

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 9 JUNE 2022**

**APPLICATION TO TRANSFER A RESIDENTIAL CARAVAN SITE LICENCE  
MONARCH OF THE GLEN PARK, BRECHIN ROAD, MONTROSE**

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

**ABSTRACT**

The purpose of this report is to present an application to transfer a residential caravan site licence under the Caravan Sites and Control of Development Act 1960 which requires to be determined by the Committee.

**1. RECOMMENDATION**

It is recommended that the Committee consider and determine the application to transfer a residential caravan site licence in terms of the Caravan Sites and Control of Development Act 1960, in terms of one of the following options: -

- (i) to consent to the transfer of the licence; or
- (iii) to determine that the Committee is considering refusing to consent to the transfer of the licence; in which case notice must be given to the applicant stating that:-
  - a) the licensing authority is considering refusing the application and its reasons for doing so; and
  - b) the applicant has the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given)

**2. BACKGROUND**

- 2.1 This Committee, at its meeting on 6 April 2017 considered a report in relation to changes in respect of the licensing of residential caravan sites (Report 446/17 refers). This report described the changes to the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”) and, in particular, the requirement that applicants for residential caravan site licences and their site manager must be considered fit and proper persons to be granted a site licence.
- 2.2 An application has been received to transfer a residential caravan site licence from Toryburn Investments Limited to Flynn Parks Limited in respect of Monarch of the Glen Park, Brechin Road, Montrose. This site is licensed for 38 residential caravans. The most senior person in the management structure of this company is Mr Patrick Flynn who is also the proposed site manager.
- 2.3 The Environmental Health Consumer Protection, Building Standards, Housing and Development Standards Services of the Council were consulted on this application. No comments have been received.

**3. FINANCIAL IMPLICATIONS**

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

#### 4. LEGAL IMPLICATIONS

4.1 Part 1A of the 1960 Act regulates the licensing of caravan sites with permanent residents in Scotland. Section 32E of the 1960 Act provides that a local authority may refuse consent to the transfer on the ground that the authority is not satisfied: —

- (i) that the transferee is a fit and proper person to hold a site licence;
- (ii) in the case where an transferee is not a natural person, that the individual who holds the most senior position within the management structure of the relevant partnership, company or body is a fit and proper person in relation to a site licence;
- (iii) that any person to be appointed by the applicant to manage the site is a fit and proper person to do so; and
- (iv) in the case where a person to be appointed by the applicant to manage the site is not a natural person, that any individual who is to be directly concerned with the management of the site on behalf of that manager is a fit and proper person to do so.

4.2 Section 32E of the 1960 Act also provides that before refusing to consent to the transfer, the authority must give to the applicant a notice stating that—

- (a) it is considering refusing the application and its reasons for doing so; and
- (b) the applicant has the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).

In making its decision the local authority must consider the application and any representations made in terms of (b) above.

#### 5. 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.

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