

## **AGENDA ITEM NO 5**

**REPORT NO 5/24**

### **ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 11 JANUARY 2024**

#### **NEW SHORT TERM LETS APPLICATION**

**REPORT BY DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE**

#### **ABSTRACT**

The purpose of this report is to present a new application for a licence under the Civic Government (Scotland) Act 1982 which requires to be determined by the Committee.

#### **1. RECOMMENDATIONS**

It is recommended that the Committee consider and determine the application for grant of the Short Term Lets licence as detailed in the attached Appendix, in terms of one of the following options: -

- (i) to grant the application;
- (ii) to grant the application subject to standard and/or any additional conditions;
- (iii) to defer the application for a period not exceeding 6 months from the date of the application;
- (iv) to refuse the application on one or more of the grounds referred to in Paragraph 4.

#### **2. BACKGROUND**

The Council has received an application for grant of a Short term Lets licence under the Civic Government (Scotland) Act 1982 (“the 1982 Act”) which requires to be determined by the Committee because one or more of the following apply: -

- (i) there has been an objection, or a representation received in respect of the application; or
- (ii) the application does not comply with the policy adopted by Angus Council; or
- (iii) the function is not delegated to Officers; or
- (iv) the applicant has a conviction(s), a spent conviction(s) or a pending case.

#### **3. FINANCIAL IMPLICATIONS**

There are no financial implications arising out of this report.

#### **4. LEGAL IMPLICATIONS**

- 4.1 Schedule 1 of the 1982 Act contains provisions in respect of the processing and determining of applications for licences under the 1982 Act.

4.2 In particular, Paragraph 5 of Schedule 1 to the 1982 Act provides that where an application for the grant or renewal of a licence has been made to a licensing authority they shall, in accordance with that paragraph: -

- (a) grant or renew the licence; or
- (b) refuse to grant or renew the licence.

4.3 In granting or renewing a licence a licensing authority may (either or both):-

- (a) disapply or vary any standard conditions so far as applicable to the licence,
- (b) impose conditions in addition to any mandatory or standard conditions to which the licence is subject.

Other than the mandatory conditions, the licence conditions shall be such reasonable conditions as the licensing authority think fit and, without prejudice to that generality, may include conditions restricting the validity of a licence to an area or areas specified in the licence, with limited exception.

In the case of secondary letting no condition applied may impose any limit on the numbers of nights for which premises may be used for secondary letting.

4.4 A licensing authority shall refuse an application to grant or renew a short term lets licence if, in their opinion-

- (a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either-
  - (i) for the time being disqualified by a Court from holding a licence under the 1982 Act; or
  - (ii) not a fit and proper person to be the holder of the licence;
- (b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to:-
  - (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
  - (ii) the nature and extent of the proposed activity;
  - (iii) the kind of persons likely to be in the premises, vehicle or vessel;
  - (iv) the possibility of undue public nuisance; or
  - (v) public order or public safety; or
  - (vi) the applicant would not be able to secure compliance with –
    - (a) the mandatory licence conditions, and
    - (b) the standard conditions and any further conditions under 4.3 (b) above to which the licence is subject; (**see Appendix 2 for the mandatory licence conditions**)
- (d) the application does not contain the information required in terms of Schedule 1

paragraphs 1(2)(da), or (db) of the Act as amended by the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022, regarding consent of the owners of the premises, or

(e) there is other good reason for refusing the application;

and otherwise shall grant the application.

## **5. HUMAN RIGHTS AND EQUALITIES IMPLICATIONS**

In dealing with the applications, the Committee will have regard to any human rights and/or equalities issues in relation to the applicant and any objectors.

## **6. NOTIFICATION**

The applicant has been notified of the terms of this Report. They have also been advised of their entitlement to attend the meeting should they wish.

**NOTE:** No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report

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## CIVIC LICENSING COMMITTEE – 11 JANUARY 2024

**(a) Short Term Lets Application – Auchentinnny, Cairn Road, Kirriemuir, DD8 4PW (STL2)**

Name of Applicant	Type of Licence	Application received
Alexander Sikorsky	Short Term Lets	23/10/23

A new grant application for a Short Term Lets licence was lodged on 23 October 2023 by Alexander Sikorsky in respect of Auchentinnny, Cairn Road, Kirriemuir, DD8 4PW.

The application is for secondary letting i.e., letting of a property where the applicant does not normally live, for 3 years. The property is a two storey, detached house with 1 double bedroom. The application proposes 2 residents.

Licensing consulted on the application. Police Scotland have no objections and Planning have approved the application. Environmental Health have yet to respond to the application. Scottish Fire and Rescue Service (SFRS) have provided an automated response stating no objections unless they have to be audited response. Members are asked to note that SFRS will only conduct an audit on premises, depending on the Self-assessment checklist completed by the applicant. There was nothing detailed on the Self-assessment checklist for these premises which required SFRS to conduct an audit on the premises.

One notification of objection has been received which was outwith the relevant consultation period and the objector has been invited to attend. **Members will firstly be required to make a decision on whether to consider the late objection.**

**If Members decide to consider the late objection, this will be submitted to them at the meeting.**