

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 9 November 2023 at 11.35am.

Present: Councillors GEORGE MEECHAN, LLOYD MELVILLE, KENNY BRAES, LINDA CLARK, CRAIG FOTHERINGHAM, ROSS GREIG, GAVIN NICOL, JILL SCOTT and BETH WHITESIDE.

Councillor MEECHAN, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillor Brenda Durno.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

Councillor Whiteside made a statement of transparency in relation to Item 6 Report No 308/23 as the applicant was known to her. She indicated that she would take part in any discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 14 September 2023 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 306/23 by the Director of Legal, Governance and Change detailing applications for licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which had been granted/renewed by the Director of Legal, Governance and Change in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications detailed in the Appendix to the Report, which had been granted/renewed under delegated powers during the period 24 August 2023 to 11 October 2023.

5. TAXI FARES REVIEW

With reference to Article 5 of the minute of meeting of this Committee of 14 September 2023, there was submitted Report No 307/23 by the Director of Legal, Governance & Change which related to the current review of the taxi fare structure for Angus.

The Clerk advised that due to an administrative error the taxi operators had not received adequate notice of the meeting.

Councillor Greig seconded by Councillor Scott moved that the Committee consider the matter based on the submitted representations.

COUNCILLOR BRAES SECONDED BY COUNCILLOR MELVILLE, MOVED AS AN AMENDMENT THAT THE MATTER BE DEFERRED UNTIL THE SPECIAL MEETING OF THE CIVIC LICENSING COMMITTEE ON 5 DECEMBER 2023 TO ALLOW THE TAXI DRIVERS TO ATTEND.

On a vote being taken, the members voted: -

For the motion: -

Councillors Greig, Nicol and Scott (3).

For the amendment: -

Councillors Meechan, Melville, Braes, Clark, Fotheringham and Whiteside (6).

The amendment was declared carried resulting in the matter being deferred to the special meeting of the Civic Licensing Committee on 5 December 2023 to allow the taxi operators to attend.

6. NEW SHORT-TERM LETS APPLICATION

There was submitted Report No 308/23 by the Director of Legal, Governance and Change regarding an application received for a new licence for Short Term Lets under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Short-term let – 4 The Fiddlers, Monikie

The Committee considered a new grant application for a Short Term Lets licence received on 13 September 2023 by Angela McGoldrick in respect of 4 The Fiddlers, Monikie, DD5 3QU. The application was for secondary letting and the property was a two storey, terraced house with 3 double bedrooms and proposed 6 residents.

The Committee considered seven letters of objection from local residents.

Ms McGoldrick, the applicant addressed the Committee and advised that she had put a number of measures in place to help alleviate some of the issues that were causing concern to the neighbours and was happy to take on board any suggestions that may ease their concerns.

The Committee then heard from Ms Commack, an objector, who advised of the issues regarding the letting out of the property which often included a large number of vehicles parked within the small cul-de-sac and noise emanating from the property which she considered to be a nuisance.

The Committee also heard from Mr Wickenden, an objector who reiterated the same concerns as the previous objector.

Members of the Committee then asked questions of the applicant.

The applicant then summed up.

COUNCILLOR NICOL, SECONDED BY COUNCILLOR WHITESIDE, MOVED TO GRANT THE SHORT TERM LET APPLICATION FOR 3 YEARS.

Councillor Clark, seconded by Councillor Melville, moved as an amendment, that the application be refused on the grounds stated in paragraph 4.4(a)(c) of the Report.

On a vote being taken, the members voted: -

For the motion: -

Councillors Meechan, Melville, Braes, Fotheringham, Greig, Nicol, Scott and Whiteside (8).

For the amendment: -

Councillor Clark (1).

The motion was declared carried and the short term let application for 4 The Fiddlers, Monifieth was granted for 3 years.

The Committee agreed that in accordance with the provisions of Standing Order 36(1), Councillor Speed be allowed to address the Committee on the following item.

7. WHEELCHAIR ACCESSIBLE VEHICLES

With reference to Article 5 of the minute of meeting of this Committee of 20 February 2020, there was submitted Report No 309/23 by the Director of Legal, Governance and Change

providing an update to members in respect of progress in assessing and addressing unmet need for wheelchair accessible taxi and private hire cars and vehicles.

The Report indicated that due to the COVID pandemic and post pandemic changes/reduction of staff within Legal Team 1, officers had not been able to implement the decision of Members made in February 2020 for a consultant to be appointed. As a result of the local government elections in May 2022, this Committee had a new membership and it was considered appropriate for Members to re-consider this matter due to the time that had passed.

Councillor Speed addressed the Committee and spoke of the difficulties encountered when trying to book a wheelchair accessible vehicle. She advised that this was a serious issue for many people and often users had to book an accessible vehicle weeks in advance. She reiterated her concerns that she felt that Angus residents with physical disabilities faced inequalities as they struggled to find suitable accessible vehicles that could accommodate them.

The Committee agreed: -

- (i) to note the recommendation moved and approved at the meeting of the Civic Licensing Committee on 20 February 2020, to appoint consultants to assess and advise on the extent and nature of unmet need for wheelchair accessible vehicles in Angus and to recommend measures to the Committee to address unmet need, had not yet been implemented;
- (ii) to note that on the designated list for Angus there were currently nine vehicles declared as wheelchair accessible vehicles;
- (iii) to reaffirm the commitment to engage external consultants to assess and advise on the extent and nature of unmet need for wheelchair accessible vehicles in Angus and to recommend measures to address assessed unmet need;
- (iv) to instruct the Director of Legal, Governance and Change to:
 - (a) seek updated quotations from external consultants to undertake work to assess and advise on the extent and nature of unmet need for wheelchair accessible vehicles in Angus and to recommend to the Committee measures to address assessed unmet need; and
 - (b) thereafter, to appoint a consultant to undertake this work; and
- (v) to note that a report, including the assessment and recommendations of the consultant, would be put before Committee for consideration in due course.

8. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved that the public and press be excluded from the meeting during consideration of the following items, so as to avoid disclosing confidential information in terms of Section 50A(2) and (3)(b) to the Local Government (Scotland) Act 1973.

9. WHEELCHAIR ACCESSIBLE VEHICLES

With reference to Article 7 above, the Committee agreed to note the contents of the Appendix to Report No 309/23.

10. RENEWAL APPLICATION

There was submitted Report No 310/23 by the Director of Legal, Governance and Change regarding applications received for the renewal of a licence under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

At this point in the meeting, (the time being 12.59pm) the Committee resolved, in accordance with the provisions of Standing Order 21(8), that the meeting continue until the conclusion of the business.

(a) Late hours Catering Licence - McDonalds (LHCL25)

The Committee considered three applications for the renewal of Late hours Catering Licences (LHCL25) received on 21 August 2023 from Altea 4 Restaurants Ltd in respect of premises at Ethiebeaton Business Park, Monifieth, Burn Place, Halfpenny Burn, Forfar and Westway Retail Park, Arbroath for the hours Monday to Sunday 23.00 to 05.00 which were outwith guidelines.

Mr McPartland was present and addressed the Committee.

The Committee agreed that each of the three late hours catering applications be renewed.