

**ANGUS COUNCIL**

**SPECIAL CIVIC LICENSING COMMITTEE – 19 DECEMBER 2024**

**DEFERRED SHORT TERM LETS APPLICATIONS**

**REPORT BY DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE**

**1. ABSTRACT**

The purpose of this report is to present a deferred application for a Short Term Lets 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 application for grant of the Short Term Lets Licence as detailed in Appendix 1 to the Report, 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 refuse the application on one or more of the grounds referred to in Paragraph 5.

**4. BACKGROUND**

The Council has received application for the grant of Short term Lets Licence under the Civic Government (Scotland) Act 1982 ("the 1982 Act") which requires 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.

At its meetings on 15 August 2024, and 14 November 2024, the Committee determined to defer consideration of the application in **Appendix 1** to this Committee date to allow the applicant time to address the matters outstanding in respect of the information required to process the application.

**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 3(ii) 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.

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

**EMAIL DETAILS:** [LEGDEM@angus.gov.uk](mailto:LEGDEM@angus.gov.uk)

## SPECIAL CIVIC LICENSING COMMITTEE – 19 DECEMBER 2024

**(a) Woodside House, By Arbroath**

<b>Name of Applicant</b>	<b>Type of Licence</b>	<b>Application received</b>
Nandor Marczin	Short Term Lets (New Grants Licence)	23/05/2024

**Members are advised that this application initially called at the Civic Licensing Committee meeting on 15 August 2024 whereby Members deferred to 14 November 2024 to provide the applicant time for completion of the works requested by Scottish Fire and Rescue. At the meeting held on 14 November 2024, the applicant provided an update to Members, advising there was still some works to be completed and therefore he requested a further deferral to the Special Civic Licensing Committee to be held on 19 December 2024.**

A new grant application for a Short Term Lets 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 now confirmed they have no comments or observations to make. Planning have advised that no Planning Permission is required.

Scottish Fire and Rescue Service submitted a letter dated 18 June 2024 advising that they were unable to support the granting of a Short Term Lets Licence at that time. **A copy of the letter is attached.**

**Licensing received an email from the applicant dated 5 November 2024 advising –**

We have made a very significant progress and completed nearly all aspects of our proposed remedial work and I am hoping that these will be approved by the Fire Safety Enforcement Officer.

However, one element the emergency lighting especially due to the listed nature of the property and the unique historical value of the internal fixtures proves more complicated. Following the last council meeting and my presentation I have had a series of very helpful discussion with Mr Ben Freeman, your planning officer regarding these issues and we have agreed to make a formal application for Listed Building Consent seeking the input of and final guidance from Historic Environments Scotland. He is directly copied in the application for transparency and input. I have also discussed this with Debbie Feeney and informed of these developments.



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**