

THE MORAY COUNCIL

MINUTE OF MEETING OF THE LICENSING COMMITTEE

WEDNESDAY 21 APRIL 2010

COUNCIL OFFICE, ELGIN

PRESENT

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

IN ATTENDANCE

Mrs R Gunn, Acting Principal Solicitor (Litigation & Licensing), Mr T Haynes, Solicitor (Litigation & Licensing), Sergeant Dalglish and Constable Meikleham, (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, G McIntyre and Councillor A Wright (ex-officio).

1. DECLARATION OF GROUP INTERESTS

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 item of business appearing at the relevant paragraph of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraph of Part 1 of Schedule 7A of the Act.

Para No of Minute

10

Para No of Schedule 7A

14

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.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (CASE NO TD/10/004)

There was submitted a report by the Chief Legal Officer inviting the Committee to consider an application for a Taxi Driver Licence submitted in Case No TD/10/004.

This item was withdrawn from the Agenda.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (CASE NO TD/10/005)

There was submitted a report by the Chief Legal Officer inviting the Committee to consider an application for a Taxi Driver Licence submitted in Case No TD/10/005.

The Committee noted that the Applicant was present.

The Applicant addressed the meeting and responded to Members' questions.

Constable Meikleham addressed the meeting and advised of a typographical error in their report at page 4 where the date of the offence should be 25 September 2007. Thereafter, he re-iterated the terms of the Chief Constable's letter of representation.

Councillor Shepherd seconded by Councillor A McKay, moved approval of the application.

There being no-one otherwise minded the Committee agreed to grant a Taxi Driver Licence in Case No TD/10/005.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (CASE NO TD/10/006)

There was submitted a report by the Chief Legal Officer inviting the Committee to consider an application for a Taxi Driver Licence submitted in Case No TD/10/006. The Committee noted that the Applicant was present.

The Committee noted that the Applicant was present.

Mr T Haynes, Solicitor (Litigation & Licensing) advised the meeting that the Applicant had not passed his taxi driving test and consequently if Members were minded to approve the application they would need to grant the licence subject to a condition that he passed his test by a specified date before the licence came into effect, failing which the application would be deemed refused.

The Applicant addressed the meeting and responded to Members' questions.

Thereafter Councillor Shepherd, seconded by Councillor Cree moved to defer consideration of the the application until the next meeting of this Committee to enable the applicant to sit his taxi driver's test.

Councillor Ross moved an amendment to refuse the application on the ground that the Applicant was not a fit and proper person to hold the licence due to both his previous convictions, and his failure to pass the taxi driving test.. However failing to find a seconder this amendment fell, and it was therefore agreed to defer this case until the next meeting of this Committee.

Mr Haynes explained the decision to the Applicant and emphasised the importance to him of passing his taxi driving test before the next meeting of this Committee in June 2010.

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (CASE NO TD/10/002)

There was submitted a report by the Chief Legal Officer inviting the Committee to consider an application for a Taxi Driver Licence submitted in Case No TD/09/002.

The meeting noted that the Applicant was not present. It was also noted that this case had been previously deferred from the last meeting of this Committee to allow the Applicant to make a personal appearance. Mr T Haynes, Solicitor (Litigation & Licensing) advised that the Applicant had been advised of the time and date of the meeting by First Class Recorded Delivery Post.

Thereafter, Councillor Cree, seconded by Councillor Shepherd moved that the Applicant was not a fit and proper person to be the holder of a Taxi Driver Licence in Case No TD/10/002 in light of the information provided in the police letter which the applicant had not taken the opportunity to explain.

There being no-one otherwise minded the Committee agreed to refuse the application for a Taxi Driver Licence in Case No TD/10/002 .

9. QUESTION TIME

Councillor Divers asked a question in relation to Taxi Signage and advised that he had noticed that a number of Taxis in Elgin were not displaying the distinctive Moray Council signage and that various members of the public had approached him with regard to this issue.

In response, Mr T Haynes, Solicitor (Litigation & Licensing) advised that illegal signage should be picked up by Fleet Services at 6-monthly checks but that Licensing Officers could investigate any particular taxi sign on a case-by-case basis, if any such individual matters were brought to their attention.

Constable Meikleham added that the correct signage had to be displayed but that in a recent Police check they had not found any Taxis operating without displaying the official Moray Council Taxi Plates. With regard to taxis operating from residential

premises he advised that this was a planning issue, however he advised that they were currently investigating a case.

Mr Haynes added that with regard to Taxi Parking in residential areas generally, a response had been received from the Planning Department. This stated that whilst planning could not restrict parking in the street, a planning application was required for a change of use and through this process a restriction could be placed upon the number of cars parked within the curtilage of a property.

Councillor Divers agreed to liaise further with Constable Meikleham following this meeting.

10. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - POSSIBLE SUSPENSION OF A TAXI DRIVER'S LICENCE (CASE NO STD/10/001)

Under reference to the special meeting of the Licensing Committee dated 25 March 2010 (paragraph 3 of that Minute refers) there was submitted a report by the Chief Legal Officer advising the Committee of a letter of complaint received in respect of Case No STD/10/001.

It was noted that the licenceholder was not present. Mr T Haynes, Solicitor (Litigation & Licensing) advised that the licenceholder had been advised of the time and date of the meeting.

Following consideration the Committee unanimously agreed to the immediate suspension of a Taxi Driver Licence in Case No. STD/10/001 in terms of Paragraph 11 of Schedule 1 of the 1982 Act.