

AGENDA ITEM NO 6

REPORT NO 265/24

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 19 SEPTEMBER 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) being satisfied that the notice was not displayed in accordance with the statutory requirements, to require the applicant to display the notice again for a period of 21 days beginning with such date as they may specify; or
- (ii) to grant the application; or
- (iii) to grant the application subject to standard and/or any additional conditions; or
- (iv) to defer the application for a period not exceeding 6 months from the date of the application; or
- (v) to refuse the application on one or more of the grounds referred to in Paragraph 5.

4. BACKGROUND

The Council has received applications for the 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 2(2) of Schedule 1 to the 1982 Act requires an applicant, for a period of 21 days beginning with the date on which the application was submitted, display a notice detailing the following information at or near the premises so that it can conveniently be read by the public:
- a) that application has been made for a licence;
 - b) the kind of licence in respect of which the application is made;
 - c) the address of the premises;
 - d) that objections and representations in relation to the application can be made to the licensing authority within 28 days of the notice being displayed;

- 5.3 Paragraph 2(6) of Schedule 1 to the 1982 Act allows the licensing authority to require an applicant to display the notice again for a period of 21 days beginning with such date as they may specify where an application contains a declaration that the applicant has complied with the display requirements and the licensing authority is satisfied that the notice was not displayed in accordance with those requirements.

- 5.4 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.

- 5.5 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.

- 5.6 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. CHILDRENS 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 extend in preparing this report.

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CIVIC LICENSING COMMITTEE – 19 SEPTEMBER 2024

(a) Short Term Lets Applications – 34 Baltic Street, Montrose (STL4)

Name of Applicant	Type of Licence	Application received
TPC Property Rentals Ltd	Short Term Lets (Temporary Licence and New Grant Licence)	02/07/2024

2 applications, 1 for a Temporary Licence and 1 for a New Grant Short Term Let Licence was lodged on 2 July 2024 by TPC Property Rentals Ltd in respect of 34 Baltic Street, Montrose, DD10 8EX.

The application is for home letting i.e. using all or part of the applicant's home for short term lets while the applicant is absent. The property is 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.

Business Support consulted on the application on 2 July 2024 and have received no objections from Police, Environmental Health and Scottish Fire and Rescue Service. Planning have advised that no Planning Permission is required.

As part of the application procedure the applicant was required to display 2 Notices at the premises, 1 Notice, advising of an application for a Temporary Licence and 1 Notice for a New Grant Licence of a Short Term Let. The Notice is required to be displayed at the property in a position where it can easily be read by the public. An on-line certificate of compliance has been completed confirming that the notice was displayed from 2 July 2024 to 23 July 2024.

Business Support received a Recorded Delivery letter dated 25 July 2024 notifying of an objection to this application and a copy of the letter is attached to this report.