

AGENDA ITEM NO 6

REPORT NO 214/24

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 15 AUGUST 2024

NEW SHORT TERM LETS APPLICATIONS

REPORT BY DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

1. ABSTRACT

The purpose of this report is to present new applications for a licence under the Civic Government (Scotland) Act 1982 which require to be determined by the Committee.

2. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICIES

Not applicable

3. RECOMMENDATIONS

It is recommended that the Committee consider and determine the applications for grant of the Short Term Lets licences as detailed in the attached Appendix, in terms of one of the following options: -

- (i) to grant the application; or
- (ii) to grant the application subject to standard and/or any additional conditions; or
- (iii) to defer the application for a period not exceeding 6 months from the date of the application; or
- (iv) to refuse the application on one or more of the grounds referred to in Paragraph 5.

4. BACKGROUND

The Council has received applications for grant of Short term Lets licences under the Civic Government (Scotland) Act 1982 ("the 1982 Act") which require to be determined by the Committee because one or more of the following apply: -

- (i) there has been an objection, or a representation received in respect of the application; or
- (ii) the application does not comply with the policy adopted by Angus Council; or
- (iii) the function is not delegated to Officers; or
- (iv) the applicant has a conviction(s), a spent conviction(s) or a pending case.

5. LEGAL IMPLICATIONS

- 5.1 Schedule 1 of the 1982 Act contains provisions in respect of the processing and determining of applications for licences under the 1982 Act.

5.2 In particular, Paragraph 5 of Schedule 1 to the 1982 Act provides that where an application for the grant or renewal of a licence has been made to a licensing authority they shall, in accordance with that paragraph: -

- (a) grant or renew the licence; or
- (b) refuse to grant or renew the licence.

5.3 In granting or renewing a licence a licensing authority may (either or both):-

- (a) disapply or vary any standard conditions so far as applicable to the licence,
- (b) impose conditions in addition to any mandatory or standard conditions to which the licence is subject.

Other than the mandatory conditions, the licence conditions shall be such reasonable conditions as the licensing authority think fit and, without prejudice to that generality, may include conditions restricting the validity of a licence to an area or areas specified in the licence, with limited exception.

In the case of secondary letting no condition applied may impose any limit on the numbers of nights for which premises may be used for secondary letting.

5.4 A licensing authority shall refuse an application to grant or renew a short term lets licence if, in their opinion-

- (a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either-
 - (i) for the time being disqualified by a Court from holding a licence under the 1982 Act; or
 - (ii) not a fit and proper person to be the holder of the licence;
- (b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to:-
 - (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
 - (ii) the nature and extent of the proposed activity;
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; or
 - (v) public order or public safety; or
 - (vi) the applicant would not be able to secure compliance with –
 - (a) the mandatory licence conditions, and
 - (b) the standard conditions and any further conditions under 4.3 (b) above to which the licence is subject; (**see Appendix 2 for the mandatory licence conditions**)

(d) the application does not contain the information required in terms of Schedule 1 paragraphs 1(2)(da), or (db) of the Act as amended by the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022, regarding consent of the owners of the premises, or

(e) there is other good reason for refusing the application;

and otherwise shall grant the application.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising out of this report.

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 applications, the Committee will have regard to any human rights and/or equalities issues in relation to the applicant and any objectors.

10. 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 extend in preparing this report.

REPORT AUTHOR: Stuart McQueen, Solicitor, Team Leader – Licensing & Regulation

EMAIL DETAILS: LEGDEM@angus.gov.uk

CIVIC LICENSING COMMITTEE – 15 AUGUST 2024

(a) Short Term Lets Application – Woodside House, By Arbroath

Name of Applicant	Type of Licence	Application received
Nandor Marczin	Short Term Lets	23/05/2024

A new grant application for a Short Term Let licence was lodged on 23 May 2024 by Nandor Marczin in respect of Woodside House, By Arbroath, DD11 3RB.

The application is for secondary letting i.e., letting of a property where the applicant does not normally live. The property is a 1 storey, semi detached house with 3 double occupancy bedrooms. The application proposes a capacity of up to 6 residents.

Business Support consulted on the application, Police Scotland have confirmed no objections and Environmental Health have yet to respond with comments or objections. Planning have advised that no such Planning Permission is required.

Scottish Fire and Rescue Service have submitted a letter dated 18 June 2024 advising that they are unable to support the granting of a Short term licence at this time. **A copy of the letter is attached.**

As part of the application procedure the applicant is required to display a Notice at the premises advising that an application has been lodged for a Short Term Let. The notice is required to be displayed at or near the property in a position where it can be easily read by the public. The notice must be displayed for a minimum period of 21 days from the date the application was lodged with the Licensing Authority and thereafter an on-line Certificate of Compliance completed confirming the dates said notice was displayed at the premises.

Certificate of Compliance has been confirmed by Nandor Marczin on 25 July 2024.

Members are advised the online system was not completed by the applicant in time to record the Certificate of Compliance and Business Support emailed the applicant to confirm to them that a Notice was displayed at the premises, along with a note of the dates of display.



Scottish Fire and Rescue Service
Perth, Kinross, Angus and Dundee
Blackness Road, Dundee
DD1 5PA
firescotland.gov.uk

FAO Licensing Standards Officer
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Direct Line	01382 322222
Fax	
E-mail	Jed.smith@firescotland.gov.uk
Our Ref	JS/STL4
Your Ref	
If phoning or calling ask for	Jed Smith, Fire Safety Enforcement Officer
Date	18 June 2024

Dear Sir/Madam,

FIRE (SCOTLAND) ACT 2005: PART 3
THE FIRE SAFETY (SCOTLAND) REGULATIONS 2006
SHORT TERM LET (STL) LICENCE APPLICATION

ADDRESS OF PREMISES: WOODSIDE HOUSE, BY ARBROATH, DD11 3RB (STL550987797)

DUTYHOLDER/LICENCEE: NANDOR MARZCIN

Following a fire safety audit of the above mentioned premises carried out on **17 June 2024** by **Jed Smith**, the existing fire safety arrangements, as audited on that date, **were not considered appropriate for the risk**. An action plan has been sought from the duty holder to address the deficiencies found.

Based on the outcome of the fire safety audit, the Scottish Fire and Rescue Service are **unable to support the granting of an STL licence** at this time. This will remain the case until actions are taken to reduce the risk to an acceptable level.

The Scottish Fire and Rescue Service acknowledge that the granting/renewal of a licence under Civic Government (Scotland) Act 1982 (Licensing of Short Term lets) Order 2022 is a matter for the relevant Local Authority STL Licensing Department.

Should you require further information or clarification in relation to this letter, please do not hesitate to contact the above named officer at the following address **Scottish Fire and Rescue Service, Service Delivery Area North, Macalpine Road DD3 8SA**.

Yours faithfully

pp
Derek Heaton
Local Senior Officer