

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **CIVIC LICENSING COMMITTEE** held in Town and County Hall, Forfar on Thursday 14 November 2024 at 10.45am

Present: Councillors, GEORGE MEECHAN, LLOYD MELVILLE, KENNY BRAES, BRENDA DURNO, ROSS GREIG, GAVIN NICOL, JILL SCOTT, TOMMY STEWART and BETH WHITESIDE.

Councillor MEECHAN, Convener, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Craig Fotheringham.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

Councillor Lloyd Melville declared an interest in item 7, Report No 336/24, as a previous discussion had taken place with the applicant. He indicated that he would not take part in any discussion and voting and would leave the meeting during consideration of the item.

Councillor Tommy Stewart declared an interest in item 12, Report No 347/24 as he was the Chairman of a registered charity. He also declared an interest in items 13 and 14, Report No's 341/24 and 342/24 as he is a private hire operator and also holds a taxi drivers' badge. He indicated that he would not take part in any discussion and voting on these three items and would leave the meeting during consideration of them.

Councillor Brenda Durno declared an interest in item 14(a), Report No 342/24 as she has known the applicant for five years. She indicated that she would not take part in any discussion and voting and would leave the meeting during consideration of the item.

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Committee of 5 September, 19 September and 30 September 2024 were approved as correct records and signed by the Convener.

4. EXCLUSION OF PUBLIC AND PRESS

The Committee agreed that the public and press be excluded from the meeting during consideration of items 13 and 14, 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 334/24 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 29 August 2024 to 22 October 2024.

6. DEFERRED SHORT TERM LETS APPLICATIONS

There was submitted Report No 335/24 by the Director of Legal, Governance and Change regarding deferred applications received for new licences for 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) Woodside House, By Arbroath

With reference to Article 6(a) of the minute of meeting of this Committee of 15 August 2024, 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 some works still required to be completed and requested a further deferral.

The Committee agreed that the application be deferred to the special meeting of this Committee on 19 December 2024 to allow the applicant sufficient time to complete the works.

(b) North Lodge & Gardens Cottage, Deuchars, Forfar

With reference to Article 6(a) of the minute of meeting of this Committee of 19 September 2024, the Committee considered new grant applications 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 and the relevant documentation had been submitted.

Mr Petrie, Environmental and Consumer Protection addressed the Committee and advised members that the water supply test had been done and the results were satisfactory.

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

(c) The Glen Apartment & Macduff Tower & Lauderdale Apartment, Kinnaird Castle, Brechin, DD9 6TZ

With reference to Article 3(c) of the minute of special meeting of this Committee of 19 September 2024, the Committee considered new grant applications for a Short Term Lets Licence received on 30 September 2023 by Claire Penman/Jonathan Dymock on behalf of Southesk Estates in respect of the three properties: The Glen Apartment & Macduff Tower & Lauderdale Apartment, Kinnaird Castle, Brechin, DD9 6TZ.

The applications were all for secondary letting i.e. using all or part of the applicant's home for short term lets while the applicant was absent. The property, The Glen Apartment was a flat with a total number of 1 double occupancy bedrooms and a maximum occupant capacity of 4 (sofa bed in the livingroom); Macduff Tower was a flat with 2 double occupancy bedroom and a maximum occupant capacity of 4; and the Lauderdale Apartment was a flat with 3 double occupancy bedroom and a maximum occupant capacity of 6.

The Committee considered an objection from Environmental Health requesting that individual water samples be taken from each of the properties.

Ms Penman, on behalf of the applicant, was present and advised that the private water tests had now been completed.

It was noted that the Environmental and Consumer Protection division confirmed on the 29 October 2024 that the subsequent test results had been received and were found to be satisfactory.

The Committee agreed that the applications be granted subject to the mandatory licence conditions.

(d) Croftend Cottage & Claypotts Cottage & Clover Cottage, Glenisla PH11 8PL

With reference to Article 3(d) of the minute of special meeting of this Committee of 19 September 2024, the Committee considered new grant applications for Short Term Lets Licences received on 30 September 2023 by Lady Oona Ivory in respect of three properties: Croftend Cottage & Claypotts Cottage & Clover Cottage, Glen Isla, PH11 8PL.

The applications were all for secondary letting i.e. using all or part of the applicant's home for short term lets while the applicant was absent. The property, Croftend Cottage was a 1-storey detached house a total number of 2 double occupancy bedrooms and a maximum occupant capacity of 4; Claypotts Cottage was a 2-storey detached house with 3 double occupancy bedroom and a maximum occupant capacity of 6; and Clover Cottage was a 2-storey detached house with 1 double occupancy bedroom and a maximum occupant capacity of 2.

The applicant was not present.

The Committee noted that Business Support had received a telephone call from the applicant on 4 November 2024 advising that the water supply had not yet been tested and that no date had been arranged for the water testing.

After hearing from Mr Petrie, Environmental and Consumer Protection, the Committee agreed that the applications be refused as the premises would be unable to comply with the Short Term Lets mandatory licence conditions and repairing standards regarding the private water supply and Safety Repair Standards.

(e) Bog Cottage, Wester Lednathie, Glen Prosen DD8 4RR

With reference to Article 3(e) of the minute of special meeting of this Committee of 19 September 2024, the Committee considered a new grant application for a Short Term Lets Licence received on 30 September 2023 by Pamela Dougal in respect of Bog Cottage, Wester Lednathie, Glen Prosen, DD8 4RR.

The application was for secondary letting i.e. using all or part of the applicant's home for short term lets while the applicant was absent. The property, Bog Cottage was a 1-storey detached house a total number of 2 double occupancy bedrooms and a maximum occupant capacity of 4.

Ms Dougal was present and addressed the Committee, advising that the private water test had taken place and the relevant documentation had been submitted.

Mr Petrie, Environmental and Consumer Protection addressed the Committee and advised members that the water supply test had been done and the results were satisfactory.

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

(f) Glasslet Cottage, Glen Clova DD8 4QU

With reference to Article 3(f) of the minute of special meeting of this Committee of 19 September 2024, the Committee considered a new grant application for a Short Term Lets Licence received on 30 September 2023 by David Fairlie in respect of Glasslet Cottage, Glen Clova DD8 4QU.

The application was for secondary letting i.e. letting a property where the applicant does not normally live. The property was a 1 storey detached house with a total number of 3 double occupancy bedrooms and a maximum occupant capacity of 6.

The Committee considered an objection from Environmental Health regarding a number of C2 items (potentially dangerous) noted on the Electrical Installation Condition Report that required to be rectified by the applicant.

Mr Fairlie was present and addressed the Committee and advised members that an EICR test had been carried out and that a EICR certificate had been submitted.

It was noted that on the 5 November 2024, the Environmental and Consumer Protection division had confirmed that they now had no objections to the application.

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

Having declared an interest at Article 2 above, Councillor Melville left the meeting prior to consideration of the following item.

7. NEW SHORT TERM LETS APPLICATION

There was submitted Report No 336/24 by the Director of Legal, Governance and Change regarding an application received for a new licence for 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) Hideaway Cottage, 46 Kinloch Street, Carnoustie

The Committee considered a new grant application for a Short Term Lets licence received on 19 August 2024 by George Charles in respect of Hideaway Cottage, 46 Kinloch Street, Carnoustie.

The application was for secondary letting i.e., letting of a property where the applicant does not normally live. The property was a semi-detached house with 2 double bedrooms. The application proposed a capacity of up to 4 residents.

The Committee considered a letter of objection dated 26 August 2024.

Ms Julia Charles, representative for the applicant was present and addressed the Committee during which she commented on the points raised by the objector.

The objector was not present.

Ms Charles then summed up.

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

Councillor Melville rejoined the meeting.

8. SHORT TERM LETS LICENSING POLICY

There was submitted Report No 337/24 by the Director of Legal, Governance and Change informing members of the changes to the Short Term Lets licensing regime that had been brought about by the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Amendment Order 2024 and sought approval of the revised Short Term Lets Policy Statement and application forms.

The Clerk introduced the Report and advised that the 2024 Order brought about a number of statutory changes to the licensing of Short Term Lets, all of which required to be implemented by licensing authorities and as a consequence, Angus Council had required to update its Short Term Lets Policy Statement/Application Forms, copies of which were attached at Appendices 1 and 2 to the Report.

The current fees, and the proposed fees for the new processes, were outlined in Appendix 3 to the Report.

The Committee agreed: -

- (i) to note the terms of the updated Scottish Government Guidance in relation to Short Term Lets;
- (ii) to note the terms of the Short Term Lets Policy Statement/Application Forms as amended outlined in Appendix 1 to the Report; and
- (iii) to approve the fees for the provisional, confirmation and transfer processes for Short Term Lets as outlined in Appendix 3 to the Report.

9. RENEWAL APPLICATION - RESIDENTIAL CARAVAN SITE – NURSERY PARK CARAVAN SITE, BRECHIN

With reference to Article 6 of the minute of special meeting of this Committee of 5 September 2024, there was submitted Report No 338/24 by the Director of Legal, Governance and Change regarding an application received from Michael Delaney for the renewal of licence AC/06/2019, a residential caravan site licence in respect of Nursery Park Caravan Site, Brechin under the Caravan Sites and Control Development Act 1960 which required to be determined by the Committee.

Members noted that the Notice in terms of s32D(4), detailing the consideration of refusal, which included the Committee's reasons for considering refusal, had been sent to the Applicant on 27 September 2024. The applicant had been entitled to make written representations prior to 28 October 2024. A copy of that Notice was attached at Appendix 1 to the Report.

The Committee noted that the written representations and the additional information received from the applicant had been passed to the relevant consultees. The responses from the consultees were detailed in Appendix 2 of the Report.

Mr Delaney was present and addressed the Committee during which members asked him questions regarding the layout plan which had not yet been received.

The Committee then heard from Mr Petrie, Environmental and Consumer Protection and Mrs Thom, Building Standards Manager.

Mr Delaney then summed up.

The Committee agreed that the application be refused for the reasons detailed in Appendix 1 to the Report.

10. RENEWAL APPLICATION – RESIDENTIAL CARAVAN SITE – TAYOCK CARAVAN PARK, BRECHIN ROAD, MONTROSE

With reference to Article 5 of the minute of special meeting of this Committee of 5 September 2024, there was submitted Report No 339/24 by the Director of Legal, Governance and Change regarding an application received from Flynn Parks Ltd for the renewal of licence AC/04/2019, a residential caravan site licence in respect of Tayock Caravan Park, Brechin Road, Montrose under the Caravan Sites and Control Development Act 1960 which required to be determined by the Committee.

Members noted that the Notice in terms of s32D(4), detailing the consideration of refusal, which included the Committee's reasons for considering refusal, had been sent to the Applicant on 27 September 2024. The applicant had been entitled to make written representations prior to 28 October 2024. A copy of that Notice was attached at Appendix 1 to the Report.

The Committee noted that additional information had been received from the applicant's agent, and this had been passed to the relevant consultees. The responses from the consultees were detailed in Appendix 2 of the Report.

The Committee also noted the written representations submitted by the applicant's agent as detailed in Appendix 3 to the Report.

Mr Wright, the applicant's agent was present and addressed the Committee during which members asked him questions.

It was noted that the Environmental and Consumer Protection division were satisfied with the applicants request to relax the spacing in 2 instances which involved spacing of 4.75 and 4.85 respectively, subject to these spacings being changed to meet the model spacings as and when the caravans became empty.

Mr Wright then summed up.

The Committee agreed to grant the residential caravan site licence in respect of Tayock Caravan Park, Montrose subject to the spacings between the caravans being changed to meet the model standards as and when the caravans became empty.

11. NEW APPLICATION – LATE HOURS CATERING LICENCE

There was submitted Report No 340/24 by the Director of Legal, Governance and Change regarding an application received for a new licence under the Civic Government (Scotland) Act 1982 which was required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Motor Fuel Limited – Arbroath (Hume Street) Service Station, Hume Street, Arbroath

The Committee considered an application for a Late Hours Catering Licence received on 9 August 2024 by Motor Fuel Ltd, 10 Bricket Road, St Albans in respect of premises at Arbroath (Hume Street) Service Station, Hume Street, Arbroath for the hours Monday to Sunday - 11.00pm to 5.00am which were outwith guidelines.

There was submitted and noted a letter dated 12 November 2024 from Mr Hunter, agent for the applicant.

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

Having declared an interest at Article 2 above, Councillor Stewart left the meeting prior to consideration of the following items.

12. REVIEW OF VARIATION/MATERIAL CHANGE IN CIRCUMSTANCES FEE FOR CHARITIES

With reference to Article 7 of the minute of meeting of this Committee of 28 March 2024, there was submitted Report No 347/24 by the Director of Legal, Governance and Change recommending a change in the fee for processing a variation application in respect of a Public Entertainment licence issued to charities under the Civic Government (Scotland) Act.

The Clerk introduced the Report and advised that subsequently to the previous decision, approaches had been made to the Licensing Team from registered charities regarding this fee. At present registered charities enjoyed a reduced fee in respect of a Public Entertainment licence which equated to a quarter of the full fee - £43 for a 1-year licence; £87 for a 3-year licence. The charge for a variation/material change in circumstances at £75 could therefore be considered as disproportionate to that reduced fee.

The Committee agreed: -

- (i) to approve the new charge of a quarter of the full fee cost (rounded up to the nearest whole number) in relation to the processing of variations/material change in circumstances to a Public Entertainment Licence for registered charities; and
- (ii) an implementation date of 18 November 2024.

13. NEW APPLICATION

There was submitted Report No 341/24 by the Director of Legal, Governance and Change regarding an application 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) Private Hire Drivers Application (PHCD 60)

The Committee considered an objection received from Police Scotland dated 17 October 2024, in relation to an application for a Private Hire Drivers Licence (PHCD 60) received on 14 October 2024.

The applicant was present and addressed the Committee.

Constable Simpson, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 17 October 2024 which had been circulated to members prior to the meeting and it was noted that the applicant had a spent conviction regarded as "protected".

Constable Simpson then advised of the age and nature of the spent conviction and the Committee unanimously agreed that, in the circumstances, it was in the interests of justice that the letter from Police Scotland dated 17 October 2024 containing details of a spent conviction regarded as "protected" be circulated to members.

Constable Simpson gave further details of the spent conviction 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.

Having declared an interest at Article 2 above, Councillor Durno left the meeting prior to consideration of the following item (14a).

14. RENEWAL APPLICATIONS

There was submitted Report No 342/24 by the Director of Legal, Governance and Change regarding applications received for the renewal of a 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 Driver's Licence (TD109)

With reference to Article 8 of the minute of meeting of this Committee of 18 May 2023, the Committee considered a letter of representation received from Police Scotland dated 6 September 2024 in relation to an application for the renewal of a Taxi Driver's licence (TD109) received on 13 August 2024.

The applicant's representative was present and addressed the Committee.

Constable Simpson, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 6 September 2024.

The applicant's representative then summed up.

The Committee agreed that the application be renewed.

In accordance with the provisions of Standing Order 15(12) Councillor Nicol requested that his dissent be recorded in relation to the foregoing decision.

Councillor Durno rejoined the meeting.

(b) Taxi Driver's Licence (TD110)

The Committee considered a letter of representation received from Police Scotland dated 10 October 2024 in relation to an application for the renewal of a Taxi Driver's licence (TD110) received on 27 September 2024.

The applicant was present and addressed the Committee.

Constable Simpson, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 10 October 2024.

The applicant then summed up.

The Committee agreed that the application be renewed.