

THE MORAY COUNCIL
MINUTE OF SPECIAL MEETING OF THE LICENSING COMMITTEE
FRIDAY 11 JUNE 2010
COUNCIL OFFICE, ELGIN

PRESENT

Councillors R Shepherd (Chair), J Divers, J Hamilton, M Shand, and D Stewart.

IN ATTENDANCE

Mr T Haynes, Solicitor (Litigation & Licensing), Mr P Nevin, (Paralegal) and Mrs S Kennedy, Committee Services Officer, who acted as Clerk to the meeting.

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/10/002)
(Para 14)**

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/10/002 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 taxi driver licence in terms of Paragraph 12 of Schedule 1 of the 1982 Act. He then added that although the relevant police letter requested that the licence-holder's taxi operator licence also be suspended under this provision of the Act, Inspector Scott Mann had since confirmed that the Police wished to withdraw this second representation – i.e. that they only wished the licence-holder's taxi driver licence to be suspended.

The basis for this request was that, following investigations, the police were of the view that if the licence-holder was allowed to continue to drive a taxi, he was likely to cause a serious threat to public safety. Mr Haynes further advised that under Paragraph 12 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.

Following discussion, 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 no earlier than 12 July 2010 and no later than 23 July 2010.