

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **CIVIC LICENSING COMMITTEE** held in Town and County Hall, Forfar on Thursday 28 March 2024 at 11.46am

Present: Councillors GEORGE MEECHAN, LLOYD MELVILLE, KENNY BRAES, LINDA CLARK, BRENDA DURNO, CRAIG FOTHERINGHAM, ROSS GREIG and BETH WHITESIDE.

Councillor MEECHAN, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Gavin Nicol and Jill Scott.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

There were no declarations of interest or statements of transparency made.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 15 February 2024 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 105/24 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 to Officers.

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 January 2024 to 28 February 2024.

5. CARAVAN SITE LICENCE - DRUMBERTNOT FARM, PART OF THE ARBIKIE HIGHLAND ESTATE, INVERKEILOR

There was submitted Report No 106/24 by the Director of Vibrant Communities and Sustainable Growth regarding an application received from John Stirling, Arbikie Farm, Inverkeilor for a caravan site licence, for holiday use, in terms of the Caravan Sites and Control of Development Act 1960 on land 125m West of Arbikie Distillery, Drumbertnot, Montrose. Confirmation had been received from the Planning Service that all relevant planning permissions were in place for a maximum of 4 self-catering holiday pods.

Ms Oliver, representative for the applicant, was present and addressed the Committee and answered members questions.

The Committee agreed: -

- (i) to grant a caravan site licence to Mr John Stirling, Arbikie Farm, Inverkeilor, DD11 4UZ subject to the site's compliance with the "Model Standards" for holiday caravan sites.
- (ii) that the maximum number of 4 self-catering holiday pods be stationed on site at any one time; and
- (iii) that the operating period for the site be all year round.

6. NEW SHORT TERM LETS APPLICATION

There was submitted Report No 107/24 by the Director of Legal, Governance and Change regarding an application received for a new licence for a 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 lets – Ravensby Property Investment Ltd

The Committee considered a new grant application for a Short Term Lets licence received on 25 October 2023 by Richard Ellison on behalf of Ravensby Property Investment Ltd, 2 Earn House, Lamberkine Drive, Perth, PH1 1RA in respect of premises at Ravensby Hall, Ravensby, Barry, DD7 7RJ.

The application was for secondary letting and the property was a three storey, detached house with 5 double bedrooms and 1 single bedroom. The application proposed a maximum occupant capacity of 12 residents.

The Committee noted that Scottish Fire and Rescue Service had submitted two letters dated 4 December 2023 and 26 January 2024. Both letters had been received outwith the 28 day consultation period, which ended on 22 November 2023.

Mr Smith, Watch Commander, Fire Safety Enforcement Officer addressed the Committee and provided reasons why the letters should be considered. After noting that the applicant had no objections to these letters being circulated, the Committee unanimously agreed that, in all the circumstances, it was in the interest of justice that the letters be circulated.

Mr Smith then spoke on the contents of the letters and advised that following a fire safety audit of the premises carried out on 19 March 2024, the existing fire safety arrangements, as audited on that date, required some areas for improvement. However, as these areas for improvement were considered minor, the Scottish Fire and Rescue Service had no objections to the granting of a Short-term Lets licence for use of the Ground and First Floor only.

It was noted that a further letter (incorrectly) dated 26 January 2024 had been sent by the Scottish Fire and Rescue Service confirming the updated position. This was circulated to members which confirmed the position as regards the change in their position on the ground and first floors.

Mr Ellison, the applicant, addressed the Committee and advised that the second floor of the property had been locked off due to a prohibition notice being issued and that only the ground floor and first floor within the premises would be used.

The Committee agreed that the application be granted subject to an additional condition stating that only the ground floor and first floor of the premises be used.

7. REVIEW OF FEES

There was submitted Report No 109/24 by the Director of Legal, Governance and Change recommending charging for the processing of items of work that do not currently attract a fee and a percentage increase in fees charged (with the exception of Short-term Lets and Taxi and Private Hire driver and operator applications) in respect of licences issued under the Civic Government (Scotland) Act and other miscellaneous statutes.

The Report indicated that currently no fee was charged for processing a temporary licence, Late Hours Catering Exemption application or an application for consideration of a material change in circumstances (Paragraph 9 of Schedule 1 of the 1982 Act) or variation of a licence (Paragraph 10 of Schedule 1 of the 1982 Act).

A new fee structure was proposed and was attached at Appendix 1 to the Report which, for comparison purposes, also showed the current structure. Whilst the increase in the proposed new structure for fees was approximately 10% for both new and renewal applications, the variance between figures could be explained in the rounding process as a number of fees had been rounded to provide more manageable figures. It was proposed that the increased fees, if accepted, would be implemented from 8 April 2024.

The Committee agreed to: -

- (i) approve the new charge of £75.00 in relation to the processing of a Late Hours Catering licence exemption and consideration of an application regarding a material change in circumstances/variation of any licence;
- (ii) approve the new charge of a third of the full fee cost (rounded up to the nearest whole number) in relation to the processing of temporary licences;
- (iii) approve the revised fee structure contained in Appendix 1 to the Report; and
- (iv) agree an implementation date of 8 April 2024.