

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 10 AUGUST 2017**

**LICENSING OF RESIDENTIAL CARAVAN SITES**

**REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT**

The purpose of this report is to invite the Committee to delegate authority to the Head of Legal and Democratic Services to determine when to require criminal conviction certificates in respect of applications for Caravan Site Licences for residential occupation or for the transfer or renewal of such licences.

**1. RECOMMENDATION**

It is recommended that the Committee agree to delegate authority to the Head of Legal and Democratic Services to require an applicant, or any person involved with the day to day management of a site, to provide the Council with a criminal convictions certificate in connection with applications for Caravan Site Licences for residential occupation or for the transfer or renewal of such licences.

**2. BACKGROUND**

- 2.1 This Committee, at its meeting on 6 April 2017, considered a report by the Head of Legal and Democratic Services in respect of the Licensing of Residential Caravan Sites (Report 446/17 refers). This report advised the Committee of legislative changes to the licensing regime for caravan sites licensed, or to be licensed, for residential occupation.
- 2.2 This report also advised the Committee that applications for licences and for transfers and renewal of licences can be refused if the applicant or any person involved with the day to day management of the site (including a site manager appointed by the site owner to manage the site) is found not to be a fit and proper person to hold a site licence.
- 2.3 Section 32P of the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”) provides that a local authority may, in deciding if a person is a fit and proper person, require the person in respect of whom the decision is being made to provide the local authority with a criminal conviction certificate. Guidance provides that requesting a criminal conviction certificate should not be part of a local authority’s standard procedures when processing applications, and can only be used when a local authority has reasonable grounds for believing the information they have been provided (in relation to past convictions) is inaccurate.
- 2.4 The decision to require a criminal conviction certificate is an exercise of discretion and requires an assessment of the particular circumstances of each application having regard to the terms of the 1960 Act and any relevant guidance.
- 2.5 It is submitted that, for the effective and efficient administration of the application process, the decision to require a criminal conviction certificate should be delegated to the Head of Legal and Democratic Services.
- 2.6 Committee is asked to note all applications for caravan site licences (including renewals and transfers) will still require to be determined by the Committee.

### **3 FINANCIAL IMPLICATIONS**

3.1 There are no financial implications arising directly from this report.

**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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