

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held remotely on Thursday 15 September 2022 at 10.45am.

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

Councillor Durno, Convener, in the Chair.

Prior to the commencement of business, the Convener referred to the recent death of Her Majesty Queen Elizabeth II, following which a minute's silence was observed.

1. APOLOGIES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

Councillor Greig made a statement of transparency in relation to Item 6 (Report No 322/22) in that prior to his election as Councillor he hosted an Airbnb for a short term let property but no longer had an interest in this.

Councillor Scott declared an interest in Item 6 (Report No 322/22) as she had received correspondence in connection with short term lets but had not responded. She indicated that she would take part in any discussion and voting on this item.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 18 August 2022 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 320/22 by the Director of Legal and Democratic Services 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 and Democratic Services in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications detailed in the Appendix to the Report, granted/renewed under delegated powers during the period 15 July to 25 August 2022.

5. TAXI AND PRIVATE HIRE LICENCES

With reference to Article 6 of the minute of meeting of this Committee of 12 August 2021, there was submitted Report No 321/22 by the Director of Legal and Democratic Services which presented to the Committee financial information for the period 2021/22 and estimated budget for 2022/2023 in relation to the income and expenditure in respect of taxis and private hire driver and operator licences and asked members to determine the fees to be applied to taxi and private hire driver and operator licences with effect from 1 September 2022.

The Committee noted the income and expenditure in respect of the financial year 2021/2022 and the estimated budget deficit of £3,318 for 2022/2023 in respect of taxi and private hire driver and operator licences as detailed in Appendix 1 to the Report.

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 2021/2022 and estimated budget 2022/2023, 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 2022 to 31 August 2023; and
- (iv) to note that the fees in respect of taxi and private hire licences would be reviewed following the end of financial year 2022/23 with a view to setting fees to be applied with effect from 1 September 2023.

6. SHORT TERM LETS LICENSING REGIME

With reference to Article 7 of the minute of meeting of this Committee of 13 January 2022, there was submitted Report No 322/22 by the Director of Legal and Democratic Services informing members of the licensing regime to be commenced by the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets order) 2022 and seeking approval of proposals to implement the new regime.

Mrs Millar, Hideaway Experience addressed the Committee on a number of issues that would cause concern to the way her Agri tourism business currently operated. She explained that certain additional conditions would have a detrimental effect on her business.

Mrs Campbell, Chief Executive, The Association of Scotland's Self-Caterers (ASSC) then addressed the Committee on various matters and explained that some of the additional conditions that local authorities were introducing would have a detriment impact on many of the local businesses and advised that the enforceability of these conditions would create an impossible task for business owners. She also questioned the issue of the plans being requested and how the additional costs from this legislation, in a cost-of-living crisis, was possibly going to have a detrimental impact on many businesses and urged the Committee to reconsider these matters.

Mrs Fleming also addressed members and concurred with the concerns expressed by the previous speakers.

Members asked a number of questions regarding the fees and the additional conditions and Ms Magson confirmed that the fees required to be sufficient to meet the expenses of the authority and each application would be considered on its own individual merits and circumstances.

At this stage in the meeting 11.50am the Committee agreed to adjourn for a 15 minute period to allow members to seek legal advice.

The meeting resumed at 12.05pm in public.

Councillor Scott left the meeting at this point.

After Discussion and in light of the representations received, the Committee agreed: -

- (i) to note the terms of the Scottish Government Guidance in relation to Short-term Lets;
- (ii) to note the terms of the draft Short-term Lets Policy Statement, public consultation responses and draft Application Form outlined in **Appendices 1 and 2** of the Report;
- (iii) that all new grant licences should be granted for a three-year period;

COUNCILLOR WHITESIDE SECONDED BY COUNCILLOR BRAES, MOVED THAT RENEWAL LICENCES BE GRANTED FOR A SIX YEAR PERIOD AS THESE LICENCES HAD PREVIOUSLY BEEN THROUGH THE LICENSING PROCESS.

Councillor Meechan seconded by Councillor Greig moved as an amendment that the Renewal licences be granted for a three year period as suggested in the Report.

On a vote being taken, the members voted: -

For the motion: -

Councillors Braes, Melville, Nicol and Whiteside (4)

For the amendment: -

Councillors Durno, Meechan and Greig (3)

The motion was declared carried and became the finding of the meeting resulting in renewal licences being granted for a six-year period;

- (iv) to determine that there should be a temporary exemptions policy and, agreed to hold a Special Civic Licensing Committee on 29 September 2022 to determine appropriate conditions to be attached to an exemption and the grounds for granting or refusing an application for an exemption, including any types of premises (or types of licence) for which an exemption would not be granted;
- (v) to determine that there should be a temporary licence policy and, agreed to hold a Special Civic Licensing Committee on 29 September 2022 to determine any additional conditions to be attached to a licence and the licensing authority's criteria for issuing temporary licences;
- (vi) to note the statutory requirement to ensure that the total amount of fees receivable by the authority was sufficient to meet the expenses of the authority;
- (vii) to approve the fees and charges contained within **Appendix 3** of the Report subject to these being reviewed no later than 1 July 2024.
- (viii) to determine that no set additional licence conditions be attached to all licences as standard apart from pending the consideration of the exemption and temporary licences;
- (ix) that the proposed amendments to the Policy and Application Form be brought back for consideration to the Special Civic Licensing Committee held on 29 September 2022 for approval; and
- (x) to delegate authority to the Director of Legal and Democratic Services to establish, maintain and publish a register of licences and to thereafter amend the Council's Scheme of Governance in that regard.

7. ANIMAL BOARDING LICENSING

There was submitted Report No 323/22 by the Director of Legal and Democratic Services requesting members to consider initiating a review of Animal Boarding Licensing.

The Report advised that since Angus Council became the licensing authority for the area, there had been changes to legislation in relation to dogs, including the Dangerous Dogs Act 1991 and Control of Dogs (Scotland) Act 2010. It was also understood that there had been changes to the business models adopted by some animal boarding establishments and perhaps also to the breeds of dogs boarded in some such establishments and it was possible that such changes had not been fully reflected in the current processes and documentation.

The Committee agreed: -

- (i) to commence a review of its processes and documentation with respect to licensing Animal Boarding establishments in terms of the Animal Boarding Establishments Act 1963; and
- (ii) to delegate authority to the Director of Legal and Democratic Services to commence such a review, in liaison with Environmental Health, and to report back to the Committee on the progress in due course.

8. EXCLUSION OF PUBLIC AND PRESS

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

9. NEW APPLICATIONS

There was submitted Report No 324/22 by the Director of Legal and Democratic Services regarding applications received for new licences 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 Application (TD98)

The Committee considered a letter of representation received from Police Scotland dated 10 August 2022, in relation to an application for a Taxi Drivers Application (TD98) received on 5 August 2022.

The applicant was present and addressed the Committee.

Constable Mas, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 10 August 2022. Members then asked the applicant a number of questions.

The applicant then summed up.

The Committee agreed that the application be granted.

(b) Private Hire Car Drivers Application (PHCD55)

With reference to Article 10(b) of the minute of meeting of this Committee of 18 August 2022, the Committee considered information in relation to an application for a Private Hire Car Drivers Application (PHCD55) received on 1 April 2022.

It was noted that the applicant was not present and had sent the Clerk an email, the contents of which were read out to the Committee.

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