

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 10 NOVEMBER 2022

**APPLICATION TO TRANSFER A RESIDENTIAL CARAVAN SITE LICENCE
WOODLEY CARAVAN PARK, ARBROATH**

REPORT BY DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

The purpose of this report is to present an application to transfer a 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 caravan site licence for caravans for human habitation 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
- (ii) 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 caravan site licence from Mr Derek William Alexander Keillor to Lido Leisure Park in respect of Woodley Caravan Park, Arbroath, DD11 2QJ. This site is licensed for 43 residential caravans and 31 static holiday caravans. The most senior person in the management structure of the transferee business is Mr Frank Maguire.
- 2.3 The Environmental Health Consumer Protection, Building Standards, Housing and Development Standards Services of the Council were consulted on this application. Comments have been received from the Environmental and Consumer Protection Division and Housing Division and are detailed in **APPENDIX 1** to this report.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4. LEGAL IMPLICATIONS

4.1 Part 1 of the 1960 Act regulates the licensing of caravan sites which are for human habitation 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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**APPENDIX 1 TO REPORT 373/22
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**COMMENTS FROM ENVIRONMENTAL HEALTH AND CONSUMER PROTECTION DIVISION
RECEIVED ON 20 OCTOBER 2022**

I can advise that I have visited this site on 19 October 2022, and I found the site mothballed and completely vacated with no staff or residents on site. The site is overgrown, and the caravans are in a poor state of repair and would not comply with several conditions of the current licence.

I understand from speaking to one of the neighbours that the last resident left in July and the services to the site have been disconnected. They believe that the site is due a complete overhaul beginning in February.

If you have any further queries, please do not hesitate to contact me.

COMMENTS FROM HOUSING DIVISION RECEIVED ON 20 OCTOBER 2022

We have no issues with this application, given that existing residents that approached us with issues have now been resolved.