

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **CIVIC LICENSING COMMITTEE** held in Town and County Hall, Forfar on Thursday 16 May 2024 at 11.44am.

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

Councillor MEECHAN, Convener, in the Chair.

The Convener advised members that an urgent Report (Report No 167/24) required to be considered by the Committee and had not been sent to members in line with the required "3 clear days" before the meeting by reason of special circumstances. The Convener determined that, in accordance with the provisions of Standing Order 10(2)(ii), the item could be considered at this meeting as a matter of urgency as the Report concerned an urgent matter that could not be determined meantime under delegated powers. Members noted that this was a confidential Report and would be taken as Item 11.

1. APOLOGIES

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

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

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Committee of 21 March 2024 and 28 March 2024 were approved as correct records and signed by the Convener.

4. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved that the public and press be excluded from the meeting during consideration of items 10 and 11 so as to avoid disclosing confidential information in terms of Section 50A(2) and (3)(b) to the Local Government (Scotland) Act 1973.

5. DELEGATED APPROVALS

There was submitted Report No 153/24 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 28 February 2024 to 24 April 2024

6. NEW SHORT TERM LETS APPLICATION

There was submitted Report No 154/24 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 – Scotts House, 5 St Mary's Road, Montrose, DD10 8EU

The Committee considered a new grant application for a Short Term Lets licence received on 30 January 2024 by Clark Adam in respect of Scotts House, 5 St Mary's Road, Montrose, DD10 8EU.

The application was for secondary letting i.e., letting of a property where the applicant does not normally live. The property was a two storey, detached house with 3 double bedrooms. The application proposed a capacity of up to 6 residents.

It was noted that a letter of objection had been submitted late due to the objector not seeing the site notice displayed by the applicant within the 28 day period for objections.

Ms Malham, objector was present and advised the Committee that she had contacted the Council on 21 February to advise that the applicant had not displayed the site notice but had not submitted an objection until 12 March.

The Committee agreed that there was not sufficient reason for the lateness of the objection and accordingly agreed that it not be considered.

Mr Adam, the applicant, addressed the Committee and advised that he had displayed the site notice from 5 February and produced photographs of both notices. He had also put a number of measures in place to help alleviate any issues with neighbouring properties.

The Committee agreed that the application be granted.

7. REVIEW OF FEES – SHORT TERM LETS

With reference to Article 6 of the minute of meeting of this Committee of 15 September 2022, there was submitted Report No 155/24 by the Director of Legal, Governance and Change requesting members to review the fee structure for the Short-term Lets Licensing Scheme.

The Report advised that to date, 294 Short-term Let licence applications had been received and paid for and based upon the information contained within Appendix 2 to the Report, a new fee structure was not proposed at this time given the total amount of fees charged met the expenditure with only a very small surplus of £201.

Discussion took place and the Clerk responded to a number of questions from members.

The Committee agreed: -

- (i) to note the current fee structure for the Short-term Lets Licensing Scheme as contained in Appendix 1 to the Report;
- (ii) to note the estimated summary income and expenditure for the Short-term Lets Licensing Scheme as contained in Appendix 2 to the Report;
- (iii) to maintain the current fee structure for the Short-term Lets Licensing Scheme as contained in Appendix 1 to the Report; and
- (iv) to note the terms of the letters from the Paul McLellan, Scottish Minister for Housing, produced as Appendix 3 to the Report.

8. RENEWAL APPLICATIONS – LATE HOURS CATERING LICENCES

There was submitted Report No 156/24 by the Director of Legal, Governance and Change regarding two applications received for the renewal of a licence under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts, which was required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Late Hours Catering Licence – Pie Bobs Bakery, 3-7 Grant Road, Arbroath

The Committee considered an application for the renewal of a Late Hours Catering Licence received on 7 March 2024 on behalf of the applicant, Neil Elford, in respect of premises at Pie Bobs Bakery, 3-7 Grant Road, Arbroath for the hours Monday to Sunday - 11.00pm to 5.00am which were outwith guidelines.

The Committee noted that no letters of objection or representations had been received in respect of this application.

Mrs Dickson, a representative on behalf of the applicant was present and addressed the Committee.

The Committee agreed that the application be renewed, subject to the standard conditions.

(b) Late Hours Catering Licence - Montrose Service Station, 108 North Esk Road, Montrose

The Committee considered an application for the renewal of a Late Hours Catering Licence received on 22 March 2024 on behalf of the applicant, Euro Garages Ltd, in respect of premises at Montrose Service Station, 108 North Esk Road, Montrose for the hours Monday to Sunday - 11.00pm to 5.00am which were outwith guidelines.

The Committee noted that no letters of objection or representations had been received in respect of this application.

There was submitted and noted a letter from Gosschalks LLP, agent for the applicant.

The Committee agreed that the application be renewed, subject to the standard conditions.

9. RENEWAL APPLICATION FOR HOUSE IN MULTIPLE OCCUPATION LICENCE

There was submitted Report No 157/24 by the Director of Legal, Governance and Change presenting a renewal application for a House in Multiple Occupancy under the Housing (Scotland) Act 2006 which required to be determined by the Committee, as detailed in the Appendix to the Report.

The Committee considered information from the Building Standards Manager, in relation to an application from Andrew Stirling for the renewal of a House in Multiple Occupation licence, with respect to provide accommodation for long term residents, including students, who would occupy the premises as their main home whilst resident in Angus at Murray Lodge, 2-8 Murray Street, Montrose, DD10 8LB received on 12 March 2024. The property comprised of 15 rooms (including the kitchen) and the application proposed a maximum of 24 residents at any one given time.

At this stage(12.12pm), the Committee agreed to adjourn the meeting for 5 minutes to allow the Building Standards Manager to rejoin the meeting as she was having connection issues. The meeting resumed at 12.18pm.

Mrs Thom, Building Standards Manager addressed the Committee and confirmed that she was satisfied with the inspection of the property.

The Committee agreed to renew the application, subject to standard conditions.

10. CURRENT LICENCE HOLDERS – REQUEST FOR SUSPENSION

There was submitted Report No 158/24 by the Director of Legal, Governance and Change regarding a letter of complaint and a request for suspension which had been received in relation to a current licence holder under the Civic Government (Scotland) Act 1982, which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Private Hire Car Driver's Licence (PHCD58)

The Committee considered information in relation to the suspension of a Private Hire Car Driver's licence (PHCD58), advising that the licence holder had two pending cases against him, as detailed in the letter from Police Scotland dated 19 March 2024 and that the licence holder was no longer a fit and proper person to hold a licence.

Constable Smith addressed the Committee on the contents of the letter dated 19 March 2024.

The licence holder was present and addressed the Committee and members asked a number of questions.

At this stage (12.41pm), Councillors Durno and Nicol left the meeting.

Much discussion took place and the licence holder summed up.

The Committee, having regard to the terms of the letter of complaint from Police Scotland, paragraph 11(2)(a) and or 2(c) of Schedule 1 of the Civic Government (Scotland) Act 1982, determined that it had been established that the carrying on of the activity to which the licence related to was likely to cause a serious threat to public safety.

The Committee agreed to revoke the licence holder's private hire car drivers licence with immediate effect as the licence holder was not a fit and proper person to hold a licence.

At this stage(1.14pm), Councillor Greig left the meeting and Councillor Dunro rejoined the meeting.

(b) Private hire Car Driver's Licence (PHCD59)

The Committee considered information in relation to the suspension of a Private Hire Car Driver's licence (PHCD59), advising that the licence holder had a conviction against him, as detailed in the letter from Police Scotland dated 22 April 2024.

Constable Smith addressed the Committee on the contents of the letter dated 22 April 2024.

The licence holder was present and addressed the Committee and members asked him questions.

The Committee agreed to note the letter of request and advised the licence holder that the information may be reconsidered by the Committee should any further information be submitted.

11. CURRENT LICENCE HOLDER – REQUEST FOR IMMEDIATE SUSPENSION

There was submitted Report No 167/24 by the Director of Legal, Governance and Change regarding a letter of complaint which had been received in relation to a current licence holder under the Civic Government (Scotland) Act 1982, which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Taxi Driver's Licence (TD108)

The Committee considered information in relation to the immediate suspension of a Taxi Driver's licence (TD108), advising that the licence holder had a pending case against him, as detailed in the letter from Police Scotland dated 15 May 2024.

Constable Thomson-Craig addressed the Committee on the contents of the letter dated 15 May 2024.

The licence holder was not present.

The Committee agreed: -

- (i) to immediately suspend the licence holders taxi drivers licence for 6 weeks as by the carrying on of the activity to which the licence related was causing or was likely to cause a serious threat to public order or public safety; and
- (ii) to convene a further Special Civic Licensing Committee within 42 days to consider the circumstances of suspension under paragraph 11 of Schedule 1 to the Civic Government (S) Act 1982.