

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **CIVIC LICENSING COMMITTEE** held in Town and County Hall, Forfar on Thursday 27 March 2025 at 10.46am.

Present: Councillors GEORGE MEECHAN, KENNY BRAES, BRENDA DURNO, CRAIG FOTHERINGHAM, ROSS GREIG, GAVIN NICOL, JILL SCOTT and TOMMY STEWART.

Councillor MEECHAN, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Lloyd Melville and Beth Whiteside.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

Councillor Stewart made a statement of transparency in relation to Item 6, Report No 106/25 as he was the holder of a taxi operators' licence. He indicated that he would take part in any discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 13 February 2025 was approved as a correct record and signed by the Convener.

4. EXCLUSION OF PUBLIC AND PRESS

The Committee agreed that the public and press be excluded from the meeting during consideration of item 11, so as to avoid disclosing confidential information in terms of Section 50A(2) and (3)(b) to the Local Government (Scotland) Act 1973.

5. DELEGATED APPROVALS

There was submitted Report No 105/25 by the Acting Director of Legal, Governance and Change 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, Governance and Change in accordance with the Scheme of Delegation to Officers.

The Committee agreed to note the applications detailed in the Appendix to the Report, which had been granted/renewed under delegated powers during the period 22 January 2025 to 5 March 2025.

6. REVIEW OF FEES

There was submitted Report No 106/25 by the Acting Director of Legal, Governance and Change recommending a percentage increase in fees charged (with the exception of Short-term Let and Taxi and Private Hire driver and operator applications) in respect of licences issued under the Civic Government (Scotland) Act and other miscellaneous statutes.

A new fee structure was proposed and was attached at Appendix 1 to the Report which, for comparison purposes, also showed the current structure. The increase in the proposed new structure for fees was 5% for both new and renewal applications. It was proposed that the increased fees, if accepted, would be implemented from 8 April 2025.

The Committee agreed to: -

- (i) approve the revised fee structure contained in Appendix 1 to the Report; and
- (ii) approve an implementation date of 8 April 2025.

7. MATERIAL CHANGE IN CIRCUMSTANCES REQUEST

With a reference to Article 6(d) of the minute of meeting of this Committee of 14 November 2024, there was submitted Report No 107/25 by the Acting Director of Legal, Governance and Change presenting a request to determine whether there had 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 was required to be determined by the Committee.

The Civic Licensing Committee on 14 November 2024 considered Report No 35/24 which presented deferred applications for Short Term Lets. During the course of the 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.

A request has been received from the applicant advising that, in their view, there had 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.

Mr Glass, agent for the applicant was present and addressed the Committee advising that water sampling had been carried out and had passed.

The Environmental Health and Consumer Protection Manager was present and confirmed that samples taken on 5 March 2025 had passed water tests and advised that ongoing maintenance should be a priority for the applicant.

The Committee agreed that the factual circumstances presented amounted to a material change in circumstances to allow an application to be made within the year prohibition period.

8. RENEWAL APPLICATION

There was submitted Report No 108/25 by the Acting Director of Legal, Governance and Change presenting an application for the renewal of a licence under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee.

a) Street Trader – Hayley Wilkes

The Committee considered a renewal application for a Street Trader's licence (Fixed Pitch) received on 23 January 2025 by Hayley Wilkes in respect of 2 Dewar Place Arbroath, DD11 3LS, selling hot and cold food and drinks Wednesday to Saturday from 8:00 to 20:00 and Sunday from 12:00 to 18:00.

It was noted that a letter of objection had been submitted.

Ms Wilkes addressed the Committee addressing the points raised by the objector.

Ms Anderson, the objector was not present.

Following questions from Members to Ms Wilkes, the Committee agreed to grant the application.

9. NEW APPLICATION FOR HOUSE IN MULTIPLE OCCUPATION

There was submitted Report No 109/25 by the Acting Director of Legal, Governance and Change presenting an application for a House in Multiple Occupation licence under the Housing (Scotland) Act 2006 which required to be determined by the Committee.

a) 2 John Street, Montrose

The Committee considered a new grant application for a House in Multiple Occupation licence received on 17 January 2025 by Property One Group in respect of 2 John Street, Montrose, DD10 8LY.

The application was for a flat/house as a whole, comprising 10 rooms and a maximum capacity of 8 residents at any one given time.

It was noted that comments had been received from Building Standards and a completed Certificate of Compliance confirming the dates that a notice had been displayed at the premises had not been provided.

Mr McKaveney, representative for the applicant was present and addressed the Committee advising that works were now complete and the Certificate of Compliance had been submitted.

The Building Standards Manager addressed the Committee, confirming that Building Standards were satisfied with all outstanding points.

The Committee agreed that the application be granted subject to the standard conditions.

10. REQUEST DELEGATED AUTHORITY TO GRANT HOLIDAY, TOURING AND MIGRANT WORKER SITES UNDER THE CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

There was submitted Report No 110/25 by the Acting Director of Legal, Governance and Change requesting that the scheme of delegation be amended to permit specific delegated authority for the Director of Vibrant Communities & Sustainable Growth to grant holiday, touring and migrant worker caravan site licences under the Caravan Sites and Control of Development Act 1960.

The Report indicated that currently those wishing a holiday, tourer or temporary migrant worker caravan site licence under the Caravan Sites and Control of Development Act 1960 apply to Environmental and Consumer Protection who carry out an inspection of the site before bringing a report to the committee for the licence to be agreed.

The Manager, Environmental and Consumer Protection introduced the Report advising Members that there were no fees associated with these licences and no fit and proper person test applied. Delegated Authority would be best use of Council resources.

Following questions from Members, the Committee agreed: -

- (i) to amend the scheme of delegation to permit specific delegated authority for the Director of Vibrant Communities and Sustainable Growth to approve holiday caravan site licences;
- (ii) to amend the scheme of delegation to permit specific delegated authority for the Director of Vibrant Communities and Sustainable Growth to approve touring caravan site licences; and
- (iii) to amend the scheme of delegation to permit specific delegated authority for the Director of Vibrant Communities and Sustainable Growth to approve temporary migrant worker caravan site licences.

11. CURRENT LICENCE HOLDER – SUSPENSION/REVOCATION

There was submitted Report No 111/25 by the Acting Director of Legal, Governance and Change to consider the suspension, or revocation, of a taxi driver's licence under Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

The Committee considered a letter of complaint received from Police Scotland dated 17 February 2025 in relation to a Taxi Driver's licence (TD112), advising that the licence holder was no longer a fit and proper person to hold a licence.

Constable Simpson, Police Scotland addressed the Committee on the contents of the letter from Police Scotland which had been circulated to members prior to the meeting.

The licence holder was present and addressed the Committee.

Following questions from Members, Councillor Greig, seconded by Councillor Durno moved that the Committee suspend the taxi driver's licence until the outcome of court proceedings were known.

COUNCILLOR FOTHERINGHAM, SECONDED BY COUNCILLOR SCOTT MOVED, AS AN AMENDMENT, THAT THE COMMITTEE TAKE NO FURTHER ACTION.

On a vote being taken, the members voted: -

For the Motion: -

Councillors Braes, Durno and Greig (3).

For the Amendment: -

Councillors Meechan, Fotheringham, Nicol, Scott and Stewart (5).

The amendment was declared carried and became the finding of the meeting.