mr T Haynes, Solicitor (Litigation and Licensing) advised the meeting that he had received a request from Grampian Police for a suspension of the licence-holder's licence in terms of Paragraph 12 of Schedule 1 of the 1982 Act. This request had been made as a result of letters of complaint from two former employees and one parent customer of the licence-holder. Following further investigations following these complaints, the police had reached the opinion that if the licence-holder was allowed to continue to drive a taxi he was likely to cause a serious threat to public safety. He further advised that under the legislation there was no right for the licence-holder to be heard and there was no right of appeal. Consequently the licence-holder was not aware of this meeting. Mr Haynes went on to explain that the maximum period of suspension in terms of Paragraph 12 of Schedule 1 of the 1982 Act was 6 weeks from the date of the decision, or the date of any decision whether or not to suspend in terms of Paragraph 11 of the 1982 Act, whichever is the earlier. The licence-holder would be invited to attend the paragraph 11 hearing.

Inspector E Strachan advised the meeting that details of six separate incidents had been received and that he was of the opinion that if the licence holder was allowed to continue to drive a taxi he was likely to cause a serious threat to public and road safety.

Thereafter, the Committee unanimously agreed that a serious threat to public safety was posed and agreed to invoke paragraph 12 of Section 1 of the Civic Government (Scotland) Act 1982 and to suspend the licence-holder's Taxi Driver Licence with immediate effect. It was also agreed that a suspension hearing in terms of paragraph 11 of Schedule 1 of the Act be held on the 21 April 2010.