

## **ANGUS COUNCIL**

MINUTE of HYBRID MEETING of the **CIVIC LICENSING COMMITTEE** held in Town and County Hall, Forfar on Thursday 15 August 2024 at 11.17am.

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

Councillor MEECHAN, Convener, in the Chair.

### **1. APOLOGIES**

Apologies for absence were intimated on behalf of Councillors Ross Greig and Gavin Nicol.

### **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 16 May 2024 and 20 June 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 item 9 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 213/24 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 April 2024 to 23 July 2024.

### **6. NEW SHORT TERM LETS APPLICATION**

There was submitted Report No 214/24 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 – Woodside House, By Arbroath**

The Committee considered a new grant application for a Short Term Lets licence received on 23 May 2024 by Nandor Marczin in respect of Woodside House, By Arbroath.

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

It was noted that a letter had been submitted from Scottish Fire and Rescue Service dated 18 June 2024 advising that at present they were unable to support the granting of a Short Term Lets Licence for the property for the reasons given in the letter.

Mr Marczin, the applicant was present and addressed the Committee and advised that he currently had a timeline for the outstanding works to be completed.

The Committee agreed that the application be deferred to the meeting of this Committee on 14 November 2024 to allow the applicant sufficient time to complete the works.

## **7. NEW SHORT TERM LETS APPLICATION**

There was submitted Report No 228/24 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 – 12D Hill Street, Monifieth**

The Committee considered a new grant application for a Short Term Lets licence received on 6 January 2024 by Pam Warnock in respect of 12D Hill Street, Monifieth.

The application was for secondary letting i.e., letting of a property where the applicant does not normally live. The property was a flat in a residential block with 2 double bedrooms. The application proposed a capacity of up to 4 residents.

It was noted that a letter of objection had been submitted late due to the objector sending previous correspondence to a wrong email address.

The Committee agreed that there was sufficient reason for the lateness of the objection and accordingly the objection was circulated to members by email.

*Thereafter, the Committee agreed to adjourn for 10 minutes to allow the opportunity for members to consider the contents of the objection.*

*The meeting resumed at 11.55am.*

*At this stage in the meeting, Councillor Fotheringham made a statement of transparency in relation to Report No LB228/24 as he had received correspondence from the objector but had not made any comment. He indicated that he would take part in any discussion and voting.*

Mr Clark, agent for the applicant was present and addressed the Committee and addressed the points raised by the objector.

Ms Ogilvy, the objector was present and addressed the Committee and thereafter members asked questions of Mr Clark.

Mr Clark then summed up.

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

## **8. TAXI AND PRIVATE HIRE LICENCES**

With reference to Article 5 of the minute of meeting of this Committee of 31 October 2019 there was submitted Report No 215/24 by the Director of Legal, Governance and Change which presented to the Committee financial information for the period 2023/2024 and estimated budget for 2024/2025 in relation to the income and expenditure in respect of taxis and private hire driver and operator licences and to, thereafter, determine the fees to be applied to taxi and private hire driver and operator licences with effect from 1 September 2024.

The Committee agreed: -

- (i) to note the legal obligations incumbent upon the Council in relation to fees in respect of taxi and private hire driver and operator licences;
- (ii) to note the actual 2023/2024 and estimated 2024/2025 budget, income received and expenditure incurred in respect of taxi and private hire driver and operator licences as contained in Appendix 1 to the report;
- (iii) to make no change to the fees to be charged in respect of taxi and private hire operator and driver licences in respect of the period 1 September 2024 to 31 August 2025; and
- (iv) to note that the fees in respect of taxi and private hire licences would be reviewed following the end of financial year 2024/2025 with a view to setting fees to be applied with effect from 1 September 2025.

## **9. NEW APPLICATIONS**

There was submitted Report No 216/24 by the Director of Legal, Governance and Change regarding applications received for a new licence 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 Drivers Application (TD107)**

The Committee considered an objection received from Police Scotland dated 3 June 2024, in relation to an application for a Taxi Drivers Licence (TD107) received on 30 May 2024.

The applicant was present and addressed the Committee and members asked questions.

Constable Ogierman, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 3 June 2024 which had been circulated to members prior to the meeting.

*At this stage in the meeting, Councillor Scott made a statement of transparency in relation to the application as she had previously hired the applicant to complete works. She indicated that she would take part in any discussion and voting.*

The applicant then summed up.

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

### **(b) Private Hire Drivers Licence Application (PHCD59)**

The Committee considered a letter of objection received from Police Scotland dated 13 May 2024, in relation to an application for a Private Hire Driver's licence (PHCD59) received on 15 April 2024.

The Committee agreed that the application be deferred to allow the applicant to attend.