

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 27 MARCH 2025

MATERIAL CHANGE IN CIRCUMSTANCES REQUEST

REPORT BY ACTING DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

1. ABSTRACT

The purpose of this report is to present a request to determine whether there has been a material change in circumstances to allow a subsequent application to be made by the same applicant for the same type of licence within the year following refusal of an application, under the Civic Government (Scotland) Act 1982, which requires to be determined by the Committee.

2. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICIES

Not applicable

3. RECOMMENDATIONS

It is recommended that the Committee determines whether the factual circumstances presented amounts to a material change in circumstances to allow an application to be made within the year prohibition period.

4. BACKGROUND

4.1 The Civic Licensing Committee on 14 November 2024 considered [Report 35/24](#) which presented deferred applications for Short Term Lets. During the course of this Committee, members refused a licence application for a Short Term Let presented by Lady Oona Ivory, 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.

4.2 A request has been received from the applicant advising that, in their view, there has been a material change in circumstances affecting the premises in question, and therefore seeking dispensation of the statutory one-year prohibition against the same applicant making a subsequent application for a licence relating to the same activity and/or premises.

5. LEGAL IMPLICATIONS

5.1 In terms of Paragraph 6 of Schedule 1 to the Civic Government Act 1982, where an application for a licence has been refused, the same applicant is prohibited from making an application for a licence relating to the same activity and/or same premises for a period of 1 year, unless in the opinion of the Licensing Authority there has been a material change in circumstances since the refusal.

5.2 Determination of what would amount to a material change in circumstances is not a decision that has been delegated to officers, and therefore requires to be determined by Committee.

5.3 Members should consider the factual circumstances presented and determine whether that amounts to a material change in circumstances.

6. FINANCIAL IMPLICATIONS

There are no negative implications to the Council arising from the terms of this Report as licensing income is to equate to licensing expenditure.

7. RISK MANAGEMENT

There are no risks to the Council arising from the terms of this Report.

8. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications arising from the recommendations of the Report.

9. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

In dealing with the request, the Committee will have regard to any human rights and/or equalities issues in relation to the applicant.

10. CHILDREN'S RIGHTS AND WELLBEING IMPACT ASSESSMENT

A Children's Rights and Wellbeing Impact Assessment has been undertaken and a full assessment is not required as the "General Principles" do not apply to this proposal.

11. NOTIFICATION

The applicant has been notified of the terms of this Report. They have also been advised of their entitlement to attend the meeting should they wish.

NOTE: No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.

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