

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **CIVIC LICENSING COMMITTEE** held in Town and County Hall, Forfar on Thursday 19 September 2024 at 10.45am.

Present: Councillors, LLOYD MELVILLE, KENNY BRAES, LINDA CLARK, ROSS GREIG, GAVIN NICOLL and JILL SCOTT.

Councillor MELVILLE, Vice Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors George Meechan, Brenda Durno, Craig Fotheringham and Beth Whiteside.

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 6 August 2024 and 15 August 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 10 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 264/24 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 July 2024 to 29 August 2024.

At this stage in the meeting, and in accordance with the provision of Standing Order 10(1), the Committee agreed that the order of business be varied and it was considered in the following order.

6. NEW SHORT TERM LETS APPLICATION

There was submitted Report No 266/24 by the Director of Legal, Governance and Change regarding a new application received for a Short Term Let 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 – North Lodge & Gardens Cottage, Deuchars, Forfar

The Committee considered a new grant application for a Short Term Lets licence received on 9 October 2023 by J Farquharson & Son in respect of North Lodge & Gardens Cottage, Deuchars, Forfar.

The Committee considered an objection from Environmental Health regarding the private water supply and the ongoing lead failure.

Mr Farquharson was present and addressed the Committee, advising that the objection regarding the water supply had been addressed but that documentation required to be submitted confirming the works.

Ms Manson, Service Leader, Environmental and Consumer Protection addressed the Committee and answered questions from members in relation to the water supply.

Mr Farquharson also answered members questions and was given the opportunity to sum up.

The Committee agreed that the application be deferred to the Civic Licensing Committee on 14 November 2024 to allow the applicant sufficient time to arrange a retest of the private water supply at both properties and to submit the relevant evidence to officers.

7. NEW APPLICATION FOR HOUSE IN MULTIPLE OCCUPATION LICENCE

There was submitted Report No 267/24 by the Director of Legal, Governance and Change regarding an application received on 3 July 2024 from Gordon MacKintosh on behalf of Carnoustie Golf Links Properties Ltd, for a new House in Multiple Occupation licence, with respect to employee residence at Selcourt, 57 Carlogie Road, Carnoustie, DD7 6EW. The property comprised 8 bedrooms/bed-sitting rooms and the application proposes a maximum of 16 residents.

Mr MacKintosh was present and addressed the Committee during which he advised that the outstanding works detailed in the report had now been completed.

Mrs Thom, Building Standards Manager addressed the Committee and advised members that Building Standards would require to reinspect the property.

The Committee agreed to grant the application subject to the relevant information being provided to the Building Standards Manager and a satisfactory reinspection of the premises.

8. NEW APPLICATION – STREET TRADER (FIXED PITCH)

There was submitted Report No 268/24 by the Director of Legal, Governance and Change regarding an application received from Derrick Murdoch for a Street Trader (fixed pitch) licence at Beachside location – Monifieth for operating a sauna Monday to Sunday 10am to 8pm.

Mr Murdoch and his representative Ms Matthews were present, and Ms Matthews addressed the Committee.

Ms Manson, Service Leader, Environmental and Consumer Protection addressed the Committee advising members that as the applicant was not in possession of the sauna she could not comment on the intended use and that an inspection of the sauna would require to be carried out.

Ms Matthews advised that the sauna would be available for inspection in approximately 3 to 4 weeks and would be similar to other models that were currently in use.

Ms Matthews then summed up.

The Committee agreed to grant the application subject to a satisfactory inspection by Environmental and Consumer Protection Division.

9. NEW SHORT TERM LETS APPLICATION

There was submitted Report No 265/24 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) 34 Baltic Street, Montrose

The Committee considered a new grant application for a Short Term Lets licence received on 2 July 2024 by TPC Property Rentals Ltd in respect of 34 Baltic Street, Montrose.

The application was for home letting i.e. using all or part of the applicant's home for short term lets while the applicant was absent. The property was a 2 storey terraced house with a total number of 5 bedrooms, (1 single occupancy and 4 double occupancy). The maximum occupant capacity of up to 10 residents.

The Committee considered a letter of objection dated 25 July 2024. The objector was not present.

Mr Forsyth, the applicant's agent was present and addressed the Committee with regards to the content of the objection. A written submission had been submitted to members prior to the meeting.

Councillor Greig requested confirmation that it was correct that the application was for home letting. Mr Forsyth requested that the application be amended to secondary letting as the property was not the applicant's main address.

The Committee agreed to grant the application for secondary letting.

10. NEW APPLICATION – PRIVATE HIRE DRIVER LICENCE

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).

The applicant was present and addressed the Committee.

Constable Smith, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 13 May 2024 which had been circulated to members prior to the meeting and it was noted that the applicant had spent convictions regarded as "protected".

Constable Smith then advised of the age and nature of the spent convictions and the Committee unanimously agreed that, in the circumstances, it was in the interests of justice that the letter from Police Scotland dated 13 May 2024 containing details of the spent convictions regarded as "protected" be circulated to members.

Constable Smith gave further details of the spent convictions and members asked the applicant a number of questions.

The applicant then summed up.

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